

**3358: 14-3-29 Compensatory time.**

Statement of purpose: scheduling of work must be arranged to support operational needs of the college and to effectively deliver customer service. Scheduling of work and overtime are the responsibility of the department manager. Employees will be compensated for their work in accordance with the Fair Labor Standards Act (FLSA) and relative collective bargaining agreements.

**(A) Definitions:**

- (1) Exempt staff: staff exempt from overtime pay or compensation time off according to federal and state law.
- (2) Nonexempt staff: staff eligible for overtime pay or compensatory time off according to federal and state law.
- (3) Overtime compensation: overtime pay or compensatory time off provided to nonexempt staff who are required by unit management to be in an active pay status for more than 40 hours in a work week.
- (4) Safe harbor rule: an employee who retains her or his exempt, salaried status if the college makes a good-faith effort to comply with provisions of the FLSA by having a clearly communicated policy that prohibits improper deductions, having a complaint mechanism, reimbursing employees for improper deductions, and making a good-faith commitment to comply in the future.
- (5) Volunteer: an individual who performs hours of service for a public agency for civic, charitable or humanitarian reasons. Public sector volunteers provide these services without promise, expectation or receipt of compensation for services rendered. Volunteer hours cannot be the same type of service which the individual is employed to perform for the employer.

(B) Nonexempt employees will be paid only for actual hours worked unless they receive benefits under the 3358:14-3-09 leaves of absences other than FMLA for sick leave, personal leave, maternity/paternity leave, military leave, jury duty, professional leave.

(C) Exempt employees are paid on a salary basis. Exempt staff are not eligible for overtime compensation for hours worked in excess of 40 per week. Exempt staff have greater flexibility for scheduling work.

Effective: 1/17/2020

CERTIFIED ELECTRONICALLY

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Certification

01/03/2020

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Date

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Statutory Authority: 3358  
Rule Amplifies: 3358