

Clayton State University
Compensatory Time Policy

Policy Statement:

Clayton State University (hereinafter “CSU”) has a standard workweek of forty (40) hours and abides by the provisions of the federal Fair Labor Standards Act (hereafter “FLSA”), as well as Board of Regents (hereinafter “BOR”) policies and procedures. This policy applies to all nonexempt who are generally paid on the biweekly payroll cycle.

Overtime work shall be authorized for employees who are *not exempt* from the provisions of the FLSA only when the work is deemed necessary by the supervisor authorized to make such decisions. Supervisors must approve overtime in advance of overtime being worked. Overtime worked will be generally awarded as compensatory time, as one and one-half hours of leave time for one-hour of overtime worked over forty (40) hours in a workweek. Overtime hours may not be carried over the next week in the biweekly pay period for purpose of shift modification.

Payment for overtime work will be made in accordance with the FLSA. At CSU, in lieu of payment for approved overtime work, compensatory time shall be granted at the rate of one and one-half hours of compensatory time for each hour of overtime worked unless the department has received approval to pay overtime. Approved compensatory time is subject to a maximum accumulation of sixty (60) hours at any one time, which must be recorded in the BOR’s leave accounting system, and must be expended by the end of the succeeding calendar quarter.

The determination of FLSA exemption status is made by the CSU Human Resources Department.

Reason for Policy:

This policy ensures consistency among all units at Clayton State University and ensures compliance with the FLSA and BOR policies.

Recordkeeping Procedures:

Nonexempt employees are typically paid on the biweekly payroll. Typically, an employee who is paid by the hour is considered by the FLSA to be nonexempt and subject to its overtime provisions. Nonexempt employees are required by federal law, BOR and University policies to accurately record *all* hours worked in each workweek (7-consecutive day period) in the appropriate leave accounting and timekeeping systems per BOR and CSU policies and procedures.

No overtime hours/compensatory time which is worked may be kept “off the books” and outside of the official BOR and CSU leave accounting and timekeeping systems. The record keeping of hours off the books is a violation of federal law and BOR and University policies and may be subject to a disciplinary action up to and including termination of both the supervisor and the

employee for falsification of official records, and/or failure to follow established policies and procedures. Hours worked must be recorded in the appropriate recordkeeping system correctly on the day the work actually occurs, such as 8 hours on Monday, 6 hours on Tuesday, etc.

Supervisors are required to approve overtime hours preferably in writing e.g. email, before they are worked by a nonexempt employee. Supervisors may wish to modify a nonexempt employee's work schedule/shift during the 7-consecutive day workweek, so that the nonexempt employee does not exceed forty (40) hours worked during the workweek.

Each 7-consecutive day workweek stands alone for purposes of computing overtime, which will be awarded as compensatory time and recorded in the BOR and CSU official leave accounting and timekeeping system. Overtime hours worked during one workweek may not be carried over to another workweek during the biweekly pay period or to another biweekly pay period. Schedule/shift modification may only be done during the 7-consecutive day period in which the overtime is earned.

Supervisors are directly accountable and responsible for properly managing overtime which is worked and ensuring it is approved in advance of it being worked and properly record kept, as required by the FLSA.

In addition, when a nonexempt employee resigns, supervisors should endeavor to schedule a nonexempt employee so that any unused compensatory time is used prior to the employee's separation date.

The order in which an employee will use earned compensatory time will be as follows:

1. Compensatory time must be used prior to the employee using any annual leave and/or sick leave.
2. Annual leave or sick leave may not be used prior to compensatory time being exhausted either within the calendar quarter which it is earned or the succeeding calendar quarter. It is a requirement to apply the use of compensatory time to an employee leave situation if compensatory time has been recorded in the leave accounting and timekeeping system.

Payment of Compensatory Time and Scheduled Use

1. Overtime, which is awarded as compensatory time to a nonexempt employee may not be lost.
2. Unused Compensatory Time must be paid out if not used by the end of the fiscal year at the employee's current rate of pay.
3. Unused Compensatory Time balances must be paid out if an employee separates from CSU at the employee's current rate of pay.
4. Managers should ensure that Compensatory Time balances are used by the end of the fiscal year and when possible prior to an employee's separation.

Question on recording hours worked including standard workweek hours, overtime hours, and leave usage should be directed to the CSU Human Resources Department.

Entities Affected By This Policy:

All units of the Clayton State University are covered by this policy.

Who Should Read This Policy:

All supervisors and nonexempt employees should be aware of this policy.

Policies References:

- BoR Business and Procedures Manual Policy 5.3.6:
http://www.usg.edu/business_procedures_manual/section5/C1235/#p5.3.6_overtime_and_compensatory_time
- Human Resources Administrative Practices Manual: Workweek and Overtime:
https://www.usg.edu/hr/assets/hr/hrap_manual/HRAP_Workweek_and_Overtime_Classification,_Compensation,_and_Payroll.pdf

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