

INSTITUTIONAL DIRECTIVE 6-3

November 17, 2008

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 COLLEGE.

Title: Overtime Policy and Work Guidelines for Employees of Piedmont Technical College

I. Purpose

This directive is intended to establish the Piedmont Technical College policy and procedures concerning the application of the Fair Labor Standards Act (“FLSA”) to employees of Piedmont Technical College.

II. Policy

- A. Overtime compensation will be paid to all hourly and salaried “Non-exempt” employees of Piedmont Technical College in accordance with FLSA and appropriate state and federal law.
- B. The College will, in compliance with applicable law and regulations, assign employee work schedules that most effectively support the mission of the College. Supervisors may assign to employees flexible work schedules within the guidelines of applicable law and this policy.
- C. Piedmont Technical College will make all decisions regarding terms and conditions of employment without discrimination on grounds of race, color, creed, religion, sex, national origin, age, disability, veteran status, or other factors which cannot lawfully be the basis for an employment decision.

III. Administrative Activities

- A. From time to time, the College’s Human Resources Director will review and make appropriate recommendations to the President regarding the College’s overtime and wage related policies and procedures.
- B. The College President should review the recommended policies and procedures, and forward to the State Board for Technical and Comprehensive Education (“State Board”) Director for Human Resource Services to ensure compliance with Federal and State law, policies, and procedures.

Office of Responsibility: President

- C. The College's Chief Financial Officer will evaluate all internal and reporting processes, and make recommendations for any necessary changes that are in compliance with applicable State Board policies.

IV. Definitions

- A. Compensation Basis: Employee compensation is based on 40 hours per workweek, or 2,080 hours per year.
- B. Compensatory Time: In lieu of overtime compensation, Non-exempt employees may be permitted to receive compensatory time at the rate of 1.5 hours for each hour worked in excess of 40 in a workweek. Compensatory time will be allowed at the rate of 2.0 hours for every 24 hours of on-call service for non-exempt employees. On-call time is defined as the hours that a non-exempt employee has to remain available to return to work over their normal 40 hour per week requirement.
- C. Dual Employment: Occurs when a full-time employee accepts an additional employment position with the same or another State agency.
- D. Exempt Status: To the maximum extent permitted by law, any employee whose position constitutes a recognized "exception" to the FLSA's overtime provisions, including, but in no way limited to, bona fide professional, administrative, or executive employees who are paid on a salary basis.
- E. Hours Worked: Includes only time actually on the job. Holidays, annual leave, sick leave or other approved absences, even when paid, are not considered hours worked.
- F. Non-exempt Status: Those employees whose compensation basis is regulated by the provisions of the FLSA, and does not constitute a recognized "exception" to overtime provisions.
- G. Overtime: Hours worked in excess of forty (40) hours during the established workweek.
- H. Overtime Compensation: 1½ times the Non-exempt employee's regular hourly rate for hours over 40 worked in a given workweek.
- I. Regular Pay Rate: The rate of pay used to calculate overtime pay; this rate is based on all compensation paid to, or on behalf of, the employee, including but not limited to hourly wages, salaries, commissions and on-call pay.
- J. Working Hours: Normal working hours for Non-exempt employees are from 8:00 a.m. to 5:00 p.m., Monday through Friday, with one unpaid hour for lunch, taken between the hours of 12:00 noon and 2:00 p.m., when possible. This schedule may be modified upon supervisor approval.
- K. Workweek: A regular recurring period in the form of seven (7) consecutive twenty-four (24) hour periods, beginning 12:01 a.m. Saturday and ending 12:00 midnight Friday. Each workweek stands alone.

V. General Guidelines

- A. The status of all employment positions are based upon the FLSA criteria and assigned by the Classification Section, Human Resources Management ("HRM") Division of the State Budget and Control Board. Recommendations for change of

- the “exempt” or “non-exempt” status assigned a position should be processed through the personnel office to HRM for consideration.
- B. Employees whose positions meet the FLSA criterion of “exempt status” are ineligible for overtime compensation. All full-time faculty positions are exempt.
 - C. Absent advance approval from the College President or his/her designee, Non-exempt employees are not permitted to work more than 40 hours in a given workweek unless:
 - 1. There is an absolute need to meet a deadline that could not be met during the normal workweek;
 - 2. There is an absolute need to overcome productive time lost due to mechanical failure; or
 - 3. There is an absolute need to meet the demands of a crisis situation.
 - D. Overtime may not be authorized unless the cost has been managed within the existing budget, according to State Board policy.
 - E. Non-exempt employee’s immediate supervisor may authorize emergency overtime work when necessary to prevent damage to property, to correct a hazardous situation, or to make urgent repairs. The supervisor exercising authority under this paragraph will report the circumstances to the appropriate College official as soon as possible.
 - F. Non-exempt employees are eligible for overtime compensation without prior approval only with regard to working on the following holidays: Thanksgiving Day, Christmas Day, and New Year’s Day.
 - G. Except for situations that create severe scheduling problems for the College, compensatory time will be the preferred method of compensation for Non-exempt employee overtime. However:
 - 1) Compensatory time must be taken within 90 days of the date earned; and
 - 2) An employee may accrue only up to 240 hours of compensatory time; or the Non-exempt employee will receive monetary compensation for the overtime worked.
 - H. Non-exempt employees may be allowed to work in excess of the normal workday and be given time off during the same workweek on an hour-for-hour basis to avoid working over forty (40) hours in a standard workweek, and thus eliminating the need for compensatory time or overtime compensation.
 - I. Although College employees are generally employed under a 37.50-hour per-week schedule, neither additional compensation nor compensatory time-off is permitted for hours worked between 37.50 and 40 hours per workweek.
 - J. Employees on any leave from work status will not be considered as “working” for purposes of computing hours worked.
 - K. Time Spent as a Volunteer is *not* included in Hours Worked. State employees may volunteer to perform services for a state agency or a political subdivision of the State if:
 - 1. The individual receives no compensation, or is paid expenses, reasonable benefits, or a nominal fee to perform the service for which the individual volunteered; and
 - 2. Such services are not the same type of services which the individual is employed to perform for such public agency.

