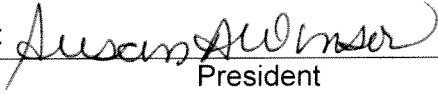
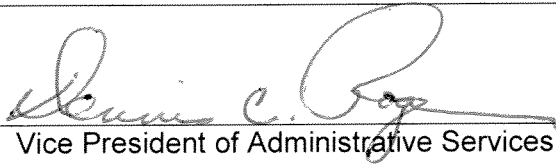


**AIKEN TECHNICAL COLLEGE
PROCEDURE**

Procedure Title:	OVERTIME COMPENSATION AND WORKING HOURS	Procedure Number: 3-3-120.1
Institutional Authority:	President	
Associated SBTCE Policy/Procedure:	8-2-104.1	
Governing ATC Policy:	3-3-120	

Approved:  President  Vice President of Administrative Services

Date Adopted: 07/01/2004
Date Revised: 02/11/2008

DISCLAIMER

PURSUANT TO SECTION 41-1-110 OF THE CODE OF LAWS OF SC, AS AMENDED, THE LANGUAGE USED IN THIS DOCUMENT DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE EMPLOYEE AND THE AGENCY.

Aiken Technical College has developed and adopted general guidelines for overtime compensation in accordance with the Fair Labor Standards Act (FLSA) and the rules and regulations of the State Budget and Control Board.

The requirements of these procedures apply to all employees of Aiken Technical College except those employees who may qualify for exemption by meeting all of the pertinent tests relating to duties, responsibilities, and salary stipulated in requirements of this policy and FLSA for any employee in a bona fide executive, administrative, or professional position. Such exceptions shall be determined by the Human Resource Director and approved by the President with review by the State Board Division of Human Resource Management to ensure compliance with Federal and State law, policies, and procedures. All other employees shall be non-exempt.

PROCEDURAL GUIDELINES:

I. Overtime Defined

Overtime is defined as hours worked in excess of forty (40) hours during the established FLSA workweek. The use of overtime should be an exception to an employee's regular work schedule and should only be required on an occasional basis.

- A. The FLSA workweek is a regular recurring period in the form of seven (7) consecutive twenty-four (24) hour periods, e.g., beginning 12:01 am Sunday and ending 12:00 midnight Saturday.
- B. The non-exempt employee may be allowed to work in excess of the normal workday and be given time off during the same FLSA workweek on an hour for hour basis to avoid working over forty (40) hours in a standard FLSA workweek and thus eliminate the need for compensatory time.

II. Basis for Compensation

Compensation of Aiken Technical College employees is based on forty (40) hours per week or two thousand eighty (2,080) hours per year. By adoption of this policy, provisions for the forty (40) hour standard workweek are incorporated in each position description as if fully stated therein.

- A. At the discretion of the President, the institutional minimum, normal, full-time workweek may be defined as thirty-seven and one-half (37.5) rather than forty (40) hours per week.
- B. Additional compensation may not be paid for hours worked between thirty-seven and one-half (37.5) and forty (40) hours per week.
- C. Compensatory time off may be granted for hours worked between thirty-seven and one-half (37.5) and forty (40) hours per week.

III. Approval and Budgetary Constraints

Overtime shall not be authorized unless there is an absolute need to meet a deadline that could not be met during the normal workweek, to overcome productive time lost due to mechanical failure, or to meet the demands of a crisis situation. Any overtime worked is subject to the following conditions:

- A. Overtime worked by any non-exempt employee must have the prior approval of the appropriate supervisor.

B. Overtime costs must be managed within the existing budget.

IV. Compensatory Time and Monetary Payment

Non-exempt employees who work more than forty (40) hours during the standard FLSA workweek will be compensated by the following methods.

A. Compensatory time will be granted in lieu of payment at the rate of one and one-half (1.5) times the hours worked over forty (40) hours. Except for situations that create severe scheduling problems for the College, compensatory time will be the method of compensation. There are two limitations to the accrual of compensatory time in lieu of monetary compensation (pay):

1. Compensatory time accrued must be taken within ninety (90) days of the date earned. The employee must be given monetary compensation (pay) at a straight time rate for each hour over the forty (40) hour workweek limit not taken as compensatory time off after the ninety (90) day limit has expired.
2. In addition to the ninety (90) day limit, employees will be allowed to accrue only up to two hundred forty (240) hours of compensatory time before any monetary payment is made. Any additional overtime hours worked over the two hundred forty (240) hour threshold will be monetarily compensated at the rate of one and one-half (1.5) times the employee's regular rate.

