

POLICY & PROCEDURES MEMORANDUM

TITLE:	COMPENSATORY LEAVE FOR FLSA-EXEMPT UNCLASSIFIED NON-FACULTY EMPLOYEES
EFFECTIVE DATE:	January 3, 2023* <i>(*LCTCS Policy Update 1/3/23; 1/1/19; FLSA Compliance Update 8/1/16; Title Updates 8/31/11; Original 11/16/99)</i>
CANCELLATION:	HR-2410.1C (1/1/19)
CATEGORY:	Human Resources (HR) <i>(Formerly issued as AD-2410.1C)</i>

POLICY STATEMENT

In accordance with [LCTCS Policy 6.003, Leave for Unclassified Employees](#), *FLSA-exempt* unclassified non-faculty employees are hired to work 40-hour workweeks/80-hour pay periods for all 12 months of a year and under normal circumstances are not compensated for any additional time worked. FLSA-exempt employees are not entitled to earn compensatory leave. However, with prior written immediate and intermediate supervisors' approval and final Appointing Authority approval, the Appointing Authority may allow certain FLSA-exempt employees in eligible positions to earn compensatory leave for circumstances involving special projects or circumstances that require additional work hours beyond the regular 40-hour work week.

Compensatory leave is defined as leave earned and granted in lieu of paying eligible *FLSA-exempt* unclassified non-faculty employees for overtime hours worked. Compensatory leave earnings are based upon a determination of the employee's Fair Labor Standards Act (FLSA) status of exempt or non-exempt. Additionally, positions at the level of Director and are automatically excluded from earning compensatory leave.

For eligible *FLSA-exempt* unclassified non-faculty employees, the accumulation and use of compensatory leave requires prior approval and must follow the requirements and procedures outlined in this memorandum. Any unclassified, FLSA *non-exempt* employee who is entitled to earn overtime under the Fair Labor Standards Act will earn compensatory leave in accordance with that act and the College's [Overtime Compensation for FLSA Non-Exempt Unclassified Employees policy](#).

PROCEDURES & SPECIFIC INFORMATION

1. Purpose

To describe policy and procedures for the accumulation and use of compensatory leave for full-time, FLSA-exempt unclassified non-faculty employees.

2. Scope and Applicability

This policy and procedures memorandum applies to all full-time, *FLSA-exempt* unclassified non-faculty employees in positions that are eligible to earn compensatory leave and grant employees who are in comparable positions unless employment conditions are specified differently in the grant. Additionally, positions at the level of Director and above, as well as Athletic Coaches, are automatically excluded from earning compensatory leave.

Any unclassified, FLSA *non-exempt* employee who is entitled to earn overtime under the Fair Labor Standards Act will earn compensatory leave in accordance with that act and the College's [Overtime Compensation for FLSA Non-Exempt Unclassified Employees policy](#).

3. Definition and Requirements

- A. Compensatory leave is defined as leave earned and granted in lieu of paying eligible *FLSA-exempt* unclassified non-faculty employees for overtime hours worked.
- B. Compensatory leave earnings are based upon a determination of the employee's Fair Labor Standards Act (FLSA) status of exempt or non-exempt. Additionally, positions at the level of Director and above are automatically excluded from earning compensatory leave.
- C. In accordance with [LCTCS Policy 6.003, Leave for Unclassified Employees](#), *FLSA-exempt* unclassified non-faculty employees are hired to work 40-hour workweeks/80-hour pay periods for all 12 months of a year and under normal circumstances are not compensated for any additional time worked. FLSA-exempt employees are not entitled to earn compensatory leave. However, with prior written immediate and intermediate supervisors' approval and final Appointing Authority approval, the Appointing Authority may allow certain FLSA-exempt employees in eligible positions to earn compensatory leave for circumstances involving special projects or circumstances that require additional work hours beyond the regular 40-hour work week.

4. Approval for Compensatory Leave

- A. All compensatory leave for eligible unclassified employees must have prior written immediate and intermediate supervisors' approval and final Appointing Authority approval specifying the reason for the approval.

- B. Compensatory leave is not to be used to extend an employee's workday or in lieu of a lunch break.
- C. With prior written immediate and intermediate supervisors' approval and final Appointing Authority approval, the Appointing Authority may provide for exceptions through prior written approvals for circumstances involving special projects or circumstances that require additional work hours beyond the regular 40-hour work week.
- D. In accordance with the College's [Telecommuting policy](#), an eligible employee may earn compensatory leave for work performed at a location other than the employee's normal work station, to include but not limited to the employee's home or other off-site location, if given specific written advance approval by the College Chancellor. The approval document must be on file in the Office of Human Resources.
- E. Time worked without prior written immediate and intermediate supervisors' approval and final Appointing Authority approval shall not be approved for compensatory leave.

5. **Eligibility Status to Earn Compensatory Leave**

- A. The eligibility status for exempt unclassified employees to earn compensatory leave is determined by the Appointing Authority.
- B. Positions at the level of Director and above, as well as Athletic Coaches, are automatically excluded from earning compensatory leave.
- C. As per FLSA, it should be noted that exempt employees are not entitled to earn compensatory leave. However, with prior written immediate and intermediate supervisors' approval and final Appointing Authority approval, the Appointing Authority may allow certain exempt employees to earn compensatory leave for non-routine circumstances involving special projects, events, or circumstances that require additional work hours beyond the regular 40- hour work week.
- D. Those individuals employed with a status of faculty, intermittent, seasonal, student, or temporary are ineligible to earn compensatory leave and are not paid when the college is officially closed, unless hours are worked.

