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## PROCEDURE SUMMARY

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Under the federal Fair Labor Standards Act (FLSA) non-exempt employees must be compensated for working more than 40 hours in a workweek with either time off or pay. Under Texas law, a non-exempt employee with a combination of hours worked, paid leave, compensatory time, and paid holidays totaling more than 40 hours in a workweek must also receive either time off or pay for the additional hours in accordance with System Regulation 31.01.09, *Overtime*. This procedure is required by System Regulation 31.01.09, *Overtime*.

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## PROCEDURES AND RESPONSIBILITIES

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### 1.0 NON-EXEMPT EMPLOYEES

- 1.1 Authorization for overtime must be provided by the department/unit head or designated representative on the determination of need, workload, emergencies, or other demands which require work by employees with specific skills, training, or experience. Overtime work should be scheduled to provide fair and even distribution of overtime work among staff members whose job classifications are appropriate for the required work.
- 1.2 Where granting compensatory time off is impractical, employees will be paid for the overtime. This option is available in limited circumstances and only with the approval of the department/unit head or designated representative.
- 1.3 Overtime not authorized must also be counted as work time. However, non-exempt employees who work without authorization are subject to disciplinary action, up to and including termination.
- 1.4 The normal workweek (starting and ending day and time) cannot be changed to avoid overtime. A supervisor may adjust a nonexempt employee's work schedule in a workweek so the employee does not work overtime.

### 2.0 EXEMPT EMPLOYEES

- 2.1 Exempt employees are not eligible for overtime pay or compensatory time. However, under extraordinary circumstances that necessitate work hours beyond those routinely required for the position, such employees may, at the discretion of the Director or designee, be granted compensatory time off in accordance with state law and System Regulation 31.01.09.
- 2.2 Exempt employees may be paid for compensatory time granted for working during a disaster or emergency if the Director approves the payment and certifies that compensatory time off would be disruptive to the agency's normal business functions in accordance with System Regulation 31.01.09, *Overtime*. The [Texas A&M AgriLife Extension Service Agency Emergency Response Guidelines](#) outlines protocols in such circumstances.

### 3.0 FLSA COMPENSATORY TIME OFF

- 3.1 To ease administration of overtime, supervisors should encourage employees to take FLSA overtime during the 12-month period following the end of the workweek in which the overtime was worked.

3.2 With the approval of the department/unit head, a supervisor may require an employee to take FLSA compensatory time before using vacation.

4.0 STATE OVERTIME FOR NON-EXEMPT EMPLOYEES

An employee may not be paid for unused state compensatory time upon termination of employment or transfer to a state agency outside the A&M System. A terminating or transferring employee may, however, remain on the payroll to expend this type of compensatory time.

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**RELATED STATUTES, POLICIES, OR REQUIREMENTS**

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[A&M System Regulation 31.01.09, Overtime](#)

[Texas A&M AgriLife Extension Service Agency Emergency Response Guidelines](#)

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**CONTACT OFFICE**

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Questions concerning this procedure should be referred to AgriLife Human Resources at 979-845-2423.

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**REVISION HISTORY**

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Approved: September 13, 2007

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January 29, 2020

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