

# **Texas Woman's University University Regulation and Procedure**

**Regulation and Procedure Name: Overtime and Compensatory Time for Staff**

**Regulation and Procedure Number: URP: 05.405**

**Policy Owner: Finance and Administration**

## **POLICY STATEMENT**

The purpose of this policy is to define overtime and compensatory time and establish policy and procedure for accruing and taking overtime and compensatory time.

## **APPLICABILITY**

This policy is applicable to TWU Employees.

## **DEFINITIONS**

1. "Workweek" means the official work week is from Sunday through Saturday. State law sets the minimum workweek for regular full-time salaried employees at forty (40) hours.
2. "Hours Worked" means all time spent by a staff member that is primarily for the benefit of the University and that is controlled or directed by the University is considered hours worked. Such time includes required "on duty" time; time which an employee is permitted to work, even if not requested or required; waiting or "idle" time (rest periods, etc.); time spent traveling on official business; time spent in training directed or approved by the supervisor; and, time in an on-call status where staff member is restricted to home and the on-call conditions are so restrictive that the employee cannot pursue personal activities.
3. "Overtime" means any time worked over 40 hours in a work week. Paid leave and holidays are not counted as hours worked for determining overtime hours. Non-exempt employees accrue overtime at a rate of time and one-half. Exempt employees are not eligible for overtime.

4. "Compensatory Time" means time worked over 40 hours in a work week counting paid leave and paid holidays. Non-exempt employees accrue compensatory time at one time the additional hours worked. Exempt employees are not eligible for compensatory time unless holiday hours are worked.
5. "Regular Rate of Pay" means in compliance with the FLSA and the Texas Government Code, the hourly "regular rate of pay" for a non-exempt employee is calculated by the "weekly" method as defined by FLSA.
6. "Fair Labor Standards Act (FLSA)" pertains primarily to federal overtime, minimum wage and child labor laws.
7. "Exempt employees" means those employees exempt from the Fair Labor Standards Act under an Executive, Professional or Administrative exemption.
8. "Non-exempt employees" means those employees who do not fall under any of the exemptions and are therefore covered by the Fair Labor Standards Act.

## **REGULATION AND PROCEDURE**

### **I. Work Schedules**

It is the policy of Texas Woman's University to arrange its work schedules so that employees are not required to work beyond their normal work schedule. However when in management's opinion it becomes necessary for an employee to work overtime, they will be compensated according to provisions of both the Federal Fair Labor Standards Act ("FLSA") and the Texas Government Code.

### **II. Procedures**

- A. Overtime must be approved in advance by the supervisor or responsible department head. Working unapproved overtime will result in disciplinary action up to and including dismissal of employment. Under state law, accrued overtime that has not been taken within twelve months of the time it was accrued will be paid. Every effort must be made to take off all overtime as soon as possible after it is accrued with permission from the supervisor or responsible department head. Exceptions to pay overtime may be made if an employee is unable to use overtime hours accrued. The decision to pay overtime is at the discretion of the supervisor. In order to pay overtime, a lump sum personnel transaction form must be completed.

- B. Police officers working special events and/or functions are paid at a rate of time and one-half for hours worked outside their normal 40 hour week through the submission of a lump sum personnel transaction form.
- C. Nonexempt, part-time employees are paid for hours worked over their designated hours (under 40 hours) and may not accrue state compensatory time.
- D. Compensatory time must be approved in advance by the supervisor or responsible department head. Working unapproved compensatory time will result in disciplinary action up to and including dismissal of employment.
- E. Under state law, an employee must use state compensatory time, including holiday compensatory time, within the 12 months following the end of the workweek in which it was earned, or prior to termination/resignation of employment or it will be dropped. Compensatory time cannot be paid. Compensatory time cannot be taken in advance of being earned.
- F. Supervisors are encouraged to accommodate, to the extent practicable, the employee's use of state compensatory time.
- G. When an exempt or non-exempt employee who is eligible for holiday pay is scheduled to work on a holiday, in addition to receiving pay for the holiday, he or she also receives straight-time state compensatory time for hours worked on the holiday. Supervisors and employees will work together to allow employees to use earned holiday state compensatory time within 12 months from the week when it was earned.

### III. Notification of Overtime /Compensatory Time Policy

Texas Woman's University will accommodate to the extent practicable an employee's request to use accrued overtime / compensatory time.

## **REVIEW**

This policy will remain in effect and published until it is reviewed, updated, or archived. This policy is to be reviewed once every six years. Interim review may be required as a result of updates to federal and state law or regulations, Board of Regents policies, or internal processes or procedures.

## **REFERENCES**

None

## FORMS AND TOOLS

None

<p><b>Publication Date:</b></p> <p><b>Next Review:</b></p>
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