5.3 Compensatory Time Off

**Revised:** January 2012

**Policy:** Full-time regular non-exempt employees will receive compensatory time off in lieu of overtime pay for all hours worked over 40 hours in a workweek under the terms and conditions of this policy.

**Purpose/Definitions:** The purpose of this policy is to clarify the term and use of compensatory time. This policy sets out who is eligible for compensatory time and how it is calculated and used.

For purposes of this Policy, “compensatory time off” means hours during which an employee is not working, which are not counted as hours worked during the applicable workweek or other work period for purposes of overtime compensation, and for which the employee is compensated at his or her regular rate of pay.

“Workweek” means a seven-day period beginning at 12:01 a.m. on Sunday and ending at midnight on the following Saturday.

Exempt employees are designated as Administrative, Executive or Professional who generally must be paid on a salary basis of no less than $455 per week and perform certain types of work that is directly related to the management of his or her employer's business, or is directly related to the general business operations of his or her employer or the employer's clients, or requires specialized academic training for entry into a professional field, or is in the computer field, or is making sales away from his or her employer's place of business, or is in a recognized field of artistic or creative endeavor. Exemptions are determined based on each specific employment situation. Job titles alone do not determine the exempt or non-exempt status of any employee. Each determination is based on the specific job duties performed and compensation received.

Non-Exempt employees are any employees who do not meet the criteria to be exempt. Non-exempt employees are, but not limited to, support staff, child development center teachers, maintenance workers and custodial staff.

**Approval Authority/Monitoring Authority:** Piedmont Community College’s Board of Trustees has approval authority. The Vice President, Administrative Services has monitoring authority for this policy.

**Procedure:** Non-exempt employees will be given compensatory time off on the basis of 1½ times the amount of time worked beyond 40 hours during a week. Exempt employees will not earn compensatory time off for hours worked in excess of 40 hours within a week.

The need for a non-exempt employee to work beyond their normal workday, and the number of hours worked, will be determined and approved by the employee’s immediate supervisor prior to the time the work is performed. The supervisor is responsible for oversight of the compensatory time and should apply it consistently to all employees under their supervision.

The following rules will govern the calculation and use of compensatory time for non-exempt employees:
• If a non-exempt employee is required to work in excess of the normal eight (8) hour workday, the employee will report an equal amount of time late the next morning or leave early the next day.
• If a non-exempt employee is required to work on Saturday in support of an on-campus or off-campus activity, the employee must be given an equal number of hours off during the week preceding the Saturday work.
• Compensatory time is not intended to be cumulative and treated as additional cumulative leave to be saved for later use.
• Compensatory time off should be taken within (2) two weeks whenever possible.
• Compensatory time off will be taken before any vacation or bonus leave.
• Compensatory time off should not be held for use on Friday afternoon or carried over to a subsequent week.
• Compensatory time off cannot be denied to a non-exempt employee unless the compensatory time off will unduly disrupt College operations.
• No consideration will be given for unused compensatory time off upon separation of the employee from services with the College.
• A record of compensatory time off will be maintained on the employee's petty leave/compensatory time record card.

Employees who do not know if they are exempt or non-exempt should contact the Personnel Office for clarification.

Only governmental (public) agencies are allowed to give compensatory time off based on one and one-half times the number of hours worked in excess of 40 in a workweek under certain conditions to its employees pursuant to the federal Fair Labor Standards Act (FLSA).

Legal Citation: Fair Labor Standards Act, North Carolina Department of Labor: Overtime and Minimum Wage

History: Effective February 1976; Revised May 1985, October 1988, January 2012