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THE CITADEL
The Military College of South Carolina
171 Moultrie Street
Charleston, SC 29409

MEMORANDUM
NUMBER 5-110

2 December 2019

OVERTIME POLICY

1. PURPOSE

The use of overtime should be an exception to the regular work schedule in any department. An employee should only be required to work overtime on an occasional basis to meet a sudden increase in the workload, to overcome productive time lost due to some mechanical failure, or to meet the needs and requirements of the department. All requests for overtime must be submitted in writing and approved, in advance, by the appropriate department head or his/her designee. All overtime hours must be recorded on the payroll timesheet and submitted to the Payroll Office.

2. REFERENCE

SC Regulations 19-705 – 19-708

U.S. Department of Labor – Wage and Hour Division: Fair Labor Standards Act

3. DEFINITIONS

N/A

4. POLICY

It shall be the responsibility of each manager to administer the provisions of this policy in the best interest of The Citadel. Each manager is responsible for the prior approval of hours worked that will result in overtime. However, unauthorized overtime must be compensated. Unauthorized overtime may result in disciplinary actions for managers and/or employees.

A. Exempt/Nonexempt Status under the Fair Labor Standards Act.

1. The Fair Labor Standards Act (FLSA) establishes minimum wage rates, maximum work hours, overtime pay requirements, equal pay standards, and child labor restrictions for employees subject to its provisions.

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2. Employees are considered “exempt” if their job duties and their salary meet certain thresholds within the FLSA. These exempt employees are not subject to the FLSA minimum wage, overtime, or record keeping requirements. As such, exempt employees are expected to work as many hours as required to perform the duties of the position. The exempt status of an employee in a bona fide executive, administrative, professional, or computer employee position shall be determined by the Agency Head or his/her designee.
3. Nonexempt employees are covered by, or subject to, the minimum wage, overtime, and recordkeeping requirements of FLSA. All employees who are not considered exempt from the FLSA will be considered nonexempt.

B. Compensation.

The regular rate of pay includes all remuneration for employment paid to an employee to include base pay, longevity increases, and shift differentials. Compensation of all employees is based on forty (40) hours per week or 2080 hours per year. Nonexempt employees must not be paid less than minimum wage.

C. The Workweek.

The normal workweek for The Citadel shall be 37.5 hours. However, no employees shall receive additional compensation or compensatory time for hours worked between 37.5 and 40.0 hours per workweek. For record keeping purposes, the workweek begins at 12:01 a.m. on Sunday and ends at 12:00 midnight on Saturday. Any employee may be required to work up to forty (40) hours per workweek without additional compensation or compensatory time. Public safety employees may be required to work up to 86 hours in a 14-day consecutive cycle.

D. Hours Worked.

Hours worked include all time that the employee is required to be on duty or at the prescribed workplace and all time during which the employee is permitted to work. The hours worked include any bona fide work which the employee performs on or away from the premises if the supervisor knows or has reason to believe that the work is being performed. Time spent in leave status is not considered hours worked.

E. Flex-time.

1. Regular work hours are from 8:30 AM until 5:00 PM; however, Managers and/or Department Heads have the authority to flex employees’ hours to cover normal office hours, providing employees stay within the 37.5 hour work week.

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2. Employees are expected to take lunch breaks each work day as part of normal work-life balance. Not taking a lunch break in order to arrive later or leave early should not be the norm, but may be authorized in extenuating circumstances by supervisors.

F. Regular Rate.

The regular rate of pay includes all remuneration for employment paid to an employee to include base pay, longevities, and shift differentials.

G. Hourly Rate Employees.

The hourly rate is the “regular rate” for hourly employees. This rate is calculated by dividing the annual salary by 2080 hours. Hourly employees shall be compensated for all hours worked. Employees compensated on hourly rate basis must be classified as nonexempt. The hourly rate is the “regular rate” for temporary employees as well.

H. Holidays.

An employee who is required to work on a legal holiday shall be given compensatory holiday leave credits in accordance with Section 19-708.04 of the State Human Resources Regulations; however, time worked on a legal holiday shall be used in computing total hours worked. Holiday compensatory time will be paid to the employee if, after 90 days following the holiday, the employee has not taken the holiday compensatory time. All nonexempt employees will be paid for unused holiday compensatory time upon separation of employment from State government, movement to a position in another State agency (exempt or nonexempt), or upon an employee starting in an exempt position in the current agency.

I. Overtime/Compensatory Time.

1. Overtime is all hours worked in excess of 40 in a seven (7) consecutive day work period. A nonexempt employee shall be paid no less than one and one-half (1 1/2) times his/her regular rate of pay for all hours worked over 40 in a workweek or granted compensatory time at a rate of one and one-half (1 1/2) hours for each hour of overtime worked. Nonexempt employees who have a scheduled workweek of 37.5 hours shall not receive additional compensation or compensatory time for hours worked between 37.5 and 40.0 hours per workweek.
2. The requirements that overtime pay must be paid or compensatory time granted to nonexempt employees after 40 hours of work in a workweek shall not be waived by agreement between the supervisor and the employee.

