

**Applies to:** Staff

**Responsible Office**

**Human Resources**

### POLICY STATEMENT

Scheduling of work must be arranged to support operational needs of the college and to effectively deliver customer service. Scheduling of work and overtime are the responsibility of department management. Employees will be compensated for their work in accordance with the *Fair Labor Standards Act (FLSA)*.

The college supports the use of flexible work arrangements as one approach to supporting staff and their work/life effectiveness, to improving staff morale, and to recruiting and retaining a high-quality workforce.

### Purpose of the Policy

To comply with the *Fair Labor Standards Act*.

### Definitions

Term	Definition
Active Pay Status	Conditions under which an employee is eligible to receive pay and includes but is not limited to vacation leave, sick leave, overtime, compensatory time off and holidays.
Compensatory time	<ol style="list-style-type: none"> <li>1. Paid time off earned by nonexempt staff in lieu of receiving overtime compensation for hours worked over 40 hours during a given work week; and</li> <li>2. Paid time/time off used by nonexempt staff in lieu of working or using other forms of paid time off outlined in the Paid Leave policy, 2.6.40.</li> </ol>
Differential pay	Compensation offered as an incentive to nonexempt staff appointed as Security Officers who work typically less conventional hours, such as evenings and nights; a supplement to, and not a part of, eligible staff's base hourly rate of pay.
Exempt staff	Staff ineligible from overtime pay and compensatory time as defined in accordance with the FLSA.
Flexible work schedule	Work schedules that fall outside of a department's usual work schedule and that last longer than 20 workdays. Schedule developed using one or more scheduling dimensions (i.e., number of hours worked, when hours are worked, and where work is performed).
Nonexempt staff	Staff, including student employees, eligible for overtime compensation or compensatory time as defined in accordance with the FLSA.
Overtime compensation	Additional pay provided to nonexempt staff who are required by department managers to be in an active pay status for more than 40 hours in a workweek.
Regular rate of pay	The college adheres to the definition of regular rate of pay under the FLSA. Regular rate of pay includes the base rate, differential pay, and non-discretionary bonuses earned during the workweek.
Safe Harbor Rule	The college does not permit improper deductions to exempt employees' pay. The college makes a good-faith effort to comply with provisions of the FLSA by having a clearly communicated policy that prohibits improper deductions; having a complaint mechanism; reimbursing employees for improper deductions; and making a good-faith commitment to comply in the future.

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### Policy Details

- I. Scheduling Work
  - A. The Office of Human Resources designates job classifications as exempt or nonexempt.
  - B. **Nonexempt staff** schedules
    - 1. Departments may develop flexible schedules for nonexempt staff within the standard 40-hour workweek.
    - 2. Any work performed by nonexempt staff which exceeds 40 hours must be compensated with **overtime compensation** or **compensatory time**.
  - C. **Exempt staff** schedules
    - 1. Full-time exempt staff are expected to work no less than 40 hours per week unless:
      - a. The supervisor has approved paid time off, or
      - b. The supervisor has approved unpaid leave, or
      - c. The supervisor and the exempt staff employee have mutually agreed upon an alternative work arrangement, or
      - d. The employee is using Family Medical Leave or Military Leave.
    - 2. Time worked by full-time exempt staff in excess of 40 hours per week is ineligible for overtime compensation or compensatory time.
- II. Exempt Staff Pay
  - A. Exempt staff are paid on a salary basis.
  - B. Reduction of exempt employees' pay
    - 1. Deductions to salary can be made in accordance with college policies (i.e., Paid Leave policy, Unpaid Leave policy, and Corrective Action policy).
    - 2. Exempt employees who believe that their salaries have been improperly deducted should contact their senior administrator who will work with the Office of Human Resources to review the matter. Every report will be reviewed. In addition, the college will not allow any form of retaliation against individuals who report alleged violations of this policy or who cooperate in any college investigations of such reports. Any form of retaliation in violation of this section will result in disciplinary action, up to and including discharge.
    - 3. The college will correct the pay of any exempt employee whose pay is found to have been improperly reduced and correct it in the future.
- III. Overtime Compensation and Compensatory Time
  - A. Nonexempt employees will be paid only for actual hours worked unless they receive benefits under the college's Paid Leave policy, disability or other policy or benefit program. Any work time authorized over 40 hours of active pay status is subject to overtime pay or compensatory time off.
    - 1. Nonexempt staff must receive approval from their supervisor prior to working overtime.
    - 2. Pay for hours worked in excess of 40 in a work week will be paid at a rate of one and one-half times the regular base rate of pay.
    - 3. A nonexempt staff member may elect compensatory time off in lieu of compensation.
    - 4. Intermittent nonexempt staff are eligible for overtime compensation but are ineligible for compensatory time.
- IV. Work Schedule Options
  - A. Options for the number of hours worked
    - 1. Part-time schedule – employed fewer than 40 hours per week.