VI. Dual-Employment

- A. Because the State is considered one employer for purposes of FLSA, any employee wishing to accept Dual-Employment must obtain approval from the College, complete the appropriate notification form, and forward the approved form to both employing agencies.
- B. Dual employment shall be limited in duration to the specific time frame approved by the College, which cannot exceed 12 months.
- C. When a dual employee's primary position is Non-exempt, the employee will be eligible for overtime compensation for all hours worked in excess of 40 per workweek, based on a weighted average rate.
- D. If a Non-exempt employee accepts additional temporary, part-time Non-employment with another agency, the hours worked shall be calculated separately by each employing agency, and the employee shall be eligible for overtime compensation from the temporary, secondary employer.
- E. When a dual employee's primary position is exempt, the College need not pay overtime compensation for hours worked over 40 per workweek.
- F. An employee's work schedule shall not be altered or revised in order to provide time to perform dual employment duties; however, an employee may be permitted to use annual leave or leave without pay to provide services during working hours for a requesting agency, and may receive compensation from the requesting agency for services performed during the period of leave.
- G. No employee may accept any work or compensation that could be reasonably construed as a conflict of interest, as defined by applicable College and State Board policies.

VII. Work Schedules

- A. Administration, faculty and staff of the College shall be assigned work schedules, within state and federal guidelines, which most effectively support the mission of the College. Supervisors may assign employees to work flexible schedules within the following general guidelines:
 - 1. College Administration and Support Services shall be provided Monday through Thursday from 8:00 a.m. until 10:30 p.m. and on Friday from 8:00 a.m. until as late as 10:00 p.m. if required.
 - 2. Student Development Services shall be provided Monday through Thursday from 8:00 a.m. until 7:00 p.m., and on Friday from 8:00 a.m. until 4:30 p.m.
 - 3. Library Services shall be provided Monday through Thursday from 8:00 a.m. until 9:00 p.m., on Friday from 8:00 a.m. until at least 12:30 p.m., or as late as 10:00 p.m. if required, and on Saturday from 9:00 a.m. until 12 noon.
 - 4. College Instructional Services shall be provided Monday through Friday from 8:00 a.m. until 10:30 p.m., and on Saturdays from 9:00 a.m. to 1:00 p.m.
 - 5. Security Services shall be maintained twenty-four (24) hours per day, seven days per week.
- B. The minimum scheduled workweek for all full-time employees shall be 37.5 hours, not to exceed 40 hours per workweek.

- C. Work schedules may be administratively modified to permit earlier closings on Fridays, and/or to meet temporary or seasonal needs. However, unless necessary under the circumstances, work schedules should not be reduced to less than 37.5 hours, nor exceed 40 hours, per workweek.
- D. Supervisors may provide some flexibility in work schedules, subject to applicable policies and the needs of the College.
- E. All work schedules are to be developed by division and department heads to ensure that all College services are provided in conformity with these guidelines. Work schedules shall be reviewed and approved by the appropriate vice president and the president. Upon adoption, these work schedules shall be fully and consistently implemented. Copies of the approved work schedules shall be maintained in the Office of Human Resources.
- F. The minimum full time week for faculty is 37.5 hours, to include assigned teaching, office hours, preparation, and any other assigned duties and responsibilities.
 - 1. Faculty are required to post and maintain a minimum of eight (8) office hours per week to advise and assist students.
 - 2. Faculty members must spend an appropriate number of additional hours per week on campus attending to other instructional related duties such as curriculum development, committee assignments and professional development activities.
 - 3. All operating hours may be adjusted to meet the needs of the College.

VIII. Record Keeping

- A. Supervisors are responsible for ensuring that a time record for each workweek is kept for Non-exempt employees. This record will include the actual times of arrival and departure from the workplace, time away from the workplace during working hours (including lunch, sick leave, annual leave, and administrative leave), and total time worked both daily and weekly. Where compensatory time is authorized in lieu of overtime pay, overtime accrued during the period, and total accrued to date this fiscal year will be noted on the form.
- B. The “Weekly Time Record for Non-exempt Employees” will be completed for each workweek and forwarded to reach Human Resources no later than noon on Tuesday after the close of the previous workweek.
- C. A separate record will be maintained to document the absence of both exempt and Non-exempt employees.
- D. All approved overtime must be supported by a signed statement setting forth the reason and estimated cost, and forwarded to reach Human Resources no later than noon on Tuesday after the close of the previous workweek.

IX. College Personnel Responsible for Compliance of Directive 6-3

The College President is ultimately responsible for ensuring that the College adheres to all applicable federal, state, and local laws and regulations. Therefore, the President may designate certain responsibilities for compliance to administrative or other employees, including, but in no way limited to, Division heads, the Human Resources Director, and the Chief Business Officer.

Statutory Provisions Fair Labor Standards Act of 1938, as amended.
Implementing Regulations: 29 U.S.C. 201 et seq; 29 C.F.R. _____
S. C. Code Ann., as amended:
 § 8-11-10 et. seq.; State Officers and Employees
 § 41-1-10 et. seq.; Labor and Employment
 § 1-13-10 et. seq.; State Human Affairs Commission
South Carolina Human Resources Regulations
 § 19-707; Hours of Work and Overtime
 § 19-713; Dual Employment
State Board Procedure 8-2-104.1

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