

Aims Community College Procedure

Employee Services

Overtime

The College complies with the Fair Labor Standards Act (FLSA). The College designates each employee as either exempt or nonexempt in compliance with applicable law. Employees in positions designated as “non-exempt” are eligible for overtime for hours worked beyond 40 hours per workweek at 1.5 times the employee’s regular rate of pay. Employees in positions designated as “exempt” are not eligible for compensatory time or overtime pay. Exempt/non-exempt status is generally determined by the job duties and qualifications of the position and not on the job title. Employees and supervisors with questions about exemption status or who believe their position may be improperly classified should contact Human Resources.

A. Employees in non-exempt positions:

1. Non-exempt employees must request permission from their supervisor when they anticipate the need to work additional hours beyond their scheduled work day/week and BEFORE working any overtime. This enables the supervisor to adjust the employee’s schedule, when feasible, to uphold a 40-hour workweek and to obtain required authorization prior to an employee working overtime. Any employee who works unauthorized overtime will be paid for time worked but may be subject to discipline for failing to secure the required advance authorization.
2. A workweek starts at 12:00 a.m. Saturday and ends at 11:59 p.m. Friday. Overtime is accrued whenever an employee works over 40 hours in a workweek regardless of where the work functions are performed (i.e. office, home, etc.). Paid or unpaid time off pursuant to any College policy (for example, paid time off, holidays, or the like), will not be counted as hours worked for purposes of determining whether an employee is entitled to receive overtime pay.
3. Use of technology (i.e. PDA, internet, lap top computer, phone, etc.) to perform work functions must be tracked and included as working time. Supervisors must take this into consideration when providing employees in non-exempt positions with technology to perform work functions outside of the workplace.
4. Completion of an Overtime Request and Authorization form is required before an employee works planned or unplanned overtime. Requests for compensatory time off or overtime pay require approval by the appropriate cost center administrator and Cabinet member. Overtime pay above amounts authorized in the department budget require approval by the College CEO/President or designee.
5. Non-exempt employees and their supervisors are required to log any overtime worked per the current process established by Human Resources. Time worked must be recorded in 15-minute units (rounded to the nearest quarter hour). Non-exempt employees may not start work until their scheduled starting time. An employee shall not be required to start early or leave late by less than seven- and one-half minutes in order to avoid paying for the 15-minute increment. Time records must be certified by both the employee and the supervisor and are the basis for overtime calculation. Altering, falsifying or tampering with time records, or

working “off the clock” (working without recording the time as working time) are strictly prohibited. No supervisor or manager has the authority to require or allow an employee to work without recording time as working time.

6. Supervisors are required to track overtime.
7. Compensatory (comp) time off uses in lieu of overtime pay is received at the rate of 1.5 times the number of overtime hours worked, up to 60 hours, paid at the employee’s regular rate, and must be taken within 60 days after the end of the pay period in which overtime was worked. Employees will be permitted to use comp time within a reasonable period after making the request if the use of the comp time does not unduly disrupt the operations of the College. Supervisors may direct employees to use their comp time within the 60-day time period. Any comp time in excess of 60 hours OR not taken with the 60-day limit must be paid at the overtime rate in the next regular pay period. Accrued comp time must be used prior to use of any paid leave.
8. Training and meeting activities are not counted as work time if: a) attendance is outside regular work hours; b) attendance is voluntary; c) attendance is not directly related to the job; and, d) work is not performed during such attendance.
9. Breaks during work are not mandatory. If granted, breaks of up to 20 minutes are work time. Breaks shall not offset other work time or substitute for paid leave, be taken at the beginning or end of the workday, nor be used to extend meal periods.

B. Employees in exempt positions:

1. Exempt employees are not eligible for any overtime pay compensatory time off in lieu of overtime pay for hours worked in excess of 40 hours in a workweek.
2. Please see the separate Procedure for Exempt Employees for further details.

The College keeps payroll, time, and hours records in accordance with applicable laws.

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Responsible Administrator: Executive Director/CHRO of Employee Services

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