



## OFFICE OF HUMAN RESOURCES

**To:** Faculty and Staff

**From:** The Office of Human Resources

**Date:** July 18, 2022

**Re:** General Guidelines for Compensatory Time and Overtime for Non-Teaching Instructional and Classified Staff

The University has set forth policies and procedures that specify how the College's Non-Teaching Instructional and Classified employees<sup>[1]</sup> earn compensatory time and overtime.

The purpose of this memorandum is to provide Deans, Vice Presidents and other College Administrators, who serve as designees of the President, with guidance to support their processes for reviewing and approving compensatory time and overtime for the College's Non-Teaching Instructional and Classified employees.

Factors for determining a Non-Teaching Instructional or Classified employee's eligibility to be remunerated for compensatory time or overtime include but are not limited to the following:

1. Pre-authorization by the President, or their designee – ***i.e., the President's designee is a Dean, Vice President or other Senior College Administrator.***
2. Pre-approval from Finance for funding of hours in excess of regularly scheduled work hours.
3. The applicable employee collective bargaining agreement.
4. The HEO Compensatory Time Agreement, which governs the use of compensatory and overtime for employees in HEO-Series titles. (Included with this memo for your review is CUNY's

Implementation of the HEO Compensatory Time Agreement Memo dated July 17, 2008.)

5. The employee's FLSA (Fair Labor Standards Act) status, i.e., Exempt or Non-Exempt (see below for clarification).

### **ADDITIONAL HOURS WORKED MUST BE PRE-AUTHORIZED TO BE COMPENSABLE**

Additional hours worked in excess of an employee's scheduled weekly work hours (35 or 40 per week, whichever applicable) must be authorized, by the President's designee, in advance of the employee working the extra hours or else the hours will not be compensable.

As an initial step, the President's designee should consult the College's Finance Department about the availability of funding to cover costs associated with an employee working extra hours. With Finance's approval, the President's designee should then issue written preauthorization for the extra hours to Human Resources (HR). In the event of an emergency and obtaining such pre-authorization is not feasible, then the approval for authorized extra hours should be requested as soon as possible.

To the extent possible, the employee should be notified by their supervisor at least 48 hours in advance (of the extra hours to be worked), that they have been approved to work extra hours. When this is not possible, the employee should be notified as soon as practicable.

### **DOCUMENTING ADDITIONAL HOURS**

Additional hours worked in excess of 35 (or 40) hours weekly, that were pre-approved in accordance with process provided above, must be indicated on the employee's timesheet and signed by the immediate Supervisor and the Administrator<sup>[2]</sup> designated to authorize such time.

Timesheets submitted with additional hours beyond 35 (or 40) hours weekly that were not approved in accordance with the process indicated above can only be processed for up to 35 (or 40) hours weekly.

### **COMPENSATING EMPLOYEES FOR APPROVED EXTRA HOURS**

Employees in Non-teaching Instructional titles, e.g., HEOs, CLTs and Research Associates and Assistants (RAs), and whose FLSA status is Non-

Exempt, earn compensatory time of one hour for each hour worked between 36 and 40 hours in a workweek.

Employees in Non-teaching Instructional titles, e.g., HEOs, CLTs and RA, and whose FLSA status is Non-Exempt, would be entitled to overtime at a rate of time and a half or applicable blended rate <sup>[3]</sup>for hours worked in excess of 40 hours per week.

Employees in Non-teaching Instructional titles, e.g., HEOs, CLTs and RAs and whose FLSA status is Exempt, would be entitled to compensatory time on an hour for hour basis for all hours worked in excess of 35 hours per week.

Classified titles represented by CUNY's White-Collar agreement continue to be paid at straight time (i.e., one hour for one hour worked) for each hour worked between 36 and 40 hours.

Classified titles represented by CUNY's Blue- or White-Collar agreements earn overtime at time and a half (i.e., one and one-half hour for one hour worked) for each hour worked in excess of 40 hours.<sup>[4]</sup>

### **SPECIFIC CONSIDERATIONS RELATED TO APPROVED COMPENSATORY HOURS**

For HEO-Series employees, compensatory time earned during a quarter of the contractual HEO "leave year" (September 1 – August 31) must be used as promptly as possible within the quarter in which it was earned, but no later than 30 calendar days after the end of the quarter in which the compensatory time was earned.

All other eligible titles must use their compensatory time within three (3) months (or 90 days) of the date it was earned.

Employees who have earned compensatory time will receive notification of when their compensatory time expires.

The use of compensatory time must be scheduled by the supervisor in consultation with the employee.

### **QUESTIONS**

For questions, please do not hesitate to contact HR/Time and Leave at [timeandleave@ccny.cuny.edu](mailto:timeandleave@ccny.cuny.edu).

<sup>[1]</sup> Some of the Non-Teaching titles in question are Higher Education Officer (HEO)-Series and College Laboratory Technicians (CLTs) and the Classified titles include CUNY Office Assistant (COA) and Information Technology (IT) titles among others.

<sup>2</sup> President or designee

<sup>3</sup> If an employee is entitled to blended rate, University Payroll will determine the applicable rate.

<sup>4</sup> Pursuant to CUNY's Blue- and White-Collar contracts, Classified employees may be subject to an overtime cap.