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2. Reduced appointment – reduction of regular appointment permitting flexibility in staffing during reduced workload periods. Types of reduced appointments include:
    - a. Unclassified staff: 9-, 10-, and 11-month appointments.
    - b. Support staff: 41-, 42-, 44-, 46-, and 48-week appointments. Reduced workload periods typically occur during summer months.
    - c. Benefit entitlement, insurance premiums, and fee authorization eligibility remain equivalent to a 100% full time equivalency (FTE). Vacation and sick leave accrual are pro-rated based on FTE.
  3. Reduced time – may be used by staff to temporarily reduce work hours for a specified period of time, with a corresponding reduction in compensation.
- B. Options for when hours are worked. An employee may not deviate from the normal hours of the college workday without prior authorization of the immediate supervisor.
1. Flextime – work schedules that permit flexibility within limits set by the department. A flextime schedule requires a standard number of hours to be worked within a given time period, usually 40 hours during a five-day week. Flextime options include fixed starting/quitting times that change periodically, starting and quitting times that can vary daily and variations in the length of days (a six-hour day followed by a 10-hour day).
  2. Compressed workweek – 40-hour workweek compressed into fewer than five days.
  3. Standard schedule – usually coincides with the college's regular business hours, typically 8 a.m. to 5 p.m. However, to meet the operational and service needs of the college, the schedule may be adjusted by the supervisor of the department in consultation with the employee to stay within the employee's 40-hour week.
- C. Options for where hours are worked. An employee may not deviate from the normal hours of the college workday without prior authorization of the immediate supervisor.
1. Telecommuting or flexplace – a portion of work hours is completed at home or at a location other than the workplace.
- D. Approval of a flexible work schedule does not change the terms and conditions of employment with the college.
- E. Approval of a flexible work schedule is at the discretion of the supervisor/manager. Flexible work schedules are subject to ongoing review and may be terminated at any time by the supervisor or by the employee with the agreement of the supervisor.
- V. Differential Pay
- A. Nonexempt staff appointed as Security Officers may be eligible for **differential pay**.
  - B. Student employees are ineligible for differential pay.

## PROCEDURE

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- I. Scheduling Work
  - A. The department or the department supervisor must establish standard work schedules for all nonexempt staff.
- II. Record Keeping
  - A. Nonexempt staff must:
    1. Submit time worked and time off or leave taken in a timely and accurate manner;
    2. Confirm pay reflects time worked and time off or leave taken; and
    3. Report to department supervisor any potential discrepancies.

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- B. The department supervisor must review the records of time submitted by nonexempt and exempt employees and approve when appropriate.
- C. Payroll services will work with the department or supervisor and the employee to review paycheck questions and make corrections as needed.

### III. Overtime Compensation

- A. The department or department supervisor has sole authority for determining when overtime hours are required to complete work. The determination will be based on operational needs.
  - 1. When overtime work is deemed necessary, the department or department supervisor:
    - a. May first seek volunteers to perform the overtime work before requesting or directing nonexempt staff to work overtime.
    - b. Must authorize nonexempt staff who work over 40 hours per week to receive overtime pay.
  - 2. Nonexempt staff who have not been requested or directed by their department or department supervisor to work overtime must request approval from their supervisor prior to working overtime. Nonexempt staff who work overtime without receiving prior approval to do so from their supervisor may be subject to corrective action.

### IV. Compensatory time

- A. The department may require staff to designate if overtime will be taken as compensatory time prior to performing the work.
- B. Compensatory time should be taken at a time mutually agreed upon within 180 calendar days from when it was earned.
- C. Compensatory time is earned at the rate of one and one-half hours for each hour worked, except in cases of emergency closing (See Short-term Closing and State of Emergency, policy 2.6.21). The maximum amount of compensatory time that may be accrued is 240 hours. Staff engaged in public safety work are allowed a maximum accrual of 480 hours.
- D. Nonexempt staff who reach the maximum accrual rates will be paid for additional hours of overtime worked.
- E. When a staff member with a compensatory time balance transfers between departments, the original department holds the financial responsibility for the cost of the compensatory time.
- F. Any accrued but unused compensatory time will be paid out at the regular rate of pay after 180 days or upon separation from employment.

