



## **2102 OVERTIME COMPENSATION**

### **1.0 PURPOSE:**

- 1.1 Employees will be compensated for overtime in compliance with the Fair Labor Standards Act (FLSA). This policy provides guidelines for when eligible employees may be compensated for overtime worked with pay or compensatory leave.
- 1.2 This policy requires use of compensatory time as compensatory leave in lieu of the payment of overtime for employees in Non-Exempt positions except for OCCC Campus Police Officers, Cultural Programs Theater Technicians, Dining and Catering Service employees, and Facilities Management employees.
- 1.3 Overtime hours worked require prior authorization by the supervisor. Employees are not permitted to work overtime to satisfy routine OCCC or departmental requirements unless prior authorization has been received by their supervisor.
- 1.4 Employees in Exempt positions shall be neither entitled to the earning of, accrual of, nor credit for overtime and/or compensatory time.

### **2.0 DEFINITIONS**

- 2.1 Overtime: "Overtime" is defined as hours worked in excess of 40 in any work week by an employee in a Non-Exempt position.
- 2.2 Overtime Pay: The rate of pay for all hours worked in excess of 40 hours in any work week by an employee in a Non-Exempt position that is paid at the rate of one and one-half times the employee's regular rate of pay.
- 2.3 Compensatory Leave: Leave that is accrued for all hours worked in excess of 40 hours in any work week by an employee in a Non-Exempt position that is accrued at the rate of one and one-half times the hours worked in excess of 40 hours.
- 2.4 Work Week: OCCC's work week begins at 12:01 AM on Sunday and runs through 12:00 AM (Midnight) Saturday night.
- 2.5 Hours Worked: "Hours Worked" does not include paid leave, absences without leave, and approved paid absences, including but not limited to sick leave, vacation leave, personal leave, holidays, FMLA leave, military leave, bereavement leave, time off for voting, inclement weather leave, and/or any other non-worked hours, including on-call hours that do not restrict the employee to a home or duty post.

### **3.0 LIMITS**

- 3.1 Employees in Non-Exempt positions may not work overtime without the prior approval of their supervisor.
- 3.2 The departmental supervisors have the discretionary authority to arrange the work schedule to accommodate workflow needs and are responsible for controlling the work hours of all employees.
- 3.3 Compensatory time will accrue and be available for use as compensatory leave in lieu of overtime payments.

- 3.4 Compensatory leave must be used within 180 days of the end of the pay period in which it is accrued. Compensatory leave not used within 180 days of the pay period it is accrued is paid at the appropriate overtime rate of one and one-half times the hours worked in excess of 40 hours multiplied by the employee's regular pay.
- 3.5 Compensatory leave in excess of 240 accrued compensatory hours (160 hours worked) is paid at the appropriate overtime rate of one and one-half times the hours worked in excess of 40 hours multiplied by the employee's regular pay.

#### **4.0 REQUIREMENTS:**

- 4.1 Permission to work overtime that accrues as compensatory leave or that may result in the payment of overtime must be approved by supervisors prior to the overtime hours being worked except in cases of emergency.
- 4.2 The employee's work must be documented and maintained according to federal regulations reflecting detail records of actual time worked.
- 4.3 Compensatory leave is requested and approved in the same manner as annual leave.
- 4.4 Employees in Non-Exempt positions are responsible for making requests for use of compensatory leave within a reasonable time period of the date it was earned and within the limits as set forth in section 3.0 above.
- 4.5 Accrued compensatory leave must be used prior to any approval for annual or personal leave unless such use would result in the forfeiture of annual leave due to accrual limitations as provided in College Policy No. 2201 Leave Benefits.

#### **5.0 PAYMENT FOR ACCRUED COMPENSATORY LEAVE HOURS:**

- 5.1 A Non-Exempt employee who has accrued compensatory leave hours and is promoted or transferred to a different position or classification may be paid, upon approval of Human Resources, for the compensatory leave hours prior to the effective date of the transfer or promotion. Human Resources may also choose to allow the Non-Exempt employee to carry the compensatory leave hours over to the new position.
- 5.2 The new supervisor is responsible for determining the number of compensatory leave hours accrued and the rate of pay for the new position or classification.

Adopted as OCCC Administrative Procedure 2003: January 2, 1991

Revised and Renumbered to 2102 Effective July 1, 2007

Revised: November 20, 2016

Revised: November 13, 2017

Revised: March 8, 2021