

University Policy No. 200.33
NONEXEMPT EMPLOYEE POLICY

Responsible Administrator: Vice President of Administration

Responsible Office: Office of Human Resources

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Authority: Office of President

Policy Statement

It is the policy of Claflin University to offer nonexempt eligible full-time employees overtime for hours worked beyond 40 hours per week in accordance with the Federal Fair Labor Standards Act (FLSA).

Statement of Purpose

The purpose of this policy is to provide guidelines for compliance with the FLSA for nonexempt employees.

Applicability

All employees are designated as either nonexempt or exempt under state and federal wage and hour laws. This policy applies to nonexempt employees, as defined below.

DEFINITIONS

Nonexempt employees are employees whose work is covered by the FLSA. They are *not* exempt from the law's requirements concerning minimum wage and overtime.

Exempt employees are generally executives, fulltime faculty, managers, professionals, or administrative staff who are exempt from the minimum wage and overtime provisions of the FLSA. Exempt employees hold institutional positions that meet the standards and criteria established under the FLSA by the U.S. Department of Labor. See University Policy No. 200.32: Exempt Employee Policy.

PROCEDURES

ELIGIBILITY FOR OVERTIME

In accordance with the FLSA, nonexempt employees are eligible to receive overtime pay at a rate of one and one-half times their regular rate of pay for time worked in excess of 40 hours per workweek. The workweek begins at 12:00 AM on Sunday and ends at 11:59 PM on Saturday. Normally, if an employee works beyond 8 hours per day and less than 40 hours per week, the employee should receive straight time pay.

SCHEDULING AND WORKING OVERTIME

1. Before overtime is worked, an employee must have a written approval from his or her supervisor (see the Claflin University Overtime Form for Nonexempt Employees). The Overtime Form should be accompanied by a copy of the Claflin University Recordkeeping Document for Nonexempt Employees.
2. Overtime is considered a condition of employment, and refusal to work as scheduled when reasonable notice has been given is cause for discipline, up to and including termination.
3. **Exceptional Actions:** In the case of emergencies, the appropriate Vice President/designee must give verbal approval for overtime work and provide an explanation on the Overtime Form in the “reason” space.
4. **Lunch Schedules and Breaks:** Pursuant to University Policy No. 200.03, Hours of Work and Attendance, the lunch schedule may not be used to compensate for an employee's late arrival or early departure, or to cover time off for other purposes.
5. At the discretion of the supervisor, the work schedule of the employee may be adjusted during a workweek to manage overtime.

TIME WORKED

Approved paid absences, such as those absences set forth in University Policy No. 200.09: Sick Leave Policy and University Policy No. 200.10: Vacation Leave Policy, are not counted as time worked for the purpose of computing overtime pay.

COMPENSATORY TIME

The University does **not** allow the accrual of compensatory time by nonexempt or exempt employees.