

I. Overview

Act 118 of 1977, as amended by Act 820 of 1985, states: "It is hereby declared to be the policy of the State of Arkansas that overtime pay for state employees is the least desirable method of compensation for overtime work." The Act further states that "all state departments, agencies, boards, commissions, and institutions may pay overtime to its employees under the rules and regulations set out by the Fair Labor Standards Act." These statements are also codified in Title 19, Chapter 4, Subchapter 16 of the Arkansas Code. It is also held to be the policy of the State and the University of Arkansas Community College at Batesville (UACCB) that the provisions of the Fair Labor Standards Act (FLSA), as amended, be adopted and implemented as the basic wage and hour policy of the State and UACCB. Further, it is held to be the policy of UACCB that any overtime work necessary to the continued effective operations of the College shall be managed in the most efficient and economic manner possible. It shall be the practice of UACCB to grant compensatory time in lieu of overtime payments for overtime work.

The positions that are eligible for compensatory time have been designated by the state Office of Personnel Management. The College's Human Resources personnel maintain a listing of positions covered by the FLSA.

II. Practice

Compensatory time is defined as time earned for work performed in excess of forty (40) hours in the workweek for nonexempt employees. **Prior approval from the supervisor is required to authorize work in excess of a 40 workweek.** Compensatory time may not be earned in less than fifteen (15) minute increments. Employees performing qualifying nonexempt work within a workweek will accrue compensatory time at the rate of one and one-half times the number of hours worked in excess of 40 hours.

All UACCB supervisors shall limit hours worked by the employees to the established regular workweek standard unless overtime hours of work are necessary to facilitate operations. It shall be the responsibility of the supervisor to determine that the provision of compensatory time is administered in the best interest of the College. Each supervisor is responsible for internal controls which will provide a means for reviewing and evaluating the cause of compensatory time. Requests for compensatory time must be submitted on the UACCB Form; Authorization to Earn Compensatory Time/Overtime for approval. The approved form will be attached to the employee's time sheet.

Accumulated compensatory time may not exceed 20 hours in a given month unless certified in writing and approved by the Chancellor that an emergency exists.

Accrued compensatory time must be used until the balance is depleted before using vacation leave. This will ensure UACCB is in compliance with Act 820 and the Arkansas Code to its fullest extent possible. Requests to use compensatory time will be processed on the UACCB Leave Request Form. Compensatory time will be shown as leave taken on the employee's time sheet. **All Compensatory time accrued balances should be at zero no later than May 15th of each year.** A written explanation addressed to the Chancellor will be required for any individual who will carry an accrued balance into the new fiscal year.

III. Clarifying Points

Time worked in excess of the routine work schedule in any one day of a workweek may be offset by scheduling the employee to work a lesser work schedule on a day during the same workweek. This does not constitute compensatory time, only a readjustment in the employee's work schedule. Leave taken during the workweek will not be authorized to force an employee into a compensatory time earning situation.

The UACCB workweek will start on Saturday morning and run through the following Saturday. It will be defined as the period from 6:00 a.m. Saturday through 5:59 a.m. the following Saturday.

Compensatory time will be used in lieu of vacation leave until the comp time balance is depleted. Compensatory time earned should be used as soon as possible.

Time worked will be recorded as follows: for every one (1) to seven (7) minutes, round back to the nearest quarter hour; for every eight (8) to fourteen (14) minutes, round up to the nearest quarter hour.

Compensatory time will be earned and used in increments of fifteen (15) minutes.

No UACCB employee may accrue more than 240 hours in compensatory time.

Non-exempt regular, probationary, and extra help employees are eligible to earn comp time.

Upon termination from employment with UACCB, a lump sum payment will be made for ending balance of unused overtime/compensatory time.

IV. References

- 1) Fair Labor Standards Act (FLSA), as amended / Public Law 99-150
www.dol.gov/dol/allcfr/Title_29/Part_553/29CFR553.1.htm
- 2) Arkansas Law: Act 820 of 1985
- 3) Office of Personnel Management Policy & Procedures Manual
www.state.ar.us/dfa/opm/sec110.html#Section110.1.0CompensatoryTime
- 4) Director of Finance and Administration Policy Memo, dated May 17, 2000
(US Supreme Court ruling No. 98-1167, 5/1/00)

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