Policy *212* Version 1 *061516*

**Policy Change Cover Sheet**

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| **This form must be attached to each policy presented. All areas in red, including the header, must be completed; if not, it will be sent back to you for completion.** |
|  | *I****f the changes you are requesting include housekeeping, please submit those changes to*** ***ndsu.policy.manual@ndsu.edu*** ***first so that a clean policy can be presented to the committees.*** |
| **SECTION**:  | 212 Overtime |
| 1. **Effect of policy addition or change (explain the important changes in the policy or effect of this policy). Briefly describe the changes that are being made to the policy and the reasoning behind the requested change(s).**
 |
| * Is this a federal or state mandate? [x]  Yes [ ]  No
* Describe change: The policy was missing a portion of the federal law – Fair Labor Standards Act - only accrue 240 hours of comp time.
 |
| 1. **This policy change was originated by (individual, office or committee/organization):**
 |
| * Office/Department/Name and the date submitted: Colette Erickson
* Email address of the person who should be contacted with revisions: Colette.Erickson@ndsu.edu
 |
| ***This portion will be completed by Mary Asheim.***Note: Items routed as information by SCC will have date that policy was routed listed below. |
| 1. **This policy has been reviewed/passed by the following (include dates of official action):**
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| **Senate Coordinating Committee:** |  |
| **Faculty Senate:** |  |
| **Staff Senate:** |  |
| **Student Government:** |  |
| **President’s Cabinet:** |  |

The formatting of this policy will be updated on the website once the **content** has final approval. Please do not make formatting changes on this copy. If you have suggestions on formatting, please route them to ndsu.policy.manual@ndsu.edu. All suggestions will be considered, however due to policy format guidelines, they may not be possible. Thank you for your understanding!

**North Dakota State University
Policy Manual
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**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.

1. 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.
2. 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.
3. 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.
4. Work which is not requested by a supervisor but is permitted must be counted as hours worked.
5. When an employee is given a work assignment in a secondary location requiring travel time, such travel time is counted as time worked.
6. 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

1. Overtime pay should be requested by use of a timeslip.
2. 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.
	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>

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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