

Title: #IV-10. Overtime

Date: March 25, 2025 (Replaces version dated June 10, 2014)

These campus guidelines concerning overtime eligibility, approval, and compensation are established in accordance with the requirements of the Fair Labor Standards Act (FLSA) and WV Code §21-5C-3.

A. Eligibility

1. **Non-Exempt Employee:** An employee who is not exempt from the overtime provisions of the Fair Labor Standards Act. Non-exempt employees must be compensated at a rate of time-and-one-half for hours worked over 40 in a workweek.
2. **Exempt Employee:** An employee who is exempt from the overtime provisions of the Fair Labor Standards Act and is therefore not eligible to be compensated for overtime work. Exempt positions are defined by the Department of Labor, Wage and Hour division. Exemptions are defined by position duties and fall into the primary categories of Executive, Administrative, Professional, and Outside Sales. All \ faculty are by definition “exempt” employees.

B. Approvals

1. The supervisor must approve overtime in advance. If the overtime work to be undertaken is for another department, authority to pay must be given by the budget holder paying for the overtime. Non-exempt employees are prohibited from working overtime without prior approval.
2. All **paid** overtime must also be approved by the appropriate executive level administrator in advance. The executive level administrator may verbally authorize paid overtime to deal with emergency situations that threaten life or safety (such as snow removal). All other requests for paid overtime must be authorized in writing by the executive level administrator prior to the time being worked.

3. Work performed by non-exempt employees using personal or college-owned electronic devices, including but not limited to telephones, cell phones, iPads, laptops, and PC's, outside of normal work hours also requires written authorization by the executive level administrator in advance because of compensation and overtime implications. Without advance authorization for overtime, non-exempt employees may not be expected to respond to business- related e-mails or telephone messages or to perform other work-related activities after normal work hours using personal or college-owned electronic devices, except as defined in "4." below.
4. Non-exempt employees whose job duties clearly warrant the need to respond to business-related e-mails or telephone messages after normal work hours, such as those responsible for safety, security and maintenance, may be issued electronic devices with authorization to carry them after hours, *provided* that all non-exempt employees authorized to perform work using personal or college- owned electronic devices outside normal work hours are required to keep detailed records of each communication or activity, including date, time, duration and description of the communication or activity to be submitted for pay purposes in accordance with the Fair Labor Standards Act.

C. General Guidelines

1. All full-time employees are scheduled to work 37½ hours during their assigned workweek. Work schedule adjustments rather than overtime should be used to provide coverage during peak periods. When feasible, the option of assigning part-time student workers to provide coverage may be considered rather than scheduling overtime. In emergency circumstances or to meet special requirements, overtime may be scheduled and must be approved in advance. When possible, overtime will be distributed equally among employees in same positions within a group, department, or occupation.
2. Only actual hours worked beyond forty (40) within a workweek by a non-exempt employee qualify as overtime. Work release time, time off for paid holidays, and absences charged to leave accruals during the workweek are not calculated as actual hours worked for overtime. Overtime must be compensated: in wages at the rate of one and one-half (1½) the employee's regular rate of pay; or in compensatory time off at the rate of one and one-half (1½) the time worked over forty hours. Time worked between 37.5 and 40 hours within a workweek by a non-exempt employee must be compensated at the employee's regular hourly rate of pay.
3. When a non-exempt employee is required to work on any scheduled holiday, that employee shall receive regular pay plus additional pay at the rate of one and one-half (1½) times the number of hours actually worked. If an observed holiday occurs on a staff member's regular, scheduled day off, the staff member shall be paid for the holiday.

4. When an **exempt** employee is required to work on any scheduled holiday, that employee shall be given substitute time off on an hour-for-hour worked basis.
5. When the college is closed, only those people who have been specifically scheduled (i.e., for snow removal, switchboard operation and security of facilities) will work. Compensatory or overtime cannot be used by any employee not specifically scheduled to report during the closed hours.
6. Compensatory time off shall be allowed only to the extent authorized by federal and state law.