

TECHNICAL COLLEGE OF THE LOWCOUNTRY

PROCEDURE

PROCEDURE NUMBER: 6-1-601.5 REF. STATE BOARD POLICY: 8-2-104  
REF. STATE BOARD PROC.: 8-2-104.1

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PROCEDURE TITLE: OVERTIME AND COMPENSATORY TIME  
FOR NON-EXEMPT EMPLOYEES

BASED ON POLICY: 6-1-602

REVISION NUMBER:

OFFICE OF  
RESPONSIBILITY: HUMAN RESOURCES

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\_\_\_\_\_  
PRESIDENT

\_\_\_\_\_  
SEPTEMBER 18, 2012  
DATE

PURSUANT TO SECTION 41-1-110 OF THE CODE OF LAWS OF SC, AS AMENDED, THE LANGUAGE USED IN THIS DOCUMENT DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE EMPLOYEE AND THE COLLEGE. THIS DOCUMENT DOES NOT CREATE ANY CONTRACTUAL RIGHTS OR ENTITLEMENTS. THE COLLEGE 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.

**PURPOSE**

The normal work week for non-exempt permanent, full-time, employees is forty (40) hours per week. It is recognized, however, that there are occasions when more than forty (40) hours per week are required of some employees. The College's employees are governed by applicable State and Federal laws, in particular the Fair Labor Standards Act. The institution adheres to a State Board policy that defines overtime for the employees of the system and stipulates eligibility for compensatory time. The personnel policies adhered to by the institution are in accordance with the policies adopted by the State Board for Technical and Comprehensive Education (8-2-104.1).

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## PROCEDURE

### I. OVERTIME DEFINED

Overtime is defined as hours worked in excess of forty (40) hours during the established FLSA workweek.

- A. The FLSA workweek is a regular recurring period in the form of seven (7) consecutive twenty-four (24) hour periods. The Technical College of the Lowcountry's work week begins 12:01 a.m. Saturday and ends 12:00 midnight Friday.
- B. The non-exempt employee may be allowed to work in excess of the normal workday and be given time off during the same FLSA workweek on an hour-for-hour basis to avoid working over forty (40) hours in a standard FLSA workweek and thus eliminate the need for compensatory time.

### II. BASIS FOR COMPENSATION

Compensation of South Carolina State employees is based on forty (40) hours per week or two thousand eighty (2,080) hours per year.

- A. The normal work week consists of thirty-seven and one-half (37.5) hours; some departments may be required to work forty (40) hours per week as an operational necessity. No overtime shall accrue until an employee works in excess of forty (40) hours during the defined work week. An employee's defined work week and schedule may be changed due to an operational requirement.
- B. Additional compensation may not be paid for hours worked between thirty-seven and one-half (37.5) and forty (40) hours per week.
- C. Compensatory time off may not be granted for hours worked between thirty-seven and one half (37.5) and forty (40) hours per week.

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### III. APPROVAL AND BUDGETARY CONSTRAINTS

Overtime shall not be authorized unless there is an absolute need to meet a deadline that could not be met during the normal workweek, to overcome productive time lost due to mechanical failure, or to meet the demands of a crisis situation. Any overtime worked is subject to the following conditions:

- A. Overtime worked by any non-exempt employee must have the prior approval of the President.
- B. Overtime costs must be managed within the existing budget.

### IV. COMPENSATORY TIME AND MONETARY PAYMENT

Non-exempt employees who work more than forty (40) hours during the standard FLSA workweek will be compensated by the following methods:

- A. Compensatory time will be granted in lieu of payment at the rate of one and one-half (1-1/2) times (X) the hours worked over forty (40) hours. Except for situations that create severe scheduling problems for the agency, compensatory time will be the method of compensation. There are two (2) limitations to the accrual of compensatory time in lieu of monetary compensation (pay).

1. Compensatory time accrued must be taken within ninety (90) days of the date earned or the employee must be given monetary compensation (pay) at a straight time rate for each hour over the ninety (90) day limit.
2. In addition to the ninety (90) day limit, employees will be allowed to accrue only up to two hundred forty (240) hours of compensatory time before any monetary payment is made. Any additional overtime hours worked over the two hundred forty (240) hour threshold will be monetarily compensated at the rate of one and one-half (1-1/2) times (X) the employee's regular rate.
3. Management may require employees to take compensation time on a schedule advantageous to the organizational needs.

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- B. Monetary compensation (pay) may be granted the employee when the compensatory time method may create a severe scheduling problem for the college. Such monetary compensation (pay) will be given only after approval by the President. When monetary compensation pay is granted, it will be paid at the rate of one and one-half (1-1/2) times (X) the employee's regular rate for all hours worked over forty (40) hours.
- C. Regular rate includes all remuneration for employment paid to an employee to include base pay, longevity increases, and/or shift differential. The hourly rate of pay is calculated by dividing the annual salary plus longevity increases by two thousand eighty (2080) hours and adding on the appropriate shift differential hourly rate.

## V. DEFINITION OF HOURS WORKED

Hours worked include all time that an employee is required to be on duty or at the prescribed work place and all time during which an 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. Even if not approved, unauthorized work shall be counted as hours worked if the supervisor could have stopped the work but did not, or if he or she knows or has reason to know of the work performed. Specific items related to hours worked are as follows:

- A. If an employee who is on call is not confined to home or any particular place, but is required only to leave work where he or she may be reached, the hours spent on call are not regarded as working time.
- B. A bona fide meal period which occurs during the scheduled workday is not hours worked if the employee is completely relieved from duty for the purpose of eating a regular meal.
- C. Rest periods or coffee breaks of short duration are not required, but if given must be counted as hours worked. Short duration is defined as no more than twenty (20) minutes during the morning and no more than twenty (20) minutes during the afternoon each work day.

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- D. Travel time for non-exempt employees may be hours worked under some conditions. Ordinary home to work travel or vice versa is not considered time worked regardless of the day of the week. All time spent traveling on one-day assignments is considered work hours regardless of the day of the week and the time of day it occurs. When away from home (overnight), travel time is considered time worked only when it cuts across the employee's normal working hours. This is applicable on both regular workdays and corresponding hours of non-work days.
- E. When a non-exempt employee, by reason of official responsibilities, is required to attend lectures, meetings, training programs, etc., such time will be considered work time.
- F. The hours a non-exempt employee works (1) in a different capacity, (2) occasional and sporadic, (3) as extensions of normal work duties and (4) other state agencies are eligible for overtime compensation based on the total number of hours worked per week for the State of South Carolina.
- G. Employees on any leave status will not be considered as working in computation of total hours worked.
- H. Employees required to work on a legal holiday shall be considered working in computing total hours worked. Holiday hours worked are paid at a straight time rate. Employees will also be given holiday compensatory credits in accordance with established policy.
- I. Volunteers: Time spent as a volunteer is not included in hours worked. An employee may volunteer services for an agency or a political subdivision of the State, if (1) the individual does not receive compensation, paid expenses, benefits, or a nominal fee for services for which the individual volunteered, and (2) such services are not the same type of services for which the individual is employed to perform for such public agency. An employee of a public agency which is a state, political subdivision of a state, or an interstate governmental agency may volunteer services for any other state, political subdivision, or interstate governmental agency including a state, political subdivision or interstate governmental agency with which the employing agency has a mutual aid agreement.

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### VI. RECORDKEEPING

Weekly time records shall be kept in accordance with FLSA. These records must record the daily hours worked and the total hours worked during the standard FLSA workweek.