

Compensatory Time Policy for Exempt Employees

Introduction

An employee exempt from the overtime provisions of the Fair Labor Standards Act (FLSA) may be eligible to earn compensatory time off for time worked on a paid holiday or if work and leave time total in excess of 40 hours in one week.

Exempt employees perform work that is executive, administrative or professional as defined by the FLSA. Please contact Human Resources if you are unsure whether you are exempt.

Policy

An exempt employee may earn compensatory time if the employee works at the office on a paid holiday or if the employee's total work and recorded leave time is more than 40 hours in one week and management gave prior approval of the time.

In some divisions, management may decide to grant compensatory time for more than 40 hours only in special circumstances. Management has the discretion to decide when it is appropriate to grant compensatory time to its exempt employees.

Place Where Work Is Performed

An employee may accumulate compensatory time off for the hours worked during any week at the employee's personal residence only if the employee obtains advanced approval from the Deputy Comptroller or the Deputy Comptroller's designee.

Part-Time Employees

Part-time exempt employees may be eligible to earn compensatory time if work and recorded leave time are in excess of the designated number of work hours for the week.

Time Limit on Use of Compensatory Time

Compensatory time off must be taken during the 12-month period following the end of the workweek in which the compensatory time was accrued; otherwise, the time is lost.

Pay for Compensatory Time

An exempt employee will not be paid for compensatory time during his or her employment or at separation, nor will it transfer to another state agency. Compensatory time remaining on the books when an exempt employee separates is lost, with one exception.

With authorization from the Deputy Comptroller or his or her designee, an exempt employee may be paid for the hours of compensatory time that the employee earns for work directly related to a disaster or emergency declared by the appropriate officer of the state or federal government.

Authority

29 U.S.C. §201 *et seq.*

Texas Government Code §659.016, .018