### V. Requesting and Documenting Flexible Work Arrangements

- A. A staff member may request a flexible work arrangement using the Flexible Work Arrangement Request form and submitting it to their supervisor.
- B. The staff member and supervisor must discuss the Flexible Work Arrangement Request.
- C. If the request is approved, the supervisor submits the Flexible Work Arrangement Request to the appropriate executive leader for signature.
- D. A copy of the approved request with all applicable signatures must be submitted to the Office of Human Resources who coordinates with Payroll for tax purposes and for placement in the staff member's personnel file to document the Flexible Work Arrangement Request when it is established.

### VI. Differential Pay

- A. Evening hours begin at 6:00 pm and end at 6:00 am. Security Officers are eligible for differential pay only for the actual hours worked within these defined evening/night hours.

# Scheduling Work, Overtime Compensation and “Safe Harbor” Provisions, 2.3.15

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- B. Eligible Security Officers will be paid a shift differential of one dollar (\$1.00) per hour for all hours worked between 6:00 PM and 6:00 AM.
- C. Pay differential will be included when determining the rate of pay for overtime hours.
- D. Holiday pay, vacation and sick leave taken, compensatory time taken, and short-term closing pay will be paid at the regular rate. Differential pay will not be added.

### Responsibilities

Position or Office	Responsibilities
Employing department, managers and supervisors	<ol style="list-style-type: none"> <li>1. Follow FLSA regulations and state laws when managing overtime and reduction of pay.</li> <li>2. Consult with the Office of Human Resources regarding implementation of this policy.</li> <li>3. Establish, communicate, and enforce guidelines for approval of overtime.</li> <li>4. Review and approve employee records of time when appropriate.</li> <li>5. Approve requests to work overtime prior to the time being worked and ensure that employees designate overtime pay or compensatory time off within the same pay period that work was completed.</li> <li>6. In developing department guidelines for the implementation of flexible work arrangements, the following components should be defined:               <ol style="list-style-type: none"> <li>a. eligibility;</li> <li>b. operational requirements;</li> <li>c. performance outcomes;</li> <li>d. problem-solving mechanisms; and</li> <li>e. documenting work arrangements using the Flexible Work Arrangement Request form.</li> </ol> </li> <li>7. For assistance with developing and implementing flexible work arrangements, contact the Office of Human Resources.</li> <li>8. Recordkeeping:               <ol style="list-style-type: none"> <li>a. Accurate records of time worked and leave taken by each nonexempt staff member;</li> <li>b. Accurate records for part-time salaried staff who earn less than \$455.00 per week.</li> </ol> </li> </ol>
Staff member	<ol style="list-style-type: none"> <li>1. Complete timesheets in a timely and accurate manner. The timesheet will be signed by the employee and the immediate supervisor. The timesheet will be submitted to the Payroll Office at the completion of each pay period (nonexempt staff only).</li> <li>2. Request approval from supervisor prior to working overtime unless specifically directed to work overtime by supervisor (nonexempt staff only).</li> <li>3. Notify supervisor of desire to receive overtime pay or compensatory time within the same pay period that work was completed (nonexempt staff only).</li> <li>4. Immediately notify supervisor or Payroll Office regarding any concerns about potential discrepancies or improper deductions from pay.</li> </ol>
Human Resources	<ol style="list-style-type: none"> <li>1. Designate positions as exempt or nonexempt based on the actual duties of the position and the federal Fair Labor Standards Act (FLSA). For questions about these designations, contact the Office of Human Resources.</li> <li>2. Consult with departments regarding reductions of pay for exempt employees.</li> <li>3. Work with departments to resolve allegations of improper deductions raised by exempt employees.</li> <li>4. Provide assistance with developing and implementing flexible work schedules.</li> </ol>
Payroll Office	<ol style="list-style-type: none"> <li>1. Work with employee and supervisor to review paycheck questions and correct as needed.</li> <li>2. Maintain accurate records of overtime worked by each staff member and the status of compensatory time.</li> </ol>

### Resources

- [COTC payroll office and timesheets](#)
- [Fair Labor Standards Act](#)

# Scheduling Work, Overtime Compensation and “Safe Harbor” Provisions, 2.3.15

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### Applies to: Staff

- [Ohio Revised Code: Chapter 4111 Minimum Wage Standards](#)
- [Flexible Work Arrangement Request](#)

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### Contacts

Subject	Office	Telephone	E-mail/URL
Paycheck questions	Payroll Office	740-366-9140	<a href="mailto:Cotc-payroll@mail.cotc.edu">Cotc-payroll@mail.cotc.edu</a>
Policy interpretation	Human Resources	740-366-9367	<a href="mailto:hr@mail.cotc.edu">hr@mail.cotc.edu</a>

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### History

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