

**ADMINISTRATIVE PROCEDURES**

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| **30.09 Overtime and Compensatory Time** | **Revised: April 3, 2023** |

1. GOVERNING REGULATIONS

These procedures are governed by System Regulations [31.01.02](http://policies.tamus.edu/31-01-02.pdf) Fair Labor Standards (FLSA) and [31.01.09](http://policies.tamus.edu/31-01-09.pdf) Overtime.

Administrative Procedure [20.05](http://tfsfinance.tamu.edu/modules/finance/admin/admin_procedures/2005%20Emergency%20Response%20Accounting.docx) Accounting for Emergency Response Incidents provides the following definitions:

1.1 Texas Emergency Response Incident – an emergency for which the State of Texas is financially responsible.

1.2 Non-Texas Emergency Response Incident – an emergency for which another state or the federal government is financially responsible.

# 2. BIWEEKLY (NON-EXEMPT) EMPLOYEE OVERTIME GUIDELINES

The Texas A&M Forest Service will comply with all of the procedures and requirements contained in System Regulation 31.01.09. In addition, the following procedures will be followed:

2.1 Authorization to Work Overtime

All overtime must be approved in advance by the employee’s supervisor, with the exception of employees dispatched to an emergency response incident. It is the responsibility of the supervisor to know if overtime is necessary and if the employee is working overtime.

2.2 Compensation for Overtime Worked

2.2.1 An employee who works overtime must be compensated with overtime pay or compensatory time off. However, if an employee works overtime without proper approval or after the supervisor instructed him/her not to do so, the supervisor may take the following actions:

a. Adjust the employee’s remaining work week to not exceed 40 hours for that week. The workweek for a non-exempt employee begins on Sunday and ends on the following Saturday. Each workweek stands alone for calculating FLSA overtime.

b. Take disciplinary actions for employee’s failure to adhere to agency procedures and/or supervisor’s instructions.

2.2.2 Compensation for overtime will be handled as follows:

a. Overtime for in-state activity will normally be handled as follows:

* + 1. If the overtime is needed to complete normal duties not related to emergency response, the employee will receive compensatory time off.
    2. If the overtime is earned when responding to a Texas emergency response incident (including local/routine fire response), the employee normally will be compensated monetarily. However, with the employee’s request and supervisor’s approval, an employee may receive compensatory time in lieu of monetary compensation if the employee’s subsequent absence will not adversely affect the operations of the agency.
    3. An employee who is required to work all or part of a holiday on emergency response will be allowed to take the holiday (or portion thereof) on another day, as agreed upon by the employee and supervisor. The employee will be paid for the actual hours worked. The employee must report the number of hours off for holiday time and the number of hours worked. For the purpose of this procedure, the regular eight hour holiday schedule is from 8 a.m. to noon and 1 p.m. to 5 p.m. for a total of eight hours.

b. Compensatory and overtime rules for out-of-state activity are normally governed by the rules of the out-of-state agency which has requested Texas A&M Forest Service assistance. The following guidelines presume that the Texas A&M Forest Service will be reimbursed by the requesting agency.

1. Overtime for a non-Texas emergency response incident (including an in-state emergency response occurring on federal land) is normally compensated monetarily.
2. An employee assigned to a non-Texas emergency response incident on a Texas A&M Forest Service holiday is paid for eight hours at straight time holiday pay if the Texas A&M Forest Service will receive reimbursement from the requesting agency. Otherwise, the employee must take the eight hours of holiday time at another time.
3. If the employee is on a federal out-of-state incident and the Incident Commander instructs the employee to take one or more rest and recuperation (R&R) days off during or after the assignment to mitigate fatigue, the federal rules must be strictly adhered to. If pay for the R&R day(s) off is authorized by the requesting agency, the Emergency Firefighter Time Report OF-288 with proper approvals must be provided to the payroll office. Failure to adhere to the rules of the requesting agency and/or to provide the necessary documentation will result in the day(s) off being treated as Management Directed Day(s) Off. See Administrative Procedure [10.15](http://tfsfinance.tamu.edu/modules/finance/admin/admin_procedures/1015%20Management%20Directed%20Days%20Off.docx).

2.2.3 System Regulation 31.01.09 allows the agency to pay employees for earned compensatory time if allowing the employee to use the compensatory time would impose a burden on the agency due to the employee’s absence.

2.2.4 All time charged to incidents should be supported by properly completed and approved Crew Time Reports or Fire Time Reports (OF-288).

## 3. SALARIED (EXEMPT) EMPLOYEE OVERTIME GUIDELINES

All of the procedures and requirements contained in System Regulation 31.01.09 Overtime will be adhered to by the Texas A&M Forest Service. In addition, the following procedures will be followed:

* 1. Exempt employees normally are not entitled to overtime pay or compensatory time, except under certain limited situations.

3.1.1 Texas Emergency Response Incident (including local/routine fire response) – To ensure continuity of operations and avoid disruption to normal business functions, overtime on a Texas emergency response incident normally will be compensated monetarily at the straight time rate. However, with the employee’s request and supervisor’s approval, an employee may receive compensatory time in lieu of monetary compensation if the employee’s subsequent absence will not adversely affect the operations of the agency. The supervisor must submit the approved request to the payroll office by the end of the month related to the applicable hours.

