Overtime-Eligible Employees

OVERVIEW
Employees in certain faculty, administrative professional (AP), civil service, and bargaining unit positions are eligible for overtime compensation. Human Resource Services (HRS) determines the eligibility of positions for overtime compensation. Such determinations are based upon position reviews using Fair Labor Standards Act (FLSA) criteria and the Washington State Minimum Wage Act (MWA), including applicable provisions of the Washington Administrative Code (WAC 357-28).

Applicability
The procedures and advisory guidelines referred to in this section apply to overtime-eligible faculty, AP employees, and civil service employees who are not covered by collective bargaining agreements. Contact HRS for questions regarding overtime eligibility.

An employee who is covered by a collective bargaining agreement is to refer to the applicable agreement for overtime rules and procedures.

Authorization
Typically, an employee must receive approval from their supervisor prior to working any hours beyond their standard workweek. An overtime-eligible employee is to follow the procedures outlined by their department administrators. An overtime-eligible employee is to be compensated for all hours worked. If an employee works unauthorized overtime, corrective or disciplinary action may be appropriate. Contact HRS for assistance.

Departmental Guidelines
In addition to the rules specified in the Business Policies and Procedures Manual (BPPM), the Faculty Manual, the Administrative Professional Handbook, and the Fair Labor Standards Act (29 USC 201), departments should develop internal processes for:

- Employees to submit time worked and request leave/time off; and
- Managers/time approvers to verify hours worked and leave taken has been recorded accurately.

Time worked and leave taken should be approved, at a minimum, each pay cycle.

Overtime eligible employees must record time worked and leave taken. By submitting their time for approval, the employee is certifying the hours submitted have been worked and are true and accurate.
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Departmental Guidelines (cont.)

The Manager or Time Approver is responsible for validating and approving that:

- All hours reported have been worked,
- All time off is recorded, and
- Any pay-impacting activity such as overtime or leave without pay has been recorded.

Managers or Time Approvers should not approve hours worked until the employee completes working their hours for the pay period.

OVERTIME SUMMARY

Faculty and Administrative Professional (AP) Employees

For overtime-eligible faculty and AP employees, overtime compensation is based upon a 40-hour workweek. The official WSU workweek begins at 12:01 a.m. Sunday and ends at midnight on Saturday. Contact HRS prior to any adjustment to the official workweek. Work in excess of 40 hours in one workweek is compensated at time and one-half the hourly rate.

Holidays / Leave With Pay

All paid holidays (including the personal holiday) during the employee's regular work schedule are considered time worked. Leave with pay during the employee's regular work schedule is not considered time worked for purposes of determining overtime eligibility.

Civil Service Employees

For overtime-eligible civil service employees, overtime compensation is based upon hours of work in excess of 40 hours in one workweek, in accordance with WAC 357-28-255. All paid holidays (including the personal holiday) during the employee's regular work schedule are considered time worked. Leave with pay during the employee's regular work schedule is not considered time worked for purposes of determining overtime eligibility.

A full-time overtime eligible civil service employee who is assigned by their employer to work on a scheduled day off receives time and one-half overtime compensation for hours worked.

Work in excess of 40 hours in one workweek is compensated at time and one-half the hourly rate. (WAC 357-28-260)
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OVERTIME COMPENSATION

The hourly rate for overtime compensation includes shift differentials, hazardous conditions pay, and other pay in accordance with the Fair Labor Standards Act.

The employee indicates the hours worked on their Time Entry Calendar in Workday.

Part-Time

For overtime-eligible part-time employees, work in excess of the regular part-time schedule up to 40 hours in one workweek is compensated as straight time and may not be accrued as compensatory time.

Time worked in excess of 40 hours in a workweek is compensated at time and one-half the hourly rate and may be approved for compensatory time.

HOLIDAY WORKED

Overtime-Eligible Civil Service Employees

Full-time overtime-eligible civil service employees receive eight hours of pay, plus premium pay at time and one-half for all hours worked on a WSU-designated holiday. \((WAC\ 357-28-200)\)

A part-time employee receives regular holiday pay on the same pro rata basis that their monthly schedule bears to a full-time schedule, plus premium pay at time and one-half for all hours worked on a WSU-designated holiday.