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3. Nonexempt employees may accumulate up to 240 hours of compensatory time. For overtime worked for a nonexempt employee with an accumulation of 240 hours of compensatory time, the overtime must be paid in the employee's next regular paycheck.
4. Law enforcement, fire protection or other seasonal activity employees may accumulate up to 480 hours of compensatory time. For overtime worked for an employee who has accumulated 480 hours of compensatory time, the employee must be paid.
5. Exempt employees may receive compensatory time off for hours worked, for time spent traveling, or for attendance at lectures, meetings, training programs, etc., in excess of the normal workweek (40 hours per week). Under no circumstances shall an exempt employee accumulate more compensatory time than the FLSA allows for a nonexempt employee (See Overtime/Compensatory Time section of policy above). If granted, the compensatory time must not be at a rate greater than one (1) hour of compensatory time for each hour worked in excess of 40.0 in the official workweek and may be at a lesser rate. Exempt employees must not be paid for overtime.
6. All requests for overtime/compensatory time must be submitted in writing and approved, in advance, by the appropriate Vice President or his/her designee. All compensatory hours must be recorded on the payroll timesheets and submitted to the Payroll Office.

J. Adjusted Workweek.

Under warranted circumstances, a nonexempt employee may be allowed to work in excess of the normal workday and may be given time off during the same workweek at the rate of an hour for an hour to avoid working over 40 hours in a workweek. This adjustment is not allowed for hours worked between 37.5 and 40.0 hours during any workweek. This type of work rescheduling precludes working over 40.0 hours in a workweek and eliminates the need for overtime payment.

K. On Call.

The Fair Labor Standards Act considers compensable working time as all time that an employee is required to remain on call on the employer's premises or so close to a telephone that the employee cannot use the time for their own purposes. Employees who are merely required to leave word as to where they may be reached are not considered to be on call, and such time is not compensable. Final authorization of payment to an employee for "on call" status may be made only with prior, specific approval of the appropriate Vice President.

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L. Call Back.

Call back is defined as a call by the employing department for an employee to report to work either before or after normal duty hours to perform emergency services. Each department shall determine which classification of employees shall be subject to "call back." Non-exempt employees shall be compensated for hours worked as a result of a "Call back" at their regular hourly rate, such time shall be counted in computing any overtime that may be due. In the event it becomes necessary for an employee to be called back for emergency services and the services rendered requires less than two (2) hours on the job, or in the event no work is available when he reports, a minimum of two (2) hours work time shall be credited. An employee shall not be credited with nor paid for call time if:

1. The recall to work (call back) has been cancelled and the employee received notice not to report to work or
2. The employee refuses alternate work that is offered upon reporting to work.

M. Meal Periods.

The normal meal period at The Citadel is one (1) hour which occurs during the scheduled workday and is not hours worked if the employee is completely relieved from duty for the purpose of eating a meal. The supervisor/department head is authorized to adjust the meal period to thirty (30) minutes if the employee agrees. No more than one (1) hour may be excluded for each regular meal period. Actual meal time, not to exceed one (1) hour, shall be charged. The meal period should not be scheduled for less than thirty (30) minutes.

N. Rest Periods.

Rest periods are optional and approved at the discretion of the supervisor/department head. If rest periods are approved, the employee is authorized to one (1) 15-minute period in the morning and one (1) 15-minute period in the afternoon. Rest periods must be counted as hours worked. Rest periods will not be used to allow an employee to come in late, leave early, or extend the lunch period.

O. Travel Time.

1. Travel time for nonexempt employees may be hours worked under some conditions. Ordinary home-to-work travel or work-to-home travel is not working time. All time spent traveling on one-day assignments is considered time worked regardless of time of day or day of the week.

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2. Travel away from home involving an overnight stay for nonexempt employees is considered time worked when it occurs during the employee's normal working hours. This provision is applicable not only on regular working days, but also during the corresponding hours of non-working days.
3. When a nonexempt employee by reason of official responsibilities is required to attend lectures, meetings, training programs, etc., such time shall be considered work time.
4. Time off for holidays, paid leave, and compensatory time are not counted as hours worked when calculating overtime.

P. Impact of Status Change.

1. If a nonexempt employee accepts a position that is considered exempt either within the employee's own agency or with a separate state agency, compensatory time must be paid prior to the employee starting in the exempt position.
2. If a nonexempt employee separates from employment or moves to another state agency, any accrued compensatory time must be paid out prior to the separation or movement. Compensatory time must be paid at a rate of compensation not less than either the average regular rate received by the employee during the last three years of employment or the final regular rate received by the employee, whichever is higher.

Q. Temporary employees.

Temporary employees shall be compensated for all hours worked. All temporary employees must be designated as nonexempt unless approved by Human Resources.

R. Work Period for Law Enforcement Employees.

The work period for law enforcement employees may be established from seven to twenty-eight consecutive days. Law enforcement employees must receive overtime compensation in the form of overtime payment or compensatory time for all hours worked over 171 in a twenty-eight day work period, or a proportional amount of hours in a shorter work period. For Citadel public safety employees, overtime is hours actually worked in excess of 86 hours in a 14-day consecutive cycle. The Citadel will compensate the employee by payment at the rate of 1 ½ times his/her regular rate of pay for all hours worked over 86 hours.

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5. COMPLIANCE

Failure to comply with this policy may result in disciplinary action up to and including termination.

6. NOTES

A. Dates of official enactment and amendments:

Approved by the Vice President for Finance and Business on 2 December 2019

B. Responsible Department:

Human Resources

C. Responsible Official:

Chief Human Resources Officer

D. Cross References:

[Attendance and Leave Policy](#)

[Family and Medical Leave Act \(FMLA\) Policy](#)

7. RESCISSION

Memorandum 2-110, Overtime Policy, dated 29 January 2010, is rescinded.

8. REVIEW

Review this policy on a biennial basis.

OFFICIAL

//Signed, CLC, 2 December 2019//
CHARLES L. CANSLER
Colonel, SCM
Vice President for Finance and Business