

**Applies to:** Staff

**Responsible Office**

**Human Resources**

**POLICY STATEMENT**

The college strives to be in compliance with the *Fair Labor Standards Act*. This policy clarifies the treatment of paid time off for nonexempt and exempt employees. The college is committed to correct any misapplication of exemption status under the law in a timely manner and in good faith.

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*.

The college strongly encourages 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
Exempt staff	Staff exempt from overtime pay or compensatory time off according to federal and state law.
Flexible work schedule	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 eligible for overtime pay or compensatory time off according to federal and state law.
Overtime compensation	Overtime pay or compensatory time off 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.
Safe Harbor rule	An employee may retain his or her exempt, salaried status if the college makes a good-faith effort to comply with provisions of the Fair Labor Standards Act (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.

**PROCEDURE**

- I. 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.
  - A. Overtime pay
    - 1. Nonexempt staff are required to request the approval of the supervisor prior to working overtime.
    - 2. Nonexempt staff earn overtime at the rate of one and one-half times the regular base rate of pay. Pay for overtime worked will be paid no later than the end of the next pay period.
  - B. Compensatory time off
    - 1. A nonexempt staff member may elect compensatory time off in lieu of compensation. The department may require staff to designate if overtime will be taken as compensatory time prior to performing the work.

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2. Compensatory time should be taken at a time mutually agreed upon within 180 calendar days from when it was earned.
3. Compensatory time is earned at the rate of one and one-half hours for each hour worked. 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.
4. Nonexempt staff who reach the maximum accrual rates will be paid for additional hours of overtime worked.
5. 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.
6. Any accrued but unused compensatory time will be paid out at the regular rate of pay upon separation from employment.

**II. Exempt Staff**

- A. Exempt staff are paid on a salary basis.
- B. Exempt staff are ineligible for overtime compensation for hours worked in excess of 40 per week. However, exempt staff have greater flexibility for scheduling work than nonexempt staff when accommodations are necessary. Scheduling of exempt staff should follow the principles outlined below.
  1. Full-time exempt staff are expected to average at least 40 hours of work per week and may need to work more than 40 hours per week to fulfill their position responsibilities.
  2. Time worked in excess of 40 hours per week will not result in overtime pay or accumulation of compensatory time off.
  3. To accommodate unusual situations, a department may balance a period of an unusually heavy work schedule with a period of reduced work schedule, without regard to the number of hours worked in any particular week.

**III. Reduction of Exempt Employees’ Pay**

- A. Deductions to salary can be made in accordance with college policies. (Paid Leave policy, Unpaid Leave policy, and Corrective Action policy.)
- B. 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.
- C. The college will correct the pay of any exempt employee whose pay is found to have been improperly reduced.

**IV. Work Schedule Options**

- A. Options for the number of hours worked
  1. Part-time schedule – employed fewer than 40 hours per week.
  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 co-payment, 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.

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3. Standard schedule – usually coincides with the college's regular business hours, typically 8 a.m. to 5 p.m., except during announced “summer hours” when the normal hours are 7:30 a.m. to 4:30 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 forty-hour week.
4. Departments may develop flexible schedules for nonexempt staff within the standard 40-hour workweek.
- 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. Requesting and documenting flexible work arrangements
  1. The staff member requests a flexible work arrangement using the Flexible Work Arrangement Request by submitting it to their supervisor.
  2. The staff member and supervisor must discuss the Flexible Work Arrangement Request.
  3. If the request is approved the supervisor submits the Flexible Work Arrangement Request to the appropriate executive leadership for signature.
  4. A copy of the approved request with all applicable signatures must be submitted to the Office of Human Resources for placement in the staff member’s personnel file to document the flexible work arrangement when it is established.

**Responsibilities**

Position or Office	Responsibilities
Employing department, managers and supervisors	<ol style="list-style-type: none"> <li>1. Follow FLSA regulations and state law 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. Implementing flexible work arrangements: In developing department guidelines, 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.</li> </ol> </li> <li>5. For assistance with developing and implementing flexible work arrangements, contact the Office of Human Resources;</li> <li>6. Recordkeeping:               <ol style="list-style-type: none"> <li>a. Accurate records of time worked and leave taken by each non-exempt 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. Accurate records of overtime worked by each staff member and the status of compensatory time are to be maintained in the Payroll Office.</li> <li>2. Request approval prior to working overtime or any hours in excess of their budgeted full-time equivalency.</li> <li>3. Immediately notify senior administrator or the Office of Human Resources regarding any concerns about improper deductions from pay.</li> </ol>
Human Resources	<ol style="list-style-type: none"> <li>1. Designating 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. Providing assistance with developing and implementing flexible work schedules.</li> </ol>

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### Resources

- [COTC payroll office and timesheets](#)
- [Fair Labor Standards Act](#)
- [Ohio Revised Code: Chapter 4111 Minimum Wage Standards](#)
- [Flexible Work Arrangement Request](#)

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### Contacts

Subject	Office	Telephone	E-mail/URL
Policy interpretation	Human Resources 1014 Founders Hall	740-366-9367	<a href="https://go.cotc.edu/hr">https://go.cotc.edu/hr</a>

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### History

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