

DEPARTMENT OF HEALTH AND HUMAN SERVICES
OFFICE OF EDUCATION SERVICES
Policies and Procedures

**Compensatory Time Policy for Exempt Employees:
Executive, Administrative, and Professional Employees,
Including Certified Educators**

Effective Date: April 22, 2005
Original Effective Date: January 1, 2002
Reference:

Purpose:

The purpose of this policy is to establish procedures for providing Compensatory Time for Office of Education Services (OES) employees that are designated as Executive, Administrative, and Professional employees, including Certified Educators, and are exempt from the Fair Labor Standards Act (FLSA).

This policy is an extension of the Compensatory Leave Policy approved by the State Personnel Commission and found in the [State Personnel Manual](#). This provision allows agency management the prerogative to grant these employees comp time for hours worked in excess of 40 hours.

Policy:

Employees who are exempt from FLSA, which includes Certified Educators, are expected to devote whatever hours are necessary to accomplish their job duties and responsibilities. This expectation is taken into account when the position is assigned to a salary grade and when salary schedules are established for Certified Educators.

It is the OES philosophy that compensatory time for Executive, Administrative, and Professional employees, including Certified Educators, **is a privilege rather than a right** and should be administered accordingly. Compensatory time should be earned only with the direct approval of the School Director, Preschool Director, or Superintendent, and taken only when the supervisor determines that the employee's absence will not interfere with normal operations.

It is OES's intention to recognize extraordinary efforts that require overtime. It is not OES's intention to provide comp time for routine efforts that could or should be handled as part of a professional's regular job.

Guidelines:

- A. Management staff whose positions are designated as Exempt Policy Making or Management Exempt, such as the Superintendent and School Directors, are ineligible for comp time.

- B. Approval to earn compensatory time shall be granted in advance by the School Director, Preschool Director, or Superintendent. Approval to take compensatory time off must be granted in advance by the immediate supervisor, School Director, Preschool Director, or Superintendent.

- C. Compensatory time can only be earned after 40 hours of actual time worked and only if it results in at least one full hour of time worked over 40 hours (i.e., comp time begins at 41 hours).
 - 1. Leave offset: Employees must account for a 40 hour work week through time worked and/or some type of leave. If an employee takes vacation leave or sick leave during the work week and his/her time worked combined with the leave exceeds 40 hours, then the leave taken should be adjusted so that the combined time worked and leave taken is no more than 40 hours. When the actual time worked in a work week equals or exceeds 40 hours, then the employee does not exhaust any leave even when time off is taken during that work week.

Example: Employee, Dill E. Gent, normally works 8-5 Monday through Friday. On Tuesday, she works until 7:00 pm meeting with a parent. Ms. Gent catches a cold from the parent and must take Friday off, using sick leave. Since she has already worked 34 hours by the end of the business day on Thursday, she only needs to exhaust 6 hours of sick leave on Friday.

- 2. Flexing Time: If an employee performs work beyond the regular daily schedule, the supervisor can adjust the employee's work schedule, during the same work week, to provide the employee time off equal to the extra hours worked (*if this is reasonable in light of School or Office needs*). The employee's additional work is thereby recognized without earning compensatory time that would need to be taken at a later date. *To reduce paperwork and allow employees to take time off as soon as possible, supervisors are encouraged to adjust the work week schedule to avoid having employees earn compensatory time unnecessarily.*

Example: Employee, Dill E. Gent, normally works 8-5 Monday through Friday. On Tuesday, she works until 7:00 pm meeting with a parent. Since she has already worked 34 hours by the end of the business day on Thursday, her supervisor approves her to leave 2 hours early on Friday of the same work week.

D. Compensatory Time will be approved in advance whenever possible for such assignments as referenced below, and can be earned only when the total hours worked in a work week exceeds 40 hours by at least one full hour: *(list not all inclusive)*

1. Special projects as assigned by supervisors
2. Time sensitive requests, applications, grants, etc. (where notification of such deadlines is within a short timeframe)
3. Assigned committee work where the commitment is time-intensive
4. Emergencies

E. Compensatory time will **NOT** be earned for :

1. Time spent on paperwork at home or in the office after a normal workday, on weekends, or on holidays
2. Travel and meeting time for conferences, workshops or other meetings where the primary purpose for attending is professional development or continuing education
3. Work performed during lunch
4. Standby at home

F. The minimum amount of compensatory time that can be earned is one hour. Above one hour, the minimum unit of compensatory time that can be earned is 30 minutes (*i.e., above one hour, comp time can be earned in 30 minute increments*). Time earned is not rounded up; additional minutes are lost.

G. Compensatory time must be used within the calendar year it is accumulated, January 1 to December 31. Employees following a school calendar year have from July 1 to June 30 to use their compensatory time. Compensatory time not taken during the times specified will be **lost**.

H. The maximum amount of compensatory time that can be accumulated at any given time is:

- **12 months employees:** Forty (40) hours

- **11 months employees:** Thirty-seven (37) hours
- **10 months employees:** Thirty-three (33) hours

I. Compensatory time **CANNOT** be converted to any other type of leave or transferred to another Agency. Compensatory time not taken during the times specified cannot be carried forward.

J. Compensatory time is lost when an employee separates from the Office of Education Services. At no time will an employee exempt from FLSA, which includes Certified Educators, be paid for compensatory time earned. An employee's separation date may not be scheduled in order to allow for use of compensatory time.

K. Procedures for earning compensatory time:

1. All compensatory time requested, approved and earned will be recorded on the monthly time sheets
2. Each supervisor will be responsible for monitoring the recording of compensatory time. In signing the monthly timesheets, supervisors are certifying the accuracy of the information as presented

L. Procedures for using compensatory time:

1. Procedures for requesting use of compensatory time are similar to those used for requesting vacation leave, the supervisor's approval is required in advance and time used is recorded on the time sheet
2. Compensatory time earned must be exhausted in the following order of priority:
 - I. to cover any outstanding adverse weather balances,
 - II. prior to exhausting any vacation leave or sick leave
3. Compensatory time cannot be used to account for leave previously taken (*i.e., compensatory time must be earned before the date it is used*).

M. When any employee is granted approval to earn compensatory time in excess of 20 hours for three or more consecutive months, that employee's position will be reviewed to determine the reasons for such overtime work.

I, _____, have read, understand, and received a copy of the **Compensatory Time Policy for Exempt Employees** above.

Employee's Signature

Date