



# DEPARTMENT OF ADMINISTRATION

## Enterprise Policy

### HR-EXEMPT POSITION COMPENSATORY TIME-2020

#### DIVISION OF HUMAN RESOURCES

#### COVID-19 Exempt Position Compensatory Time Policy

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#### 1. Purpose

- a. Unlike hourly-paid FLSA nonexempt (standard) employees, FLSA exempt (non-standard) employees are accountable for their performance outcomes rather than for the number of hours or days worked and are not eligible for overtime pay. In recognition of the extraordinary time, effort and additional work hours well beyond the employees' regular work schedule expected of many FLSA exempt (non-standard) employees as a result of the COVID-19 (coronavirus disease 2019) pandemic, the purpose of this policy is to provide for compensatory time for FLSA exempt employees' along with guidelines under which the compensatory time will be authorized.
- b. This policy is separate and apart from the Exempt Position Compensatory Time Policy issued on April 23, 2019 and applicable only to the COVID-19 pandemic.

#### 2. Governing Authority

- a. This policy is governed by the Fair Labor Standards Act.

#### 3. Scope

- a. This policy, including the ability to discharge and/or be compensated for accrued COVID-19 compensatory time, shall expire on June 30! 2024.
- b. This policy applies to all state employees who are exempt from the overtime provisions of the Fair Labor Standards Act.
- c. All provisions of a collective bargaining agreement which modify or supplement this policy shall take precedent over any portion of this policy that may be in conflict with such agreement. In case of such modification or supplementation by a collective bargaining agreement, those portions of this policy not affected thereby remain in full force and effect.

#### 4. General

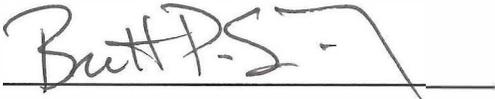
- a. Neither the FLSA nor State policy requires any form of compensation for hours worked in excess of exempt employees' regular schedules. It is understood that a full-time exempt employee will generally work a minimum of 35 or 40 hours per week.
- b. During the COVID-19 pandemic, exempt employees will receive compensatory time on an hour-for-hour basis for hours worked in excess of ten (10) hours beyond their normal work week.

- (i) For example: Employees who work a 35-hour Non-Standard work week will accrue compensatory time on an hour-for-hour basis for hours worked in excess of 45 hours in a work week. In other words, if an employee who works a 35-hour Non-Standard work week worked 55 hours in one week (between January 31 through December 31, 2020), they would accrue 10 hours of compensatory time for that week.

## 5. Process

- a. Compensatory time is earned on an hour-for-hour basis and may be earned in one-half hour increments for compensatory hours worked.
- b. Exempt employees earning compensatory time shall be allowed to earn compensatory time hours for the period of January 31, 2020 through December 31, 2020 in excess of the current maximums of 70 hours for a 35-hour work week and 80 hours for a 40-hour workweek under the Exempt Position Compensatory Time Policy issued on April 23, 2019 and shall be allowed to carry over such hours from year to year ending June 30, 2024.
- c. Use of compensatory time requires prior approval by a supervisor. Compensatory time may be used in intervals of one-half hour and must be documented in the same manner as an employee would request to use leave.
- d. Any compensatory time earned under this policy must be used by June 30, 2024 and cannot be carried over past said date.
- e. Exempt employees must complete and submit timely and accurate weekly timesheets recording all of their hours worked. When discharging compensatory time, the compensatory leave must be recorded on the timesheet.
- f. When the service of an employee shall be terminated by resignation, death, dismissal or otherwise, if such employee shall have unused COVID-19 compensatory time credits, such employee or their estate shall, upon such termination, be entitled to receive full pay for each hour of compensatory time to their credit as of the date of termination, up to a maximum of 70 hours for employees in a 35-hour work week and 80 hours for employees in a 40-hour workweek. No other cash payment for earned compensatory time is permitted.
- g. Employees may not convert compensatory time to any form of leave.
- h. All compensatory balances will be forfeited upon movement to a position that is overtime eligible.
- i. Compensatory time may not be used to extend an employee's date of resignation or date of retirement.
- j. Earned compensatory time is not transferable to another state department or agency.
- k. Unless otherwise prohibited by law, the State expressly reserves the right to modify this policy without notice.

**6. Signatures**

  
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Director of Administration

6/17/2020  
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Date