

UNIVERSITY POLICY

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| Policy Name: | Overtime/Comp Time for Regularly Appointed Staff ¹ | | | | |
| Section #: | 60.3.14 | Section Title: | Human Resources (HR): Non-Academic Employees | Formerly Book: | 3.6.15 |
| Approval Authority: | Senior Vice President for Human Resources and Organizational Effectiveness | | Adopted: | 02/1977 | Reviewed: 02/26/2020 |
| Responsible Executive: | Senior Vice President for Human Resources and Organizational Effectiveness | | Revised: | 04/05/2004; 06/30/2006; 05/18/2011; 07/01/2013, 09/09/2013 (Updated title and Section 3); 02/26/2020 | |
| Responsible Office: | University Human Resources | | Contact: | policies@hr.rutgers.edu | |

1. Policy Statement

Regularly appointed staff employees may be eligible for overtime compensation in specific circumstances.

2. Reason for Policy

To provide guidelines on eligibility for overtime pay.

3. Who Should Read This Policy

This policy is applicable only to employees in legacy Rutgers positions. A legacy Rutgers position is a position which, historically, was associated with Rutgers University before June 30, 2013. These positions may be governed by different negotiated agreements and policies from those that would be applicable to individuals in legacy University of Medicine and Dentistry of New Jersey (UMDNJ) positions. In this regard, individuals employed in legacy Rutgers positions may be eligible for different non-State benefits than individuals who hold legacy UMDNJ positions.

4. Resources

[University Policy 60.3.15: Additional Compensation for Full-Time Staff Members with "NL" Titles](#)

5. Definitions

N/A

¹ Refer to University Policy 60.3.21: Class 3 and Class 4 Employment for overtime/compensation rules for Class 3 and Class 4 employees.

6. The Policy

I. Overtime for Regularly Appointed Staff²

A. Eligibility for overtime compensation

The Fair Labor Standards Act (FLSA) provides for overtime compensation for certain job categories, such positions are designated as non-exempt. In addition, Rutgers policies and negotiated agreements may further extend eligibility criteria for certain job categories as described in this policy. Each job title at the University has a designation which indicates whether employees in the title are eligible for overtime compensation or not.

1. Non-Exempt from FLSA (Eligible for Overtime)

- a. "35"- Employees in titles coded "35" receive overtime compensation for hours worked beyond 35 hours in the workweek.
- b. "NE"- Employees in titles coded "NE" receive overtime compensation for hours worked beyond 37-1/2 hours in the workweek.
- c. "40"- Employees in titles coded "40" receive overtime compensation for hours worked beyond 40 hours in the workweek.

2. Exempt from FLSA (Not eligible for Overtime)

- a. "NL"- Employees in titles coded "NL" are exempt from the overtime provisions of the Fair Labor Standards Act and are neither eligible for, nor entitled to receive, overtime compensation.
- b. "NC"- This title code applies to a limited number of exempt supervisory staff who are regularly required to work on their scheduled days off. They are not entitled to overtime; however, they are eligible for compensation when they are required to work on a scheduled day off.
- c. "N4"- This title code applies to exempt employees who are required to work a minimum of 40 hours per week because their primary function is directly to supervise non-exempt, 40 hour, fixed workweek employees.

B. Workweek

The workweek at the University is 12:01 a.m. Saturday to midnight Friday.³

C. Hours worked

With respect to non-exempt staff, "hours worked" are computed by adding all hours actually worked during the workweek plus any paid time off, such as

² Always refer to appropriate collective negotiations agreements for any variations or additional details regarding overtime, compensatory time, or compensation.

³ Always refer to appropriate collective negotiations agreements for any variations or additional details.

vacation and sick time, except as modified by collective negotiations agreements (Call the Office of Labor Relations for information on how to calculate "hours worked").

- D. Employees may be required to work reasonable amounts of overtime. All requests to work overtime from work units and from employees must be made in writing.
- E. Except in narrowly defined circumstances, all time worked for the University by employees in non-exempt positions including work in two or more departments and at special events as well as the employee's own department, must be considered in determining whether overtime compensation is due. Even unauthorized overtime must be compensated. Supervisors must not allow non-exempt employees to volunteer services prior to discussion with the Office of Labor Relations, except that such prior discussion is not necessary when the volunteer service is with respect to *bona fide* fundraising activities sponsored by the Rutgers University Foundation.
- F. Type and Amount of Compensation Due

- 1. Non-exempt Staff

Overtime compensation may be in wages, at time-and-one-half the regular hourly rate, or in time off, at one-and-one-half hours off for each overtime hour worked, as follows:

- a. Union aligned staff – Consult the applicable collective negotiations agreements.
- b. "Confidential" clerical staff will receive either wages at time-and-one-half, or time off at a rate of one-and-one-half hours for each hour worked beyond the workweek, at the discretion of the work unit.
- c. Non-aligned staff who are designated "35" hour workweek, "40" hour workweek, or 37-1/2 hours workweek ("NE") will receive either wages at time-and-one-half, or time off at a rate of one-and-one-half hours for each hour worked beyond the workweek, at the discretion of the work unit.

