

4-7: Hours of Work and Overtime Compensation

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I. PURPOSE

To define Fort Lewis College policy concerning hours of work, overtime authorization, and compensation.

II. GENERAL

The Federal Fair Labor Standards Act, Colorado Revised Statutes and the Department of Personnel Rules and Procedures and the Partnership Agreement as defined by law, policy and procedure regarding compensation for hours worked by employees over their regular work schedules. This instruction includes necessary internal procedures.

III. POLICIES

A. Standard hours of work, overtime utilization, and the proper recording thereof is the responsibility of the supervisor, dean, director, or other administrator responsible for the operation and budget of a specific cost center.

B. Generally, work schedules should be established so that required work can be accomplished during normal work hours. Requests for overtime should be held to a minimum. No employee shall be regularly scheduled to work overtime.

C. Overtime should be planned and budgeted and must be paid from the cost center responsible for the overtime requirement.

D. Overtime should be authorized only under the following specific circumstances:

1. In the event of fire, flood, catastrophe, public health emergency or other unforeseeable emergency.
2. Where a person physically needs to be available at a workstation or an assignment must be accomplished and another employee is not available for work.
3. To provide essential services when they cannot be provided by overlapping work shifts.
4. To carry out short-range assignments in which the utilization of regular employees is more advantageous than the hiring of additional personnel.

E. Overtime may not be authorized under the following specific circumstances:

1. If the work to be performed is of such a routine nature that it can be postponed to the next working day.
2. As a means of accomplishing the work of employees who are on annual leave; except under such circumstances as are set forth under the preceding section (D.).
3. When overtime can be eliminated by rescheduling work, utilizing part-time or seasonal employees, or using overlapping shifts.

F. Authorized overtime work by Fort Lewis College personnel will be paid for as outlined in this policy.

G. A holiday that occurs during a standard work week shall not be counted as working time in determining overtime except for those employees in positions designated as "essential service" positions. If a Classified employee worked on a holiday, they shall be granted an alternate day off to be taken in the same fiscal year. If the employee does not request an alternate holiday and is a non-exempt, Classified staff, that employee shall be paid premium pay equal to 1.5x their regular base rate of pay for all hours worked on the observed holiday or corresponding compensatory time.

Any holiday designated by the Governor of Colorado is considered administrative leave as they are not federally recognized holidays. Classified employees are not granted an alternate holiday or holiday premium pay on administrative leave awarded by a Governor's holiday.

H. A period of authorized leave which occurs during a standard work week shall not be counted as working time in determining overtime except for those employees in positions which have been designated as "essential service" positions.

I. The current minimum wage is within the State of Colorado minimum wage per hour.

IV. DEFINITIONS

A. Standard workday - in most cases, not more than eight hours of work in any twenty-four-hour period exclusive of mealtime. Overtime for pay purposes, however, is based on work over 40 hours per week rather than for work over twelve (12) hours per day with the exception of the Fort Lewis College Police Department who work an approved Section 7K schedule of 80 hours over the course of two weeks.

B. Standard work week - is composed of five standard workdays. Exceptions to a standard five-day schedule must be approved by the Director of Human Resources. The adopted Fort Lewis College work week begins at 12:01 a.m. on Saturday and ends at 12:00 midnight the following Friday, with established exceptions for specific jobs.

C. Essential Positions - Positions that perform essential law enforcement and other support services directly necessary for the health, safety, and welfare of residents, faculty, staff and students. Employees in essential positions can be only FLSA nonexempt and can be required to work unexpected or unusual work hours to perform the essential and/or emergency services of the department without delay and/or without interruption. Essential nonexempt positions, as designated by a department head, shall have paid leave counted as work time.

D. Hours worked - the time for which an employee is entitled to compensation. Compensation is required for the time an employee is required to be on duty on the employer's premises, or at a prescribed workplace, and for the time they are approved to work, whether or not they are requested to do so. Thus, hours worked can include time spent in idleness and in incidental activities as well as productive labor.

