31.01.09.C0.01 Overtime

Revised: November 29, 2021
Next Scheduled Review: November 29, 2026
Revision History

Procedure Summary

Under the Fair Labor Standards Act (FLSA), a federal statute, a nonexempt employee must be compensated with either compensatory time or pay for working more than 40 hours in a workweek. Under Texas law, a nonexempt employee who has a combination of hours worked, paid leave, compensatory time, and paid holidays totaling more than 40 hours in a workweek must be compensated in accordance with state law. This procedure defines those employees who are entitled to overtime and the limitations and the approval of overtime, as required by system regulation *31.01.09, Overtime*.

Procedure

1. NONEXEMPT EMPLOYEES

1.1. When nonexempt employees are required to work hours in excess of the 40-hour workweek, they are entitled to compensation for such overtime. Overtime should be avoided, if possible, and worked only with the approval of the immediate supervisor. A supervisor may adjust an employee's work schedule in a workweek so the employee does not work overtime.

1.2. Employees will be compensated for overtime with compensatory time off at the rate of one and one-half hours off for each hour of overtime worked.

1.3. When an employee's FLSA compensatory time reaches 240 hours, the employee must be paid for any hours over the 240-hour limit. An employee who has not reached the 240-hour limit can be paid for FLSA overtime hours if it is impractical to compensate the employee with compensatory time.

1.4. Employees must obtain supervisor approval to use earned compensatory time. Employees should use FLSA compensatory time before using vacation time. When an employee transfers to another department within the university, the department managers will agree whether the employee will be paid for the earned compensatory time, remain on the current department's payroll to use the time, or be allowed to transfer the time.

1.5. Unauthorized overtime must also be counted as work time. Nonexempt employees who work without authorization are subject to disciplinary action, up to and including termination.

2. EXEMPT EMPLOYEES

2.1. Exempt employees are not entitled to payment or compensatory time off for hours worked over 40. Full-time exempt employees are expected to work a minimum of 40 hours per week.

2.2. Occasionally, an exempt employee may need to work more than 40 hours a week to accomplish job requirements. When extraordinary circumstances necessitate work hours beyond those routinely required for the position, such employees may, at the discretion of the President, be granted compensatory time off in accordance with state law. The President has delegated this authority to the division vice presidents through the chain of command.

2.2.1. Extraordinary circumstances are such that the work performed is outside the normal scope of the position or requires significant effort beyond the regular work schedule and outside of the official work hours of the university.

2.2.2. Each department that awards compensatory time to exempt employees must create and communicate a process to document the approval, award, and use of compensatory time and communicate that process to Human Resources.

2.2.3. All unused compensatory time expires 12 months after the end of the workweek in which the additional hours were worked.

2.2.4. A department may not award compensatory time for work performed at an employee's residence.

2.2.5. An exempt employee, or the employee's estate, may not be paid for unused compensatory time.

3. WORK ON HOLIDAYS

Exempt and nonexempt employees who must work on holidays will be granted state compensatory time as described in system regulation *31.04.01, System Holidays*.

Related Statutes, Policies, or Requirements

System Regulation *31.01.09, Overtime*

System Regulation *31.04.01, System Holidays*

Contact Office

Contact for interpretation or clarification:	Human Resources 361.825.2630