

Compensatory time will be granted to a full-time, non-curriculum, non-exempt employee under the provisions of the Fair Labor Standards Act. If a non-exempt employee works more than forty (40) hours in a given work week, that employee shall receive compensatory time.

For accrual and use of compensatory time, the following rules shall apply:

- A. The employee's immediate supervisor must approve, in writing, any time over forty (40) hours per week prior to the employee working the time. Overtime work is discouraged and should only be implemented due to an emergency or extraordinary situation. Approved leave taken during a workweek (i.e., annual, sick, holiday, etc.) will not be counted as time worked for purposes of overtime.
- B. If it is necessary for an employee to work over forty (40) hours per week, one and one-half (1.5) hours of compensatory time shall be granted for each hour of overtime worked. The employee is responsible for accurately and honestly recording hours worked on time records and in accordance with College policy and practice. The employee's supervisor shall review and approve time records at the conclusion of each period to determine that all recorded overtime hours are accurate.
- C. Except in extreme circumstances and with the appropriate Vice President's approval, supervisors shall make sure that employees do not accrue more than forty (40)<sup>1</sup> hours of compensatory time at any time and all accrued compensatory time must be used by the last day of the fiscal year (June 30th). If an employee fails to exhaust his/her compensatory time by the end of the fiscal year, the appropriate Vice President shall consult with the President to determine whether the unused accrued compensatory time shall be paid to the employee or if the College shall require the employee to use the leave at a time determined by the Vice President.
- D. Employees are required to use compensatory time prior to using any other accrued leave (annual, bonus, sick, etc.)
- E. The employee's immediate supervisor must approve the use of compensatory time. To the extent possible, compensatory time should be used within the pay period it was received. An employee who has accrued compensatory time and requests the use of such time must be permitted to take the time within a reasonable period after making the request if the use of the compensatory time does not unduly disrupt the College's operations.
- F. In the event an employee leaves his/her College employment, the employee must, to the extent possible, exhaust all compensatory time before the last day of employment. Unused compensatory time must be paid at a rate of not less than the

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<sup>1</sup> We intentionally set this number low. The maximum is 240 hours. The problem is that you don't want non-exempt employees banking large amounts of compensatory time and then using it all at one time. The better business practice is to make sure that supervisors keep a close watch on compensatory time and, where reasonably appropriate, have employees use that time within a reasonable time after they accrued it.

average of the employee's regular pay rate for the last three years of employment or the final regular rate received by the employee, whichever is greater.

Compensatory time may not be used to extend dates of retirement, resignation or other forms of severance from the College.

- G. Compensatory time shall be accumulated in quarter hours. The College shall round up to the nearest quarter hour when calculating compensatory time.
- H. Any work from home is not allowed to be counted as part of the forty (40) hour workweek and/or compensatory leave unless pre-approved by the employee's immediate supervisor and appropriate Vice President.
- I. Failure to follow the requirements set forth in this policy is grounds for disciplinary action, up to and including non-renewal or termination.

Adopted: August 26, 2022

Legal Reference: 1C SBCCC 200.94; The Fair Labor Standards Act of 1938, as amended.