

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

THE LANGUAGE USED IN THIS DOCUMENT DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE EMPLOYEE AND THE AGENCY. THIS DOCUMENT DOES NOT CREATE ANY CONTRACTUAL RIGHTS OR ENTITLEMENTS. THE AGENCY RESERVES THE RIGHT TO REVISE THE CONTENT OF THIS DOCUMENT, IN WHOLE OR IN PART. NO PROMISES OR ASSURANCES, WHETHER WRITTEN OR ORAL, WHICH ARE CONTRARY TO OR INCONSISTENT WITH THE TERMS OF THIS PARAGRAPH CREATE ANY CONTRACT OF EMPLOYMENT.

MEMORANDUM
NUMBER 2-110

29 January 2010

Overtime Policy

I. 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.

II. Policy

It shall be the responsibility of each manager to determine that the provisions of this policy are administered in the best interest of The Citadel. Although each manager is responsible for the requesting of overtime, it is equally important to control unauthorized overtime. Unauthorized work shall be counted as hours worked if the responsible manager could have stopped it but did not, or if he/she knows or has reason to know of this practice.

a. Exempt/Nonexempt Status Under the Fair Labor Standards Act

Exemptions from both the minimum wage and overtime pay requirements of the Fair Labor Standards Act for any employee in a bona fide executive, administrative, or professional position shall be determined by The Citadel. All other employees shall be nonexempt.

b. Minimum Wage

All non-exempt employees must be paid not less than the current minimum wage.

c. Compensation

Compensation of all employees is based on forty (40) hours per week or 2080 hours per year.

d. The Workweek

The minimum full-time workweek is 37.5 hours. The official work hours at The Citadel are 8:30 a.m. to 5:00 p.m., with one hour break for lunch. Each supervisor/department head is authorized to schedule work hours to meet the department needs. 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 40 hours per workweek without any additional compensation or compensatory time. Public safety employees may be required to work up to 86 hours in a 14-day consecutive cycle.

e. 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. This includes 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.

f. Flex-time

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.

g. Regular Rate

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

h. 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.

i. Holidays – Non-Exempt Employees

A nonexempt 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 Personnel Regulations; however, time worked on a legal holiday shall be used in computing total hours worked.

j. Holidays - Exempt Employees

An exempt employee who is required to work on a legal holiday shall be given compensatory leave credits in accordance with Section 19-708.04 of the State Personnel Regulations.

k. Compensatory Time

1. Non-Exempt Employees

Compensatory time off is an acceptable alternative to overtime compensation for non-exempt employees. If the work of an employee for which compensatory time may be provided included work in a public safety activity, and emergency response activity, or a seasonal activity, the employee engaged in such work may accrue not more than 480 hours of compensatory time. If such work were other than in a public safety activity, and emergency response activity, or a seasonal activity, the employee engaged in such work may accrue not more than 240 hours of compensatory time. Any such employee who has accrued 480 or 240 hours, as the case may be, of compensatory time shall, for additional overtime hours of work be paid overtime compensation. All requests for overtime must be submitted in writing and approved, in advance, by the appropriate department head or his/her designee. All compensatory hours must be recorded on the payroll timesheet and submitted to the Payroll Office.

Upon termination of employment, non-exempt employees shall be paid for unused overtime compensatory time at a rate of compensation at the final regular rate received by such employee.

2. Exempt Employees

It is expected that individuals employed in exempt positions will experience a certain amount of "casual overtime" in the performance of their duties. "Casual overtime" refers to time worked by an exempt employee which the employee believes is necessary to accomplish an assignment or task, although the hours worked are not specifically required by the supervisor and/or department head. "Casual overtime" is not paid, neither through monetary compensation nor time off.

On those occasions when it becomes necessary for a supervisor and/or department head to require an exempt employee to work excessive hours on a given project or event, the supervisor and/or department head may authorize compensatory time off for that employee at a later date. The number of hours of time off will not exceed the number of hours of required overtime worked.

Under exceptional circumstances, exempt employees may earn compensatory time for hours spent traveling, for attendance at lectures, or for participating in training programs, etc., held in remote locations which may create excessively long duty days. In these cases, in the interest of safety and employee effectiveness, compensatory time off may be appropriate.

THE LANGUAGE USED IN THIS DOCUMENT DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE EMPLOYEE AND THE AGENCY. THIS DOCUMENT DOES NOT CREATE ANY CONTRACTUAL RIGHTS OR ENTITLEMENTS. THE AGENCY RESERVES THE RIGHT TO REVISE THE CONTENT OF THIS DOCUMENT, IN WHOLE OR IN PART. NO PROMISES OR ASSURANCES, WHETHER WRITTEN OR ORAL, WHICH ARE CONTRARY TO OR INCONSISTENT WITH THE TERMS OF THIS PARAGRAPH CREATE ANY CONTRACT OF EMPLOYMENT

Compensatory time cannot be given at a rate greater than 1 hour of compensatory time for each hour worked in excess of 40 in the official workweek.

It is the responsibility of the individual supervisor and/or department head to ensure that employees work the appropriate hours and use the appropriate leave (annual, sick, compensatory, etc.) when not at work. Supervisors should contact Human Resources for further guidance, if required.

Exempt employees must not be paid for overtime. Upon termination of employment, exempt employees shall not be paid for unused compensatory hours.

I. Overtime/Compensatory Time May Not Be Waived (Off the record adjustments)

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. (Public safety employees may be required to work up to 86 hours in a 14-day consecutive cycle).

m. 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. Adjustment is not allowed for hours between 37.5 and 40. This type of work rescheduling precludes working over 40 hours in a workweek and eliminates the need for overtime payment.

n. 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.

o. 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

THE LANGUAGE USED IN THIS DOCUMENT DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE EMPLOYEE AND THE AGENCY. THIS DOCUMENT DOES NOT CREATE ANY CONTRACTUAL RIGHTS OR ENTITLEMENTS. THE AGENCY RESERVES THE RIGHT TO REVISE THE CONTENT OF THIS DOCUMENT, IN WHOLE OR IN PART. NO PROMISES OR ASSURANCES, WHETHER WRITTEN OR ORAL, WHICH ARE CONTRARY TO OR INCONSISTENT WITH THE TERMS OF THIS PARAGRAPH CREATE ANY CONTRACT OF EMPLOYMENT

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.

p. 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.

q. 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.

r. Leave Status

Time spent in leave status is not considered hours worked.

s. Travel Time (Non-Exempt)

Travel time for nonexempt employees may be hours worked under some conditions. Ordinary home-to-work or vice versa 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.

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.

t. Lectures, Meetings, and Training Employees (Non-Exempt)

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.

u. Overtime Pay

Non-exempt should be paid no less than 1.5 times his/her regular rate of pay for all hours worked over 40 in a workweek or shall be granted compensatory time at a rate of 1.5 times. Overtime is all hours worked in excess of 40 in a seven (7) consecutive day work period. Non-exempt employees shall not receive additional compensation or compensatory time for hours worked between 37.5 and 40 hours per workweek. For 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.

III. NOTES

A. Responsible Department:

Human Resources

B. Responsible Official:

Col Dennis D. Carpenter, Director of Human Resources

OFFICIAL

JOSEPH W. TREZ
Colonel, US Army, Retired
Director of the Citadel Staff