

## MISSOURI SOUTHERN STATE UNIVERSITY POLICY

Name of Policy:	Overtime Pay for Classified and Salary Non-Exempt Employees
Date of Last Revision:	October 2024
Policy Owner	Human Resources
Handbook	Employee

### Definitions:

- **Classified Employee:** A classified employee is an individual who holds a position that is covered under the civil service rules of the University. These positions are typically hourly wage positions and are subject to the overtime provisions of the Fair Labor Standards Act (FLSA).
- **Salaried Non-Exempt Employee:** A salaried non-exempt employee is an individual who is paid a fixed salary but is still subject to the overtime provisions of the FLSA. These employees are entitled to overtime pay or compensatory time for hours worked over 40 in a workweek, despite receiving a salary rather than hourly wages.
- **Comp Time (Compensatory Time):** Comp time refers to compensatory time off granted to an employee instead of immediate overtime pay. It must be used within the same month that it is accumulated, subject to prior approval by their supervisor and in accordance with university policy.

**University Workweek:** In accordance with the Fair Labor Standards Act (FLSA), classified (non-exempt) employees, including salaried non-exempt employees, are paid at the rate of one and one-half times the employee's normal hourly rate for all time worked over forty (40) hours during a workweek. The University workweek begins at 12:00 midnight Saturday and ends at 11:59 PM Friday.

**Payment of Overtime:** Non-exempt and salaried non-exempt employees will be paid overtime compensation at one-and-one-half their regular rate of pay for all hours worked in excess of 40 hours in a workweek. With the exception of hours worked on holidays and spring and fall breaks, only time actually worked is counted toward the 40 hours per week required for overtime pay. Pay for working more than 8 hours in a day will be at the employee's regular hourly rate until at least 40 hours of time worked have accumulated in that week. Salary non-exempt employees must fill out the "Salary Non-Exempt Overtime Authorization" form to be compensated for their overtime worked. The form must be signed and approved by their supervisor and submitted to payroll within the current month in which the overtime occurred.

**Not Included in Overtime Pay Calculation:** The following hours are not considered in determining qualifying overtime hours: vacation, sick, military leave, bereavement leave, jury duty, early dismissal, and snow days. For clarification, hours for holiday and fall and spring

breaks will be considered as hours worked. In accordance with the FLSA, professional staff employees are exempt from the overtime pay provisions of the FLSA. For all other non-exempt (hourly) classified employees, including salaried non-exempt employees, the university pays overtime to the employee in the payroll period it is earned. Professional staff are not eligible for programs such as "Comp Time." However, non-exempt, and salaried non-exempt employees may be eligible for Compensatory Time (Comp Time) in lieu of overtime pay, subject to prior approval by their supervisor and in accordance with university policy.

**General Guidelines for Overtime:** Non-exempt and salaried non-exempt employees should not work over 40 hours in a week unless specifically assigned or approved by a supervisor in advance. Though an employee will be paid for any hours worked, including unauthorized overtime, they may be subject to discipline for performing unauthorized work which may include a verbal warning, written warning, suspension, or termination.

Employees can be required by their supervisor to work overtime based on business needs. Supervisors will provide as much advance notice as possible under the circumstances and will assign overtime work as fairly and consistently as possible given the nature of the work to be performed. Refusal to work scheduled overtime may result in discipline, up to and including termination.

Employees cannot waive their right to overtime compensation for hours worked over 40 in a workweek. Supervisors cannot instruct employees not to record hours worked.