

## 31.01.09.K0.01 Overtime



Approved: July 1, 2014  
Revision: February 28, 2017  
Next Scheduled Review: February 28, 2022

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### Procedure Statement

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Under the Fair Labor Standards Act (FLSA) non-exempt employees must be compensated for working more than 40 hours in a work week with either time off or pay. Under Texas law, a non-exempt employee with a combination of hours worked, paid leave, compensatory time, and paid holidays totaling more than 40 hours in a work week must also receive either time off or pay for the additional hours in accordance with System Regulation *31.01.09, Overtime*.

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### Reason for Procedure

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This procedure provides guidelines for overtime eligibility and compensation.

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### Procedures and Responsibilities

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#### 1. NON-EXEMPT EMPLOYEES

- 1.1. Authorization for overtime must be provided by the department/unit head or their designated representatives on the determination of need, work load, emergencies, or other demands which require work by employees with specific skills, training, or experience. Overtime work should be scheduled to provide fair and even distribution of overtime work among staff members whose job classifications are appropriate for the work required.
- 1.2. Where granting compensatory time off is impractical, employees will be paid for the overtime. This option is available in limited circumstances and only with the approval of the department/unit head or designated representative and the respective vice president.
- 1.3. Overtime not authorized must also be counted as work time. However, non-exempt employees who work without authorization are subject to disciplinary action, up to and including termination.
- 1.4. The normal work week (starting and ending day and time) cannot be changed to avoid overtime.

#### 2. EXEMPT EMPLOYEES

Exempt employees are not eligible for overtime payment. However, under extraordinary circumstances, and with the approval of the CEO designee, an exempt employee may be approved for

compensatory time off as outlined in System Regulation *31.01.09, Overtime*.

### 3. FLSA COMPENSATORY TIME OFF

- 3.1. To ease administration of overtime, supervisors should encourage employees to take FLSA overtime during the 12-month period following the end of the workweek in which the overtime was worked.
- 3.2. Employees are required to use FLSA compensatory time before using vacation time. An employee can request approval to use their earned compensatory time and permission will be granted if his or her absence does not unduly disrupt the operation of the department.
- 3.3. Employees accruing 80 or more hours of FLSA compensatory time will be paid for the hours over 80. These Comp time hours will be reviewed by Human Resources at the end of each fiscal quarter, beginning with the quarter ending February 28, 2017 and departments will be advised of Supplemental Payment forms to be completed for the qualifying employees. Upon complete processing of these Supplemental payment forms, payment will be issued.

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## **Related Statutes, Policies, or Requirements**

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[System Regulation \*31.01.09, Overtime\*](#)

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## **Contact Office**

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Human Resources Office  
(361) 593-3705