



## **407 POLICY - Compensatory Time: Non-exempt Personnel**

### **407.1 Statement of Policy**

When, in the performance of assigned duties, a non-exempt staff member is required to work in excess of the regularly scheduled forty (40) hours per week, the staff member will be entitled to take compensatory time off. Compensatory time is to be earned only when the timely completion of assigned responsibilities necessitates work in excess of the regularly scheduled work periods.

On December 1, 2016, the United States Department of Labor updated the regulations governing which executive, administrative, and professional employees (white collar workers) are entitled to the Fair Labor Standards Act's (FLSA) minimum wage and overtime pay protections. This ruling increased the salary threshold to equal the 40<sup>th</sup> percentile of weekly earnings of full-time salaried workers in the lowest wage Census region, currently in the South. The Department also established a mechanism for automatically updating the salary and compensation levels every three years to maintain the levels at the above percentiles and to ensure that they continue to provide useful and effective tests for exemption.

This ruling may extend overtime to Redlands Community College employees' that are classified as Professional and Support Staff that fall below the salary threshold. Although employees at higher education institutions are generally covered by the FLSA's minimum wage and overtime provisions, several provisions apply to many personnel at these institutions that make them ineligible for overtime and unaffected by the FLSA ruling, regardless of whether they earn above the new salary threshold or not. Examples of such positions that are ineligible for overtime regardless of the new salary threshold are Professors/Instructors, Adjunct Professors/Instructors, Coaches (if their primary duty is teaching, which may include instructing athletes in how to perform their sport), Department Heads, Academic Counselors and Advisors, and others with similar responsibilities.

Public institutions, such as Higher Education, may use compensatory ("comp") time as an option to satisfy their obligation to provide overtime compensation instead of cash payment for overtime hours. Procedures governing compensatory time are published in the Procedures section of the Policies and Procedures Manual.

### **407.2 Definitions**

The following definitions are applicable to this policy and related procedure:

Non-exempt – Employees whose jobs are governed by the FLSA that are entitled to overtime pay and/or compensatory time.



Exempt – Employees whose job are governed by the FLSA that are not entitled to overtime pay and/or compensatory time.

Adopted 1986

Revised 1991

Revised February 2001

Revised June 2016



## **407 PROCEDURE - Compensatory Time: Non-Exempt Personnel**

### **407.1:1 Prior Approval of Compensatory Time**

Prior approval from the employee's immediate supervisor is required before a non-exempt staff employee may work in excess of the regularly scheduled forty (40) hours per week and earn compensatory time.

### **407.1:2 Rate of Compensatory Time**

The rate of compensatory time allowed will be one and one-half (1 ½) hours for every hour that is worked in excess of the regularly scheduled forty (40) hours per week. The designated workweek for Redlands Community College is Sunday through Saturday.

### **407.1:3 Accumulation Allowed**

The maximum compensatory time which may be accrued by a non-exempt staff employee is 240 hours. Supervisors must ensure their subordinates do not exceed the 240-hour compensatory time limit.

### **407.1:4 Work Week Adjustment**

Compensatory time at the rate of hour-for-hour may be given within the work week (Sunday through Saturday) in which it was accrued. For example, if an employee who normally works from 8:00 a.m. to 5:00 p.m., Monday through Friday, has worked 40 hours by 1:00 p.m. on Friday; he/she may be given time off from 1:00 p.m. to 5:00 p.m. on the Friday of that work week. This is referred to as a work week adjustment.

### **407.1:5 Use of Accrued Compensatory Time**

An employee receiving compensatory time must use accrued compensatory time within one-hundred eighty (180) days following the day on which it was accrued. If accrued compensatory time off is not used within this period, the employee must be paid for the earned compensatory time off at the overtime rate in effect when earned.

Prior approval from the employee's immediate supervisor is required before a non-exempt staff employee may use earned compensatory time. The request to use compensatory time must be requested through the Colleague Self-Service leave program. The use of compensatory time is not granted until the supervisor approves the time off by logging into Colleague Self-Service and approving the request. The non-



exempt staff employee, who requests to use accrued compensatory time, should be permitted to use such time off within a reasonable period after making the request, if such use does not unduly disrupt the operations of the College. If at any time this leave was not taken, the supervisor must log into Colleague Self-Service and reject this leave.

#### **407.1.6 Compensatory Report**

When a non-exempt staff employee is required to work over their regularly scheduled forty (40) hours per week, they must submit a compensatory report the following week. This compensatory report should go into detail the date, hours worked, and job duties performed in order to earn compensatory time. This report is to be submitted to the employee's immediate supervisor on the Monday following the week they earned compensatory time.

The immediate supervisor is responsible for ensuring that all Compensatory Time earned is recorded on the employee's Compensatory Report. The immediate supervisor will sign and forward the report in a timely manner to their immediate supervisor for their signatures. The completed report with all required signatures will be forwarded to the Human Resources Department. A Compensatory Report is not required if no Compensatory Time has been earned.

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