

DaVinci Academy of Science and The Arts

Policy Number: 504

Policy Section: 500 – Business and Operations

POLICY TITLE: Overtime Policy

Revision History

Effective Date	Action Date	Revised
28 November 2007	New Policy	New Policy

Overtime Policy

Effective Date: 6 September 2007

Revision Date:

1. PURPOSE

1.1 To establish a policy on overtime for DaVinci Academy employees within the requirements of the Fair Labor Standards Act (FLSA), Civil Service rules, and other pertinent laws and regulations.

2. DEFINITIONS

FAIR LABOR STANDARDS ACT (FLSA). The FLSA is the federal law dealing with overtime. The law is administered by the Wage and Hour Division of the Department of Labor. The law protects employees by providing basic guarantees for overtime and minimum wage. The school is required to comply with this federal law.

OVERTIME. A standard workweek for DASA is 40 hours and runs from Sunday 12:01 AM to Saturday midnight. Overtime begins once an employee exceeds 40 hours worked during that workweek. However, only hours actually worked count toward the base 40 hour workweek for overtime computation. This means that for holidays or leave taken in the workweek, the employee will not be eligible for the premium rate (1.5) until they have actually worked 40 hours unless directed or required. Overtime compensation may be paid or compensatory time may be awarded for hours worked over 40 hours in a work week.

COMPENSATORY TIME OFF. Often referred to as 'K-time'. Compensatory time is earned as a result of working overtime and serves in places of actual payment for performing the overtime work. It is to be requested, recorded, and used in a similar manner as annual leave. Departments should encourage use of compensatory time when possible to reduce DASA's pay out liability. DASA may require an employee to take all or part of the compensatory time at any time.

EXEMPT. The term 'exempt' is used to categorize employees performing certain types of work for which the federal law requiring overtime does not apply. Employers are not required to provide any compensation to exempt employees for overtime, but have the option to do so. An exempt job must fit in one of the three FLSA categories: executive, administrative, or professional. The Compensation Section of Human Resource Management (HRM) makes the determination concerning the exempt status of jobs according to FLSA guidelines.

NON-EXEMPT. 'Non-exempt' is used in the FLSA for employees performing work which cannot be categorized as executive, administrative or professional. Employees in jobs such as skilled technicians, custodians, officer clerical workers, and food service workers are typically 'non-exempt' and therefore, are covered by the FLSA. Employers

are required to compensate non-exempt employees for overtime at a rate of time and one-half.

3. GENERAL POLICY

3.1 *Authorization for Overtime Work.* Supporting Staff are not permitted to work overtime in their own office or department or in another office or department without the prior approval of their supervisor. Departments may be asked to provide written explanation if excessive overtime is taken or earned. Departments are encouraged to limit the amount of paid overtime earned by an employee to the extent possible.

3.2 *Overtime for Employees on a Scheduled Work Week of Less than Thirty-Five Hours.* Supporting Staff regularly scheduled to work less than thirty-five hours per week shall receive the overtime premium rate (one and one-half times the regular hourly rate) only for those hours worked in excess of thirty-five during the work week.

3.3 *Special Rules for Those Paid by Government Funds.* Special overtime rules may apply to a limited number of employees who work in a position funded by a government grant or contract in which overtime provisions, differing from University policy, are specified as part of the grant or contract.

3.4 *Students.* Graduate students who teach, tutor, instruct, or lecture on a part-time basis meet the exemption requirements set forth in the Act for Teachers, even though they do not in some cases meet the exemption salary test for professional employees. This exemption also applies to Research Assistants who are graduate students who perform part-time work that is considered professional in the course of obtaining advanced degrees and who may receive remuneration in the form of grants, fellowships, scholarships, stipends or other payments.

3.5 *Computation of Overtime for a Non-Exempt Regular.* Supporting Staff. The following absences will be considered as time worked for the purpose of determining eligibility for overtime pay: a) Vacation b) Holidays c) Floating Holidays.

3.6 *Premium Pay for Work Authorized on a Holiday.* When a nonexempt regular employee is requested to work on a holiday, he or she will be paid at the rate of time and one-half his or her regular hourly rate for all hours worked on the holiday in addition to the day's pay at straight time or a day off in lieu thereof.

3.7 No other absences, including paid sick leave, shall be considered as time worked in determining eligibility for overtime pay.

4. OVERTIME AUTHORIZATION

4.1 *Budgeted Overtime.* Departments that have justifiable recurring overtime needs should have an overtime line item established in their budgets. Normal budgetary and payroll procedures apply.

4.2 *Unbudgeted Overtime.* Departments without department funds for paid overtime are strongly encouraged to offer compensatory time for overtime prior to offering payment for overtime. However, departments not having budgeted overtime may request paid overtime before the overtime hours are worked, by obtaining prior written approval from administration. The written request must be approved by the Director before the employee can work the paid overtime. The memo or e-mail must contain the following:

- 1) justification for the overtime and the alternatives that were considered
- 2) name(s) of employee(s) affected
- 3) anticipated dates of the overtime
- 4) regular rate of pay of the employee(s)
- 5) overtime rate of pay
- 6) title of position of the employee(s)
- 7) budget account numbers to which the overtime will be charged
- 8) estimated total dollars to be expended as a result of this request

4.3 *Records.* The person responsible for maintaining and processing accurate overtime records will be the director of the school. The total number of hours worked must be accurately recorded on the employee's payroll record for that day (hours cannot be shifted to another day). Overtime hours submitted to payroll will be paid unless recorded as compensatory time earned.

Employees should submit requests to take compensatory time off following the same department procedures which apply to annual leave. Compensatory time off will also be recorded on the payroll system for each workweek.