Overtime-Eligible Faculty and AP Employees

A full-time overtime-eligible faculty or AP employee who works on a WSU-designated holiday may request to take the holiday at a later date.

A faculty or AP employee who does not choose to take the holiday at a later date may receive overtime pay at time and one-half the hourly rate for holiday hours worked if the hours worked are in excess of 40 hours in the same workweek. The employee receives straight time pay for holiday hours worked which are not in excess of 40 hours in the workweek.

COMPENSATORY TIME OFF

If a prior agreement is made between the supervisor and the overtime-eligible employee, compensatory time off may be taken in lieu of monetary payment. Compensatory time off is earned at the rate of one and one-half hours for each hour worked in excess of 40 hours in a workweek.
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COMPENSATORY TIME OFF (cont.)

The employing official administers the accrual and use of compensatory time off taking into consideration the work requirements of the department and the wishes of the employee.

Accrual of compensatory time off is based on an agreement between the supervisor and the employee prior to the performance of overtime work. Upon request, HRS provides assistance with preparing written agreements of understanding.

The employing official should contact HRS prior to denying the use of compensatory time off.

Maximum Accumulation

The accumulation of unused compensatory time for civil service employees at WSU may not exceed 240 hours. Any additional overtime must be paid in cash. \((WAC\ 357-28-285\ \text{and Fair Labor Standards Act})\) Appointing authorities may establish compensatory time maximums of less than 240 hours for AP and faculty employees.

Cash Out

Unused compensatory time must be paid in cash at the end of each biennium.

Exceptions

An appointing authority may authorize exceptions to the above end-of-biennium cash out requirement. The appointing authority indicates a specific date by which the compensatory time must be liquidated by the individual requesting the exception. This date must be within four months of the end of the biennium. The appointing authority documents the exception in writing.

If the individual does not use the compensatory time by the end of the extension, the compensatory time so extended must be paid in cash within thirty days of the end of the extended period.

Additional Cash Out Periods

Appointing authorities may establish additional times during the biennium by which compensatory time must be paid.

MEAL AND REST BREAKS

An overtime-eligible employee receives a minimum of a 30-minute unpaid meal break toward the middle of each work shift, no more than five hours after the beginning of the shift.

The meal period may not be required if the employee signs a written agreement with the department manager or director to voluntarily waive the meal period on a regular basis. In consideration for the ability to work a straight shift, the employee agrees to waive a meal period as defined in \(WAC\ 296-126-092\). \((A\ \text{straight shift is defined as a work period without interruptions for meal breaks.})\) Under such an agreement, the employee is entitled to
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MEALS AND REST
BREACKS (cont.)

eat at any time during their shift as time and work duties permit. The employee is not entitled to relief from duty while they eat.

An overtime-eligible employee receives a 15-minute paid rest period for every four hours worked. An appropriate rest period provides a relief from duty and is uninterrupted. While taking a rest period, the employee is subject to call to return to work as needed by the employer.

An overtime-eligible employee may take their rest period on an intermittent basis. An intermittent rest period is a period of less than the full 15-minute rest period in which the employee has an opportunity to rest or relax during the performance of their duties. The employee may take as many intermittent rest periods as necessary to total the allowed 15-minute rest period. When the employee's rest period is interrupted, the employee's rest period is deemed to be an intermittent rest period. The employee is allowed to complete their rest period prior to the end of the four-hour period in which the rest period occurs by taking additional intermittent rest periods. The employee may not waive rest periods or combine rest periods at the end of a shift.

For more information contact HRS; telephone 509-335-4521. Also refer to RCW 49.12, which allows employees and employers to mutually agree to vary rules and policies adopted by the Department of Labor and Industries in WAC 296-126-092 under the Industrial Welfare Act.

INFORMATION

Upon request, HRS provides specific information regarding compensatory time or payment for overtime worked.