

OVERTIME PAY PROCEDURES

The Fair Labor Standards Act (FLSA) requires the University to pay overtime compensation to non-exempt employees at the rate of time and one-half of the employee's regular hourly rate for each hour of overtime worked. Staff employees who are covered by the Minimum Wage Law are paid at the rate of time and one-half for all hours worked in excess of forty hours per week. Non-exempt employees are instructed not to work overtime (over 40 hours weekly), unless authorized in advance by their supervisors.

Those whose conditions of employment and compensation are not subject to the provisions of the Fair Labor Standards Act (FLSA); exempt employees are not eligible for overtime pay. According to the Act, an exempt employee is "...any employee employed in a bona fide executive, administrative or professional capacity."

Employees who are properly classified as exempt are paid a base salary and are not eligible for overtime or compensatory time off. While all employees, exempt and non-exempt alike, are expected to maintain regular work hours, the hours of exempt employees are not predetermined. Sometimes, for instance, an exempt employee may need to work extra hours, or days, to complete a project or task or otherwise to perform his or her work in a professional and acceptable manner. No additional compensation is paid to an exempt employee when such an employee works extra or additional hours or days.

Overtime work applies only to non-exempt employees and is to be performed only when approved by the employee's department supervisor in advance. Non-exempt employees must be compensated for their overtime work with pay or with time off in lieu thereof.

Overtime pay will be calculated on the basis of actual hours worked over forty (40) hours in a work week; therefore, paid time off such as paid leave, extended sick leave and holidays do not count as hours worked for the purpose of determining overtime pay. Overtime pay is calculated at a rate of one and one-half times an employee's regular hourly pay for each hour worked in excess of forty in a work week. Paid holidays, paid leave, extended sick leave or other leave shall not be counted as hours worked. Equivalent time-off should be granted employees working on a holiday or other regularly scheduled day off. An employee's entitlement to earn overtime pay depends upon whether he or she is classified as an exempt or a nonexempt employee, and the type of work performed by the employee exceeding the forty hour work week.

If a non-exempt employee works two separate jobs for the same employer, overtime is owed if the employee works a combined total of more than 40 hours in a workweek.

Exempt, salaried employees will not be permitted to work additional assignments on an hourly basis.

Overtime should be requested only in cases of extreme emergencies and then only with the permission of the immediate supervisor with approval of the chief administrator (Vice President, Academic Affairs; Vice President, Administrative & Fiscal Affairs; Vice President, Student Affairs; Vice President, Institutional Advancement; Chief Information Officer; Dean, School of Agriculture & Applied Sciences [Research & Extension]) of the major areas.

In case of necessity for work beyond the regular work week, compensatory time off should be given first consideration.

An employee's failure to record his or her time in a prompt, accurate and regular manner and/or an employee's negligent or intentional falsification of time or leave records are serious offenses. An employee who engages in such conduct will be disciplined up to and including termination of employment.