Christopher Newport University

Policy: Overtime Policy
Policy Number: 5085

Executive Oversight: Vice President for Finance and Planning
Contact Office: Office of Human Resources
Frequency of Review: Annually
Date of Last Review: November 2020

A. PURPOSE

The Fair Labor Standards act (FLSA) allows Christopher Newport University to establish a policy for overtime leave and pay provided the compensation for leave accrued is one and one-half times pay and the other rules on non-expiration and maximum accumulation are met.

Moreover, the Department of Human Resource Policy 3.15, Overtime Leave, General Provisions, allows agencies to grant overtime leave instead of overtime pay when an employee covered by the FLSA (non-exempt) works more than 40 hours in any workweek. Only hours physically worked are used to determine if compensation for overtime is required.

Due to the statewide emergency related to the Coronavirus (COVID-19), the requirement to accrue overtime hours as overtime leave is suspended. All overtime hours worked by non-exempt employees will be compensated as overtime pay through June 30, 2021. At that time, the previous policy (still shown here) shall be automatically restored, unless this temporary change is expressly extended.

This policy serves as written notification to non-exempt employees of the university’s policy to accrue overtime hours first as overtime leave to a maximum limit of 160-hours. After reaching the 160-hour maximum limit for overtime leave, any additional overtime hours worked by non-exempt employees will be accrued as overtime pay.

B. POLICY STATEMENT

Christopher Newport University is a public institution of the Commonwealth of Virginia. The Fair Labor Standards Act (FLSA) covers all employees of the university, although some individuals may be exempt from its provisions. Full-time employees are paid a salary based on 40 hours of work per workweek. For purposes of FLSA, each position must be designated exempt or non-exempt. Exempt employees will not receive overtime pay/leave regardless of the number of hours worked. Overtime leave is granted or overtime is paid to all non-exempt salaried employees or hourly employees who work more than forty hours in the workweek.
Christopher Newport University requires prior written authorization from the appropriate Vice President, Provost, Chief of Staff or designee before a non-exempt employee may work any overtime hours. The Office of Human Resources must have a copy of the signed approval on file. Overtime should only be requested for exceptional requirements of an emergency or temporary nature. Overtime hours worked will be compensated at one-and-one half hours for each hour actually worked over 40 hours in the workweek. The overtime hours will accrue first as overtime leave to a maximum limit of 160-hours. After reaching the 160-hour maximum limit for overtime leave, any additional overtime hours worked by non-exempt employees will be accrued as overtime pay.

Employees who take it upon themselves to work overtime without prior approval from the supervisor may be subject to disciplinary action. This includes working through the meal break or after the normal work schedule.

The Chief of Staff may authorize exceptions to the policy regarding prior approval, receiving overtime pay before the maximum leave limit is reached, and blanket approval for University events. Exceptions for overtime pay instead of overtime leave are usually limited to once per year except in the most urgent and necessary circumstances.

All non-exempt employees and their supervisors shall be given a copy of this policy and required to sign an acknowledgment of the receipt of this information.

C. DEFINITIONS

**Fair Labor Standards Act:** The Fair Labor Standards Act (FLSA) requires employers to compensate non-exempt employees for all hours worked beyond 40 hours per workweek. The law also requires non-exempt employees to be paid at least the federal minimum wage, sets guidelines for employment of minors, and includes wage and hour record keeping requirements.

**Non-Exempt Employee:** An employee who is not exempt from the overtime provisions of the FLSA and must be compensated for time worked over 40 hours in a workweek. Overtime leave is granted or overtime paid at time-and-one-half rate for all hours worked over 40 in the workweek.

**Exempt Employee:** An employee who is exempt from the overtime provisions of the FLSA and accordingly is not eligible to be paid overtime by the university. Such positions must meet the specific criteria for exemption established by the FLSA. The FLSA status of each position is evaluated using the primary duties and responsibilities of that position and not the working title.

**Compensatory Pay or Leave:** Compensatory pay or leave is pay or paid time off for an eligible employee having worked additional hours not over 40 hours in a workweek; for instance, having worked on an official office closing day, a holiday, or a scheduled day off; or when a holiday falls on an employee’s scheduled day off. Compensatory pay or leave is paid at the straight rate or accrued on an hour for hour basis.
**Overtime Pay or Leave:** Hours actually worked (no holiday or leave hours included) over 40 in a workweek (defined at CNU for a Sunday through Saturday workweek) are considered overtime. Any non-exempt employee who works beyond 40 hours in a workweek must be compensated or leave accrued at a rate of time-and-one-half. Per DHRM Policy 3.15, a supervisor may choose to schedule an employee’s use of overtime leave. Overtime leave does not lapse but is subject to the maximum accrued amount, as described above.

**Workweek:** An employee's workweek is a fixed and regularly recurring period of 168 hours – seven consecutive 24-hour periods. The workweek adopted by Christopher Newport University is defined to begin at 12:01 Sunday morning and end on Saturday night at midnight.

D. **AUTHORITY**

This policy is adopted and conforms to Virginia Department of Human Resource Overtime Leave Policy 3.15 and the Fair Labor Standards Act.

The University reserves the right to revise, change, or eliminate this policy as necessary and without notice.

E. **REFERENCES**

- Fair Labor Standards Act (FLSA)
- Department of Human Resources Management Overtime Leave Policy 3.15

F. **APPROVAL AND REVISIONS**

- Approved By: Policy Committee, October 20, 2016
- Amended: Policy Committee, October 5, 2020
- Revision 1: Policy Committee, November 11, 2020

G. **NEXT REVIEW DATE:** Fall 2021