E. Overtime - time wherein an employee in a position subject to overtime is directed to continue work in excess of a 40-hour standard work week. Work over twelve (12) hours on a single work day may be balanced by time off (upon mutual agreement of employee and supervisor) and overtime will not be applicable until a total of over forty (40) hours is worked in the work week. The Fort Lewis College Police Department work an approved Section 7K schedule of 80 hours over the course of two weeks and do not follow the regular overtime requirements. A few minutes' time spent by employees on employer's premises for their own convenience before or after their workday shall not be construed as acceptable overtime.

F. Overtime Compensation - when applicable overtime must be paid at one and one-half times the regular rate of pay for hours worked over forty in a work week; and paid at an amount equal to the regular rate of pay for hours worked over the regular schedule up to forty hours in a work week.

G. Compensatory Time - compensation paid in hours of paid time off equal to paid overtime compensation. Compensatory Time is a form of compensation, not leave time and will not be counted toward the calculation of overtime.

H. Call-Back Pay - any employee whose position is eligible for overtime compensation and who is called back to work before his scheduled shift or after leaving the place of work after completion of the shift, shall be compensated at a minimum of two hours at the hourly equivalent of standard rate of pay, subject to such overtime policies as contained herein.

For overtime purposes the minimum of two hours compensation shall be counted as two hours worked in computing the total number of hours in the work week.

This provision will not apply in those cases where an employee is required to report early or to extend his shift because of an emergency and when such early or late work results in continuous duty.

V. APPLICABILITY

Salary, exempt employees are exempt from the provisions of this instruction but may be responsible for its administration. Some positions which are "exempted" from the State of Colorado Personnel System may be eligible for overtime due to the job duties assigned the position. General category applicability of other employees is outlined below. Each position will be reviewed by the Director of Human Resources for Fair Labor Standards exemption or essential services status. Employees in exempted positions will be notified of their status.

A. Temporary non exempt, part-time non-exempt, seasonal and emergency positions are not exempt from overtime provisions. Students who are working are to be considered employees and subject to overtime provisions except when engaged in activities required by their course curriculum.

B. Most professional, technical, managerial, or administrative positions are excluded because the duties of these positions require the exercise of judgment and discretion. This level of responsibility is associated with a rate of compensation which already takes into consideration the fact that no regular work hours can be assigned for the positions. A common characteristic of this type of position is the necessity to be on call or to do work at home evenings and weekends when the need arises.

C. Non-exempt employees working more than their normal work week schedule may be compensated with a number of hours of paid time off equal to one and one-half times the number of hours worked over forty in one week if the employee and the supervisor have mutually agreed to this arrangement. The number of hours an employee can request to go towards their comp time balance cannot exceed 60 hours.

D. Special Plans - Certain positions have work conditions which do not lend themselves to standardized treatment of hours of work and overtime and which, therefore, require special variations of work schedule.

VI. CERTIFICATION OF TIME WORKED

A. Individual Timesheet in the college timekeeping system.

Federal regulations under the Fair Labor Standards Act, State of Colorado Personnel Rules and Fort Lewis College Policy requires that an individual timesheet be maintained for each non-exempt employee.

1. Exempt from Overtime

If an employee is exempt from overtime, they are not required to complete a timesheet or record their hours worked.

2. Eligible for Overtime

Employees who are eligible for overtime compensation shall make a detailed accounting on their timesheet of all hours worked. Compensation for overtime will be paid based on the hours worked.

a) The entry for each day will include the regular hours worked and time off hours.

b) Annual leave hours will be recorded with the appropriate annual leave time-off absence.

c) Sick leave will be recorded with the appropriate sick leave time-off absence.

d) Compensatory time will be recorded with the appropriate time-off absence.

e) Holiday leave is established based on the designated alternate holiday calendar. Employees who work on a designated holiday will need to enter the corresponding time-off or receive premium pay if eligible.

3. Approval

Timesheets should be submitted by the employee each week and approved by the supervisor by the designated deadline. In the absence of the employee, the supervisor is responsible for submitting the timesheet on behalf of the employee.