

Texas A&M University-San Antonio

31.01.09.00.01 Overtime for Non-Faculty Employees

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Procedure Statement

This Procedure will clarify what constitutes overtime, how it is earned, and explain overtime usage at Texas A&M University-San Antonio (A&M-San Antonio). This Procedure will also outline the process of requesting overtime at A&M-San Antonio.

Reason for Procedure

The complexities of administering overtime deem that a procedure is needed to outline and clarify what constitutes overtime and how it will be administered at A&M-San Antonio. This Procedure is required by Texas A&M University System (System) Regulation [31.01.09 Overtime](#).

Official Procedure

1. NON-EXEMPT EMPLOYEES-HOURS WORKED

- 1.1 Employees will record and round work-time to the nearest quarter hour.
- 1.2 The Fair Labor Standards Act (FLSA) does not limit the number of hours a non-exempt employee can work each day.
- 1.3 A non-exempt employee must be compensated for time worked over a forty hour workweek (by earning compensatory time or, in limited approved occasions, by monetary compensation according to System Regulation 31.01.09 *Overtime*). President Cabinet members are authorized to approve payment of overtime in lieu of giving compensatory time by sending a memo to the Office of Payroll Services that describes the reason(s) for authorizing the payment of overtime in lieu of earning compensatory time and which paragraph in System Regulation 31.01.09 *Overtime* is being used to approve the payment of overtime. All Compensatory Time for non-exempt employees paid out or taken as leave must be documented in LeaveTraq.
- 1.4 All hours worked must be documented in TimeTraq, including hours worked over a 40

hour workweek.

1.5 Hours worked include:

1.5.1 All time during which an employee's presence is required to be on the employer's premises or at a prescribed or authorized work place, and

1.5.2 An employee who, as a condition of employment, resides on university property on a permanent basis or for extended periods of time is not considered to be working all of the time while on the premises. Work schedules for such employees will facilitate a 40-hour workweek.

1.6 An employee may accrue compensatory time only for hours worked at a regular duty station or approved duty station. An employee may not accrue compensatory time for hours worked at his or her residence.

2. EMPLOYEE RESPONSIBILITIES

2.1 A non-exempt employee is required to request permission from his or her supervisor in advance prior to working more than his/her predetermined work schedule.

2.2 Non-exempt employees can be disciplined if they fail to get prior approval before working over a 40-hour workweek in accordance with System Regulation [32.02.02 Discipline and Dismissal of Non-faculty Employee.](#)

2.3 If an employee is required to work over a 40-hour workweek due to a university emergency situation, the employee is required to inform their supervisor as soon as possible and no later than the next business day.

3. SUPERVISOR RESPONSIBILITIES

3.1 Supervisors are responsible for monitoring the number of hours worked including any hours over a 40-hour workweek.

3.2 For non-exempt employees, supervisors must approve all hours over 40 in advance of the work unless an emergency situation precludes such notice (see 2.3).

3.3 Supervisors are encouraged to review employee's time in LeaveTraq to ensure all hours worked over a 40-hour workweek are earned at a FLSA compensatory rate.

4. TRAVEL FOR NON-EXEMPT EMPLOYEES

4.1 Travel that keeps a non-exempt employee away from home overnight is counted as hours worked if the employee travels during normal duty hours or corresponding hours on Saturdays and Sundays. Travel outside normal duty hours while on an overnight trip does not count as hours worked. Travel performed both during and outside normal duty hours in association with a one-day assignment that does not require the non-exempt employee to stay overnight is counted as hours worked. Travel that is considered the non-exempt employee's official duty, such as driving a truck or bus, is counted as work time regardless of whether performed during or outside normal duty hours.

5. USAGE OF FLSA OR STATE COMPENSATORY TIME

5.1 When requesting paid time off unrelated to sick leave, all non-exempt employees that have a FLSA or State compensatory time balance must use that time first before using vacation leave.

6. CALCULATION OF COMPENSATORY TIME

6.1 FLSA Compensatory Time is calculated automatically in TimeTraq by taking hours worked in excess of 40 and multiplying those hours by 1.5 to determine the total amount of compensatory time earned for that workweek.

