UAP Purpose

This University Administrative Procedure (UAP) is to clarify what constitutes overtime, how it is earned, and usage at Prairie View A&M University (PVAMU). This UAP also outlines the process of requesting overtime. This UAP is required by System Regulation 31.01.09 Overtime.

Definitions

**Workweek** – a fixed and regularly recurring period of seven consecutive 24-hour periods (168 hours), beginning on Thursday and ending on Wednesday.

**Pay Period** – a predetermined set of consecutive calendar days during which an employee’s work hours are recorded and for which a payroll check is subsequently produced.

**Biweekly Pay Period** – this period consists of two work weeks, each of which begins on a Thursday and ends on a Wednesday. All PVAMU non-exempt employees work schedules will be defined in this pay period.

**Fair Labor Standards Act (FLSA)** – a federal statute which governs the administration and compensation for overtime.

**Non-Exempt/Classified Staff Employees** – employees who are not exempt from FLSA overtime provisions.

**Exempt/Non-Classified staff employees** – employees who are compensated under the federal or state overtime provisions except as described in System Regulation 31.01.09 Overtime.

**Time Traq** – The Texas A&M University System online time keeping system for recording time and leave for non-exempt employees.

**Leave Traq** – The Texas A&M University System online system for tracking the accumulation and usage of paid and non-paid leave.

**Regular Hourly Rate** – is determined by the hourly rate set for a particular position in the budget.

**Student Employees** – those employees who hold positions that are reserved only for students of the University. All student employees, except for selected graduate student employees, are non-exempt and are subject to FLSA overtime provisions.
**State Compensatory Time** - when a classified/non-exempt employee has not worked more than forty hours during a workweek, but the total of hours worked plus paid leave, holidays, and compensatory time exceeds forty hours, the department shall grant state compensatory time off on a straight time basis for the excess hours.

**Official Procedures and Responsibilities**

1. **GENERAL**
   
   1.1 All overtime for a nonexempt employee requires advance authorization.
   
   1.2 Employees will record and round work time to the nearest quarter hour.
   
   1.3 FLSA does not limit the number of hours a non-exempt employee can work each day.
   
   1.4 A non-exempt employee must be compensated with either time or pay for time worked over a 40 hour workweek.
   
   1.5 All time worked must be documented in TimeTraq, including hours worked over a 40 hour workweek.
   
   1.6 Hours worked include all time during which an employee’s presence is required to be on the employer’s premises, or at a prescribed or authorized workplace.
   
   1.7 An employee who, as a condition of employment, resides on University property on a permanent basis or for extended periods of time is not considered to be working all of the time while on the premises. Work schedules for such employees will facilitate a 40 hour workweek.

2. **RESPONSIBILITIES**

   2.1 Employee Responsibilities
   
   2.1.1 A non-exempt employee must obtain advance authorization prior to working overtime from the immediate supervisor. If the situation does not allow for the advance authorization, such as emergency response or on-call response, the employee must obtain the authorization as soon as possible.
   
   2.1.1.1 If more than twenty hours of overtime is planned in one week, the written approval of the next level of supervision is required in advance.
   
   2.1.2 Non-exempt employees can be disciplined if they fail to get prior written approval before working over a 40 hour workweek, in accordance with System Regulation 32.02.02 Discipline and Dismissal of Non-faculty Employees.
2.1.3 If an employee is required to work over a 40 hour workweek due to a University emergency situation, the employee is required to inform their supervisor in writing as soon as possible.

2.2 Supervisor Responsibilities

2.2.1 Supervisors are responsible for monitoring the number of hours worked including any hours over a 40 hour workweek.

2.2.2 For non-exempt employees, supervisors must approve in writing all additional hours in advance of the work unless an emergency situation precludes such notice.

2.2.2.1 If the overtime hours in a week are to exceed twenty hours, the next level of supervision must also approve in advance in writing.

2.2.3 Supervisors must ensure all hours worked over a 40 hour workweek are paid at the FLSA compensatory rate.

2.3 Non-exempt employees will always be compensated for actual hours worked over a 40 hour workweek. These hours must be documented in TimeTraq.

3. TRAVEL

3.1 Travel that keeps a non-exempt employee away from home overnight is counted as hours worked if the employee travels during normal duty hours or corresponding hours on Saturdays and Sundays. Travel outside normal duty hours while on an overnight trip does not count as hours worked. Travel performed both during and outside normal duty hours in association with a one-day assignment in another city that does not require the non-exempt employee to stay overnight is counted as hours worked. Travel that is considered the non-exempt employee’s official duty, such as driving a truck or bus, is counted as work time regardless of whether performed during or outside normal duty hours.

4. FLSA OVERTIME FOR NON-EXEMPT EMPLOYEES

4.1 FLSA Compensatory Time

4.1.1 FLSA compensatory time is paid at one and one half times the regular rate of pay or is granted one and a half hours of compensatory time for hours worked in excess of 40 hours within a workweek.

4.1.2 Non-exempt employees may not accrue more than 240 hours of compensatory time (equivalent to 160 hours of overtime worked).

4.1.3 Non-exempt employees who work in the public safety, emergency response or seasonal activity may not accrue more than 480 hours of compensatory time (equivalent to 320 hours of overtime worked).

4.1.4 Once maximum compensatory time has been reached, all hours above the maximum will be paid as overtime compensation.
4.1.5 When practical, overtime compensatory time should be taken during the 12-month period following the end of the workweek in which the overtime was worked.

4.1.6 When requesting paid time off unrelated to sick leave, all non-exempt employees that have FLSA or State compensatory time balances must use that time first before using vacation leave.

