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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 their designated representatives on the determination of need, work load, 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.

### 2.0 EXEMPT EMPLOYEES

Exempt employees are not eligible for overtime payment or compensatory time off. However, under extraordinary circumstances, and with the approval of the CEO or designee, an exempt employee may be approved for compensatory time off as outlined in System Regulation 31.01.09.

### 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.

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**RELATED STATUTES, POLICIES, OR REQUIREMENTS**

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System Regulation 31.01.09, [Overtime](#)

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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  
Reviewed: July 10, 2012  
            July 16, 2014  
            January 29, 2020

Next Scheduled Review: January 29, 2025