

Overtime Compensation

Applies to all SPA employees of Winston Salem State University

POLICY

1. Exempt Employees

No SPA employee whose position is designated as exempt under the Fair Labor Standards Act from overtime compensatory provisions shall be paid overtime. SPA Exempt employees shall earn compensatory time for hours worked in excess of forty in a work week, on an hour-for-hour basis.

Compensatory time may be accumulated to a maximum of 160 straight time hours. Compensatory time shall be taken within twelve months from the date the work is performed. If not taken within 365 days, the time shall be forfeited.

SPA Exempt employees, who transfer to an EPA position or separate from the University, shall forfeit the remaining balance of compensatory time.

2. Non- Exempt Employees

The payment of premium time and one-half rates is required for hours worked in excess of 40 within a week, with the exception of those considered exempt.

University supervisors shall hold hours worked by the employee to the University established 40-hour work week standard except in those cases where excessive hours of work are necessary because of weather conditions, necessary seasonal activity or emergencies. Each supervisor is responsible for controlling the use of overtime. Before overtime is approved, the supervisor must be sure that there are sufficient departmental funds to pay the overtime.

The availability of funds must be reviewed and approved by the Budget Department before the overtime is worked. The Winston-Salem State University request for overtime form must be completed and signed before the overtime is worked. Pre-approval may be waived in the event of callbacks or other emergency situations. However, the supervisor must document the reason why pre-approval was waived.

The following provisions apply to Overtime Compensatory Time:

- Overtime compensatory time shall only be paid quarterly (see chart below), with the exception of exceeding maximum balances designated by Office of State Personnel.

Quarters	Pay Cycle
January- March	April
April- June	July
July- September	October
October- December	December

- Overtime compensatory time may be accumulated up to a maximum of 240 hours (160 hours straight time). Any overtime worked above this amount shall be paid in the employees' next regular paycheck.
- If an employee separates before taking overtime compensatory time, it shall be paid in a lump sum along with unused vacation.
- If an employee transfers from an FLSA non-exempt position to an FLSA-exempt position or to another state agency before taking overtime compensatory time, it shall be paid in the current or next regular paycheck by the University.
- Overtime compensatory time shall be taken by an employee before any vacation or bonus leave. (Exceptions may be made for retirees who may need to exhaust vacation leave prior to retirement.)
- An employee request for overtime compensatory time off cannot be denied unless the compensatory time off will unduly disrupt university operations.

3. Salary

The annual and monthly salary rates of an employee are established under current personnel policy for each position. This salary is to represent the employee's straight-time pay for a standard 40-hour workweek.

4. Compensation

An employee is to receive straight-time pay for a standard 40-hour work week, with the provision that an additional amount equal to time and one-half the employee's regular rate times the number of hours worked in excess of 40 will be added to the base pay. The University's policy is, whenever possible, to give compensatory time off, in lieu of monetary compensation for hours worked in excess of 40 hours per week. Supervisors should schedule compensatory time off with reasonable effort made to accommodate the employee's preference.

An employee will be given compensatory time off on the basis of one and one-half times the amount of time worked beyond 40 hours during a week. An employee will be able to take the compensatory time earned within 12 months from the date the overtime is performed. If not taken within 365 days, the time shall be paid out in the next paycheck.

At the time of hire, each successful candidate for employment in a position subject to hours of work and overtime pay standards must sign a form acknowledging that the policy has been explained to him/her. Agreement to this is a condition of employment with the University; failure or refusal to sign an agreement will prevent employment of that person. This signed form shall be a part of the employee's personnel file; it must be kept for at least three years following that person's separation.

Upon termination of employment, an employee will be paid for unused compensatory time off at a rate of compensation not less than either the average regular rate received by such employee during the last three years of the employee's employment or the final regular rate received by such employee, whichever is higher.

5. Hours Worked

All time during which an employee is required or permitted to be on the university's premises on duty or at a prescribed work place (except for meals or other periods when the employee is free from duty) is considered as hours worked. This is so even if the duties are pleasurable rather than burdensome and even if no productive work is actually performed.

6. Unauthorized Work

Hours worked by an employee without having a Winston-Salem State University Request for Overtime form completed in its entirety will not be considered as hours worked. Any hours worked during a workweek by an employee must be counted as hours worked if the employer knows or has reason to know that the work was performed. Only overtime recorded on the Employee Time Record within the month the overtime hours are worked will be counted as overtime. Any record of overtime worked on any other document will not count. No supervisor or employee is to record overtime worked or compensatory time taken except on the Employee Time Record. Any private arrangements for recording overtime worked and compensatory time taken is strictly forbidden.

Compensatory time taken is administered according to guidelines as required by the Fair Labor Standards Act and according to guidelines for overtime and compensatory time as required by State Personnel policies.

7. Training Time

Required attendance at training sessions, workshops and other meetings, whether before, during or after the employee's regular work schedule, is work time.

Voluntary attendance at training sessions, workshops and other meetings is not working time.

Attendance is voluntary if the employee is not led to believe that working conditions or continued employment would be adversely affected by nonattendance. Attendance at training sessions to obtain minimum requirements for a position will not be considered as overtime.

8. Travel Time

Whether travel time is considered as hours worked depends on the circumstances and should be determined on a case by case basis. An employee who travels from home before the regular workday and returns home at the end of the workday is engaged in ordinary home to work travel which is a normal incident of employment. This is true whether the employee works at a fixed location or at job sites. Normal travel time from home to work is not working time.

9. Travel Away From Home/Community

Travel that keeps an employee away from home overnight is travel away from home. Travel time away from home community is work time when it cuts across the employee's regular scheduled workday. The time is not only hours worked on regular workdays during normal working hours but also during the corresponding hours on non-workdays. Therefore, if an employee regularly works from 8:00 a.m. to 5:00 p.m. Monday through Friday, the travel time during these hours is work time on Saturday and Sunday as well as other days. Regular meal period is not counted. That time spent in travel away from home outside of regular working hours as a passenger on an airplane, train, bus or car is not considered as work time. However, if an employee is the operator of the vehicle used in such travel, time spent outside regular working hours operating the vehicle for travel purposes shall be considered as time earned and may be given as time off on a straight-time basis.

10. Record Keeping

Records of hours worked and wages paid are required to be kept for each employee subject to this policy. The Employee Time Record is the document required for reflection of hours and overtime compensation. Each department head and supervisor is responsible for ensuring the use of this document as well as for the accuracy of

the record of hours recorded on this document. No overtime will be granted unless an approved Winston-Salem State University Request for Overtime form is attached to the Employee Time Record.

11. Enforcement

Employees may bring actions in Federal and State courts against their employers to enforce their rights and recover any back wages which may be due under provisions of the Fair Labor Standards Act. The U.S. Department of Labor enforces the FLSA.

Adopted: This 6th day of June 2014

Debra B. Miller, Chairman
WSSU Board of Trustees

Vivian H. Burke, Secretary
WSSU Board of Trustees