

EMPLOYEE HANDBOOK, page 11
Approved 10/28/14 President's Cabinet

Fair Labor Standards Act (This policy applies to STAFF employees only)

All non-exempt staff employees are covered by the provisions of this act which, in part, establishes a minimum hourly wage and requires the payment of overtime for work performed in excess of forty hours per week at a rate not less than one and one-half times the employees' regular hourly rate of pay. In lieu of payment for approved overtime work, compensatory time is granted to the employee. Compensatory time will not be paid until an employee has physically worked forty hours in one week, not including holiday, vacation, or sick leave. Whenever possible, compensatory time should be taken by the employee in the same week of the potential overtime work. Compensatory time taken in the same week of the potential overtime work is granted 1:1 (one hour compensatory time for each potential overtime hour worked) because by taking the compensatory time in the week it is earned, the employee has not exceeded his or her forty hour work week. Compensatory time taken after the week in which it is accrued is granted one and one-half hours for each hour of overtime work. Employees unable to take compensatory time in the same week of the overtime work may accumulate compensatory time up to 60 hours. Any compensatory time must be taken within 18 weeks of being earned and accumulated compensatory time must be taken before using annual or sick leave. Supervisors are required to monitor employee work hours and compensatory time to ensure that the 60 hour and 18 week requirements are met.

EGSC may allow for the payment of overtime in extraordinary circumstances and only if prior approval is obtained from the employee's supervisor and the Vice President for Business Affairs. Overtime will not be paid until an employee has physically worked forty hours in one week, not including holiday, vacation, or sick leave.

For the purposes of calculating a forty-hour work week, the week begins at 12:01 A.M. Saturday and ends at 12:00 P.M. (midnight) the following Friday. Should any employee be required to work beyond the normal work day, the direct supervisor should make provision for comparable time off to compensate for the overtime within that forty-hour work week. If that is not possible, then such overtime will be recorded on the time records and taken as compensatory time.

The Fair Labor Standards Act also provides that employees of one sex must not be paid wages at rates lower than those paid employees of the other sex for equal work on jobs requiring equal skill, effort, and responsibility which are performed under similar working conditions.

The Fair Labor Standards Act (FLSA) establishes minimum wage, overtime pay, record keeping, and child labor standards affecting full-time and part-time workers in the private sector and in Federal, State, and local governments. The FLSA also allows public employers to provide paid leave programs that may be used by employees to account for their absences from the workplace. Such leave programs do not jeopardize the exempt status of an employee even if leave is reported in hour increments or some variation thereof. Public employers may also dock the pay of an exempt employee for leave taken when the employee's accumulated leave is insufficient to cover the leave without jeopardizing the employee's exempt status.