

## Overtime Guidelines

The provisions of the Fair Labor Standards Act (FLSA) cover all GMU employees. FLSA establishes rules for minimum wage, overtime pay, equal pay, child labor, and recordkeeping; and it defines exemptions from overtime pay regulations.

The chart below shows who is exempt or non-exempt.

Employee Type	Pay Band	FLSA status
Classified (Employee Class CN or CP)	1, 2 and 3	Non-exempt
Classified (Employee Class CN or CP if non-exempt. CE or PE if exempt)	4	Non-exempt, unless the position meets the requirements of any of the FLSA exemption tests applied by HR
Classified (Employee Class CE or PE)	5 and above	Exempt
Hourly Wage (Employee Class WG or WS)		Non-exempt
Faculty	N/A	Exempt

### Definitions:

**Overtime pay:** Pay for physically working beyond 40 hours per week at one and one-half times the employee's regular hourly rate for non-exempt employees.

**Overtime leave:** Leave for physically working beyond 40 hours per week at one and one-half times the number of hours worked for non-exempt employees. Maximum accrual is 240 hours.

**Straight time overtime:** hour for hour pay or leave when the non-exempt employee works less than 40 hours in a work week

**Compensatory leave:** Accrued by exempt employees on an hour for hour basis for working beyond 40 hours under special pre-approved circumstances. May accrue up to 96 hours and be held for one calendar year.

### Non-exempt employees

- **Non-exempt** employees must be paid time and one-half for all hours worked more than 40 in a workweek (from 12:01 a.m. Sunday through midnight on the following

Saturday). Non-exempt law enforcement employees are paid time and one-half for all hours worked more than 80 in a two week period. Leave time and holidays do not count as time worked. Each workweek stands alone in calculating regular and overtime hours worked

- An employee must be required and authorized by the manager to work additional hours – **employees may not approve or authorize their own additional hours.**
- University business operating procedures **prohibit** tracking employee time “off the record”. Employees must enter the exact number of hours worked on their electronic timesheet.
- Although the employee is required to get management approval for overtime in advance, any verifiable hours worked beyond 40 must be paid at time and one-half.
- A non-exempt employee may elect to receive overtime leave at a rate of 1.5 hours for every hour worked over 40. The election is made by completing the Overtime Leave Agreement and sending the form to Human Resources. Elections are effective August 25, YYYY and cannot be changed until August 25, YYYY+1
- Managers may adjust an employee’s schedule within a workweek to avoid or minimize overtime payments. See the example below.

	Sun	Mon	Tues	Wed	Thurs	Fri	Sat
Regular		8.0	10	8.0	8.0	6	

- Compensatory leave is accrued if the employee is declared essential and is required to work during authorized University closings (e.g., inclement weather). Compensatory leave may also be accrued if a holiday falls on an employee’s regular day off. Managers may adjust an employee’s schedule within a workweek to avoid or minimize accrual of compensatory leave. See the example below.

	Sun	Mon	Tues	Wed	Thurs	Fri	Sat
Regular		8.0	8.0	8.0	8.0	0	
Holiday		8.0					

- Classified non-exempt employees must have their supervisor’s approval prior to **teaching a class, or working a second position which would normally be a Wage**

**assignment.** All hours worked must be recorded on the employee's time sheet (under their primary position); any hours in excess of 40 in a workweek will be paid in accordance with FLSA procedures, based on their normal hourly rate.

- Classified non-exempt employees may not receive lump sum payments for hours worked.

## **Exempt Employees**

**Exempt** employees are not required to be paid overtime or to be granted compensatory leave for additional hours worked. Managers should limit approval of compensatory leave for exempt employees to the rare instances that require an excessive amount of additional work time or adjust the work schedule to minimize compensatory leave balances.

## **Accrual Rates and Recordkeeping**

- Each non-exempt employee may accrue not more than 240 hours of Overtime Leave. Individual managers can set a lower maximum Overtime Leave accrual.
- Overtime Leave balances do not expire; the hours are either used by the employee or paid out to the employee upon separation or termination.
- Employees who transfer within GMU may be allowed to keep their accrued Overtime Leave hours, provided the new department will accept the leave liability. In cases where this is not practicable, the leave balance or a portion thereof will be paid out.
- Once the employee reaches the maximum accrual, all other overtime hours must be paid at one-and-one-half the regular rate until Overtime Leave balances drop below the 240-hour maximum.
- Employees may not accrue more than 96 hours of compensatory leave. Leave expires one year from the pay period in which the hours are accrued.

Employees should contact your department HR Generalist or Payroll at 703-993-2600, if you have questions regarding individual situations.