

MOTLOW STATE COMMUNITY COLLEGE

SUBJECT: OVERTIME / COMPENSATORY TIME

Within the Tennessee Board of Regents, only clerical and support employees (non-exempt) are eligible for overtime payments or compensatory time. In accordance with the Fair Labor Standards Act (FLSA), Motlow State Community College, at its discretion either by wage payment or compensatory time off, compensates employees who are requested to work more than a standard work week. Granting approval for an employee to work overtime is not a normal practice of the College. In accordance with FLSA, Motlow has the right to require employees to work additional hours; and therefore, employees do not have the right to waive or decline overtime work.

Overtime wage payments are made to non-exempt employees at one-and-one half times their regular rate of pay for any hours worked in excess of the stated maximum of 40 hours during a given workweek. Therefore, hours worked between 37.5 and 40 in a workweek would be compensated at straight time, and those in excess of 40 at time-and-one-half.

The same rate structure is followed when compensatory time is awarded for overtime in lieu of wage payments. Hours between 37.5 and 40 hours are compensated on an hour-for-hour basis. For each hour worked in excess of forty per week, one-and-one-half hours of compensatory time will be given.

Accrual and Use of Compensatory Time

Compensatory time and overtime payments are available to clerical and support employees only. Compensatory time shall be accrued and used in lieu of cash overtime pay. Compensatory time earned must be approved in advance by the Supervisor, and appropriate Vice President. An employee may accrue up to a maximum of 240 hours of compensatory time. Employees may request to use their compensatory time by submitting the Overtime/Compensatory Time Authorization form. Motlow will permit the use within a reasonable time of the request unless the use at the requested time would unduly disrupt college operations. All accumulated compensatory time must be taken within the pay period immediately following the compensatory time accrual unless prior approval is granted by the appropriate Vice President. In all cases, compensatory time must be taken within the fiscal year so that the balance as of each June 30 is 0.00. All compensatory time must be exhausted prior to an employee taking leave without pay or annual leave.

In accordance with TCA § 8-50-801, when an employee requests annual leave and compensatory time is available, the compensatory time shall be used first. However, if the accumulated annual leave balance at the beginning of the pay period is within two (2) days of the maximum, annual leave may be used throughout the pay period. Any employee whose annual leave balance is not within

the two (2) day maximum at the beginning of the pay period must use compensatory time during the entire pay period. Otherwise, Motlow will honor an employee's request for compensatory time off unless it would be unduly disruptive to the institution's operations.

If applicable, and approved by the President, cash payment for accrued compensatory time will be calculated using the wage rate that the employee is earning at the time of payment, not at the time that the compensatory time was earned; provided, however, that upon termination an employee is to be paid for accrued compensatory time as follows:

- a. at the employee's final wage rate, or
- b. at the average regular wage rate received by the employee during his/her last three years of employment, whichever is higher.

Timesheets

Timesheets must be completed accurately and monitored by supervisors. Actual hours worked must be provided to substantiate compensatory time and overtime. Compensatory time balances must be documented on the Compensatory Time Record.

SOURCE: TBR Guideline No. P-020