

**SOUTH CAROLINA STATE UNIVERSITY
PERSONNEL POLICIES AND PROCEDURES MANUAL**

SECTION: FLSA and Classification and Compensation Administration	Section: II
	Subject: A.4
SUBJECT: Overtime/Compensatory Time	Effective: 01/01/06
	Revised: 12/01/05

THE LANGUAGE USED IN THIS DOCUMENT DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE EMPLOYEE AND SOUTH CAROLINA STATE UNIVERSITY. THIS DOCUMENT DOES NOT CREATE ANY CONTRACTUAL RIGHTS OR ENTITLEMENTS. THE UNIVERSITY RESERVES THE RIGHT TO REVISE THE CONTENT OF THIS DOCUMENT, IN WHOLE OR IN PART. NO PROMISES OR ASSURANCES, WHETHER WRITTEN OR ORAL, WHICH ARE CONTRARY TO OR INCONSISTENT WITH THE TERMS OF THIS PARAGRAPH CREATE ANY CONTRACT OF EMPLOYMENT.

OVERTIME/COMPENSATORY TIME

The Fair Labor Standards Act (FLSA) provides that employees in nonexempt positions be paid overtime at one and one-half (1½) times their hourly rate for any time worked in excess of 40 hours in a workweek. In computing the 40 hour base, hours worked does not include leave time, either holiday or other paid or unpaid leave.

Policy

It is the policy of South Carolina State University that overtime will be authorized only when it is necessary to meet the required services of a department. When overtime is required and authorized, all nonexempt employees shall be compensated for overtime hours worked in accordance with the provisions of the Fair Labor Standards Act.

Compensatory time off is an acceptable alternative to overtime compensation for nonexempt employees. It is University policy that unless specifically approved by the Vice President of Finance, compensatory time will be granted rather than overtime pay except when granting compensatory time will have a detrimental effect on the department's services.

Exempt employees will not be paid for overtime. However, they may receive compensatory time off for hours worked in excess of 40 hours per week. If granted, compensatory time must not be at a rate greater than one hour of compensatory time for each hour worked in excess of 40 in the official workweek and may be at a lesser rate.

Procedures

All requests for overtime must be submitted in writing and approved in advance by the Vice President (or applicable Division Head) and the Vice President of Finance. The request must clearly delineate the circumstances which require the need for overtime, the dates and times overtime hours will be worked, the FLSA exemption status of the employee and his or her hourly rate of pay.

SOUTH CAROLINA STATE UNIVERSITY PERSONNEL POLICIES AND PROCEDURES MANUAL

If a nonexempt employee is approved for overtime pay by the Vice President of Finance, a copy of the approved request must be attached to the Time and Attendance Record ([Form P-42](#)). Requests to use leave for compensatory time must be submitted on the University's Request for Leave ([Form P-1](#)), accompanied by a Compensatory Time Summary Sheet ([Form P-46](#)).

Exempt/Nonexempt Status Under the Fair Labor Standards Act

Exemptions from the overtime pay requirements of the Fair Labor Standards Act for any employee in a bona fide executive, administrative, or professional position shall be determined by the Office of Human Resource Management based on the duties and responsibilities of the job as outlined on the Position Description and consultation with appropriate department management. All other employees shall be nonexempt.

Minimum Wage

All nonexempt employees must be paid not less than the current minimum wage.

Compensation

Compensation of all employees is based on 40 hours per week or 2080 hours per year.

The Workweek

The standard workweek for South Carolina State University shall be 37.5 hours. However, employees shall not receive additional compensation for hours worked between 37.5 hours and 40 hours per workweek. Employees shall not receive compensatory time for hours worked between 37.5 and 40 hours per workweek. For record keeping purposes, the workweek begins at 12:01 a.m. on Sunday and ends at 12:00 midnight on Saturday. Any employee may be required to work up to 40 hours per workweek without additional compensation.

Adjusted Workweek

Under warranted circumstances and where approved in advance by the Vice President (or applicable Division Head), a nonexempt employee may be allowed to work in excess of the normal workday and may be given time off during the same workweek at the rate of an hour for an hour to avoid working over 40 hours in a workweek. This adjustment is not allowed for hours worked between 37.5 and 40 hours during any workweek. This type of work rescheduling precludes working over 40 hours in a workweek and eliminates the need for overtime payment.

Hours Worked

Hours worked include all time that the employee is required to be on duty or at the prescribed workplace and all time during which the employee is permitted to work. This includes any bona fide work which the employee performs on or away from the premises if the supervisor knows or has reason to believe that the work is being performed.

**SOUTH CAROLINA STATE UNIVERSITY
PERSONNEL POLICIES AND PROCEDURES MANUAL**

Regular Rate

The regular rate of pay includes all remuneration for employment paid to an employee to include base pay, longevities, and shift differentials.

