

Overtime and Compensatory Time: General Guidelines for Managers and Staff

PURPOSE:

The purpose of these guidelines is to control labor costs for the University by properly managing the expense of Overtime and Compensatory pay to employees.

While comprehensive to a degree, this guideline is not meant to be inclusive of every work scenario that may occur in these areas.

These guidelines will always be subject to compliance with any and all applicable laws and regulations, as well as any relevant provisions of any applicable collective bargaining agreements.

GENERAL DEFINITIONS:

On Time – Clocking in ready to work at the appropriate time that an employee's shift begins

Overtime – Worked hours that exceed 40 hours in a single work week. Time off, such as holiday, sick or vacation pay, does not apply toward worked hours, except when recognized as such in a collective bargaining agreement between a union and the employer.

Approved Overtime – Overtime worked after receiving prior authorization from an employee's manager or supervisor.

Unapproved Overtime – When an employee works more than 40 hours in a workweek without requesting prior approval from their manager or supervisor.

Late – Clocking in to work after the scheduled start time of an employee's shift

Early Out – Clocking out before the scheduled end time of an employee's shift.

Unscheduled Absence - when an employee is absent from work without having obtained approval of the absence prior to the absence itself.

Call Out – reporting an unscheduled absence from work prior to an employee's start time.

No Call / No Show Absence – an unscheduled absence from work without an employee calling out and providing notification prior to the start of their shift.

Acceptable Attendance – when an employee has:

- Less than 3 late occurrences in a 30-day period
- Less than 10 unscheduled absences in a rolling 6-month period
- Less than 15 unscheduled absences in a rolling 12-month period
- Zero No Call/No Show Absences in a 12-month period.
- With respect to SOM, please refer to the SOM Attendance Control Policy.

Workweek - A fixed and regularly recurring period of 168 hours — seven consecutive 24-hour periods.

Rowan University's workweek begins at 12:00 a.m. on Saturday morning and ends at 11:59 p.m. on Friday night.

The Virtua Health College of Health Medicine and Life Sciences of Rowan University work week begins 12:00 a.m. on Sunday morning and ends at 11:59 p.m. on Saturday night.

OVERTIME:

Overtime Eligibility

Typically, eligibility for overtime time will occur after an employee has exceeded 40 hours of work time in a single work week. Paid leave, such as holiday, sick or vacation pay, does not apply toward work time, except when recognized by provisions in a collective bargaining agreement between a union and the university. When applicable, Overtime Pay will be at rate of time and a half of an employee's regular hourly rate of pay.

Although some employees may normally be scheduled for a 35, 36, 37.5-hour workweek, eligibility for overtime payments do not commence until the employee exceeds 40 hours of work in a workweek.

Classified employees (35, 40, or NE work weeks) are eligible for overtime under the FLSA (Fair Labor Standards Act). As such, these classified employees must follow the overtime guidelines per this General Guideline document. Therefore, these classified employees are not eligible for Special Assignment Payments / Salary Voucher Payments or Summer Non-Teaching payments.

Typically, eligibility for compensatory time will occur under certain circumstances when an employee has worked beyond their normal required schedule.

Overtime Approval

In order to maintain appropriate departmental operational oversight, amongst other concerns, employees are required to obtain approval from managers or supervisors **prior to** working overtime. Employees who anticipate the reasonable need for time beyond the regular workweek to complete their week's work must notify their supervisors in advance and obtain approval prior to working hours that extend beyond their normal schedule. Supervisors who receive any such requests for overtime approval by employees are required to utilize appropriate discretion in determining whether approval will be provided, including but not necessarily limited to protocols such as ensuring with higher-level management (as needed and appropriate) to ensure compliance with overall departmental and/or university plans.

Prior approval is required to work hours that exceed an employee's normally scheduled work hours (35,36,37.5, 40 hours, etc.) in a workweek.

Alternatives to Overtime

As part of proper and responsible observance of departmental and university operational needs, in appropriate situations, Rowan may employ the reasonable use of flexible work hours for an employee's work week. For example, a manager or supervisor might revise an employee's beginning and/or end time for some days (or provide whole days off for the employee) in order to balance other days where the employee may have worked longer than traditional work hours.

