

## **OVERTIME, COMPENSATORY TIME, & FLEX-TIME**

---

*Legal Authority: 29 USC 201-209 (Fair Labor Standards Act); NCGS 95-25.1-.4*

*Approved: March 21, 2023*

*Previous Edition: April 19, 2011*

---

### **OVERTIME, COMPENSATORY TIME, & FLEX-TIME**

The Fair Labor Standards Act (FLSA) establishes minimum wage, overtime pay, recordkeeping, and youth employment standards affecting employees in the private sector and in Federal, State, and local governments. The Board of Trustees authorizes the President of the College to establish Procedures for *Overtime, Compensatory Time, and Flex-Time* that fully comply with FLSA provisions.

#### **Definitions**

*Workweek.* The FLSA defines a "workweek" as a period of 168 hours during 7 consecutive 24-hour periods. For payroll purposes, the College's workweek begins on Sunday at 12:01 a.m. and concludes the following Saturday at midnight.

*Overtime Pay.* Non-exempt employees who are covered by the FLSA must receive overtime pay for hours worked in excess of 40 in a workweek of at least one and one-half times their regular rates of pay. Overtime will not be paid unless an employee has worked more than 40 hours in a workweek, even if the employee is regularly scheduled to work fewer than 40 hours. There is no limit on the number of hours employees may work in any workweek. The FLSA does not require overtime pay for work on Saturdays, Sundays, holidays, or regular days of rest, unless overtime is worked on such days. Employees who are exempt from the overtime provisions of the FLSA will not be paid for overtime, regardless of the number of hours worked in a workweek.

*Compensatory Time.* Employees of State government agencies may receive Compensatory Time off, at a rate of not less than one and one-half hours for each overtime hour worked, instead of cash overtime pay. An employee must be permitted to use Compensatory Time on the date requested unless doing so would unduly disrupt the operations of the College. Employees may accrue up to 240 hours. Upon termination of College employment, all accrued Compensatory Time must be paid to the employee. Compensatory Time cannot be used towards Teachers and State Employees Retirement System (TSERS) service credit. Compensatory time off shall be taken before any vacation or sick leave.

*Flex Time.* An eligible employee, with supervisor approval, utilizes a customized work schedule during a single workweek. This schedule allows work for extended hours during one or more days during the week, without surpassing a total of 40 hours during the workweek. For example, an employee who works 12 hours in one day may be allowed to work 4 hours the next day to sustain the 40-hour workweek.