

CONCORD UNIVERSITY BOARD OF GOVERNORS

Policy No. 50

Policy on Overtime And Compensatory Time Policy

Effective Date: 05/10/2012

Section 1. GENERAL

1.1. Scope: This policy establishes a policy and procedures related to overtime and compensatory time for employees of Concord University who may receive overtime pay and compensatory time.

1.2. Authority: Federal Labor Standards Act, WV Code 18B, and HEPC Series 8 and 39.

1.3. Effective Date: May 10, 2012

1.4. Approved by: Concord University Board of Governors and the West Virginia HEPC

Section 2. PURPOSE

2.1 To establish an overtime and compensatory time policy that is clear, fair, and consistent.

Section 3. OVERTIME

3.1 The overtime provisions of this policy apply only to non-exempt employees. Exempt employees are not covered by the Fair Labor Standards Act (FLSA) for overtime purposes.

3.2 Hours worked per week between 37.50 and 40 are compensated at the employee's straight time hourly rate. Hours in excess of 40 are paid at 1.5 times the employee's straight time hourly rate.

3.3 Holidays, sick leave, annual leave, work release time, use of compensatory time, and emergency closures are not included as hours worked for overtime calculations.

3.4 The employee's immediate supervisor must provide at least oral approval of overtime before the overtime is worked. An overtime permission form must be completed by the employee and signed by the immediate supervisor and be submitted to the Payroll Office either with or prior to submission of the employee's timesheet. Employees will be paid for overtime unless a compensatory time agreement exists.

3.5 Equalization of Overtime within a Department or Unit – Overtime rosters will be posted by supervisors for any overtime assignments that are anticipated more than one day in advance. Employees shall be placed on the roster based upon seniority within a department or unit. Overtime will be offered to the most senior employee who is qualified to perform the overtime work. The next occasion for overtime will be offered to the next senior employee who is qualified to perform

the overtime work. The process will continue until the list is exhausted. If an employee declines an overtime assignment, it will be offered to the next person on the list. If all employees decline, then overtime is assigned to the employee with the least seniority whose name appears on the roster and who is qualified to perform the work.

3.6 Required Overtime in Emergency Circumstances – Employees may be required by their immediate supervisor or his/her representative to work overtime under certain emergency circumstances. However, the work must be of a reasonable duration. Also, employee health, safety, and endurance must be considered, and the direction to work must be issued under reasonable circumstances.

Section 4. COMPENSATORY AND HOLIDAY PREMIUM TIME OFF

4.1 Compensatory Time

4.1.1 Compensatory time off shall be allowed only to the extent authorized by federal and state law. Employees other than those in public safety, seasonal work, and/or emergency response categories may accumulate up to two hundred forty (240) hours of compensatory time and shall be paid for all hours worked above the maximum accrual. Employees in public safety, seasonal work, and/or emergency response categories may accumulate up to four hundred eighty (480) hours and shall be paid for all hours worked above the maximum accrual.

Compensatory time (not related to working on a holiday) must be used within one year of accrual, after which the employee will be paid for the unused, accrued compensatory time and the compensatory time will be nullified. Should an employee's employment end for any reason, any unused compensatory time shall be reimbursed in a lump sum at the higher of the following: (1) the average regular rate received by such employee during the first three years of the employee's employment; or (2) the final regular rate received by such employee.

4.1.2 The use of compensatory time off shall be requested two weeks in advance of the use of the time off. Approval of the request shall be contingent upon whether it will unduly disrupt the operation of the institutional unit. If the supervisor determines that the use of the compensatory time will not unduly disrupt the operation of the institutional unit, he or she may approve the use of compensatory time without two weeks notice.

4.2 Holidays

4.2.1 Non-Exempt Employees – When a full-time or part-time classified non-exempt employee is required to work on any designated institution holiday, that employee at his/her option shall receive regular pay for that holiday plus substitute time off or additional pay at the rate of one and one-half (1½) times the number of hours actually worked. Employees will be paid for overtime unless a compensatory time agreement exists. The time off must be used within a six-month period following the holiday. After the six month period, the employee will be paid for the unused holiday compensatory time and the compensatory time will be nullified.

4.2.2 Exempt Employees – When an exempt employee is required to work on any designated board or institution holiday, that employee shall be given substitute time off on an hour-for-hour worked basis. The time off must be used within a six-month period following the holiday.