

North Dakota State University

Policy Manual

SECTION 212 OVERTIME

SOURCE: NDSU President
NDUS Human Resources Policy Manual, Section 12

1. Overtime compensation at a time and one half rate shall be provided to all non-exempt employees when hours worked exceed forty hours in a work week. Compensatory time off at a time and one half rate may be provided in lieu of cash overtime payments upon prior agreement. Upon approval, compensatory time may only be used in place of regularly scheduled work hours and shall not cause overtime.
 - 1.1 Official closings and holidays shall be counted as hours worked during a work week. In establishing a forty-hour work week, annual leave, sick leave, official closings and holidays shall be counted as hours worked. Annual leave, sick leave, other forms of paid leave, and compensatory time shall not be counted for overtime purposes.
 - 1.2 The Office of Human Resources/Payroll is responsible for periodic review of positions to insure proper identification as exempt or non-exempt pursuant to definitions provided within the Fair Labor Standards Act.
2. Overtime provisions are not applicable to exempt employees as identified by federal wage and hour criteria. The department head, however, may arrange time off in recognition of required, continuous or excessive overtime for employees exempt from overtime. In order to be considered "exempt" from the overtime provisions of the Fair Labor Standards Act, an employee must be in a position that can be substantiated to be of an executive, administrative, or professional nature. Whether an employee is exempt depends on duties, responsibilities and salary. Contact the Office of Human Resources/Payroll for assistance in determining exempt status.
3. Overtime hours may be approved on the basis of emergency circumstances or when it is impractical to maintain an additional temporary work force adequate to handle peak loads during hours. Overtime hours must be authorized by the employee's department head. Overtime work shall be assigned on an equitable basis.
4. A non-exempt employee called back for emergency service after completing his/her regular day's work shall receive compensation at the rate of time-and-one-half. Guaranteed minimum pay for call-back to a work site when required will be two hours at time-and-one-half and guaranteed minimum pay for call-back when return to the work site is not required, for example, when services are provided from home by telephone, is fifteen minutes at time-and-one-half. Temporary employees shall be paid time-and-one-half for hours worked in excess of forty hours per week.
5. Work which is not requested by a supervisor but is permitted must be counted as hours worked.
6. When an employee is given a work assignment in a secondary location requiring travel time, such travel time is counted as time worked.

7. Calculation of Overtime Compensation - Hourly rate must be computed according to the format as shown in Section 121. For those employees who work more than one position with more than one rate of pay NDSU uses a weighted average method to compute the hourly rate for overtime purposes. Contact the Office of Human Resources/Payroll for more information.

7.1 Hours worked include all hours worked plus any leave with pay hours.

7.2 Overtime pay = (hours worked - 40) x hourly rate x 1.5

8. Overtime pay should be requested by use of a timeslip.

9. In lieu of overtime cash payment, non-exempt employee may be given equivalent time off (comp time) from the job. Time off (comp time) must be given at one-and-one half times the overtime hours worked. The time off must be taken within six months of the overtime hours worked. Employees may only accrue 240 hours of comp time.

9.1 160 hours worked of overtime is equal to 240 hours of comp time.

Resources:

Non-Exempt Travel Time: http://www.ndsu.edu/hr/mgrtoolbox/mgrflsa/determining_hours_worked/#c255105

HISTORY:

New	July 1990
Amended	December 1996
Amended	June 1997
Amended	March 2003
Amended	March 2004
Amended	October 2005
Amended	October 2009
Housekeeping	July 12, 2013
Housekeeping	January 28, 2014
Housekeeping	June 15, 2016