Hourly Rate Employees

The hourly rate is the “regular rate” for hourly employees. This rate is calculated by dividing the annual salary by 2080 hours. Hourly employees shall be compensated for all hours worked. Because only salaried employees can be exempt, all employees compensated on an hourly rate basis must be classified as nonexempt.

On Call

If an employee who is on-call is not confined to his or her home or any particular place but is required only to leave work where he or she can be reached, the hours spent on-call are not regarded as working hours.

Holidays

Any nonexempt employee who is required to work on a legal holiday shall be given compensatory holiday leave credits up to a maximum of the employee’s average workday. An exempt employee who is required to work on a legal holiday shall be given compensatory leave credits for the holiday. Time worked on a legal holiday shall be used in computing total hours worked. The holiday compensatory leave credit shall be taken within one year.

Overtime/Compensatory Time May Not Be Waived (Off the Record Adjustments)

The requirements that overtime pay must be paid or compensatory time granted to nonexempt employees after 40 hours of work in a workweek shall not be waived by agreement between the supervisor and the employee.

Maximum Overtime Accumulation

Nonexempt employees may accrue a maximum of 240 compensatory hours (480 hours for employees who work in a public safety activity). Nonexempt employees must receive payment for all additional overtime worked when his or her compensatory leave balance reaches the maximum of 240 hours (or 480 hours in public safety). Supervisors and department heads are responsible for monitoring the compensatory accrual limit and ensuring that employees do not accumulate in excess of the maximum allowable.

Meal-Periods

A bona fide meal period of 30 minutes or more which occurs during the scheduled workday is not hours worked if the employee is completely relieved from duty for the purpose of eating a meal.

**SOUTH CAROLINA STATE UNIVERSITY
PERSONNEL POLICIES AND PROCEDURES MANUAL**

Rest Periods

Rest periods of short duration must be counted as hours worked. Fifteen minute breaks are suggested in the interest of employee health and work efficiency. One morning and one afternoon rest period of no more than 15 minutes each is permitted. Breaks shall not be used to allow an employee to come in late, to leave early or to extend the lunch period.

Travel Time

Travel time for nonexempt employees may be hours worked under certain conditions. Ordinary travel from home to work or vice versa is not considered to be working time. Traveling by a nonexempt employee from one job site to another job site during the workday is compensable work. Also, traveling either from or to an outlying job site from the normal work site at the beginning and/or end of the scheduled workday is compensable. Travel away from home on University business involving an overnight stay for nonexempt employees is considered time worked when it occurs during the employee's normal working hours. Nonexempt employees traveling overnight on University business must be paid for time spent in traveling (except for meal periods) during their normal working hours on non-working days (Saturday, Sunday and holidays) as well. All time spent traveling on one day assignments is considered hours worked regardless of time of day or day of week.

Lectures, Meetings, and Training Employees

When a nonexempt employee by reason of official responsibilities is required to attend lectures, meetings, training programs, etc., such time shall be considered work time.

Overtime Compensation

A nonexempt employee shall be paid no less than 1½ times his or her regular rate of pay for all hours worked over 40 hours in a workweek or granted compensatory time at a rate of 1½ hours for each hour of overtime worked. Nonexempt employees shall not receive overtime pay or compensatory time for hours worked between 37.5 and 40.0 hours per workweek. Overtime is all hours worked in excess of 40 in a seven consecutive day work period.

Upon Separation

Upon separation (resignation, retirement, termination, etc.) a nonexempt employee shall be paid for the unused balance of compensatory time at a rate of compensation not less than whichever of the following is higher:

1. The average regular rate received by such employee during the last three years of employment, or
2. The final regular rate received by such employee.

**SOUTH CAROLINA STATE UNIVERSITY
PERSONNEL POLICIES AND PROCEDURES MANUAL**

Exempt employees shall not be paid for unused compensatory time unless such time was earned in a nonexempt position.

Responsibility

It is the responsibility of the supervisor and department head to ensure that nonexempt employees do not work hours in excess of their established work period unless those excess hours are approved by the Vice President.

It shall be the responsibility of each department head to determine that the provisions of this policy are administered in the best interest of the University. Although each supervisor is responsible for securing the necessary approval in advance of any employee working overtime, it is equally important to control unauthorized overtime. Unauthorized work shall be counted as hours worked if the responsible supervisor could have stopped the unauthorized overtime work but did not, or if the responsible supervisor knows or has reason to know of the practice of working unauthorized overtime. Failure to stop such unauthorized work, failure to change the practice of working unauthorized overtime, or requiring employees to work overtime without properly reporting such overtime worked, may result in disciplinary action against responsible supervisors.