



## University of Louisiana at Lafayette Overtime Policy for Classified Employees

For all classified employees of the University of Louisiana at Lafayette, the standard workweek consisting of seven (7) days is established from 00.01 Saturday to 24.00 hours Friday. The regular workweek shall consist of forty (40) hours of work within the workweek. For insurance eligibility, 30 hours per week shall be considered full-time; a workday is a period from midnight to midnight. Any exceptions to the standard University workweek must be approved in writing by the appointing authority.

Civil Service Rule 21.1 states that an employee in the classified service may be required by his/her supervisor to work overtime as needed. Supervisors of Classified Employees are encouraged to consider employee needs when assigning/ordering overtime duty, but the University's primary responsibility is to ensure that its goals and mission are carried out without undue disruption; and the University has legal authority to order overtime, even when it may be disruptive for the employee. Employees who refuse a direct order to work overtime may be subject to disciplinary action in accordance with Chapter 12 of the Civil Service Rules.

Fair Labor Standards Act (FLSA) overtime is defined as hours actually worked in excess of forty (40) hours in a standard workweek. State Overtime applies in lieu of FLSA overtime when an employee works in excess of his/her regular workweek, BUT has taken paid leave or a holiday is observed causing the employee to actually work fewer than forty (40) hours in that workweek. Overtime for law enforcement officers, under Section 7(k) of FLSA, is defined as hours actually worked in excess of 80 hours in a work period (14 days).

For overtime purposes, the University shall determine the exempt or non-exempt status of all positions, in accordance with the Fair Labor Standards Act (FLSA). All non-exempt employees shall be compensated for overtime in accordance with the FLSA for overtime conditions that are covered by the FLSA, and shall be compensated in accordance with Civil Service rules, Chapter 21—Overtime and Overtime Compensation for State Overtime. All exempt employees shall be compensated in accordance with Civil Service rules for State Overtime.

All non-exempt employees will be compensated for overtime at the following rate:

1. All FLSA overtime shall be compensated at the time-and-one-half rate.
2. State overtime will be computed at the straight (hour-for-hour) rate.
3. When the University is closed due to emergency situations and the employee has worked fewer than forty (40) hours in that workweek, overtime will be computed at the straight rate. If the employee has worked in excess of forty (40) hours, overtime will be computed at the time-and-one-half rate.
4. Work performed on the following State Holidays—New Year's Day, Mardi Gras Day, Good Friday, Independence Day, Labor Day, Thanksgiving Day or Christmas Day, will be computed at the time-and-one-half rate.

Advanced approval is required for overtime work. Overtime work is not permitted on a voluntary basis; but must be authorized by the appropriate authority. Any overtime shown on the time sheet will not be credited unless written approval has been received.

Overtime compensation may be granted in the form of cash payment or compensatory leave earned. Compensatory leave as compensation for overtime work is a condition of employment with the University of Louisiana at Lafayette. Cash shall be paid when required under the FLSA or by Civil Service Rules. Employees employed on an intermittent schedule shall not earn compensatory leave, but shall be paid cash.

#### Caps and Required Payment for Overtime Earned at the Time-and-One-half Rate:

1. Employees who accrue compensatory leave at the time-and-one-half rate shall accumulate no more of such compensatory leave than allowed under the Fair Labor Standards Act. The cap is 240 hours (equivalent to 160 hours of overtime worked) for regular employees and 480 hours (equivalent to 320 hours of overtime worked) for law enforcement.
2. Once the maximum balance of compensatory leave earned at the time-and-one-half rate is reached, any additional overtime in excess of the employee's established FLSA work period must be paid to a non-exempt employee at the time-and-one-half rate (for the equivalent number of overtime hours worked).

#### Caps and Required Payment for Overtime Earned at the Hour-for-hour Rate:

1. Employees can accumulate up to 80 hours of compensatory leave earned hour-for-hour for use during University closing.
2. In the event there is an excess amount at the end of the designated period set by Civil Service, the University shall abide by the directives of the Civil Service Rules in this manner.

An employee who has been credited with compensatory leave may be required to take all or part of compensatory leave at any time [Civil Service Rule 21.6 (b)]. An employee will be required to take compensatory leave in lieu of annual leave. At the employee's option, he/she may use compensatory leave in lieu of sick leave.

Any compensatory leave earned hour-for-hour over the 80 hour cap shall be taken within sixty (60) days of the payroll period it was earned. The Department Head/Supervisor shall be

responsible to see that this type of compensatory leave is taken by the employee within this sixty (60) day time limit.

Payment or Cancellation of Compensatory Leave Upon Separation or Transfer to Another State Agency:

1. Time-and-One-Half Compensatory Leave

- Upon separation or transfer from a department, all compensatory leave earned at the time-and-one-half rate and credited to an employee shall be paid in accordance with the FLSA.

2. Hour-for-Hour Compensatory Leave

- Upon separation or transfer, unused compensatory leave earned hour-for-hour by non-exempt employees shall be paid at the final regular rate received by the employee.
- All unused compensatory leave earned hour-for-hour by exempt employees shall be paid upon separation or transfer from the University at the final regular rate of pay received by the employee.

This Policy shall apply to all Classified Personnel regardless of source of funding.

*Revised April 2006*