6. **Accrual of Compensatory Leave**

- A. With prior written immediate and intermediate supervisors' approval and final Appointing Authority approval, eligible exempt employees may earn straight-time for hours worked over 40 in a workweek.

- B. No more than 360 hours of unused compensatory leave can be carried forward from one fiscal year to the next for exempt employees.
- C. Approved compensatory leave may be earned at a minimum of 15-minute increments.
- D. Approved compensatory leave may be claimed by and credited to the eligible unclassified employee during the pay period the overtime is worked and, upon approval, may be used by the employee at a future date.

7. **Accrual of Compensatory Leave and Travel**

- A. When an eligible unclassified employee's work assignment requires travel to/from an assigned work site that is different than their normal work site, the unclassified employee is considered to be on official travel.
- B. During a regular workday or holiday, the eligible unclassified employee may be granted a maximum of five (5) hours of compensatory leave for hours worked after 4:30 p.m. (or the official workday in effect).
- C. When the travel is on a weekend, an eligible unclassified employee may be granted a maximum of eight (8) hours of compensatory leave per day. The eligible employee's time spent for a typical commute from home to the office should not be included when granting compensatory leave for travel to/from a work assignment destination.
- D. For purposes of computing compensatory leave hours, travel will be considered "ceased" upon arrival at the destination (place of lodging/work site) and considered "begun" when the employee leaves the destination.
- E. When an employee is on official travel and chooses a different mode of travel than that offered (ex: chooses to drive rather than fly), any additional hours of travel time incurred as a result of the employee's personal decision will not be considered hours worked and will not be eligible for compensatory leave.
- F. Time spent in session for a conference/convention is to be reported as working time. Compensatory time may be accrued for travel to/from conferences and conventions only when the travel is mandated by the College.

8. **Use of Compensatory Leave**

- A. Eligible employees requesting the use of compensatory leave shall be permitted by their immediate supervisor to use such leave within a reasonable period after making the request, if the use of compensatory leave does not unduly disrupt the operations of the organization.

- B. The Appointing Authority may require an eligible unclassified employee to use their accrued compensatory leave at any time, especially if they have reached their maximum accrual.
- C. Compensatory leave is to be taken and will be reduced in minimum increments of 30 minutes.
- D. When annual leave is requested and approved, compensatory leave balances will be exhausted before any reduction in the annual leave in order to minimize the institution's liability.
- E. This reduction will be an automatic process by the payroll system. Compensatory leave may be used in place of sick leave.
- F. Compensatory leave should not be confused with flexible time. Employees cannot arbitrarily determine their own work schedules.
- G. Employees approved for leave under the [FMLA](#) are required to use paid compensatory leave prior to the use of paid annual leave.

9. Procedures

For proper administration of this policy, the following procedures will apply to *FLSA-exempt* unclassified non-faculty employees:

- A. *In order to **earn** compensatory leave*, the employee is to complete an [Overtime/Compensatory Leave Approval Form, Form 2400/005](#) (Attachment A), which is to be approved by the immediate supervisor/department head and the intermediate supervisor/department head, as applicable, with final approval by the Appointing Authority. This form must be submitted to the Payroll Office in accordance with the biweekly payroll schedule during which the hours were earned.
- B. *In order to **use** compensatory leave*, the employee is to complete an official [Leave Request Form, Form 2400/001](#) (Attachment B), which is to be approved by the immediate supervisor/department head and the Dean/Executive Dean/Assistant Vice Chancellor/Vice Chancellor or Chancellor's signature (as appropriate). This form is to be submitted to the appropriate supervisor for approval in accordance with the biweekly payroll schedule during which the hours were earned.

10. Forms

The following forms are designated for use in earning and using compensatory leave:

For *earning* compensatory leave - [Overtime/Compensatory Leave Approval Form, Form 2400/005](#) (Attachment A)

For *using* compensatory leave - [Leave Request Form \(Form 2400/001\)](#) (Attachment B)

11. Cancellation

This policy and procedures memorandum cancels Policy and Procedures Memorandum BA-2410.1B, *Compensatory Leave for Unclassified Professional Staff*, dated January 1, 2019.

Policy Reference:

Louisiana Community and Technical College System Policy #6.003, [LCTCS Policy 6.003, Leave for Unclassified Employees](#)
[Delgado Policy BAA-L11 Overtime Compensation for FLSA Non-Exempt Unclassified Employees](#)

Review Process:

Executive Council 11/16/99
Title Update Approval – Vice Chancellor for Business and Administrative Affairs 8/31/11
FLSA Compliance Update Approval – Vice Chancellor for Business and Administrative Affairs and Assistant Vice Chancellor for Human Resources 8/1/16
LCTCS Policy Update Effective 1/1/19
LCTCS Policy Update 1/3/22

Distribution:

Distributed Electronically Via the College's Website

Attachments:

Attachment A - [Overtime/Compensatory Time Leave Approval Form \(Form 2400/005\)](#)

Attachment B - [Leave Request Form \(Form 2400/001\)](#)