4.1.7 Compensation for accrued FLSA overtime compensatory time will be paid at a rate of compensation representing the greater of: (1) the average regular rate received by the employee during the last three years of employment; or, (2) the employee’s final regular rate. This applies to payments to an active employee, an employee terminating employment, an employee transferring to another System component or state agency, and the estate of an employee who dies.

4.1.8 An employee who transfers to another state agency, including another System component, must be paid for his or her accrued FLSA compensatory time or be allowed to remain on the payroll to use up the time. When an employee transfers between two departments within the same System component, the department managers will agree whether the employee will be paid for the time, remain on the current department's payroll to use up the time or be allowed to transfer the time.

5. State Overtime for Nonexempt Employees

5.1 Compensatory time is calculated automatically in TimeTraq by taking hours worked in excess of 40 and multiplying those hours by one and one half to determine the total amount of compensatory time earned for that workweek.

5.2 State compensatory time is calculated when an employee has not worked more than 40 hours in a workweek, but the total hours worked and the hours of paid leave or paid holidays exceed 40 hours. The employee will be allowed one hour of compensatory time off for each hour worked in excess of 40 in a work week. Likewise, when the employee has worked more than 40 hours in a workweek and the total amount of hours worked and hours of paid leave or paid holiday exceeds 40 hours after subtracting FLSA overtime hours worked (which must be compensated as described in Section 4), the employee will be allowed equivalent compensatory time off for the excess hours. An employee may accrue compensatory time only for hours worked at a regular duty station or approved duty station. An employee may not accrue compensatory time for hours worked at his or her residence.

5.3 This state compensatory time must be taken during the 12-month period following the end of that workweek and may not be carried forward past the end of the 12-month period. An employee may be paid for compensatory time on a straight-time basis, if it is determined that allowing this time off would be disruptive to normal teaching, research, and other critical functions.

5.4 When an employee requests in writing use of this compensatory time at least 90 days before the end of the 12-month period, the supervisor must either approve the request in writing or suggest an alternate date that the time may be used. If the employee requests use of compensatory time less than 90 days before it will
expire, the supervisor should make every effort to allow the employee to use the time.

5.5 An employee may not be paid for unused state compensatory time upon termination of employment or transfer to a state agency outside the System. Payment for such time may not be made to the estate of a deceased employee. A terminating or transferring employee may, however, remain on the payroll to expend this type of compensatory time.

5.6 When an employee transfers between two System components or two departments within the University, the department managers will agree in writing, whether the employee will remain on the current department's payroll to use up the time or be allowed to transfer the time.

6.  COMpENSATORY TIME FOR EXEMPT EMPLOYEES

6.1 From time to time an exempt employee may need to work more than 40 hours a week to accomplish job requirements. When extraordinary circumstances necessitate work hours beyond those routinely required for the position, such employees may, at the discretion of the President, be granted compensatory time off in accordance with state law. Provisions of Texas Government Code, Sections 659 and 662, and the Federal Fair Labor Standards Act relating to compensatory time programs for exempt employees include:

6.1.1 The number of hours of compensatory time awarded may not be more than the number of hours worked that exceeds 40 hours in a workweek. The number of hours worked includes actual hours worked plus holiday and paid leave hours.

6.1.2 The award and use of compensatory time must be documented.

6.1.3 All unused compensatory time expires 12 months after the end of the workweek in which the additional hours were worked.

6.1.4 Compensatory time may not be awarded for work performed at an employee's residence.

6.1.5 An employee, or the employee's estate, may not be paid for unused compensatory time.

7.  COMpENSATORY TIME FOR OTHER TYPES OF EMPLOYEES

7.1 Special rules apply to agricultural workers, seamen, non-seamen shipboard employees, recreational employees, hospital employees, firefighters and law enforcement employees. The Office of Human Resources can provide information related to these categories of employees.

8.  VOLUNTEER WORK

8.1 An employee who volunteers to perform civic, humanitarian or charitable services for the University will not be considered an employee for purposes of overtime calculation if the employee: (1) receives no compensation; (2) is paid only expenses, reasonable benefits or nominal fees for the services; and, (3)
performs services unlike those for which he or she is normally employed. An employee who volunteers to perform services for any other state agency will not be considered an employee of that agency for the purposes of overtime calculations. This section applies only to an employee who volunteers to perform the services.

9. **SUBSTITUTE WORK**

9.1 When an individual agrees, with the employer’s approval and solely at the individual’s option, to substitute during scheduled work hours for another System employee working in the same capacity, the hours worked as a substitute will be excluded in the overtime calculation.

10. **WORK ON HOLIDAYS**

10.1 Exempt and nonexempt employees who are required to work on holidays will be granted state compensatory time as described in System Regulation 31.04.01 System Holidays.

11. **USE OF OVERTIME TO MEET EMERGENCY AND PEAK WORK-LOAD REQUIREMENTS**

11.1 Regular employees will meet peak workload personnel requirements for emergencies to the extent feasible. The following should occur:

11.1.1 Supervisors should consider using overtime in lieu of hiring temporary workers during peak work times.

11.1.2 Supervisors can request utilization of other departments’ employees. Both departments must approve in writing, the work and authorize any accrued overtime.

11.1.3 When an employee works for more than one department, the department approving the payment of overtime (hours above the normal workweek) will compensate the employee at the rate established by the approving department.

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**Related Statutes, Policies, Regulations and Rules**

System Regulation 31.01.09 Overtime

System Regulation 31.04.01 System Holidays

System Regulation 32.02.02 Discipline and Dismissal of Non-faculty Employees

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**Contact Office**

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