

**THE UNIVERSITY OF TEXAS OF THE PERMIAN BASIN  
OFFICE OF HUMAN RESOURCES  
POLICY AND PROCEDURES MEMORANDUM**

**STATE COMPENSATORY TIME**

**DATE:** February 1, 2006

**1. PURPOSE**

The purpose of this policy and procedures memorandum is to provide for the administration of state compensatory time.

**2. POLICY**

The University of Texas of the Permian Basin permits eligible employees to earn and use state compensatory time in accordance with this policy and procedures.

**3. PROCEDURES**

State compensatory time should not be confused with compensatory time under the Federal Fair Labor Standards Act, which is covered by separate policy. State compensatory time is earned on a straight hour-for hour basis. Balances for state compensatory time and compensatory time under the Fair Labor Standards Act (FLSA) are maintained separately on time-keeping records.

**3.1 Earning of and Payment for State Compensatory Time**

**Exempt Employees**

- a.** A full-time exempt employee earns state compensatory time when the total number of hours worked in a workweek plus the number of hours of holiday or paid leave exceeds 40. Full-time exempt employees may not be paid for earned state compensatory time except as provided in the Section "State Compensatory Time Earned on Holidays".
- b.** A part-time exempt employee may earn state compensatory time when the total number of hours worked in the workweek plus the number of hours of holiday or paid leave exceed the number of hours for which the employee is appointed. A part-time exempt employee may be paid for the hours worked or earn state compensatory time, as determined by the employee's supervisor.

**Non-Exempt Employees**

- a.** A full-time non-exempt employee earns state compensatory time when the total number of hours worked in a workweek plus the number of hours of holiday or paid leave, minus any FLSA overtime hours, exceeds 40. Full-time non-exempt employees may be paid for state compensatory time hours when

taking of compensatory time would be disruptive to normal teaching, research, or other critical functions.

- b. A non-exempt part-time employee may not accrue state compensatory time if the hours worked and hours of holiday and paid leave do not exceed 40 in a workweek. A part-time non-exempt employee must be paid for the hours worked over the appointed hours, and may not accrue compensatory time.

### **State Compensatory Time Earned on Holidays**

- a. When an employee who is eligible for holiday pay is scheduled to work on a holiday, he or she will also receive state compensatory time for hours worked on the holiday. An employee may be paid for state compensatory time earned on a holiday if it is determined that allowing compensatory time off would disrupt normal teaching, research, or other critical functions. An employee whose employment terminates prior to using compensatory time earned on holidays may have his/her appointment extended to allow for reimbursement for such time.
- b. A commissioned peace officer who is required to work on a national or state holiday that falls on a Saturday or Sunday is entitled to compensatory time off at the rate of one hour for each hour worked on the holiday.

## **3.2 Guidelines for Earning State Compensatory Time**

### **Place of Work**

An employee may not accrue state compensatory time for work performed at any location other than the employee's regular or temporarily assigned place of employment. An employee's personal residence may not be considered to be the employee's regular or temporarily assigned place of employment.

### **Prior Approval Required for Non-Exempt Employees**

A non-exempt employee must have prior approval from his or her supervisor before working hours that would be counted as state compensatory time.

### **Travel for Official State Business**

An employee may earn state compensatory time for the time spent traveling to and from the business destination with supervisory approval.

### **Cap on Earnings Balance**

An employee's state compensatory time balance cannot exceed 144 hours OR the employee's current sick leave balance, whichever is higher. A non-exempt employee will be paid at the employee's regular rate of pay for supervisory approved state compensatory time that would cause the employee to exceed this cap on earnings.

## **Transfer of Accrued State Compensatory Time.**

- a.** When an employee transfers from one department to another, any balance of state compensatory time up to 144 hours will also transfer.
- b.** Unused state compensatory time will not be transferred to or from another state agency, institution of higher education, or The University of Texas System or another component.

### **3.3 Use of State Compensatory Time**

#### **Administrative and Professional (“Code 1000”) Staff**

Administrative and professional staff may use up to a maximum of 20 hours of state compensatory time in a workweek with supervisory approval.

- a.** Use of 20 hours per week of state compensatory time cannot exceed two consecutive workweeks.
- b.** Use of state compensatory time during a workday or a workweek may be augmented by the use of other accrued and available leave.

#### **Classified Staff**

Classified staff may use up to 40 hours of state compensatory time in a workweek with supervisory approval.

- a.** Use of 40 hours per week of state compensatory time cannot exceed two consecutive workweeks.
- b.** Use of state compensatory time during a workday or a workweek may be augmented by the use of other accrued and available leave.

#### **Employees Separating from The University of Texas System or one of its components**

An employee separating from The University of Texas of the Permian Basin may use up to 40 hours of state compensatory time during the last week on the payroll.

#### **Expiration of Accrued State Compensatory Time**

- a.** State compensatory time will expire twelve months following the end of the workweek in which it was earned; earned compensatory time not used within that time is lost.
- b.** If an employee who wishes to use accrued compensatory time that may soon expire submits a written request at least 90 days before the date the compensatory time expires, the supervisor or department head must approve the employee’s request in writing or provide the employee with an alternate date on which the employee may use the compensatory time.

If the employee submits their request less than 90 days before the date on which the state compensatory time will expire, the supervisor or department head is encouraged to reasonably accommodate the employee's use of accrued compensatory time before it lapses.

## **Notification Requirement and Accommodating Requests for Use of State Compensatory Time**

The Office of Human Resources will notify employees annually of the state's policy on compensatory time. This notice will include the fact that employee requests for the use of compensatory time will be accommodated to the extent practicable.

## **DEFINITIONS**

The **Fair Labor Standards Act** (FLSA) (29 U.S.C. §§ 201-219) establishes minimum wage and overtime standards for employees and regulates the employment of children.

**Exempt** employees are those employees exempt from overtime provisions of the FLSA.

**Non-exempt** employees are those employees who do not fall under any of the exemptions to the overtime provisions and are therefore covered by the FLSA.

The **workweek** is a fixed and recurring period of seven consecutive 24-hour days, which begins at 12:01 A.M. Monday and ends at 12:00 Midnight Sunday. The University of Texas of the Permian Basin's regular work schedule for full-time employees is eight hours a day (plus an optional meal period) on five consecutive days during the workweek between the hours of 8:00 A.M. to 5:00 P.M. A supervisor may approve adjusted work schedules as needed for business purposes.

**Hours worked** include any hours that The University of Texas of the Permian Basin requires or permits an employee to work.

The **workday** is the 24-hour period beginning at 12:01 A.M. and ending at 12:00 Midnight. Working more than eight hours in a workday does not constitute overtime. FLSA overtime occurs only after an employee actually works more than 40 hours in a workweek.

## **4. AUTHORITY**

- Fair Labor Standards Act of 1938, as amended, 29 U.S.C. §§ 201-219
- *Texas Government Codes* §§ 659.015, 659.016, 659.018, 659.022, 659.023, 662.005(b), and 662.007
- Board of Regents' *Rules and Regulations*, Series: 30201

## **5. APPLICATION**

This policy applies to all exempt and non-exempt positions of The University of Texas of the Permian Basin. It does not apply to those positions that require student status as a condition of employment.