3.1.2 In-State Federal Incident – Overtime on an in-state federal (non-Texas) incident is normally paid if the agency will be reimbursed. The Cooperative Fire Control Agreement between Texas A&M Forest Service and USDA Forest Service (USDA FS) stipulates that the agency will be reimbursed at the same rate that it would normally pay; therefore, exempt employees will receive overtime pay at the straight time rate for this type of incident.

3.1.3 Out-of-State Incident – Overtime on an out-of-state (non-Texas) emergency response will be paid. The Cooperative Fire Control Agreement between Texas A&M Forest Service and USDA FS stipulates that the agency will be reimbursed at 1½ times the base pay for exempt employees when responding to USDA FS out-of-state incidents. Therefore, the agency normally pays exempt employees for overtime using the same overtime rules as for nonexempt employees on federal out-of-state incidents. Non-Texas incidents other than USDA FS will be governed by the same rules.

3.2 Pay for work during a holiday is treated the same for both exempt and non-exempt employees. See Section 2.2.2.a.3 and Section 2.2.2.b.2.

3.3 R&R days and management directed days off for fatigue mitigation are treated the same for both exempt and non-exempt employees. See Section 2.2.2.b.3.

3.4 Overtime hours to be paid to exempt employees should be entered in Workday. After each completed month, overtime hours will be paid on the next payroll. For hours charged to an incident, the procedures in Administrative Procedure [80.02](http://tfsfinance.tamu.edu/modules/finance/admin/admin_procedures/8002%20Fire%20Season%20Timekeeping.docx) Emergency Response – Fire Season Timekeeping should be followed. All time charged to incidents should be supported by properly completed and approved Crew Time Reports or Fire Time Reports (OF-288).

4. LAW ENFORCEMENT OFFICER OVERTIME GUIDELINES

4.1 The Chief Law Enforcement Officer must approve weekend or holiday duty for law enforcement officers.

4.2 Law enforcement officers will be paid for overtime hours incurred investigating a fire within seven days after the start of the fire.

4.3 Law enforcement officers will receive compensatory time off for overtime hours incurred investigating a fire more than seven days after the start of the fire.

4.4 Law enforcement officers will be paid for overtime hours incurred investigating on-going fires.

## 5. MANAGEMENT DIRECTED DAYS OFF GUIDELINES

5.1 To enhance employee safety, the agency has adopted procedures similar to guidelines published by the National Wildfire Coordinating Group (NWCG). See Administrative Procedure [10.15](file:///\\tfscs-iis04\admin\admin_procedures\1015%20Management%20Directed%20Days%20Off.docx) Management Directed Days Off. This procedure applies to both exempt and non-exempt employees.

6. RECORDKEEPING FOR COMPENSATORY TIME

6.1 Compensatory time records for all employees are maintained in Workday.

6.2 Earned compensatory time for overtime worked by non-exempt employees is automatically posted into Workday from timesheet. All other earned compensatory time is recorded by the Absence Partner based on documentation of the earned time from the employee and approval from an appropriate supervisor. Acceptable documentation includes:

a. an email or updated timesheet for a correction to overtime worked or a holiday worked on a prior payroll that has already processed.

* 1. an email for approved compensatory time for exempt employees, as authorized in Section 3.1.1.

6.3 The Absence Partner maintains the documentation and follows the retention schedule which applies to other time reports.

7. USE OF COMPENSATORY TIME

7.1 It is the A&M System practice to minimize FLSA overtime worked and the resulting compensatory time balances. When practical, overtime compensatory time should be taken during the 12-month period following the end of the workweek in which the overtime was worked.

7.2 An employee may request use of compensatory time by submitting a time off request in Workday.

7.3 A supervisor may require an employee to use compensatory time rather than annual leave.

8. MANAGEMENT OF FLSA COMP TIME BALANCES

To ensure that FLSA comp time is taken in a timely manner and large balances are not allowed to accumulate, the following procedures will be followed.

8.1 FLSA Cap

1. FLSA comp time balances will not be allowed to exceed the 240 hour FLSA cap.
2. Supervisors need to monitor FLSA comp time balances to ensure overtime is not authorized when it would cause the employee to exceed the 240 hour cap.
3. In the event that the supervisor fails to properly monitor and an employee works overtime that would result in exceeding the 240 hour cap, the Payroll and Support Services Department Head must be contacted for determination of appropriate corrective actions.

8.2 Monthly Reviews by Employee Development

1. Each month Employee Development (ED) will generate a report from Workday listing employees with balances of 200 hours or more of FLSA comp time and notify (by email) the respective supervisors.
2. Notification to the supervisor will include the name of the employee, their FLSA comp time balance, a reminder of the 240 hour cap and the need for the employee to take some of their comp time hours as soon as possible to reduce their balance to 200 hours or less.
3. If a supervisor receives notification for three or more consecutive months regarding an employee with a balance over 200 hours, the employee’s department head will be included on the 3rd email notification and their associate director will be included on the 6th email notification.

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