

	Florida Gulf Coast University Policy Manual	Policy: 3.029 <i>Approved: 03/18/2011</i>
	Title: Overtime, Special, and Regular Compensatory Leave	Responsible Executive: Vice President for Administrative Services and Finance Responsible Office: Human Resources

I. POLICY STATEMENT

Florida Gulf Coast University provides information on the accrual and use of overtime, special, and regular compensatory leave. The University shall comply with all legal and regulatory requirements associated with the accrual and use of overtime and other compensatory leave.

II. REASON FOR POLICY

This policy serves to outline the procedures used to document the earning and use of overtime, special, and regular compensatory leave.

III. APPLICABILITY AND/OR ACCOUNTABILITY

This policy applies to Support Personnel only.

IV. DEFINITION OF TERMS

- A. **FLSA - Non-Exempt Classification:** A class which, based on the duties performed and manner of compensation, is “not exempt” from the Fair Labor Standards Act and in which the employee is eligible to receive overtime compensatory leave at 1 ½ times the overtime hours worked.
- B. **FLSA Exempt Classification:** A class which, based on the duties performed and manner of compensation, is “exempt” from the Fair Labor Standards Act minimum wage and overtime requirements. The employee is eligible to receive regular compensatory leave for overtime hours worked, on an hour for hour basis.
- C. **Overtime:** Hours of actual work required to be performed by an employee in excess of 40 hours during the established workweek or in excess of the number of hours indicated in an extended period approved by the President.

The term "hours of actual work" excludes leave taken and/or holidays occurring during the workweek.

- D. Overtime Compensatory Leave Earned: Leave earned by an employee filling a position in a "non-exempt class" when the required hours of work exceed 40. Overtime Compensatory Leave is earned at time and one-half. For example, 80 hours of overtime worked results in the employee earning the maximum number of overtime compensatory leave hours of 120. Beyond 120 hours, any overtime worked shall be provided to the employee as cash payment. Exceptions to the 120 hour maximum may be granted by the President or respective Vice President, however under no circumstances may the maximum number of overtime compensatory leave hours accrued exceed Fair Labor Standards Act (FLSA) maximums.
- E. Regular Compensatory Leave Earned: Leave earned on an hour for hour basis by an employee filling a position in an "exempt class" when the required hours of work exceed 40 during the workweek. The maximum number of regular compensatory leave hours accrued is 120 hours. Exceptions to the 120 hour maximum may be granted by the President or respective Vice President, however under no circumstances may the maximum number of regular compensatory leave hours accrued exceed Fair Labor Standards Act (FLSA) maximums.
- F. Special Compensatory Leave Earned: Leave earned on an hour for hour basis by an employee occupying a position in a "non-exempt or exempt class" under the following conditions:
1. when the employee observed a holiday and worked 40 hours the week during which the holiday occurred; the holiday falls on the employee's regularly scheduled day off; the employee is required to work the holiday; or the employee is required to work on the Saturday and/or Sunday between Christmas and New Year's Day; or
 2. when the total hours worked and leave taken are in excess of 40 hours and do not meet the definition of overtime, or
 3. when the employee is required to perform essential duties, as outlined in their position description, during an emergency closing for the hours worked during the closing; or
 4. when the employee worked 40 hours the week during which jury duty or a court appearance occurred.

V. PROCEDURES

- A. The employee must secure approval from the supervisor prior to actually working overtime. Overtime work, however, is considered compensable even if not authorized, when the supervisor permits the employee to continue the unauthorized overtime work.

When assigning overtime work, the supervisor should attempt to adjust the employee's workweek schedule whenever possible to avoid the earning of overtime compensatory leave.

- B. On the SP Attendance & Leave Report, the employee records all hours worked which are required in excess of the normal work hours rounded to the nearest quarter hour. Hours worked on a Saturday, Sunday or Holiday should be recorded in the additional hours worked section, unless those hours are part of the employee's approved alternative work schedule. Once the SP Attendance & Leave Report is completed by the employee and supervisor, both parties must sign on the appropriate lines to signify that the document is true and accurate. Falsification of the Attendance & Leave Report may lead to the dismissal of those employees involved. The Attendance & Leave Report is submitted to Payroll. Payroll cannot process the document until all areas are complete, including signatures. If an employee is physically unavailable to sign the form, the supervisor should note this on the form and send it to Payroll for processing according to the approved Payroll Schedule.

- C. Employees are encouraged to use their accrued leave hours as soon as practicable in the following order: Overtime Compensatory Leave or Regular Compensatory Leave, if applicable; Annual Leave; and Special Compensatory Leave. If an employee reports the use of leave in a category in which they do not have sufficient leave to cover the absence, the above order will be used by Payroll before taking action to dock the employee's pay for that pay period.

D. Procedure to Pay for Compensatory Leave Balances

1. An employing Department Head may request payment to an employee for up to the total accrued hours of overtime or special compensatory leave credits whenever the following occurs:
 - a) An employee is moving from a position funded within one budget entity (i.e., auxiliaries) to a position in another budget entity (i.e., contracts and grants).
 - b) An employee is in a position funded from a Contract or Grant source and the funding period will be expiring.

- c) Other extraordinary situations, as determined by the President or respective Vice President.
2. An employing Department Head may request the President or respective Vice President the approval to provide payment to an employee for any or all accrued hours of overtime or special compensatory leave credits whenever an employee moves from a position in one division to a position in another division, within the same budget entity. The current department is responsible for funding the cost of this payment.
3. No payment shall be allowed for accrued Regular Compensatory Leave. All unused regular compensatory leave shall be forfeited in situations where such leave cannot be transferred or upon separation of an employee from the University. Exceptions may be granted by the President or respective Vice President.
4. Payments to an employee for compensatory leave credits, as described in D.1.c) and 3) above, shall be submitted to the respective Vice President for approval. Such requests must identify the basis for providing payment to the employee.
5. The President or respective Vice President shall review the request to pay an employee for compensatory leave credits and upon approval notify the Department Head and Payroll Office.
6. The Department Head shall submit approved requests for payment of an employee's accrued compensatory leave credits as described above to the Payroll Office to be processed through the next appropriate payroll cycle

VI. HISTORY

New 03/18/2011

APPROVED

*s/Wilson G. Bradshaw

March 18, 2011

President

Date

**NOTE: This policy reflects changes to the formatting only. No changes have been made to the text.*