OM 4.3.4 Overtime Policy for Non-Exempt Employees

Purpose

The University’s policy regarding overtime follows the regulations of the Federal Fair Labor Standards Act and its Amendments of 1966 and revisions in December 1, 2016, concerning non-exempt employees.

Summary

The Fair Labor Standards Act (FLSA) requires that non-exempt employees be paid premium overtime pay for all hours worked in excess of forty (40) hours per workweek. This policy describes procedures, which comply with the FLSA, for assigning, reporting, and paying overtime. This policy does not apply to employees covered by a collective bargaining agreement. (Refer to the applicable agreement for overtime procedures.) This policy does not apply to exempt employees.

Definitions

Compressed Work Schedule is defined as an alternate work schedule completed in fewer than five (5) full workdays per week.

Department Head is defined as the highest ranking administrator in a department, center or college/school within the University (e.g., Senior Vice President, Vice President, Dean, Cabinet level Director, or Department Chair).

Clarkson University Business Hours is defined as the time of day during which business is transacted on behalf of the University. Clarkson’s Business Hours are 8:00 a.m. to 4:30 p.m.

Exempt Professional Staff Member is defined under the Fair Labor Standards Act (FLSA) as a Professional Staff Member holding a bona fide executive, administrative or professional position that is not subject to the overtime provisions of the Act. Exempt Professional Staff Members are considered salaried and time off must be reduced in whole day increments.

Fair Labor Standards Act (FLSA) A United States law which sets out various labor regulations regarding interstate commerce employment, including minimum wages, requirements for overtime pay and limitations on child labor.

Non-exempt Professional Staff Member is defined under the FLSA as a Professional Staff Member holding a position that is subject to the provisions of the Act.

Overtime is defined as all hours worked in excess of 40 in a seven-day workweek for Non-exempt Professional Staff Members. The Non-exempt Professional Staff Member must be paid at a rate of one and one-half times the regular rate of pay for all hours worked above 40.

Pay Period is defined as the bi-weekly period for which the work of a Non-exempt Professional Staff Member is compensated and the monthly period for which the work of an Exempt Professional Staff Member is compensated.

Workday is defined as the 24-hour period that commences at 12:00 a.m. and concludes at 11:59 p.m.

Workweek is defined from 12:01 a.m. Sunday to 12:00 a.m. Saturday

Policy
University policies related to overtime compensation are established pursuant to the Fair Labor Standards Act (FLSA). For employees who are scheduled to work 37.5 hours per week, the University will pay straight time for hours worked above 37.5 hours and under 40 hours during the work week. The University will compensate a non-exempt employee for any time worked over 40 hours worked in a workweek one and one-half times the straight hourly rate.

Procedures

All non-exempt employees shall be paid one and one-half times their regular rate of pay for all hours worked in excess of the 40 hours per week if the office work load dictates extra hours and the overtime is authorized by their manager/supervisor. Overtime and minimum wage pay must be computed on the basis of each standalone workweek. Hours cannot be averaged over two workweeks.

Overtime at the rate of one and one-half times the straight time rate will be paid for all hours worked in excess of the 40 hours workweek. Also only time worked will be considered in computing overtime.

Approval of Overtime for Non-Exempt Staff

- Ideally, overtime should be assigned to the Non-exempt Staff Members by the immediate supervisor in advance of the time that they are scheduled to work.
- It is the responsibility of the immediate supervisor to ensure that work is not performed when it has not been assigned, including work that is performed away from the work site, in the Staff Member’s home, or on a voluntary basis. It is the responsibility of the employees to ensure that they have approval before performing the work.
- Overtime worked but not assigned in advance must nevertheless be paid in accordance with the FLSA. However, Non-exempt Staff Members who work overtime without prior authorization may be subject to the University’s Performance Improvement Process, up to and including termination of employment. Employees are responsible for accurately reporting their work time.
- The immediate supervisor has the right to require Non-exempt Staff Members to work a reasonable amount of overtime based on University needs. The immediate supervisor will attempt to provide affected Staff Members with as much advanced notice as possible, under the circumstances, and will assign overtime work as fairly and consistently as possible given the nature of the work to be performed and Staff Member’s capabilities.
- Department Head will audit departments overtime on a bi-annual basis to ensure fair and equitable oversight.

Payment of Overtime to Non-Exempt Staff

- Non-exempt Staff Members shall be paid overtime for actual hours worked in excess of forty (40) hours in a workweek during the pay period.
- Non-exempt Staff Members may not receive time off, otherwise referred to as compensatory time, in lieu of payment for overtime.
- Paid Leave Time, (i.e. vacation leave, holidays, special personal days, bereavement, and sick days) will not be included for purposes of determining overtime.
- An unpaid meal period of at least one-half hour shall be provided during each Non-exempt Staff Member’s work shift of six (6) hours or more. A meal period is unpaid so long as the Staff Member is relieved of all duties and is free to leave his or her work area. The unpaid meal period will not be included in the calculation of Hours of Work for purposes of determining whether overtime has been worked.
- The immediate supervisor will review and approve time records at the conclusion of each pay period in accordance with the Clarkson University payroll schedule.
- Non-exempt Staff Members are responsible for accurately, honestly and timely recording hours worked on the University’s time reporting system and in accordance with departmental policies. A violation of this policy will subject the Staff Member to Clarkson University Performance Improvement Process, up to and including termination of employment.
- When a Non-exempt Staff Member works more than one non-exempt job for the University, the overtime pay calculation will be based on the combined hours worked. Overtime will be charged against the department where the Staff Member worked over and above 40 hours. A Non-exempt Staff Member’s attendance at meetings, workshops, training programs and similar activities will not be counted as Hours of Work under the FLSA if all of the following conditions are met:
  - Attendance is outside the Staff Member’s regular work hours;
  - Attendance is voluntary;
  - The meeting, workshop, training program or similar activity is not directly related to the Professional Staff Member’s job; and,
  - The Professional Staff Member does not perform any productive work during that time.
  - A Staff Member’s voluntary attendance in a course of formal educational instruction after regularly-scheduled work hours is not considered Hours of Work for purposes of calculating overtime.
- If a Non-exempt Staff Member travels on University-related business, the time spent in travel may be counted as Hours of Work for purposes of calculating overtime in accordance with the FLSA. The immediate supervisor should consult with an HR staff member to review these situations to ensure proper payment of overtime for travel in compliance with applicable federal, state and local laws.

For employees working a regular ten/twelve-hour workday, overtime will be paid in excess of the 40-hour workweek.

Shift Premiums (Campus Safety)

These premiums generally serve to compensate inconvenience and to efficiently staff undesirable shifts.

A shift premium will be accorded employees who are regularly assigned to the second and third shift as follows:

- Second Shift - $.40 per hour
- Third Shift - $.50 per hour

Members of the CSEA bargaining unit will be paid as directed using the current contract.