

Workweek, Compensatory Time and Overtime Policy Background and Summary Detail:

Colorado School of Mines (Mines or University) policy and procedures regarding the establishment of a standard workweek, requiring the accurate recording of hours worked, and payment of overtime or accrual and use of compensatory time (Comp Time) are in accordance with the requirements of the Fair Labor Standards Act of 1938 (FLSA) and its implementing regulations.

FLSA and its regulations create two broad employment categories that affect how employees are paid, exempt and non-exempt.

- Employees designated as “exempt” (as determined by their job duties and salary level), may be paid a salary, are not eligible for overtime payments or Comp Time, and are not required to keep records of the hours they work. Exempt employees are expected to work as needed to complete assignments in a timely manner.
- Non-exempt employees are those employees who by virtue of their job duties or salary level are not exempt from the hours recordkeeping and overtime requirements of the FLSA. Non-exempt employees are eligible to be compensated for overtime and, in the manner designated by the Payroll Office, must keep timesheet records of the hours they work each week.

When non-exempt employees work more than 40 hours within a workweek, the time worked in excess of 40 hours is either paid at the overtime rate of one and one-half (1.5) times their base hourly rate or accrued as Comp Time at the rate of one and one-half (1.5) hours per each hour worked in excess of 40 hours. As a public employer, Mines can substitute Comp Time in lieu of paying overtime. It has been a condition of employment since 2004 for FLSA non-exempt employees to accept Comp Time off in lieu of being paid overtime unless the supervisor or manager approves payment of overtime.

When calculating hours worked for the purposes of determining when overtime occurs or Comp Time is accrued, time off for holidays and leave time is not counted as work time. The exception to this occurs when an employee is designated as an essential employee within the state Classified system. In this case, all hours paid within the workweek count towards the overtime threshold of 40 hours.

FLSA exempt or non-exempt status is not the same as being exempt from the State of Colorado Classified Personnel System. The State’s Classified Personnel System contains both FLSA exempt and non-exempt positions. Many positions that are exempt from the Classified Personnel System are also exempt positions under the FLSA. However, positions can be exempt from the Classified Personnel System but are non-exempt under the FLSA and are eligible for overtime.

🚩 Federal Lawsuit Filed – Temporary Injunction Issued Blocking the Implementation of the Final Rules

On November 22, 2016, a federal judge issued a temporary injunction blocking the implementation of the final rules that were set to become effective December 1, 2016. Until the injunction is lifted or until the lawsuits are completed and a rulings are issued, no change to the

*salary threshold (described below) is in effect. The below information is simply explanatory in the event the rules become effective; **it is not Mines policy unless and until the rules become effective.***

In June 2016, the U.S. Department of Labor issued new regulations regarding the eligibility for overtime pay and the requirements to keep accurate records of hours worked. These regulations did not change any of the job duties tests to be exempt from the FLSA other than establishing a new minimum salary threshold that will be adjusted every three (3) years. These changes to the FLSA's regulations means that some employees whose positions were exempt from the hours recordkeeping and overtime requirements of the FLSA are no longer exempt from these requirements and must begin keeping timesheets. For these employees, who are now professional employees eligible for overtime or Comp Time, when their hours of work exceed 40 hours within a work week, Mines must either pay overtime or must accrue Comp Time that the employee can later use.

Effective December 1, 2016¹, except for those employees whose job responsibilities qualify as "teachers" under the FLSA, in order to be paid on a salary basis, employees must be paid at least \$913 per week (\$47,476 per year). Employees whose salaries do not meet this threshold are non-exempt for the purposes of FLSA hours recordkeeping requirements and are eligible for Comp Time accrual or overtime pay for those hours worked in excess of forty (40) in a workweek. FLSA does not allow proration of this salary threshold for part time employment.

See the Policy in the Mines Policy Library, Human Resources section @ [Workweek, Compensatory Time, and Overtime Policy](#).

¹ Enjoined from becoming effective.