



*Overtime Compensation for FLSA Non-exempt
Unclassified Employees*
Memorandum #HR – 1.00
Nunez Community College

**Title: Overtime Compensation for FLSA Non-Exempt
Unclassified Employees**

Effective Date: 03-22-2019

Last Revision Date: 01-16-2019

Cancellation:

Department/Office: Human Resources

PURPOSE

To outline Nunez policy and procedures for the accumulation and use of compensatory leave for full-time, FLSA, non-exempt, unclassified, non-faculty employees.

SCOPE

This policy applies to *Full-time Non-Exempt Unclassified Employees* who receive overtime compensation in accordance with applicable Fair Labor and Standards Act (FLSA) regulations

POLICY

- A. In accordance with LCTCS Policy #6.003, *Leave Record Establishment and Regulations for Unclassified, Non-Civil Service Employees*, all unclassified employees may be required by the College's Appointing Authority to work overtime.
- B. Non-Exempt Unclassified Employees receive overtime compensation in accordance with the FLSA regulations for overtime conditions that are covered by the FLSA.
- C. Non-Exempt Unclassified Employees cannot work overtime without written justification and the prior approval of the (1) immediate supervisor and (2) intermediate supervisor, as applicable, on the Overtime/Compensatory Leave Approval Form.



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Prior to working any overtime hour, the employee must seek and receive approval as noted above; however, if the employee believes the situation to be of an emergency nature, and neither the immediate supervisor or intermediate supervisor cannot be reached, the employee may work the overtime. However, the event should be documented in writing and the overtime justified to the immediate supervisor and intermediate supervisor as soon as possible. If the immediate supervisor and/or and intermediate supervisor determine(s) that the employee’s judgment about working overtime is inappropriate, the employee may be instructed that he or she may not work overtime in the future without specific prior written approval.

D. The Director of Human Resources or the Vice Chancellor for Finance and Operations may make exceptions to this policy upon presentation of sufficient justification and if the exception is in accordance with state and federal law.

Definitions of Work Period, Workday and Hours Worked

A. **Work Period** - The 40-hour work period for calculating FLSA Overtime is defined as Monday 12:00 a.m. through Sunday 11:59 p.m.

B. **Workday** - Workday is defined in the FLSA as “the period between the time on any particular day when an employee commences his/her principal activity and the time on that day at which he/she ceases his/her principal activity.”

C. **Hours Worked for FLSA Overtime Conditions** – As defined in the FLSA, for purposes of calculating hours worked for FLSA overtime conditions, hours worked is “all time during which an employee is necessarily required to be on the employer’s premises, on duty or at the prescribed work place.”

D. **Hours Worked for Straight Overtime Conditions** – Straight Overtime is granted to Non-Exempt Unclassified Employees for overtime conditions NOT covered by the FLSA. For the purposes of calculating hours worked for Straight Overtime, a day off from work due to paid leave taken or a holiday observed is considered to be a day worked.

Overtime Compensation

A. **FLSA Overtime-** Non-Exempt Unclassified Employees shall be compensated for FLSA Overtime by one of the following:

- Cash payment at the time and one-half rate; or



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- Compensatory leave earned at the time and one-half rate.



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B. Straight Overtime- For overtime conditions NOT covered by the FLSA, Non-Exempt Unclassified Employees may be granted Straight Overtime at the direction of the Director of Human Resources or the Vice Chancellor for Finance and Operations for work performed:

- In excess of the employee’s regularly scheduled workday.
- In excess of the employee’s regularly scheduled work period.
- On a holiday, including designated holidays.
- During official closures.

Options for overtime compensation will be in accordance with FLSA regulations, and based on budget availability as determined by the Vice Chancellor for Finance and Operations. (See Memorandum in effect)

Overtime compensation for Non-Exempt Unclassified Employees will be administered as follows:

1. When a non-exempt, unclassified employee has actually worked in excess of 40 hours in a regularly scheduled 7-day work period:

Actual Hours Worked in Excess of 40 Hours	Form of Compensation
Employee has worked more than 40 hours in a work period. <i>(FLSA Overtime)</i>	Compensatory Leave earned at 1.5 rate OR Cash payment at time and one-half (1.5) rate for over 40 hours actually worked

2. When a non-exempt, unclassified employee has NOT actually worked in excess of 40 hours due to paid leave taken or a holiday observed:

Did the work occur on a holiday?	Form of Compensation
Yes <i>(Straight Overtime for up to 40 hours actually worked; Converts to FLSA Overtime for over 40 hours actually worked)</i>	Cash payment at regular hourly rate up to 40 hours actually worked OR straight Compensatory leave up to 40 hours worked at (1.5) rate for over 40 hours actually worked
No <i>(Straight Overtime)</i>	Compensatory Leave earned at hour-for-hour (1.5) rate



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3. When a non-exempt, unclassified employee is performing work ON emergency duty during official closures due to weather conditions or natural disasters, a security risk to the public safety, or similar occurrences of an extraordinary nature:

Did employee actually work in excess of 40 hours?	Form of Compensation
Yes, employee actually worked more than 40 hours. <i>(FLSA Overtime)</i>	Cash payment at time and one-half (1.5) rate OR straight Compensatory leave up to 40 hours worked at (1.5) rate for over 40 hours actually worked
No, employee actually worked less than 40 hours. <i>(Straight Overtime)</i>	Cash payment at time and one-half (1.5) rate OR straight Compensatory leave up to 40 hours worked at (1.5) rate for over 40 hours actually worked

4. Other provisions for non-exempt, unclassified employees:

Description	Form of Compensation
For emergency work performed during weekday evening/night or weekend hours <i>outside of the Non-Exempt Unclassified employee's regular 40-hour work schedule</i>	Cash payment at time and one-half (1.5) rate OR straight Compensatory leave up to 40 hours worked at (1.5) rate for over 40 hours actually worked
For externally-sponsored events on the College's facilities for which Non-Exempt Unclassified Facilities staff presence is paid for by an external organization/entity or funded through external funds.	Cash payment at time and one-half (1.5) rate OR straight Compensatory leave up to 40 hours worked at (1.5) rate for over 40 hours actually worked
For internally-sponsored events on the College's facilities for which Non-Exempt Unclassified Facilities staff presence is necessary during weekday evening/night or weekend hours <i>outside of the employee's regular 40-hour weekly work schedule.</i>	Cash payment at time and one-half (1.5) rate OR straight Compensatory leave up to 40 hours worked at (1.5) rate for over 40 hours actually worked




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	Reviewing Council/Entity	Review Date	Effective Date
X	Human Resources	01-16-2019	03-22-2019
X	Vice Chancellor of Finance & Operations	01-16-2019	03-22-2019
X	College Compliance Committee	01-16-2019	03-22-2019
X	Chancellor’s Council	03-22-2019	03-22-2019

Policy Referenced: Louisiana Community and Technical College System Policy #6.003, Leave Record Establishment and Regulations for All Unclassified, Non-Civil Service Employees

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Chancellor’s Signature/Approval

SIGNATURE: 

Tina M. Tinney, Ed.D.
Chancellor

DATE: 03-22-2019