



31.01.09.H0.01 Overtime

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Procedure Statement

Under the Fair Labor Standards Act (FLSA), a federal statute, a nonexempt employee must be compensated with either time or pay for working more than 40 hours in a workweek. Under Texas law, a nonexempt employee who has a combination of hours worked, paid leave, compensatory time, and paid holidays totaling more than 40 hours in a workweek must receive either time or pay for the additional hours.

Reason for Procedure

This procedure provides guidelines for overtime eligibility and compensation as required by [System Regulation 31.01.09, Overtime](#).

Procedures and Responsibilities

1. GENERAL

- 1.1. When nonexempt, full-time employees are required to work hours in excess of the standard 40-hour workweek, they are entitled to compensation for such overtime. Overtime should be avoided, if possible, and worked only with the approval of the immediate supervisor.
- 1.2. A supervisor or manager may adjust a nonexempt employee's work schedule in a workweek so the employee does not work FLSA overtime.
- 1.3. Where granting compensatory time off is impractical, employees will be paid for overtime. This option is available in limited circumstances and only with the approval of the department/unit head or designated representative and the appropriate executive leadership team member.
- 1.4. When an employee transfers between two A&M-Texarkana departments, the employee's compensation time, if applicable, will transfer to the new department.

2. FLSA OVERTIME FOR NONEXEMPT EMPLOYEES

- 2.1. Federal law requires a nonexempt employee to be compensated at a rate not less than one and one-half times the regular rate of pay or be granted one and one-half hours of compensatory time for hours worked in excess of 40 hours within a workweek.
- 2.2. Employees will be compensated for FLSA overtime by granting the employee compensatory time off at the rate of one and one-half hours off for each hour of overtime worked. Supervisors must approve the time off in advance.
- 2.3. University practice is to minimize FLSA overtime worked and the resulting compensatory time balances. Employees must use FLSA compensation time before using vacation time.
- 2.4. When practical, FLSA compensatory time should be taken during the 12-month period following the end of the workweek in which the FLSA overtime was worked.
- 2.5. FLSA overtime not authorized must also be counted as work time. However, nonexempt employees who work without authorization are subject to disciplinary action, up to and including termination, in accordance with [System Regulation, 32.02.02, Discipline and Dismissal of Nonfaculty Employees.](#)
- 2.6. Employees who work in a public safety, including university police, emergency response or seasonal activity may accrue no more than 480 hours of FLSA compensatory time. All other nonexempt employees may accrue no more than 240 hours of FLSA compensatory time. Any employee who has reached the limit will be paid overtime compensation for additional overtime hours worked. The 480 hours represents 320 hours of overtime worked; the 240 hours represents 160 hours of overtime worked.

3. STATE OVERTIME FOR NONEXEMPT EMPLOYEES

- 3.1. When an employee has worked no more than 40 hours in a workweek but the total hours worked and hours of paid leave or paid holidays exceed 40 hours, the employee will be allowed one hour of state compensatory time off for every hour in excess of 40 in a workweek.
- 3.2. State compensatory time must be taken during the 12-month period following the end of that workweek and may not be carried forward past the end of the 12-month period.
- 3.3. A nonexempt employee may accrue compensatory time only for hours worked at a regular or alternate approved duty station.
- 3.4. An employee may not be paid for unused state compensatory time upon termination of employment or transfer to a state agency outside of the system. A terminating or transferring employee may, however, remain on the payroll to expend this type of compensatory time.

4. EXEMPT EMPLOYEES

- 4.1. Exempt employees are not eligible for overtime payment or compensatory time off. Full-time exempt employees are expected to work a minimum of 40 hours per week in fulfilling the requirements of their position.
- 4.2. Under extraordinary circumstances and with the approval of the President or designee, an exempt employee may be approved for compensatory time off as outlined in [System Regulation 31.01.09, *Overtime*](#).

Related Statutes, Policies, or Requirements

[System Regulation 31.01.09, *Overtime*](#)

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