With respect to Paragraphs F(1)(b) and F(1)(c) above, where the work unit has decided that such compensation will be given in time off rather than in wages, the department must not allow more than 120 hours of Compensatory Time (80 hours at time-and-one-half) to accrue unless specific authorization is given by the appropriate Chancellor or Vice President. If possible, employees should be advised at the time of assignment of overtime work whether the compensation will be in time off or in wages. Where the compensation is to be in wages, payment should be made in the pay period in which the overtime is worked, if possible. If that is not possible, then payment must be made in the following pay period. Where compensation for overtime hours will be in Compensatory Time, such accrued Compensatory Time may be taken by the employee provided the time off is scheduled in advance and provided the time selected does not unduly disrupt departmental operations. Work Units are required to maintain accurate records of compensatory time owed and to grant such time as soon as possible after the week in which the overtime is accrued. Further, work units

shall keep in mind future ramifications of deciding to compensate for overtime hours in time off rather than in wages, since employees are entitled to a cash payment upon leaving employment, upon transfer to a different department, or prior to the expiration of a grant. All earned and accrued Compensatory Time must be utilized or compensated for in wages by the first pay period in June of every fiscal year.

2. Exempt staff “NC”

When a staff member in a title designated “NC” is required by the work unit to work on his/her regularly scheduled day off, or on a holiday, he/she will receive an alternate day off. If the work unit is unable to grant another day off within a month, the employee will be paid for the day in wages at straight time.

3. Exempt staff “NL”

Where unusual work demands require employees in “NL” titles consistently to work far beyond regular business hours, such employees may be given time off with the approval of both the employee’s supervisor and the appropriate Vice President or Chancellor. Employees in “NL” titles have no claim nor entitlement to hour-for-hour time off or to cash compensation, and work unit heads are not permitted to grant compensation, except as set forth in [University Policy 60.3.15: Additional Compensation for Full-time Staff Members with “No Limit” \(NL\) Titles \(formerly University Policy 3.6.16\)](#).

G. Part-time Employees

Part-time employees in non-exempt titles

Such employees are eligible to receive overtime compensation as set forth in F(1) only for hours worked beyond the normal workweek established for their titles. For example, an employee in a title designated “40” who regularly works only 20 hours per week will receive only straight-time pay for any extra hours he/she may work up to 40 hours in a workweek.

H. Exempt Employees – Extraordinary circumstances

Where unusual work demands require employees in “NL” titles consistently to work far beyond regular business hours, such employees may be given time off with the approval of both the employee’s supervisor and the Vice President for Human Resources and Organizational Effectiveness. Employees in “NL” titles have no claim nor entitlement to hour-for-hour time off or to cash compensation, and department heads are not permitted to grant compensation except as set forth in [University Policy 60.3.15: Additional Compensation for Full-time Staff Members with “No Limit \(NL\) Titles \(formerly Regulation 3.6.16\)](#).

1. Premium time for work on a holiday

Fixed workweek employees (“35”; “NE”; “40”) authorized to work on an observed holiday will earn premium compensation at time-and-one-half for the hours worked on the holiday. This premium compensation will be in addition to the pay due for the holiday, but there will be no pyramiding of the overtime compensation benefit. The premium compensation for holiday work will be paid regardless of

the total number of hours worked during the workweek.

Always refer to the appropriate collective negotiations agreements for any variations or additional details. This policy does not apply to employees who are not entitled to paid holidays.

2. Overtime work in another work unit or department

Prior to employing a Rutgers employee outside of their regular position, or their regular work unit or department, hiring units must receive authorization from University Human Resources. Please contact the Office of Labor Relations for this authorization.

3. Special situations

The Office of Labor Relations provides information regarding overtime compensation in other work situations not specifically addressed in this policy (for example: travel time, trainees, and work different from the regular duties of the title).

4. The Absence Reporting System will be the official University record for all compensatory time earned, used and accrued.

I. Overtime Procedures

1. Authorization

All overtime must be authorized by the Vice President or Chancellor or designees in charge of the area. Each Vice President and Chancellor will promulgate procedures regarding overtime authorization appropriate to the particular area.

2. Departmental Record Keeping Requirement

The FLSA requires the employer to maintain a record of hours worked by employees who are eligible for overtime; therefore, it is the responsibility of every department to keep accurate records of the hours worked each day by these employees.

3. Payment

Payment of wages overtime compensation due should be made in the pay period in which the overtime is worked, if possible; if that is not possible, then payment must be made in the following pay period.

Overtime must be submitted via Time & Labor in PeopleSoft.

J. Nothing in this policy precludes a work unit from changing the work schedule of an employee. It is recommended that prior to implementing a schedule change, a work unit contact the Office of Labor Relations to discuss any issues or requirements arising from collective negotiations agreements or University policies or practices.

II. Interpretation of Policy

Please contact the Office of Labor Relations for interpretations or assistance with this policy.