



DMA Policy: 3-0211

Name: EXEMPT COMPENSATORY TIME

Reference: DOA Exempt Compensatory Time Policy

Reference: FLSA, Title 29 U.S.C., CHAPTER 8

Approval Signature:

Effective Date: September 1, 2008

Last Revised: March 20, 2013

It is the policy of the Department of Military Affairs to comply with the Federal Fair Labor Standards Act of 1938. Nothing in this policy guarantees that an employee will be allowed to work hours which result in the accrual of exempt compensatory time.

1. Supervisory personnel are responsible for ensuring that any hours worked causing an employee to accrue exempt compensatory hours are necessary in order to accomplish a departmental task, and that the work unit will not be disrupted when an employee takes earned exempt compensatory time off.
2. Supervisors and employees will adjust the hours of the workweek whenever possible to avoid the accrual of compensatory time. Annual and sick leave may not be used to cause compensatory or overtime to be earned.
3. An employee's supervisor decides whether hours in excess of 40 in a workweek, which an exempt employee spends traveling, attending conferences, lectures, meetings, education, or training should be credited as exempt compensatory time under these rules.
4. Exempt compensatory time will accrue at the rate of 1 hour for each hour of overtime worked.
5. Exempt compensatory time may not be accrued beyond 120 hours. The employee's supervisor may, at any time, prohibit the accumulation of exempt compensatory time until an employee's balance is reduced below 120 hours.
6. Exempt compensatory time will be earned and recorded in one-half hour increments.
7. Exempt compensatory time is not earned until an employee has 40 hours in a pay status each week. If the employee earns exempt comp time, the compensatory hours must be recorded in the "*Comp Time Earn*" row of the timecard.
8. Compensatory time off must be taken in one-half hour increments. Time off is left to the discretion of the immediate supervisor and the employee.
9. Employees may carry over a maximum of 120 hours of exempt compensatory time from one calendar year into the next year. Balances exceeding 120 hours are considered "excess." Employees will forfeit excess exempt compensatory time unless

used within 90 calendar days from the last day of the calendar year in which the compensatory time was earned. Agency management may grant an extension as described below.

10. Employees are responsible for making reasonable written requests to use excess compensatory time during the 90-day grace period. Agency management may grant the request to take the time off or extend the number of days the employee has to use the excess exempt compensatory time. Agency management must document the extensions in writing no later than March 31 of each year. The length of the extension is up to the discretion of the agency director or designee but must not extend beyond the end of the calendar year in which the extension is granted. Any excess exempt compensatory time remaining at the end of the extension is forfeited. If no extension request is made during the 90-day grace period, the excess hours are forfeited.

11. When an employee's position is reclassified, the FLSA classification must be evaluated. If the reclassification of a position results in changing the FLSA classification from nonexempt to exempt, all nonexempt compensatory time must be used prior to using exempt compensatory time. At the time of reclassification, nonexempt compensatory time may be cashed out at the rate of pay prior to reclassification.

12. When an employee is promoted from a nonexempt position to an exempt position, all nonexempt compensatory time must be used prior to using exempt compensatory time. At the time of the promotion, nonexempt compensatory time may be cashed out at the rate of pay prior to reclassification.

13. There shall be no lump sum cash compensation for accrued exempt compensatory time at any time. Exempt compensatory time may be transferred between agencies provided the new agency agrees.

14. Employees covered under a union agreement must follow the terms of the union contract.