

## Chapter 11 Overtime/Overloads

### 11.01 General Provisions for Overtime

- **General Policy**

The Fair Labor Standards Act (FLSA) determines whether a position is eligible for overtime pay. Under the FLSA, there are two types of employment, exempt and nonexempt. In both cases, overtime pay or compensatory time should be held to a minimum consistent with the needs of the University.

Employees exempt from the FLSA provisions are those who function in a professional, administrative or executive capacity, or meet the standards of other special exemptions outlined in the guidelines established by the U.S. Department of Labor. Exempt employees are salaried staff and are compensated based on their total job responsibilities, not the number of hours they work.

Exempt employees are normally not eligible for overtime compensation. If overtime compensation will be provided to exempt employees, the dean or divisional director (or the designated representative) needs to approve the overtime before it is worked. Without approval, the hours worked will be considered part of the employees' total job responsibilities (i.e., no extra compensation).

Nonexempt employees must be paid or given compensatory time at the rate of time and one-half for all hours that exceed 40 hours in a week. Units must record compensatory time for nonexempt employees and maintain a written record of these hours to insure compliance with federal and state requirements.

Nonexempt employees are not to work overtime unless approved by the dean or divisional director (or the designated representative). Employing unit procedures should inform employees that they might be subject to discipline if they work overtime hours that were not preauthorized.

If there is any question on how overtime should be handled, please contact the Division/College/School human resources representative.

- **Employees Represented by a Union**

Determination of the appropriate overtime pay or compensatory time for all exempt and nonexempt represented employees is designated by the appropriate labor agreement. Please refer to the attached chart ([FLSA NONEXEMPT OVERTIME/COMPENSATORY TIME CHART](#)) for more information. The chart includes the appropriate reference points for the majority of contracts covering UW-Madison employees. For exempt represented employees, refer to the appropriate union contract and the ([FLSA EXEMPT OVERTIME/ COMPENSATORY TIME CHART](#)).

- **Employees not Represented by a Union (Nonexempt)**

All UW-Madison nonexempt employees not covered by a [labor agreement](#) will be granted compensatory time or overtime pay for working more than 40 hours in a week.

- The attached chart ([FLSA NONEXEMPT OVERTIME/COMPENSATORY TIME CHART](#)) provides a summary for determining how employees should be paid for overtime hours. The [State Compensation Plan](#) outlines more detailed information on how to handle compensation for nonexempt, non-represented classified employees eligible for overtime.
- Nonexempt classified employees hired before April 15, 1986, will receive compensatory time at the rate of time and one-half for working more than 40 hours. If appropriate, the appointing authority may approve overtime payment.

## Chapter 11 Overtime/Overloads

### 11.01 General Provisions for Overtime

- Nonexempt classified employees hired after April 14, 1986, also receive compensatory time instead of overtime pay. Supervisors should use the language in the standard appointment letter to inform the new hire that compensatory time may be granted instead of pay.
  
- **Employees not Represented by a Union (Exempt)**  
The attached chart ([FLSA EXEMPT OVERTIME/COMPENSATORY TIME CHART](#)) provides guidelines for the different types of exempt employees. In addition policies and procedures for exempt employees are found in the [State Compensation Plan](#) (Section A 4.03), [Wisconsin Human Resource Handbook](#) (Chapter 520), and [Department of Labor](#).

September 2002