



Applies to: Staff (Health System employees are covered under the Health System Policy.)

POLICY

Issued: 10/01/1973

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Scheduling of work must be arranged to support operational needs of the university and to effectively deliver customer service. Scheduling of work and overtime are the responsibility of unit management. Employees will be compensated for their work in accordance with the Fair Labor Standards Act (FLSA).

Definitions

| Term | Definition |
|-----------------------|---|
| Exempt staff | Staff exempt from overtime pay or compensatory time off according to federal and state law. |
| Nonexempt staff | Staff eligible for overtime pay or compensatory time off according to federal and state law. |
| 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. |
| Safe Harbor Rule | An employee may retain her or his exempt, salaried status if the university 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. |
| 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. |

Policy Details

I. Nonexempt Staff and Overtime Compensation

Nonexempt employees will be paid only for actual hours worked unless they receive benefits under the Paid Leave Programs Policy 6.27, disability or other policy or benefit program.

A. Overtime pay

1. Nonexempt staff are required to request the approval of the supervisor prior to working overtime.
2. Nonexempt staff earn overtime at the rate of one and one-half times the regular base rate of pay. Pay for overtime worked will be paid no later than the end of the next pay period.

B. Compensatory time off

1. A nonexempt staff member can elect compensatory time off in lieu of compensation. The employing unit may require staff to designate if overtime will be taken as compensatory time prior to performing the work. Compensatory time should be taken at a time mutually agreed upon within 180 calendar days from when it was earned.
2. Compensatory time is earned at the rate of one and one-half hours for each hour worked. The maximum amount of compensatory time that may be accrued is 240 hours. Staff engaged in public safety work are allowed a maximum accrual of 480 hours.
3. Nonexempt staff who reach the maximum accrued hours of compensatory time will be paid for any hours that exceed that maximum.



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4. When a staff member with a compensatory time balance transfers between employing units, the original employing unit holds the financial responsibility for the cost of the compensatory time.
5. Any accrued but unused compensatory time will be paid out at the regular rate of pay upon separation from employment.

II. Exempt Staff

- A. Exempt employees are paid on a salary basis.
- B. 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. Scheduling of exempt staff should follow the principles outlined below.
 1. Full-time exempt staff are expected to average at least 40 hours of work per week and may need to work more than 40 hours per week to fulfill their position responsibilities.
 2. Time worked in excess of 40 hours per week will not result in overtime pay or accumulation of compensatory time off.
 3. During unusual situations, a unit may balance a period of heavy work with a period of reduced work, without regard to the number of hours worked in any particular week.

III. Reductions of Exempt Employees' Pay

- A. Deductions to salary can only be made in accordance with university policies or collective bargaining agreements ([Paid Leave Programs, policy 6.27](#), [Unpaid Leave, policy 6.45](#)).
- B. Exempt employees who believe that their salaries have been improperly deducted should contact their unit administrator who will work with the Office of Human Resources, Employee and Labor Relations, to review the matter.
- C. The university will correct the pay of any exempt employee whose pay is found to have been improperly reduced.

IV. Staff Employed Under Collective Bargaining Agreements

Staff employed under collective bargaining agreements are covered by this policy except when specific contract agreements differ. When the policy differs from the agreement, the bargaining agreement will control.

V. Work Schedule Options

- A. Options for the number of hours worked
 1. Part-time schedule – employed fewer than 40 hours per week.
 2. Reduced appointment – reduction of regular appointment permitting flexibility in staffing during reduced workload periods. Types of reduced appointments include:
 - a) Exempt staff: 9-, 10- and 11-month appointments.
 - b) Nonexempt staff: 40- and 48-week appointments.
 3. Reduced workload periods typically occur during summer months. Benefit entitlement, insurance copayment and fee authorization eligibility remain equivalent to a 100% full time equivalency (FTE). Vacation and sick leave accrual are prorated based on FTE.
 4. Reduced time – may be used by staff to temporarily reduce work hours for a specified period of time, with a corresponding reduction in compensation.
- B. For flexible work arrangements, see Flexible Work, Policy 6.12.



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VI. Nonexempt Staff Schedules

Departments may develop flexible schedules for nonexempt staff within the standard 40-hour workweek. Any work time authorized over 40 hours of active pay status is subject to overtime pay or compensatory time off.

PROCEDURE

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Responsibilities

| Position or Office | Responsibilities |
|---------------------------|--|
| Employing Unit | <ul style="list-style-type: none"> A. Follow FLSA regulations and state law when managing overtime and reductions of pay. B. Consult with the Office of Human Resources, Compensation regarding the implementation of this policy. C. Establish, communicate and enforce guidelines for approval of overtime. D. Recordkeeping – units must maintain: <ul style="list-style-type: none"> 1. Accurate records of time worked and leave taken by each non-exempt staff member. 2. Accurate records for part-time exempt staff who earn less than \$455.00 a week. |
| Employee | <ul style="list-style-type: none"> A. Complete timesheets in a timely and accurate manner. B. Request approval prior to working overtime. C. Immediately notify unit administrator or the Office of Human Resources Employee and Labor Relations, regarding any concerns about improper deductions from pay. |
| Office of Human Resources | <ul style="list-style-type: none"> A. Designate classifications as exempt or nonexempt based on the actual duties of the position and the FLSA. B. Consult with units regarding reductions of pay for exempt employees. C. Work with units to resolve allegations of improper deductions raised by exempt employees. |

Resources

- Collective bargaining agreements, hr.osu.edu/services/elr/labor-relations/
- Fair Labor Standards Act www.dol.gov/whd/flsa/
- Flexible work tools, hr.osu.edu/worklife/flexiblework.aspx
- Flexible Work policy 6.12, hr.osu.edu/public/documents/policy/policy612.pdf
- Ohio Revised Code Title XLI Labor and Industry Chapter 4111 Minimum Fair Wage Standards, codes.ohio.gov/orc/4111
- Part-Time Exempt Employee Time Record hr.osu.edu/public/documents/policy/resources/610pt-timesheet.pdf
- Supplemental Guidelines to Policy 6.10 Scheduling Work and Overtime Compensation hr.osu.edu/public/documents/policy/resources/610guidelines.pdf



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Contacts

| Subject | Office | Telephone | E-mail/URL |
|--|---|--------------|--|
| Policy | Employee and Labor Relations Office of Human Resources | 614-292-2800 | hr.osu.edu/services/elr/ hr-elr@osu.edu |
| Compensation issues for units | Compensation, Office of Human Resources | 614-292-1050 | hr.osu.edu/services/compensation/ |
| Policy for Medical Center Employees | Employee Relations, Medical Center Human Resources | 614-293-4988 | |

History

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