

PIEDMONT VIRGINIA COMMUNITY COLLEGE

VIII – HUMAN RESOURCES / PERSONNEL POLICIES

VIII – 7.0 OVERTIME AND OVERTIME LEAVE POLICY

Policy #:	VIII – 7.0
Effective:	9/16/04
Revised:	11/2/07
	8/5/08
Responsible Dept.:	HR

1. PURPOSE

This policy is designed to meet the requirements of the Fair Labor Standards Act (FLSA) of 1934. The FLSA requires that certain employees be compensated at a rate of time-and-a-half for hours worked over 40 hours in a defined workweek. This policy applies to all full-time and part-time employees of PVCC.

2. DEFINITIONS

Fair Labor Standards Act (FLSA): Federal legislation that sets regulations for such things as child labor, minimum wage, and overtime compensation. This policy reflects additional provisions that became effective August 23, 2004.

Non-Exempt Employee: An employee who is not exempt from the overtime provisions of the Fair Labor Standards Act. Non-exempt employees must be compensated at a rate of time-and-one-half for hours worked over 40 in a defined workweek.

Exempt Employee: An employee who is exempt from the overtime provisions of the Fair Labor Standards Act and is therefore not eligible to be compensated for overtime work. Exempt positions generally include supervisory, managerial, administrative, and certain professional and specialized positions. **NOTE:** All administrative, professional, and instructional faculty are by definition “exempt” employees.

Workweek: The PVCC workweek for full-time staff as defined by VCCS policy extends from 12:01 a.m. on Sunday to midnight on Saturday. The workweek for hourly employees extends from 12:01 a.m. on Friday to midnight on Thursday.

3. POLICIES

- Overtime should be used only in emergency circumstances or to meet special requirements that are approved in advance.
- Non-exempt employees should be scheduled to work 40 hours during the defined workweek. Work schedule adjustments rather than overtime should be used to provide coverage during peak periods.
- When possible, wage employees should be used to provide coverage rather than scheduling overtime.
- The supervisor must approve overtime in advance. Non-exempt employees are prohibited from working overtime without supervisor approval.
- The Vice President for Finance and Administrative Services (VPFAS) must approve all paid overtime in advance.
- Unless approved by the VPFAS as paid overtime, hours worked in excess of 40 hours in a workweek will be credited as overtime leave at a rate of time-and-one-half rate. Overtime leave may be accumulated up to a maximum of 100 hours.
- Overtime leave should be used as soon as possible after being earned. Once earned, overtime leave must be used before annual leave. It is strongly recommended that overtime leave be used within 6 months of being earned. Supervisors should take a proactive approach to prevent overtime leave from accumulating and to ensure that employees with accumulated overtime leave are afforded the opportunity to use the leave.
- A non-exempt employee who is transferred, promoted, or demoted to another non-exempt classified position at PVCC will retain any overtime leave accrued.
- A non-exempt employee who transfers to an exempt position at PVCC or who leaves employment at PVCC should use any accumulated overtime leave prior to the change of status.

- The VPFAS may verbally authorize paid overtime to deal with emergency situations that threaten life or safety (such as snow removal). All other requests for paid overtime must be authorized in writing by the VPFAS prior to the time being worked.
- Exempt employees are not eligible to receive overtime compensation (either paid or overtime leave) regardless of the number of hours worked in the defined workweek, with the exception that exempt employees may be awarded compensatory leave on an hour-for-hour basis (not at the time-and one-half rate) for hours worked on a scheduled holiday or on an inclement weather day.
- Hiring supervisors will inform employees of their exempt or non-exempt status.

4. PROCEDURES

Full-time Non-exempt Employees. Department heads/supervisors should authorize overtime on the "Non-exempt Classified Employee Record of Hours Worked" form. In addition, the VPFAS must authorize paid overtime in the appropriate section of the form.

A weekly time sheet will be maintained for every non-exempt employee. The time sheet must indicate a daily record of all paid and non-paid leave used. Paid leave includes annual leave, sick leave, holidays, worker's compensation, overtime leave, military leave, etc. Unpaid leave includes leave without pay and suspension. The employee and the supervisor must sign the time sheet. The "Non-exempt Classified Employee Record of Hours Worked" form serves as the time sheet for full-time classified employees. Employees who use a time clock to document hours worked do not need to maintain a weekly time sheet, but must complete the "Non-exempt Classified Employee Record of Hours Worked" form in any week that overtime worked or leave is used.

Wage (part-time and student) Employees. Overtime hours should be reported to Payroll on the PVCC hourly timesheet. When determining overtime, all hours worked for the college are calculated. Therefore, non-exempt part-time employees who work in more than one department should not exceed 40 hours per week total in all departments. **NOTE:** Wage employees do not qualify for overtime leave and must be paid for any overtime hours worked.

5. RESPONSIBILITIES

Human Resources will maintain a list of exempt and non-exempt employees. Hiring supervisors must inform new employees of their status as "exempt" or "non-exempt." Human Resources is available to assist with this function. Supervisors must ensure that leave records are properly maintained on all non-exempt employees and all hours of leave used are correctly reported to Human Resources. Questions related to the application of this policy should be directed to your supervisor or Human Resources.

6. SANCTIONS

The Fair Labor Standards Act is a federal law. Violations are subject to punitive action. Employees who violate this policy are subject to disciplinary actions up to and including termination.