

06:08:06:00 Compensatory Time & Overtime Pay

Purpose:

This policy describes the rights and responsibilities of Dyersburg State Community College (DSCC) employees covered under the provisions of the Fair Labor Standards Act (FLSA).

Scope:

This policy applies to DSCC employees who are classified as non-exempt; this includes all clerical/support staff, as well as temporary and part-time employees who are paid on an hourly basis. This policy is consistent with Tennessee Board of Regents (TBR) Guideline P-020 – Procedures for Implementation of the 37.5 hour Workweek and Compliance with the Fair Labor Standards Act (FLSA) Overtime Pay Provisions.

Policy:

DSCC employees who are considered to be full-time shall work a minimum of 37.5 hours per week throughout the year. This work schedule shall include a one hour lunch break and shall recognize the existence of up to two fifteen minute miscellaneous breaks during each work day as work flow permits. For purposes of calculating the hours worked each week, lunch breaks shall not be counted as “time worked” but miscellaneous breaks shall be counted.

It is not a normal practice of the College for non-exempt employees to work in excess of 37.5 hours per week; however, a supervisor may request that a staff member work overtime due to extenuating circumstances. A Request for Compensatory Time or Overtime form should be completed and forwarded to the President for approval. Upon approval by the President, the original copy must be sent to the Payroll Office to be filed with the employee’s monthly timesheet.

There should be specific permission requested and authorized by the supervisor each time an employee begins work early, works late, or works during lunch. Time cannot be volunteered. A non-exempt employee must receive pay or compensatory (comp) time for all hours worked.

Comp time shall be accrued and used in lieu of cash overtime pay unless the President determines otherwise or the employee accumulates the maximum number of comp time hours (any hours over the maximum (240) must be paid in cash per the FLSA).

Both comp time and overtime pay will be granted at straight time for hours worked between 37.5 and 40 hours in a workweek. Any hours worked in excess of 40 in a workweek will be granted at time and one-half. Hours worked shall include hours actually worked and holiday hours. Any hours other than holiday hours and actual work hours are excluded from comp time compensation. For example, if an employee uses four (4) hours annual leave during a workweek, those four (4) hours are not used in the calculation for hours worked over 40.

If an employee is requested to work more than a 7.5 hour day, it is desirable that the employee be given equivalent time off in the same week. Per TCA §8-50-801, when an employee requests annual leave and comp time is available, the comp time must be used first unless the accumulated annual leave balance at the beginning of the pay period is within two (2) days of the maximum accrual rate for the employee. When an employee is within two (2) days of the maximum, annual leave may be used throughout the pay period.

As with annual leave, an employee may request to use accumulated comp time at any time. The supervisor must approve the request unless the use of the requested time would unduly disrupt departmental operations.

Compliance:

All DSCC employees are expected to adhere to this policy. A supervisor is in violation of the law if a nonexempt employee is permitted to work extra hours without compensation.

Definitions:

Non-Exempt Employees – For purposes of compensatory time and overtime pay, non-exempt employees shall include clerical, support, technical, maintenance and operations personnel; i.e. all personnel other than executive, professional, academic, administrative or student workers.

Workweek – 12:01 a.m. Saturday through 12:00 midnight Friday

Revision History:

Policy created August 1985. Policy revised May 2000. Policy updated December 2012; approved by Administrative Council on 12/14/2012.