

FLATHEAD VALLEY COMMUNITY COLLEGE

Policy Manual

CHAPTER VI – HUMAN RESOURCES

SECTION 120: OVERTIME, COMPENSATORY TIME, AND FLEXIBLE TIME OFF

Non-exempt employees are individuals covered by the federal Fair Labor Standards Act and are entitled to overtime pay or compensatory time in specified situations. Non-exempt status is based on assigned duties and responsibilities and is determined in accordance with the Fair Labor Standards Act, state and federal law. Compensatory time is leave with pay approved for time worked beyond the standard forty (40) hour workweek.

Overtime is time worked by a non-exempt employee in excess of forty (40) hours per week. A work week is seven (7) consecutive 24-hour periods beginning Sunday at 12:01 a.m. through the following Saturday at 12:00 midnight. Hours not physically worked, i.e., holidays, annual leave, sick leave or jury duty do not count as time worked for purposes of calculating overtime or compensatory time unless collectively bargained otherwise.

- A. **Non-exempt** employees are eligible to receive overtime pay at a rate of one and one-half times the regular rate of pay for time worked over forty (40) hours per week. Time to be worked in excess of forty (40) hours per week must have prior supervisor approval. Employees may elect, with supervisor approval, to receive compensatory time off at a rate of one and one-half times each additional hour worked over forty (40) hours per week in lieu of overtime pay. Compensatory time may be accumulated to a maximum of 240 hours (160 hours of overtime) and shall be cashed out, upon termination, at the employee's final regular rate. Compensatory leave time must have prior supervisory approval.
- B. **Exempt employees**, due to the nature of their jobs, are not entitled to payment for overtime. If employees are working a large number of hours, a supervisor may allow the exempt employees flexible time off at the supervisor's discretion. Flexible time off is not accrued on an hour for hour basis and it cannot be cashed out.

REFERENCES: Collective Bargaining Agreements; Procedure