

Davis Technical College

Overtime Pay, Overload Assignments, and Compensatory Time Policy

Effective Date: 7 December 2023

1. Purpose

To provide policy governing overtime pay, overload assignments and compensatory time at the Davis Technical College (College).

2. References

- 2.1. Utah System of Higher Education Policy and Procedure, R816, Overtime Pay, Overload Assignments, and Compensatory Time
- 2.2. Fair Labor Standards Act (FLSA), 29 U.S.C. Section 201 et seq.
- 2.3. Davis Technical College Salary and Wage Administration Policy
- 2.4. Davis Technical College Employee Hours of Work Policy

3. Definitions

- 3.1. **Overtime** - Overtime means time worked in excess of the employee's work period as defined by the FLSA.
- 3.2. **Overload Assignment** - Overload assignment means a separate employment assignment at the College in addition to the employee's regular employment assignment. Employees are not required to accept overload assignments.
- 3.3. **Compensatory Time** - Compensatory time or comp time means College approved time off in lieu of overtime pay.

Exempt Staff- an employee who is exempt as defined by the Fair Labor Standards Act, 29 U.S.C. Section 201 et seq.

Non-exempt Staff- an employee who is non-exempt as defined by the Fair Labor Standards Act.

4. Policy

- 4.1. **Overload Assignments** - Full-time salaried employees who work an overload assignment, as defined in this policy, will receive payment for the overload assignment at an hourly pay rate which is equivalent to the employee's normal pay rate, as defined in this policy.
 - 4.1.1. Before an employee is asked or authorized to work an overload assignment for another department, the employee's primary supervisor must be notified and approve of the additional work. Overload work should be closely monitored by the supervisor with input from the affected employee to ensure that work demands for the employee are reasonable and sustainable.
 - 4.1.2. Exempt Employees: If the overload work is for another department, such as Business and Economic Development (BED), and the work is performed during the employee's regular schedule, all compensation for the hours will be transferred to the other department, including pay and benefits at the hourly rate. If the time worked occurs outside of the employee's normal schedule, then the hours will be charged directly to the other department.

4.1.3. Non-exempt Employees: If BED chooses to pay the non-exempt employee at a higher hourly rate in order to meet market rates for the additional assignment, or to incentivize the employee, BED may pay an additional hourly amount which is within the BED pay schedule. BED leadership should consult with Human Resources in determining the hourly rate.

4.2. Overtime and Compensatory Time

4.2.1. Hourly or Classified Employees

4.2.1.1. Time worked by hourly or Classified employees beyond forty (40) hours in a workweek ("overtime") shall be paid at one and one-half (1½) times the regular rate of pay. Only hours actually worked in a workweek will be used in determining overtime. Days absent for paid holidays are to be counted as time worked in computing overtime pay. Days absent from the job for vacation, sick leave, compensatory time and other similar leaves are not to be counted as time worked for the purpose of computing overtime pay. Overtime is paid along with the regular pay per the normal payroll period schedule. Work beyond 40 hours per week must be approved in advance by the Cognizant Vice President or Supervisor.

4.2.1.2. When a Classified employee is required to work beyond their regular daily schedule the preference is for the extra hours worked to be taken off at straight time during the same workweek, so that total hours worked in the workweek do not exceed forty (40) hours. When calculating hours worked in a workweek, only hours actually worked will be included (vacation, sick leave, compensatory time and other similar leaves are not included).

4.2.1.3. Compensatory Time - When Classified employees work beyond forty (40) hours in a workweek ("overtime"), it is preferred they be given compensatory leave time which will be calculated at the rate of one and one-half hours for every hour of overtime worked. Although there is no limit on compensatory time, it should typically be taken within the next 60 days with a pre-approved plan. Compensatory time balances are routinely monitored by the Payroll Specialist. In circumstances where the compensatory time is not used within 60 days, the supervisor should communicate with the employee to develop a plan to utilize compensatory time and share that plan with the Payroll Specialist. . The President or cognizant Vice President may choose to pay the overtime in the eligible pay period. The budget source, justification and explanation from the employee's immediate supervisor must accompany the Personnel Action Notice (PAN) on any overtime requests for payment. Any compensatory time balance remaining upon the employee's termination is paid on their final check, at their current pay rate.

4.2.2. Salaried Faculty and Professional/Administrative Employees - Faculty members and Professional/Administrative employees are not eligible for overtime payments and are not eligible to receive compensatory time (comp time).

5. Approval and Notes

Revised Board Approval: 7 December 2023
Revised President's Council Approval: 30 October 2023
Revised Board Approval: 28 June 2018
Revised Board Approval: 26 March 2015
Revised Board Approval: 27 January 2005
Board Approval: 22 April 2004