

## Overtime Guidelines for Clerical Technical Support Staff

The federal overtime provisions are contained in the Fair Labor Standards Act (FLSA). Unless exempt (APs), employees covered by the Act must receive overtime pay for hours **worked** over 40 in a workweek at a rate not less than time and one-half their regular rates of pay.

The guidelines contained herein are intended to assist supervisors in administering overtime and/or compensatory time in accordance with not only federal requirements but guidelines established in the Agreement between Oakland University and the Oakland University Professional Support Association (bargaining agreement).

The OUPSA Agreement ([http://www.oakland.edu/upload/docs/UHR/CT\\_Contract\\_2.pdf](http://www.oakland.edu/upload/docs/UHR/CT_Contract_2.pdf)) provides clear guidelines for the assignment of Overtime and/or Compensatory Time Off.

1. An employee must have documented approval from her/his supervisor prior to performing work in excess of 40 hours per week. All overtime work must be approved by the immediate supervisor as well as the administrator who is responsible for budgeting for additional expenditures for the department or unit (this may be the employee's supervisor in some cases).
2. Overtime work must be compensated at the rate denoted in the agreement or through compensatory time off as noted in the agreement.\*
3. There is not a provision for "banking" or building up compensatory time off over time. If compensatory time off for hours beyond forty (40) in the week is not given by the end of the week following the performance of the work, the employee shall be paid at the regular overtime rate.
4. Both the employee and supervisor are responsible for ensuring that documented approval of overtime and appropriate compensation as outlined in the agreement are provided.
5. An employee does not have the "choice" of overtime pay versus compensatory time (other than working on holidays or holiday recess – see paragraphs 156 and 157 below). However, it should be communicated to the employee/s prior to the actual work being performed that compensatory time will be used instead of overtime pay.
6. All hours worked must be recorded on leave reports and/or overtime timesheets and must be factual, timely and accurate.
7. The actual number of hours worked must be recorded on the day the work was performed.
8. Non-exempt employees are **NOT** allowed to work from home, unless prior documented approval from supervisor. All duties of the job should be performed on site at the university.

### **\*Relevant paragraphs related to overtime from the OUSPA Agreement:**

110. Overtime Work. Overtime work is work performed in excess of forty (40) hours per week. A Bargaining Unit member shall be given preference for overtime before it is assigned to a temporary clerical/technical employee, provided that the Bargaining Unit member is as able to do the work as the temporary clerical/technical employee. An employee's compensation rate for overtime work shall be at one and one-half (1-1/2) times the hourly equivalent of her/his annual salary (which includes longevity payments, if applicable). Any time worked in excess of 40 hours in any one (1) week shall be compensated in accordance with this paragraph except as modified by paragraph 112.

111. Compensation for approved overtime work will be computed in segments of one-tenth (1/10th) hour to the nearest tenth (10th) hour. Overtime pay shall be paid on the hourly payroll for the period in which the overtime was earned.

112. Compensatory Time Off. If compensatory time off for work performed in excess of a regularly scheduled work day is granted in the same work week as the compensatory time was earned, compensatory time shall be given at the

rate of one (1) hour of work to one (1) hour of compensatory time off. If compensatory time off for work performed in excess of forty (40) hours for one (1) week is given the following week, it shall be at the rate of one (1) hour of work to one and one-half (1-1/2) hours of compensatory time off. If compensatory time off for hours beyond forty (40) in the week is not given by the end of the week following the performance of the work, the employee shall be paid at the regular overtime rate (paragraph 110) for the work.

113. Scheduled Overtime. Recognizing the importance of meeting deadlines, the Association and the University encourage employees to work last minute overtime whenever possible. When the University has given them a twenty-four (24) hour notice, employees shall be required to work overtime. An employee who is scheduled to work overtime not continuous with her/his regular work shift shall receive no less than three (3) hours overtime pay. The University will distribute the overtime work among employees in the same classification within a department as equally as possible on an annual basis. No annual balancing shall be required. Overtime that is scheduled and not worked by employees for any reason following notification shall be charged as overtime worked in maintaining equality of distribution.

156. Pay for Working on Holidays. An employee who works on a scheduled holiday shall have the option of having compensatory time off at the equivalent of time and one half for each hour worked or being paid at the employee's overtime rate for all hours worked and receiving regular pay for the holiday.

157. Holiday Recess. An employee who is not scheduled to work during the holiday recess period between the Christmas and New Year's holidays will be granted recess days for those scheduled work days which are not designated as paid holidays by the University. If the employee is scheduled to work on recess days during this holiday period, the employee shall have the option of compensatory time off at the equivalent of time and one half for each hour worked or being paid at the employee's overtime rate for all hours worked. The compensatory days must be taken before June 30th of each year at a time selected by the employee with the approval of her/his immediate supervisor. A part-time employee shall be entitled to the compensatory days off with pay based on the proportion which her/his work schedule bears to full-time employment.