

PROCEDURES MEMORANDUM

TO: MCC Staff

FROM: Office of the President

SUBJECT: Overtime Pay, Holiday Pay and Volunteerism Procedures for Non-Exempt (otherwise known as hourly paid) Staff

DATE: August 22, 2022

PURPOSE: Establish procedures for handling overtime pay, holiday pay and volunteering as it relates to non-exempt employees

SCOPE: This procedure applies to all full-time and part-time regular non-exempt employees whose employment relationship is defined in Board of Governors policies. For bargaining unit employees, procedures for handling overtime and holiday issues are addressed in and governed by applicable collective bargaining agreements. Provisions of this procedures memorandum not specifically addressed in applicable collective bargaining agreements apply to bargaining unit employees.

1. General Principles

- A. Responsibilities - The College President is authorized to establish procedures for the approval and payment of non-standard work time; for example, overtime and holiday pay. College administrators and cost center managers are responsible for ensuring that the amount of overtime and holiday hours worked is kept at a minimum and that appropriate approval actions are established and followed in units under their supervision.
- B. Fair Labor Standards Act (FLSA) vs. Volunteerism - As a general rule, non-exempt employees are not allowed to “volunteer” for the benefit of the College or to work for or attend continuing education seminars, special events, etc., outside their regular work hours without compensation. Should a non-exempt employee wish to volunteer to work or attend a College or job related event outside normal hours, without pay, supervisors are required to consult with General Counsel prior to the employee working for or attending the event. Non-exempt employees may never be forced, required or encouraged to “volunteer” for the benefit of the College or to work for or attend continuing education seminars, special events, etc., outside their regular work hours without compensation.

2. Workweek

The workweek consists of seven (7) consecutive twenty-four (24) hour periods; that is, 168 consecutive hours, designated by the College. The College's standard workweek will normally be defined as beginning at 12:01 a.m. Saturday and ending at midnight the following Friday. However, special staffing considerations may necessitate that an alternate workweek be utilized in specific situations. Any College work unit may implement an alternate workweek if the needs of the work unit so dictate. Approval of the alternate workweek must be obtained from the cost center manager prior to implementation and communicated to the affected employee(s) and the Payroll Office in writing.

3. Time Reporting

For non-exempt employees, the reporting of time worked, meal breaks, and paid or unpaid absences is to be completed in accordance with the instructions provided by the Payroll Office.

4. Overtime

Overtime is time worked in excess of forty (40) hours during an assigned workweek. The computation of overtime hours worked will include actual work time and paid absences due to annual leave, holidays, jury duty/election duty, and bereavement leave, but does not include sick leave. Overtime may not be pyramided (stacked), compounded, or paid twice for the same hours.

A non-exempt employee required to work in excess of forty (40) hours during a workweek, as computed above, will be compensated for the overtime hours at a rate of one and one-half (1-1/2) times the employee's base hourly rate of pay, or, at the option of the College, adjustments to an employee's daily work hours during the same workweek may be made by the supervisor to avoid requiring the employee to work in excess of a total of forty (40) hours during that workweek. These types of adjustments do not require overtime pay. When possible, supervisors will discuss such schedule adjustments with the employee at least 48 hours prior to the schedule change.

All overtime must be authorized and approved in advance by the employee's supervisor. Employees may be required to work beyond their normal hours or may be required to work on a scheduled day off to meet the needs of the College.

Call-In: When an employee is called to work outside of his or her regularly scheduled shift, and such call-in time does not merge with his or her regularly scheduled work hours, such employee shall be paid a minimum of four (4) hours pay at one and one-half (1 ½) times his or her base hourly rate of pay. The four (4) hours includes one hour for travel time. If the employee works more than three (3) hours, and such call-in time does not merge with his or her regularly scheduled work hours, the employee shall be paid for the actual hours worked at one and one-half (1 ½) times his or her base hourly rate of pay plus one (1) hour of travel time. When an employee is called in to work outside of his or her regularly scheduled shift

and such call-in time merges with his or her regularly scheduled work hours, the employee will be paid in accordance with the overtime provisions of this section (4. *Overtime*), and no travel time will be paid.

Inclement weather or other adverse conditions: If the President or his or her designee declares the College closed due to inclement weather or other adverse conditions, non-exempt (hourly) employees who are required to physically remain at work based on specific needs of the College shall be paid at the rate of two (2) times their regular hourly rate for all hours worked, commencing at the official time of the closing. This does not include any employees covered by a collective bargaining unit.

5. Holidays

A non-exempt employee required to work on an approved College holiday shall receive holiday pay at the rate of two (2) times the employee's base hourly pay rate for a minimum of two (2) hours or for the actual hours worked if more than two (2) hours on the holiday. This extra pay for working on a holiday is earned regardless of whether the employee works in excess of forty (40) hours during the holiday week.

Alternate Holiday: When a College-approved holiday falls on an employee's normal "weekend" or "days off" (based on the employee's regular schedule), the employee should be assigned an alternate holiday as close as possible to the College-approved holiday, preferably within the same pay period.

Adopted 4/30/93; Revised 7/26/02; 9/1/06 (Board Policy Numbers Removed); Revised 6/2/09; 9/5/14; 8/22/22