

4-7: Hours of Work and Overtime Compensation

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I. PURPOSE

To define Fort Lewis College policy concerning hours of work, overtime authorization, and compensation.

II. GENERAL

The Federal Fair Labor Standards Act, Colorado Revised Statutes and the Department of Personnel Rules and Procedures define law, policy and procedure regarding compensation for hours worked by employees over their regular work schedules. This instruction includes necessary internal procedures.

III. POLICIES

- A. Standard hours of work, overtime utilization, and the proper recording thereof is the responsibility of the supervisor, dean, director, or other administrator responsible for the operation and budget of a specific cost center.
- B. Generally, work schedules should be established so that required work can be accomplished during normal duty hours. Requests for overtime should be held to a minimum. No employee shall be regularly scheduled to work overtime.
- C. Overtime should be planned and budgeted and must be paid from the cost center responsible for the overtime requirement.
- D. Overtime should be authorized only under the following specific circumstances:
 - 1. In the event of fire, flood, catastrophe, or other unforeseeable emergency.
 - 2. Where a station must be manned or an assignment must be accomplished and another employee is not available for work.
 - 3. To provide essential services when they cannot be provided by overlapping work shifts.
 - 4. To carry out short-range assignments in which the utilization of regular employees is more advantageous than the hiring of additional personnel.

E. Overtime may not be authorized under the following specific circumstances:

1. If the work to be performed is of such a routine nature that it can be postponed to the next working day.
2. As a means of accomplishing the work of employees who are on annual leave; except under such circumstances as are set forth under the preceding section (D.).
3. When overtime can be eliminated by rescheduling work, utilizing part-time or seasonal employees, or using overlapping shifts.

F. Authorized overtime work by Fort Lewis College personnel will be paid for as outlined in this policy.

G. Employees performing work on Sunday shall have that day treated as any week day for the purpose of overtime.

H. A holiday which occurs during a standard work week shall not be counted as working time in determining overtime except for those employees in positions designated as "essential service" positions. If an employee worked on a holiday, this time is not subject to overtime payment in cash, but shall be given in time off at an agreed upon date within the work week.

I. A period of authorized leave which occurs during a standard work week shall not be counted as working time in determining overtime except for those employees in positions which have been designated as "essential service" positions.

J. The current minimum wage is the federal minimum wage per hour.

IV. DEFINITIONS

A. Standard workday - in most cases, not more than eight hours of work in any twenty-four hour period exclusive of meal time. Overtime for pay purposes, however, is based on work over 40 hours per week rather than for work over eight (8) hours per day.

B. Standard work week - is composed of five standard work days. Exceptions to a standard five day schedule must be approved by the Director of Human Resources. The adopted Fort Lewis College work week begins at 12:01 a.m. on Saturday and ends at 12:00 midnight the following Friday, with established exceptions for specific jobs.

C. Hours worked - the time for which an employee is entitled to compensation. Compensation is required for the time an employee is required to be on duty on the employer's premises, or at a prescribed work place, and for the time he/she is "suffered to permitted" to work, whether or not he/she is requested to do so. Thus, hours worked can include time spent in idleness and in incidental activities as well as productive labor.

D. Overtime - time wherein an employee in a position subject to overtime is directed to continue work in excess of a 40-hour standard work week. Work over eight (8) hours on a single work day may be balanced by time off (upon mutual agreement of employee and supervisor) and overtime will not be applicable until a total of over forty (40) hours is worked in the work week. A few minutes' time spent by employees on employer's premises for their own convenience before or after their work day shall not be construed as acceptable overtime.

E. Overtime Compensation - when applicable overtime must be paid at one and one-half times the regular rate of pay for hours worked over forty in a work week; and paid at an amount equal to the regular rate of pay for hours worked over the regular schedule up to forty hours in a work week.

F. Comp Time - compensation paid in hours of paid time off equal to paid overtime compensation.

G. Call-Back Pay - any employee whose position is eligible for overtime compensation and who is called back to work before his scheduled shift or after leaving the place of work after completion of the shift, shall be compensated at a minimum of two hours at the hourly equivalent of standard rate of pay, subject to such overtime policies as contained herein.

For overtime purposes the minimum of two hours compensation shall be counted as two hours worked in computing the total number of hours in the work week.

This provision will not apply in those cases where an employee is required to report early or to extend his shift because of an emergency and when such early or late work results in continuous duty.

V. APPLICABILITY

Faculty and administrative-professional staff as individuals are exempt from the provisions of this instruction but may be responsible for its administration. Some positions which are "exempted" from the State of Colorado Personnel System may be eligible for overtime due to the job duties assigned the position. General category applicability of other employees is outlined below. Each position will be reviewed by the Director of Human Resources for Fair Labor Standards exemption or essential services status. Employees in exempted positions will be notified of their status.

A. Temporary, regular, part-time, seasonal and emergency positions are not exempt from overtime provisions. Students who are working are to be considered employees and subject to overtime provisions except when engaged in activities required by their course curriculum.

B. Most professional, technical, managerial, or administrative positions are excluded because the duties of these positions require the exercise of judgment and discretion. This level of responsibility is associated with a rate of compensation which already takes into consideration the fact that no regular work hours can be assigned for the positions. A common characteristic of

this type of position is the necessity to be on call or to do work at home evenings and weekends when the need arises.

C. Non-exempt employees working more than their normal work week schedule may be compensated with a number of hours of paid time off equal to one and one-half times the number of hours worked over forty in one week if the employee and the supervisor have mutually agreed to this arrangement. The number of hours an employee can maintain for this purpose can not exceed 60 at any one time.

D. Special Plans - Certain positions have work conditions which do not lend themselves to standardized treatment of hours of work and overtime and which, therefore, require special variations of work schedule.

VI. CERTIFICATION OF TIME WORKED

A. Individual Time Sheet

Federal regulations under the Fair Labor Standards Act, State of Colorado Personnel Rules and Fort Lewis College Policy requires that an individual time sheet be maintained for each employee in the classified service or who is otherwise eligible for overtime pay.

1. Exempt from Overtime

If an employee is exempt from overtime, such hours worked over and above the normal working hours need not be recorded.

2. Eligible for Overtime

Employees who are eligible for overtime compensation shall make a detailed accounting on their monthly time sheet of all hours worked. Compensation for overtime will be paid to the nearest quarter hour.

a) The entry for each day will include the regular hours worked. The total should never exceed 8 hours times the number of work days in the week.

b) Vacation hours will be recorded with the appropriate annual leave earnings code in increments of quarter hours.

c) Sick leave will be recorded with the appropriate sick leave earnings code in increments of quarter hours.

d) Compensatory time will be recorded with the appropriate earnings code in increments of quarter hours.

e) Holiday leave will be recorded with the appropriate earnings code in increments of quarter hours.

f) Overtime will be recorded with the appropriate earnings code in increments of quarter hours.

3. Approval

The time sheet will be signed by the employee, approved by the supervisor, and forwarded to the Director of Human Resources immediately following the close of the last working day of the month.

4. New Time Sheets

Preprinted and predated time sheets will be forwarded by the Human Resources Office to the appropriate supervisor on the first working day of the month.