3354:1-41-01.2 Overtime procedures for full time non-bargaining exempt and non-exempt employees.

(A) Administrator, professional and support staff employee classifications

The standard work week for administrator, professional and support staff employee classifications consists of thirty-seven and one-half hours. The work week starts at 12:00 a.m. on Monday and ends at midnight on Sunday. The standard work day for administrator, professional and support staff employee classifications consists of seven and one-half hours, which includes provision for two fifteen minute rest breaks at mid-points in the first and second halves of the work day. At mid range within the work day, a one hour meal break is provided, but is not a part of the seven and one-half hour work day.

(B) Public safety supervisors and building, grounds and service supervisors

For public safety supervisors and building, grounds and service supervisors, the standard work day consists of eight hours, which includes the provision for two fifteen minute rest breaks at mid-points in the first and second halves of the work day. At mid range within the workday, a one-half hour meal break is provided, but is not a part of the eight hour work day. For public safety supervisors and building, grounds and service supervisors, the standard work week consists of forty hours. The work week is a one hundred and sixty-eight hour period commencing from the start of the employee’s first regular shift in the work week.

(C) Overtime

(1) Non-exempt employees

(a) Under the provisions of the Fair Labor Standards Act, non-exempt employees must be paid for all hours worked in excess of 40 hours in a work week. This is the case whether the hours worked are scheduled by the manager or volunteered by the employee as “casual.” “Casual” time includes those situations where employees, on their own, decide to take work home; start the work day early; or stay past quitting time to get ahead of the workday schedule. Managers need to remind non-exempt employees that this
self-scheduling is not appropriate unless it is approved by the manager to be worked and to be paid.

(b) Managers must approve any deviations from the standard work day and must take the responsibility to ensure that time submitted by employees is an accurate record of time actually worked. Moving hours worked from one work day to another and the use of compensatory time off is prohibited. Hours must be paid as they are actually worked.

(c) All overtime work must be authorized by the employee's supervisor prior to the actual performance of the work. Overtime should be authorized only in the event of unusual circumstances. Each supervisor should carefully review the work to be done to determine whether it could be incorporated into the regular departmental workload, be performed by temporary employees or completed with the assistance of personnel from other departments. The supervisor, after authorizing overtime, should review the circumstances to determine the reasons and try to eliminate those circumstances which would require overtime in the future.

(d) When it is necessary for an employee to work overtime, the supervisor should be available to answer questions and to make decisions as necessary.

(e) Supervisors should check employee's time reports regularly to be sure that the standard work week is maintained.

(f) For non-bargaining non-exempt employees, the first half-hour of additional time (above seven and one-half) in a work day shall not qualify for overtime but shall be paid at the regular hourly rate for the time worked. Overtime shall be paid for non-exempt employees who work more than eight hours in a day. The time and one-half rate shall begin after eight hours are worked in one day and for all time over forty hours in one week.
(g) Non-exempt building, grounds and service supervisors classifications whose regular work day is eight hours and who are authorized to work in excess of eight hours in any one work day, or in excess of forty hours in any one work week, shall be paid such excess at one and one-half times the regular rate of pay.

(h) Employees of the College who are classified as non-exempt must be treated as non-exempt for all work performed for the College.

(i) Full-time, non-exempt employees will generally be paid only on the basis of the bi-weekly time report.

   (i) If it becomes appropriate and necessary to utilize a full-time, non-exempt employee for duties outside of that employee's regular job description, such work must be performed on an hourly basis and if total hours worked exceed regular time hours (as defined under the Fair Labor Standards Act), such hours must be compensated at the appropriate premium time rates based on the employee’s rate of pay earned on the regular full time position.

   (ii) As an example, if a full-time, non-exempt employee of the College is assigned additional duties as a part-time lecturer or as a substitute, the College is required to treat the additional work effort on an hourly basis, to maintain required non-exempt payroll records, and to pay overtime for all hours worked in excess of forty hours in one week.

(j) Sick leave, vacation, and personal leave time used are not included in determining the numbers of hours actually worked in any given work day or work week. All paid holiday hours shall be counted as hours worked for the purpose of computing overtime.
(k) Hours shall be recorded to the nearest one-tenth hour.

(2) Exempt employees are not eligible for overtime payments.

(D) Only the President or the Executive Vice President of Administration may permit any deviations from the above provisions.

(E) The President or the President’s designee is hereby directed to take all steps necessary and appropriate for the effective implementation of this procedure.

Effective date: December 15, 2005
Procedure amplifies: 3354:1-41-01