

# Compensatory Time

Compensatory time will be granted to full-time, non-exempt employees under the provisions of the Fair Labor Standards Act (the "Act"). If a non-exempt employee works more than 37.5 hours a week, that employee shall receive compensatory time consistent with this policy. Employees exempt under the Act, shall not accrue compensatory time.

## I. Overtime Pay

No overtime pay shall be granted to employees from state or local funds budgeted to the College without the President's prior written approval or if required by law. In lieu of overtime pay and in accordance with this policy, equivalent compensatory leave may be granted for overtime work, or the College may pro-rate compensation.

## II. Compensatory Leave for Non-Exempt Employees

The following rules apply to all non-exempt employees regarding the accrual and use of compensatory leave:

1. The immediate supervisor must approve, in writing, all time over 37.5 hours worked by an employee prior to the employee working overtime. Overtime work is discouraged and should only be implemented due to an emergency or extraordinary situation.
2. Non-exempt employees shall receive compensatory time for all hours worked over 37.5 hours in a week at a rate of: a) no more than one (1) times those hours worked between 37.5 and 40 hours; and b) no more than one and one-half (1.5) times those hours worked above 40 hours. Compensatory time awarded at 1.5 times must be based on actual hours worked, exceeding 40 hours within the work week. The College week begins on Sunday at 12:01 a.m. The employee is responsible for accurately and honestly recording hours worked on time records and in accordance with College policy and practice. The employee's supervisor shall review and approve time records at the conclusion of each period to determine that all recorded overtime hours are accurate.
3. The maximum amount of compensatory time a non-exempt employee may carry on the employee's leave record is 75 hours, except under extreme circumstances and with the approval of the non-exempt employee's immediate supervisor and appropriate dean and vice president. It is the responsibility of the employee's immediate supervisor to schedule work assignments to ensure that the non-exempt employee's compensatory time does not exceed 75 hours. All non-exempt employee leave records will be maintained in the Business Office.
4. Compensatory hours must be taken prior to December 31. Exceptions may be granted by the employee's immediate supervisor and appropriate dean and vice president, who shall notify the Business Office. An employee is required to use compensatory leave prior to using annual, bonus, or sick leave in order to meet the requirements of this subsection. If an employee fails to exhaust compensatory time by the end of the fiscal year, the appropriate vice president shall consult with the President to determine whether the unused accrued compensatory time shall be paid to the employee or if the College shall allow the employee to carry the balance forward.

5. Sick hours, vacation hours, compensatory hours and other leave hours granted by the College taken may not be counted toward the 37.5 hour week in order to accumulate compensatory time.
6. The immediate supervisor must approve the use of compensatory leave used by a non-exempt employee. A non-exempt employee who has accrued compensatory time and requests the use of such time must be permitted to take the time within a reasonable period after making the request, if the use of the compensatory time does not unduly disrupt the operations of the institution.
7. At the discretion of the employee's immediate supervisor and appropriate dean and vice president, an employee who is required to work on an announced holiday shall accrue compensatory time for the number of hours worked on that day but not to exceed the employee's regularly scheduled work hours.
8. In the event of termination of employment the employee must, to the extent possible, exhaust all compensatory time before the last day of employment. If the employee holds compensatory time after termination of employment, the compensatory time must be paid at a rate of not less than the average of the employee's regular pay rate for the last three years of employment or the final regular rate received by the employee, whichever is greater. Compensatory time may not be used to extend dates of retirement, resignation or other forms of severance from the College.
9. Compensatory leave shall be accumulated in quarter hours. The College shall round up to the nearest quarter hour when calculating compensatory leave.
10. Any remote work is not allowed to be counted as part of the 37.5 workweek and/or compensatory leave unless pre-approved by the immediate supervisor and appropriate dean and vice president.

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**Policy Number:** 03.01.04

**Legal Reference:**

1C SBCCC 200.94; The Fair Labor Standards Act of 1938, as amended.

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