B. Monetary compensation (pay) may be granted to the employee when the compensatory time method may create a severe scheduling problem for the College. Such monetary compensation (pay) will be given only after approval by the appropriate Vice President. When monetary compensation is granted, it will be paid at the rate of one and one-half (1.5) times the employee's regular rate for all hours worked over forty (40) hours.

C. Regular rate includes all remuneration for employment paid to an employee to include base pay, longevity increases, and/or shift differential. The hourly rate of pay is calculated by dividing the annual salary plus longevity increases by two thousand eighty (2080) hours and adding on the appropriate shift differential hourly rate.

V. Working Hours

The College will be open for normal operations from:

7:30 am to 11:00 pm – Monday through Thursday

7:30 am to 5:00 pm – Friday

The minimum workweek for all ATC employees is 37.5 hours. Advance approval, when appropriate, must be obtained for any type of leave used in lieu of working a designated 37.5 hour week. This includes annual leave, sick leave, family sick leave, leave without pay, funeral leave, military leave, etc.

VI. Definition of Hours Worked

Hours worked include all time that an employee is required to be on duty or at the prescribed work place and all time during which an employee is permitted to work. This includes any bona fide work which the employee performs on or away from the premises if the supervisor knows or has reason to believe that the work is being performed. Even if not approved, unauthorized work shall be counted as hours worked if the supervisor could have stopped the work but did not, or if the supervisor knows or has reason to know of the work performed. Specific items related to hours worked are as follows:

- A. If an employee who is on call is not confined to home or any particular place, but is required only to leave work where they may be reached, the hours spent on call are not regarded as working time.
- B. A bona fide meal period which occurs during the scheduled workday is not hours worked if the employee is completely relieved from duty for the purpose of eating a regular meal. Meal periods may not be eliminated to allow an employee to come in late or to leave early.
- C. Rest periods or coffee breaks of short duration are not required, but if given must be counted as hours worked. Short duration is defined as no more than fifteen (15) minutes during the morning and no more than fifteen (15) minutes during the afternoon each workday. Breaks shall not be used to allow an employee to come in late, to leave early, or to extend the lunch period.
- D. Travel time for non-exempt employees may be hours worked under some conditions. Ordinary home to work travel or vice versa is not considered time worked regardless of the day of the week. All time spent traveling on one-day assignments is considered work hours regardless of the day of the week and the time of day it occurs. When away from home (overnight), travel time is considered time worked only when it cuts across the employee's normal working hours. This is applicable on both regular workdays and corresponding hours of non-work days.
- E. When a non-exempt employee, by reason of official responsibilities, is required to attend lectures, meetings, training programs, etc., such time will be considered work time.

- F. The hours an employee works on a part-time basis are exempt from the overtime provisions if the work is (1) in a different capacity, (2) occasional and sporadic, and (3) done at the option of the employee.
- G. Employees on any leave status will not be considered as working in computation of total hours worked.
- H. Employees required to work on a legal holiday shall be considered working in computing total hours worked. Holiday hours worked are paid at a straight time rate. Employees will also be given holiday compensation credits.
- I. Volunteers – Time spent as a volunteer is not included in hours worked. An employee may volunteer services for an agency or a political subdivision of the State, if a) the individual does not receive compensation, paid expenses, benefits, or a nominal fee for services for which the individual volunteered, and b) such services are not the same type of services for which the individual is employed to perform for such public agency. An employee of a public agency which is a State, political subdivision of a State, or an interstate governmental agency may volunteer services for any other State, political subdivision, or interstate governmental agency including a state, political subdivision, or interstate governmental agency with which the employing agency has a mutual aid agreement.

VII. Record Keeping

Weekly time records shall be kept in accordance with FLSA. These records must record the daily hours worked and the total hours worked during the standard FLSA workweek.

Procedure Review		
Review Date	Reviewed By	Date Completed
07/01/2007		
02/11/2011		