Mandatory Overtime

During certain time periods and situations, and for certain departments, Rowan may require employees to work extended hours (*i.e.*, Public Safety, Facilities, etc.). Overtime can be considered a condition of employment, and refusal to accept it when reasonable notice has been given, may result in any appropriate corrective action.

Excessive Utilization of Overtime

In observance of proper operational and departmental management, Supervisors and Managers who excessively and or continually rely on the use of overtime hours by employees to complete a week's work in the absence of legitimate extenuating circumstances may be subject to any and all corrective action.

Consequences of Unauthorized Overtime

Employees who fail to obtain approval prior to working hours that extend beyond their normal workweek may be subject to any and all corrective action, up to and including termination of employment.

COMPENSATORY TIME:

Rowan University supervisors may authorize employees to earn and use compensatory time in appropriate situations; however, there are guidelines that must be followed to ensure that the University complies with applicable collective negotiations unit provisions, NJ Administrative Code Regulations, the Fair Labor Standard Act and Rowan policies. Supervisor approval for compensatory time requests from employees.

It must be noted that flex time is the appropriate method to permit employee flexibility during the pay period. Compensatory time should only be recorded when an employee works hours beyond their normally scheduled hours during the two-week period. Within the same pay period, if an employee works additional hours one week and takes time off the next week, then flextime rules apply and compensatory time is not applicable.

To determine use of comp time:

1. **Determine employee's workweek status and bargaining unit.**

Workweek status

NL (no-limit) Employees

- NL employees are not entitled to overtime or cash compensation. NL employees do not receive monetary compensation for any comp hours accrued (only time off).
- AFT
 - NL employees in the AFT unit may earn compensatory hours according to the local agreement.
- Non-AFT
 - Generally, non-AFT employees may only earn compensatory hours when the employee is required to work on a regularly scheduled day off. Compensatory time will not be granted for work done as an extension of the regular work day except under

extraordinary conditions which must be explained to and approved in advance by the appropriate VP/Provost.

- NL employees assigned to work on the holidays will be paid for the holiday and receive compensatory time on an hour for hour basis.

NE (non limited, non-exempt) Employees

- NE employees may earn compensatory time for time worked in excess of their normal work schedule. For the hours between 35 and 40 hours a week, NE employees have no claim to overtime but may receive compensatory time on an hour for hour basis.
- Compensatory time will not be granted for work done as an extension of the regular work day except under extraordinary conditions approved, in advance by the VP/provost. Any time worked over 40 hours a week receives either cash compensation or compensatory time (determined by the department) at 1.5 times the hours worked over 40.
- For work performed during a holiday, the employee will be paid for the holiday and earn 8 hours compensatory time (five at straight time and two at time-and-a-half).

FLSA Exempt Employees

- Exempt employees under the FLSA generally do not earn compensatory time. However, some union collective bargaining agreements permit an otherwise exempt employee the ability to earn compensatory time under certain conditions (for example, HPAE employees can earn compensatory time for working another full-day beyond the regular workweek and the supervisor has approved of this compensatory time prior to working the full extra day).

40 Hour Employees (forty hours per week)

- Employees who work 40 hours a week may earn either cash compensation or compensatory time (determined by the department) at 1.5 times the hours worked.
- Forty-hour employees assigned to work the holiday will be paid for the holiday and will receive compensatory time at 1.5 times the hours actually worked.

35 Hour Employees (thirty-five hours per week)

- Employees are entitled to earn either cash compensation or compensatory time (determined by the department) at 1.5 times the hours worked. Thirty-five hour employees assigned to work the holiday will be paid for the holiday and will receive compensatory time at 1.5 times the hours actually worked.

Managers are not entitled to overtime or compensatory time. However, hours worked on holidays are eligible for compensatory time on an hour for hour basis. Flextime rules do apply to managers. If an employee works an alternate work week schedule, the provisions concerning compensatory time for the alternate work week schedule are applicable and could be different.

