

College Operating Procedures (COP)



Procedure Title: Overtime and Compensatory Time

Procedure Number: 05-0402

Originating Department: Office of Human Resources

Specific Authority:

Board Policy 6Hx6:5.02

Florida Statute 1001.64(18), 1001.65

Florida Administrative Code n/a

Procedure Actions: Adopted: 11/21/96; 7/1/00; 11/3/04;12/2/08; 02/16/10; 11/1/10; 7/06/2023

Purpose Statement: To provide procedures to College employees regarding overtime and compensatory time.

Guidelines:

Scheduling of work must be arranged to support operational needs of the College and to effectively deliver customer service. Scheduling of work and overtime are the responsibility of the supervisor.

In determining work schedules, the College supports and encourages the full use of various arrangements to create a flexible work environment that facilitates both department and staff needs. This approach is intended to foster staff retention and recruitment while maintaining and enhancing the College's mission.

- I. In accordance with the Fair Labor Standards Act (FLSA), as amended, non-exempt hourly employees shall be eligible for overtime compensation, provided such employees work over forty (40) hours in any given administrative work week.
- II. The Florida SouthWestern State College administrative work week shall begin at 12:01 a.m. each Monday and end at 12:00 midnight each Sunday. Work schedules and hours may be modified to meet work requirements for certain areas without incurring overtime compensation, with prior notification being given to the employee, provided the administrative work week does not exceed forty (40) hours.
- III. The College does NOT have a compensatory time plan whereby employees can accrue compensatory time for use outside of the same pay period. Under no circumstance shall the supervisor or employee keep a separate "log" of uncompensated hours worked to be paid in the future as compensatory time.
- IV. Work performed by a regular non-exempt full or part time employee on a College nonduty day or a non-working duty day (that is not the employee's regularly scheduled work day) will be paid at their regular rate of pay. If the work hours within the week exceed 40

hours, the employee will be paid in accordance with overtime compensation laws. In special situations, the College President or designee may elect to compensate employees at a rate higher than the established wage rate for that employee.

Procedures:

- I. All overtime compensation shall be paid at one and one-half ($1\frac{1}{2}$) times the normal established wage rate for the individual employee. This overtime compensation rate shall apply when work is performed in the employee's regular position, as well as work which is different or in addition to the regular College position.
- II. Approved sick leave, personal leave, and vacation leave with pay shall not be counted as hours worked for the purpose of computing total hours worked and overtime compensation in any administrative work week. Approval for overtime must be given by the appropriate supervisor prior to the overtime work being performed. The supervisor must ensure that appropriate funds are available to pay for the overtime.
- III. Full-time non-exempt employees will work a regular forty (40) hours per week. All hours past forty (40) hours worked shall be paid at one and one-half ($1\frac{1}{2}$) times the employee's established wage rate.
Full time hourly employees should not receive more than forty (40) hours of pay in weeks where the employee has a combination of actual hours worked and leave time (sick, personal, vacation, administrative). Supervisors are responsible for assuring that leave time is adjusted so that total hours approved for payment does not exceed forty (40) hours per week.

Example #1 - an employee has an approved vacation day (8 hours). During the week, the employee actually works 36 hours. 36 hours worked + 8 hours of vacation = 44 hours. The supervisor needs to reduce the amount vacation time to 4 hours in order to not exceed 40 hours of pay in the work week. The employee is then credited back 4 hours of vacation leave.

Example #2 – an employee takes a sick day (8 hours) during a work week. During the same week, the employee actually works 32 hours. 32 hours worked + 8 hours of sick = 40 hours. The supervisor does not need to adjust the number of sick hours paid.

Example #3 - an employee has an approved week (40 hours) of vacation. During the same, week the employee actually works a day to assist the department. 40 hours of vacation + 8 hours worked = 48 hours. The supervisor needs to reduce the amount of vacation time to 32 hours in order to not exceed 40 hours of pay in the work week. The employee is the credited back 8 hours of vacation leave.