	<b>Workweek, Compensatory Time, and Overtime Policy</b>	<b>Responsible Administrative Unit Administration &amp; Operations</b>
	<b>Issued: October 2004</b> <b>Revised: Nov. 15, 2016</b>	<b>Policy Contact</b> AVP Organizational Strategy <a href="mailto:krcurran@mines.edu">krcurran@mines.edu</a>

## 1.0 BACKGROUND AND PURPOSE

Colorado School of Mines (Mines or University) has a policy and procedures that establish a standard workweek in accordance with the requirements of the Fair Labor Standards Act of 1938 (FLSA) and its implementing regulations. The act, as amended, and its regulations create standards regarding the minimum wage, time worked recordkeeping requirements, and eligibility for overtime compensation. For purposes of public accountability and fiscal responsibility, federal law and state rules contain several elements that are unique to public sector employment. These include, among other things, allowing the use of compensatory (“Comp”) time off in lieu of cash payments for overtime and allowing deductions from a salaried employee's pay under certain circumstances.

Please click this [link](#) for a more complete description of the background that underlies this Workweek, Compensatory Time, and Overtime Policy.

## 2.0 POLICY

Mines complies with Federal, State, and local laws in adopting the Workweek, Comp Time, or Overtime pay for working in excess of the Workweek, minimum pay requirements, designation of Exempt or Non-exempt employee status, balance accrual and deductions, recordkeeping, and other requirements based on job-duties and salary thresholds, or as required by law


**2.1 Workweek.** Mines standard workweek is from 12:01 a.m. Saturday through 12:00 Midnight Friday. This workweek is the basis for determining when Comp Time or overtime applies to hours worked for Fair Labor Standards Act (FLSA) non-exempt employees.

**2.2 Prior Approval.** For employees eligible for overtime pay or Comp Time, work that will result in the payment of overtime or the accrual of Comp Time either must be specifically assigned by the supervisor or must be approved by the supervisor ***prior to its performance***. Failure of an employee to obtain prior approval of the supervisor for work that creates overtime pay or Comp Time accrual may subject the employee to corrective or disciplinary action.

**2.3 Employment.** As a condition of employment, Comp Time off will be given to FLSA non-exempt employees in lieu of overtime payment for work in excess of the standard forty-hour workweek. If Comp Time off is granted in lieu of payment for overtime, it will be managed in accordance with the rules and procedures established under the FLSA, the Colorado Department of Personnel and Administration, and the University. The employing department, however, may choose to pay overtime in lieu of Comp Time.

## 3.0 PROCEDURES

**3.1 Designation.** Human Resources (HR) designates whether a position is FLSA exempt or non-exempt based on the content of the job's duties at the time of the job's creation or when a Position Description (PD) is submitted for review. HR will notify in writing the supervisor of

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the position and the jobholder of the exempt or non-exempt status of the position.

3.1.1 **Position Description.** If the PD does not accurately reflect the employee’s actual duties or work performed and/or becomes outdated, the actual work will determine the FLSA status, not the content of the PD. Pay based upon an inaccurate FLSA exemption status can result in back-pay obligations to Mines and penalties. For this reason, supervisors and employees are strongly encouraged periodically to review PDs to assure their accuracy. If substantive changes in the PD occur, HR must be notified, and a revised PD must be completed.

**3.2 Timesheets.** All FLSA non-exempt employees must complete and sign accurate timesheets and submit them to their supervisors for review and approval within the deadlines established by the Payroll Office.

3.2.1 **Time.** Time is recorded in quarter hour (15 minute) increments and is rounded to the nearest quarter hour (i.e., time from one to seven minutes is rounded down; time from eight to fourteen minutes is rounded up).

3.2.2 **Documentation.** To comply with the FLSA and State Personnel Rules, a completed and signed [Comp Time Agreement Form](#) must be on file in the HR Office. If the form has not been previously completed and Comp Time accrual is requested, it must be completed, signed, and sent to HR for inclusion in the employee’s Personnel file.