2. **Determine the employee's union that covers the employee's job function.**

An employee's job function union is also very important when determining how and when an employee may earn or use compensatory time. Some unions have collective bargaining provisions which have an effect as to how much compensatory time may be collected and/or at what point the compensatory time must be utilized by the employee, including the following:

- **AFT** - a side letter agreement between AFT and Rowan governs comp time for AFT NL (no-limit) employees. Section 1 covers most issues; however, the entire provision applies. Some highlights and key provisions are presented below, but the actual document should be referenced for more complete parameters:
 - From time to time, NL staff employees may be called upon to meet unusual work time requirements. In such event the affected employee may request from his/her immediate supervisor roughly comparable time off.
 - Past practice at the college ordinarily defines the work week at 35 hours distributed over no more than 5 days. If the work requirement of the job is beyond the normal 35 hours per week, the affected individual may arrange to receive roughly comparable time off. Such arrangements shall not be on an hour for hour basis nor will there be cash compensation.
 - This comparable time should be taken within 60 days after the unusual work time was expended unless otherwise agreed to by the affected employee and his / her immediate supervisor. In the event that the 60 day limit requires that comparable time be made up during a period when the office work load is heavier, such comparable time may be postponed to a period when that work load is lighter. However, comparable time must be taken within a year from the time the unusual work pattern occurred. Any such arrangements are to be made between the employee and the supervisor, as well as the appropriate divisional Vice President.
 - Arrangements for taking comparable time shall be mutually agreed to by the affected employee and his / her immediate supervisor, subject to the use conditions of the side letter agreement.
- **IFPTE** - Article 11, Compensatory Time Balances governs the use of compensatory time for IFPTE employees.
 - Article 11(A) When employees accumulate compensatory time balances, the appointing authority will provide administrative procedures to assure the employee that such compensatory time balances will not be taken away but will be scheduled as time off or alternatively paid in cash.
 - Article 11(D) states "ordinarily, a maximum of eighty (80) hours of compensatory time may be carried by an employee. Where the balance exceeds eighty (80) hours the employee and the supervisor shall meet to amicably schedule such compensatory time off."
 - Article 11(E) - An employee may be required to schedule compensatory time off in keeping with the need of the work unit or department. Such a request will not be made in an arbitrary fashion.
- **CWA (State, non-SOM)** - All four bargaining unit contracts contain Article 9, Compensatory Time Balances, and are identical. Provisions pertaining to accrual is found in Article 9, Section C, which states:

- Ordinarily, a maximum of eighty (80) hours of compensatory time may be carried by an employee. Where the balance exceeds eighty (80) hours, the employer and the supervisor will meet to amicably schedule such compensatory time off.
- **PBA SLEU** represents the rank-and-file officers on the Glassboro campus. Article XX of the most recent collective negotiations agreement (term ended 6/30/19) states:
 - Ordinarily, a maximum of one hundred (100) hours of compensatory time may be carried by any employee. Where the balance exceeds one hundred (100) hours, the employee and the supervisor will meet to amicably schedule such compensatory time off.
- **NJLESA** represents the sergeants on the Glassboro campus. Article XIX of the collective negotiations agreement states:
 - Ordinarily, a maximum of two hundred (200) hours of compensatory time may be carried by any employee. Where the balance exceeds two hundred (200) hours, the employee and the supervisor will meet to amicably schedule such compensatory time off. If the employee and supervisor cannot agree on the scheduling, the supervisor shall have the discretion to schedule the compensatory time off.
- **NJSOLEA** represents the lieutenants on the Glassboro campus. Article XIX of the collective negotiations agreement states:
 - Ordinarily, a maximum of one hundred (100) hours of compensatory time may be carried by any employee. Where the balance exceeds one hundred (100) hours, the employee and the supervisor will meet to amicably schedule such compensatory time off. If the employee and the supervisor cannot agree on the scheduling, the supervisor shall have the discretion to schedule the compensatory time off.
- **HPAE (SOM)** – Article 6.02 states that any compensatory time earned must be used the employee prior to the employee using any vacation or float holiday time, and this must be done by the end of the quarter of the year following the date in which the employee earned the compensatory time.
- **IUOE 68 (SOM)** - Article IX(B)(9) states:
 - The University shall allow individuals who earn compensatory time to use the compensatory time within thirty (30) days of when it was earned.

*Normally, with respect to the Glassboro and Camden campuses, the University holds classes on certain New Jersey state-recognized holidays during the academic year (Columbus Day, Election Day, Veteran's Day, President's Day, and Good Friday). If classes are being held on these holidays, the University will provide full support services. Managers of the various offices will work with employees to determine who will be needed to provide the necessary services.