6.2 State Compensatory Time is calculated when an employee has not worked more than 40 hours in a workweek, but the total hours worked and hours of paid leave or paid holidays exceed 40 hours. In this case the employee will be allowed one hour of compensatory time off for every hour in excess of 40 in a workweek. Likewise, when the employee has worked more than 40 hours in a workweek and the total of hours worked and hours of paid leave or paid holiday exceeds 40 hours after subtracting FLSA overtime hours worked, the employee will be allowed equivalent compensatory time off for the excess hours. An employee may accrue compensatory time only for hours worked at a regular duty station or approved duty station. An employee may not accrue compensatory time for hours worked at his or her residence. .

Example: Non-exempt employee works Monday – Friday, 8 hours a day. Monday is a holiday and is compensated 8 hours of work. Non-exempt employee works 2 extra hours on Friday. While the total hours calculated is above 40 (42); actual hours worked is only 34. The 2 hours over 40 are listed as State Compensatory Time.

7. FLSA COMPENSATORY TIME

7.1 FLSA compensatory time is earned at one and one half the total amount of hours actually worked over 40 hours.

- 7.2 Non-exempt employees may not accrue more than 240 hours of compensatory time (160 hours of actual overtime worked).
- 7.3 Non-exempt employees in the public safety, emergency response or seasonal activity may not accrue more than 480 hours of compensatory time (320 of actual overtime worked).
- 7.4 Once maximum compensatory time has been reached all hours above maximum will be paid as overtime compensation.
- 7.5 Any FLSA compensatory time that is paid out in lieu of being allowed the time off will be charged to the employing departments operating account as specified by the account manager, unless another account is approved to make the payout from as specified by the specific account manager. The account manager will be responsible for determining whether budget is available to make the payout. Payroll Services will enter a transaction in LeaveTraq to reduce the FLSA compensatory time balance for the hours paid out.
- 7.6 A non-exempt employee who transfers to another state agency, including another System component, will be paid for his or her accrued FLSA compensatory time.

8. STATE COMPENSATORY TIME

- 8.1 State compensatory time expires 12 months from the end of the workweek in which it was accrued.
- 8.2 Supervisors will ensure that their employees utilize their state compensatory time.
- 8.3 Payment cannot be made to the estate of a deceased employee for state compensatory time.
- 8.4 State Compensatory time that is paid out to an employee will be charged to the employing department's operating account as specified by the account manager, unless another account is approved to make the payout from as specified by the account manager.. The account manager will ensure that budget is available to make the payout. Payroll Services will make a transaction entry in LeaveTraq to reduce the State Compensatory time hours paid out from the State Compensatory time balance.
- 8.5 Any state compensatory time balance will transfer when an employee transfers from one department to another.

9. USE OF OVERTIME TO MEET EMERGENCY AND PEAK WORK-LOAD REQUIREMENTS

- 9.1 Supervisors should consider using overtime in lieu of hiring temporary workers during peak work times.

9.2 Supervisors can request utilization of other department's employees.

9.3 Both departments must approve the work and authorize any accrued overtime.

Related Statutes, Policies, or Requirements

System Regulation [31.01.09 Overtime](#)

System Regulation [32.02.02 Discipline and Dismissal of Non-faculty Employee](#)

[State Auditor's Office Leave Interpretations](#)

Definitions

Workweek – a fixed and regularly recurring period of seven consecutive 24-hour periods (168 hours).

Pay Period – a predetermined set of consecutive calendar days during which an employee's work hours are recorded and for which a payroll check is subsequently produced.

Exempt/Non-Classified employees – Employees who are exempt from FLSA overtime provisions.

Fair Labor Standards Act (FLSA) – a federal statute which governs the administration and compensation for overtime.

Non-Exempt/Classified staff employees – Employees who are not exempt from FLSA overtime provisions.

TimeTraq – the Texas A&M University System online time keeping system for recording time and leave for non-exempt employees.

Normal Duty Hours – the hours that a non-exempt employee is approved to perform work for the university.

LeaveTraq – the Texas A&M University System online system for tracking the accumulation and usage of paid and non-paid leave.

Regular Hourly Rate – determined by the hourly rate set for the particular position in the budget.

Student Employees – those employees who hold positions that are reserved only for students of the university. All student employees, except for selected graduate student employees, are non-exempt and are subject to FLSA overtime provisions.

State Compensatory Time – When a classified/non-exempt employee has not worked more than forty hours during a workweek, but the total of hours worked plus paid leave, holidays, and compensatory time exceeds forty hours, the department shall grant state compensatory time off on a straight time basis for the excess hours.

Contact Office

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