3.2.3 **Signature.** The signed timesheet is a legal document supporting the employee’s pay and is required by FLSA regulations. When a FLSA non-exempt employee works hours that will create Comp Time to accumulate in lieu of overtime payment, the employee and supervisor must record the compensatory hours in the appropriate spaces on the FLSA timesheet.


**3.3 Supervisor Duties.** Supervisors are required to review timesheets, reconcile any discrepancies with employees, and, once reconciled, approve the timesheets. If overtime pay is approved, supervisors are required to submit the approved timesheets within the deadlines established by Mines Payroll Office so that accurate and timely payment can be processed for employees. The Payroll Office is responsible for establishing the procedures and deadlines for completion and submission of timesheets.

**3.4 Accrual.** Comp Time will be accumulated at the rate of 1.5 hours for each hour of work that exceeds 40 hours of work in the workweek. No more than 240 hours of Comp Time may be accrued and held in an employee’s balance. Any hours worked that cause Comp Time to exceed an employee’s Comp Time balance limit of 240 hours must be paid as overtime.

**3.5 Comp Time Use.** Employees with accrued Comp Time who request its use shall be permitted to use such time off within a reasonable period after making the request, if the requested use does not unduly disrupt<sup>1</sup> the operations of their department. Employees who

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<sup>1</sup> The term “unduly disrupt” refers to business hardships that would occur if the employee is absent from the job. It does not include denial of requests for Comp Time use based on inconvenience to the department.

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wish to use some or all of their Comp Time balances must provide requests to their supervisors in advance of its requested use. Departments may schedule periods for mandatory use of Comp Time off and also may restrict its use to certain periods. If there are periods of time when Comp Time usage cannot be authorized, departments must provide written notice to affected employees. Similarly, if a department needs to schedule mandatory use of Comp Time usage, departments must provide written notice to affected employees.

**3.5 Department Records.** Departments must retain completed and signed FLSA timesheets and Comp Time records for three years from the date of each pay period. These records are subject to audit and must be produced if requested in response to an audit or in response to requests from Mines Payroll Office or HR Office. It is critical that the completed timesheets are signed by both the submitting employee and the approving supervisor.

**3.6 Leaving position.** Unused Comp Time balances must be paid to the employee at the time of termination of employment, change in assignment to a FLSA exempt position, or transfer to another state agency by the employee. Comp Time payments are based upon the employee's hourly rate in effect immediately prior to the action that triggers the payment.

**3.7 Complaint Process.** FLSA Non-Exempt employees may submit questions or complaints regarding the accuracy of the pay, Comp time balances or other concerns to the Mines' HR office or to Mines' Payroll office.

#### **4.0 COMPLIANCE**

Supervisors are responsible for ensuring compliance with overtime provisions for Non-exempt employees, including tracking and scheduling Comp time, as well as retaining the required records. HR is responsible for designating positions as exempt or Non-exempt. Wage and hour records are subject to audit/review by the U.S. and/or Colorado Department of Labor. Failure to comply with the policy may result in discipline of an employee under the relevant governance rules (faculty handbook, personnel board, etc.); however, employees must be compensated (Comp time or Overtime pay) for any hours worked beyond 40 hours in a Workweek.

#### **5.0 HISTORY & REVIEW CYCLE (Retention)**

The policy and procedures will be reviewed at least every two years by the Responsible Administrative Unit (HR).

July 2004 adopted Comp time as condition of employment for non-exempt employees;

Updated April 13, 2006;

Updated November 15, 2016 (format update; compliance update); Updated February 12, 2018 (Policy Contact).

#### **RESOURCES**

U.S. Department of Labor, Wage, & Hour Division ([FAQs](#));

Mines [Background Summary](#) & Terms.

Mines Comp Time Agreement [Form](#).