

# MSU Billings

## Personnel Procedures

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POLICY REFERENCE: **Overtime and Compensatory Time – Non-Exempt Employees**

OTHER REFERENCES: MUS 708.1, 708.1.1; MOM 3-0210; 39-3-405, 406, M.C.A.; FLSA; 29 U.S.C. 201, et seq.; CFR Title 29, Chapter V, Collective Bargaining Agreements

DATE ADOPTED/REVISED: 10/08/08

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### I. DEFINITIONS

A. Overtime: Time worked by a non-exempt employee in excess of eight (8) hours per day or forty (40) hours per week. If an employee is on an alternate work schedule (e.g., "4-10's"), overtime will be based on hours worked in excess of forty (40) hours per week unless otherwise specified in the collective bargaining agreement.

B. Workweek: Seven (7) consecutive 24-hour periods beginning Monday at 12:01 a.m. through the following Sunday at 12:00 midnight. A department may change this established workweek only with the approval of the Director of Human Resources. Unless specifically defined otherwise in a collective bargaining agreement, this definition of workweek shall apply to employees covered by collective bargaining agreements.

C. Work Hours: Include all paid hours, including annual leave, sick leave, holiday leave, and compensatory time.

### II. OVERTIME

- A. Classified and fixed term employees who are subject to the provision of the Fair Labor Standards Act shall receive overtime compensation at the rate of one and one-half times the employee's regular hourly rate or accrue compensatory time at the rate of one and one-half hours for all hours in a pay status over for forty (40) hours in a workweek or eight (8) hours in a work day. Temporary employees shall receive overtime compensation at the rate of one and one-half times the employee's regular hourly rate or accrue compensatory time at the rate of one and one-half hours for all hours in a pay status over for forty (40) hours ins workweek.

- B. Overtime work should be avoided whenever possible. Upon mutual agreement between employee and supervisor, daily work schedules may be increased beyond eight (8) hours or reduced below eight (8) hours modified within the forty (40) hour work week to accommodate workload fluctuations without accrual of compensatory time or payment of overtime. This must be clearly noted on the employee's timesheet.
- C. Employees must receive permission from their immediate supervisor to work overtime or accrue compensatory time. If compensatory time will be accrued for overtime hours worked in lieu of payment at the overtime rate, an understanding must be reached between the employee and the supervisor prior to the authorization to work overtime hours. Supervisors are responsible for ensuring employees only work the amount of overtime approved.
- D. Travel time is compensable in certain circumstances when it is necessary to conduct official business. Travel time includes only those hours necessarily incurred in transportation. It does not include hours spent for meals or lodging or social events, even if business-related. Other limitations on travel time are defined in the Fair Labor Standards Act.
- E. Attendance at seminars or meetings that are primarily for the professional improvement of the employee may be included as part of the regular work day; however, compensatory time may not be claimed in connection with such events if part of the regular work day.
- F. Employees who are eligible for overtime and who accept additional work in another MSU Billings department must be paid at least the overtime for the additional work performed over 40 in a week. The additional hours worked for another department must be outside an employee's normal schedule. The overtime rate is determined by the employee's hourly rate in his/her full-time position.
- G. Compensatory time will be recorded in increments of no less than fifteen (15) minutes, but all compensatory time earned in fractions of fifteen (15) minutes will accumulate until the fifteen (15) minute minimum is attained, at which point the time will be recorded on employee's timesheet unless otherwise specified in the collective bargaining agreement.

### **III. COMPENSATORY TIME:**

When accrual of compensatory time is authorized, the following provisions shall apply:

- A. The maximum amount of compensatory time that may be accumulated is 240 hours (equivalent of 160 hours worked in a pay status in excess of forty (40) hours in a workweek or eight (8) hours in a work day multiplied by 1 1/2). Once 240 compensatory hours have been accrued, the employee shall be paid overtime pay rather than accruing compensatory time.
- B. Compensatory time will be recorded in increments of no less than fifteen (15) minutes, but all compensatory time earned in fractions of fifteen (15) minutes will accumulate until the fifteen (15) minute minimum is attained, at which point the time will be recorded on employee's timesheet unless otherwise specified in the collective bargaining agreements.
- C. An employee must have the supervisor's approval prior to using accumulated compensatory time. Compensatory time is to be taken at a time mutually agreeable to employee and supervisor. Accrued compensatory time should be used before accrued vacation leave unless an employee is required to use excess vacation credits prior to losing the credits.
- D. If employment is terminated, except as provided in the applicable collective bargaining agreement, any unused compensatory time will be paid to the employee at the greater of (a) the regular rate of pay at the time of termination, or (b) the average regular rate received by the employee during the last three (3) years of the employee's employment.

### **IV. TRANSFER:**

Compensatory time will be transferred with the employee to another MSU Billings department.

Compensatory time may be transferred with the employee to another MUS campus. If the receiving campus chooses not to accept the compensatory hours, the employee will receive compensatory time pay out.

If an employee transfers into a contract position, the compensatory hours will be paid out.