

Policy Name: Flextime, Compensatory Time, and Overtime

Policy Statement: It is the policy of Georgia College to provide guidance to employees on proper use of flextime, compensatory time and overtime in accordance with the Fair Labor Standards Act, University and Board of Regents Policies.

Definitions:

- **Compensatory Time:** Any time accumulated above 40 hours physically worked in a work week (Sunday – Saturday) that will calculate at time and half.
- **Exempt employees:** Salaried employees are not subject to the FLSA minimum wage and overtime. Exemptions from the law are narrowly defined and the employer must prove that the exemption rules apply. Reference DOL Fact Sheet 17 https://www.dol.gov/whd/overtime/fs17a_overview.htm. Exempt employees are only eligible for Flextime and cannot be paid overtime or accumulate compensatory time.
- **Flextime: A work period that may vary from the standard work hours established for a department.**
- **Non-exempt employees:** Employees who are covered by or subject to the minimum wage, overtime and recordkeeping provision of the federal Fair Labor Standards Act (FLSA). Non-exempt employees are eligible for flextime, compensatory time, and in very limited situations, Overtime.
- **Overtime:** Time worked by a non-exempt employee above the normal forty (40) hour work week.
- **Workweek:** A seven (7) day period in which the required working hours for full-time employees equal forty (40) hours, with distribution of such hours during the workweek a matter of scheduling left to the individual institutions.

Key Words:

Compensatory time

Exempt

Fair Labor Standards Act – FLSA

Flextime

Non-exempt

Overtime

Reason for Policy: To ensure that all Georgia College employees understand that altering schedules to accommodate projects and/or events is allowed as long as Supervisors make every effort to accommodate scheduling changes using flextime first. In the event that flextime is not an option, compensatory time may be used and then, in very limited situations, overtime may be requested (requires Vice Presidential approval). The policy is also in place to ensure compliance with the Fair Labors Standard Act, University and Board of Regents Policies.

Proposed Outcome: Reinforces Georgia College's commitment to ensuring the proper and fair use of flextime, compensatory time and overtime.

Related Documents/Resources:

- [Georgia College Time Records Policy](#)
- [Georgia College Emergency Call Back and Variant Pay Policy](#)
- [USG Compensatory Time and Overtime Policy](#)
- [USG Flextime Policy](#)
- [Fair Labors Standard Act](#)

Procedures:

Flextime

- Flextime may be utilized by exempt and non-exempt employees as long as it is approved by the employee's supervisor and it is only for a temporary need.
- Flextime scheduling should take place within the same work week (Sunday – Saturday) for non-exempt employees and within the same pay period for exempt employees.
- Every effort should be made to accommodate scheduling needs using flextime before use of compensatory time.
- If a flex schedule is needed for an extended period of time, Supervisors should have employees complete a Flexible Schedule Agreement <https://intranet.gcsu.edu/faculty-and-staff-forms/flextime-and-telework>.

Compensatory Time

- If a non-exempt employee cannot fulfill business operation needs using flextime, a supervisor may approve use of compensatory time.
- All compensatory time must be recorded in OneUSG and will calculate at time and a half. Time not recorded in OneUSG will not be eligible for payment to the employee.
 - *If there is a paid Holiday and/or an employee takes leave during a work week, compensatory time will only accumulate as straight time. For example: The Labor Day Holiday is observed on a Monday and an employee physically works 8 hours a day, Tuesday – Saturday, then the employee will not accumulate time and a half for working 8 hours on Saturday because they only physically worked 40 hours within the work week. The 8 hours of paid leave for the Labor Day Holiday does not count as time physically worked so the employee will only accumulate 8 hours of compensatory time.*
- Supervisors must allow employees to utilize all compensatory time earned as soon as reasonably possible but before May of each year. Supervisors must seek approval from the Vice President within their division for compensatory time that cannot be utilized in a given fiscal year before such time can be paid out.
- Employees are required to use accrued compensatory time prior to using other leave (including annual). The only exception to this provision is at the end of a calendar year, in the case that an employee needs to use accumulated annual leave to reduce their annual leave balance by December 31 to avoid forfeiture of hours exceeding 360. Supervisors are, however, expected to manage employee leave proactively during the calendar year to reduce if not eliminate this scenario.
- Accrued compensatory time is nontransferable. When an employee is transferring from one department to another and that employee has a balance of accrued compensatory time, every effort should be made for the employee to take all compensatory time before the effective date of the transfer. When this is not possible, an employee transferring from one department

to another shall receive full payment for the compensatory time balance associated with the employee's time in his/her former department. This requirement will also be enforced should the employee's position be reclassified from non-exempt to exempt status. Such payout shall occur with the final paycheck from the department in which the comp time was accrued or the final check associated with the non-exempt position. Such payout will be based on the rate of pay for the position from which the employee is transferring, not the rate of the new position.

Overtime

- Overtime will only be granted in very limited situations for non-exempt employees where flextime or compensatory time will not fulfill the operational needs of the University.
- All overtime requests must be pre-approved by the appropriate Division Vice President BEFORE an employee may utilize this option. Failure to comply will result in progressive discipline.
- Overtime must be recorded in OneUSG and will calculate at time and a half.
- The only departments approved to use this option without Division Vice President approval are Facilities Operations and Public Safety.

Non-Compliance:

Failure to comply with the requirements of this policy may result in disciplinary action up to and including termination or expulsion in accordance with relevant University policies and may result in prosecution in accordance with state and federal law.

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