

PROCEDURES MEMORANDUM

TO: MCC Staff

FROM: Office of the President

SUBJECT: Overtime, Holiday, Compensatory Time, and Volunteerism Procedures for Non-Exempt (otherwise known as hourly paid) Staff

DATE: June 2, 2009

PURPOSE: Establish procedures for handling overtime pay, holiday pay, compensatory time, and volunteering as it relates to non-exempt employees

SCOPE: This procedure applies to all full-time and part-time regular non-exempt employees whose employment relationship is defined in Board of Governors Policies. For bargaining unit employees, procedures for handling overtime, holiday, and compensatory time issues are addressed in and governed by applicable collective bargaining agreements. Provisions of this procedures memorandum not specifically addressed in applicable collective bargaining agreements apply to bargaining unit employees.

1. General Principles

- A. Responsibilities - The College President is authorized to establish procedures for the approval and payment of non-standard work time; for example, overtime pay, holiday pay, and compensatory time. College administrators and cost center managers are responsible for ensuring that the amount of overtime and holiday hours worked is kept at a minimum and that appropriate approval actions are established and followed in units under their supervision.
- B. Fair Labor Standards Act (FLSA) vs. Volunteerism - As a general rule, non-exempt employees are not allowed to “volunteer” for the benefit of the College or to work for continuing education seminars, special events, etc., outside their regular work hours without compensation. Should there be a need for non-exempt employees to work outside normal hours for a College event, supervisors are required to consult with General Counsel prior to the employee working for the event.

2. Workweek

The workweek consists of seven (7) consecutive twenty-four (24) hour periods; that is, 168 consecutive hours, designated by the College. The College’s standard workweek will normally be defined as beginning at 12:01 a.m. Saturday and ending at midnight the

following Friday. However, special staffing considerations may necessitate that an alternate workweek be utilized in specific situations. Any College work unit may implement an alternate workweek if the needs of the work unit so dictate. Approval of the alternate workweek must be obtained from the cost center manager prior to implementation. Employees assigned to an alternate workweek will be notified in writing with a notice copy retained in the employee's personnel file.

3. Time Card

Time cards are to be completed in accordance with the instructions provided by the Payroll Office.

4. Overtime

Overtime is time worked in excess of forty (40) hours during an assigned workweek. The computation of overtime hours worked will include actual work time and paid absences due to annual leave, holidays, jury duty/election duty, and bereavement leave but does not include sick leave or compensatory time taken. Overtime shall not be pyramided (stacked), compounded, or paid twice for the same hours.

A non-exempt employee required to work in excess of forty (40) hours during a workweek, as computed above, will be compensated for the overtime hours at a rate of one and one-half (1-1/2) times the employee's base hourly rate of pay, or at the option of the College, will be allowed to accrue compensatory time-off as described in section 6 below. When taken, compensatory time and sick leave shall not be considered as time worked in the computation of overtime hours. Unless an employee works in excess of forty (40) hours during a workweek, as computed above, the concepts of overtime and compensatory time-off in lieu of overtime pay do not apply.

Adjustments to an employee's daily work hours during a workweek may be made by the supervisor to avoid requiring the employee to work in excess of a total of forty (40) hours during that workweek. This may include scheduling an alternate holiday, as noted below. These types of adjustments do not require overtime pay or allowance of compensatory time-off in lieu of overtime pay. When possible, supervisors will discuss such schedule adjustments 48 hours prior to the schedule change.

All overtime must be authorized and approved in advance by the employee's supervisor. Employees may be required to work beyond their normal hours or may be required to work on a scheduled day off to meet the needs of the College.

Call-In: When an employee is called to work outside of his or her regularly scheduled shift, and such call-in time does not merge with his or her regularly scheduled work hours, such employee shall be paid a minimum of four (4) hours pay at one and one-half (1 ½) times his or her base hourly rate of pay. The four (4) hours includes one hour for travel time. If the employee works more than three (3) hours, and such call-in time does not merge with his or her regularly scheduled work hours, the employee shall be paid for the actual hours worked

at one and one-half (1 ½) times his or her base hourly rate of pay plus one (1) hour of travel time. When an employee is called in to work outside of his or her regularly scheduled shift and such call-in time merges with his or her regularly scheduled work hours, the employee will be paid in accordance with the overtime provisions of this section (4. *Overtime*) and no travel time will be paid.

Inclement Weather: If the President or his or her designee declares the College closed due to inclement weather, employees who are required to remain at work or are called in during such a closing shall be paid at the rate of two (2) times their base hourly rate for all hours worked, commencing at the official time of the closing.

5. Holidays

A non-exempt employee required to work on an approved College holiday shall receive holiday pay at the rate of two (2) times the employee's base hourly pay rate for a minimum of two (2) hours or for the actual hours worked if more than two (2) hours on the holiday (prorated for part-time regular employees). This extra pay for working on a holiday is earned regardless of whether the employee works in excess of forty (40) hours during the holiday week. At the option of the College, this holiday pay rate will be provided in either pay or compensatory time-off.

Alternate Holiday: When a College-approved holiday falls on an employee's normal "weekend" or "days off" (based on the employee's regular schedule), the employee should be assigned an alternate holiday as close as possible to the College-approved holiday, preferably within the same pay period.

6. Compensatory Time-Off

A. Accrual of compensatory time-off may be approved in lieu of payment for overtime or holiday hours worked. However, if there is no convenient time for the employee to take compensatory time-off in the future without requiring another College employee to work overtime as a replacement, payment should be authorized immediately for overtime or holiday hours worked. Payment for overtime or for holiday hours worked in lieu of accrual of compensatory time may also be authorized for other reasons as determined by the appropriate cost center manager. If accrual of compensatory time-off is allowed in lieu of payment, one and one-half (1½) hours of compensatory time-off shall accrue for each one hour of overtime worked and two (2) hours of compensatory time-off shall accrue for each one hour of holiday work.

B. At the discretion of the College, and based upon individual departmental guidelines, non-exempt employees may accrue up to 120 hours of allowed compensatory time-off. (Note: The cap may be less than 120 hours but not more than 120 hours.) As much as possible, supervisors are expected to adjust the workweek to avoid overtime and the accrual of compensatory time.

- C. If overtime hours or holiday hours are worked at a time when the employee has accrued the maximum number of accruable compensatory time hours, no additional compensatory time may be allowed to accrue. In such cases, the employee shall be paid as provided under the overtime or holiday pay procedures herein, as applicable, to the extent necessary to insure that the employee does not accrue more than the maximum accruable amount of compensatory time-off.
- D. An employee who has accrued compensatory time-off may request to use the accrued time-off in the same manner that is used to request accrued annual leave; however, such time shall not be considered as time worked when computing overtime. The employee shall be allowed to use such time within a reasonable period after making the request if the use will not unduly disrupt operations. The appropriate cost center manager may elect to approve payment to an employee for accrued compensatory time-off rather than requiring or permitting the employee to use the accrued time. In such cases, payment shall be made at the base hourly rate being earned by the employee at the time the payment is made.
- E. When a non-exempt employee ceases to be employed by the College for any reason, voluntarily or involuntarily, or through death or retirement, the employee shall be paid for all unused compensatory time-off at a rate which is the higher of:
 - 1) The average base hourly rate received by the employee during the last three (3) years of his or her employment, or
 - 2) The final base hourly rate received by the employee.
- F. Records of the earning, accrual, payment and use of compensatory time shall be maintained in the Payroll Office.

Adopted 4/30/93; Revised 7/26/02; 9/1/06 (Board Policy Numbers Removed); 6/2/09