

Chapter 11 Overtime

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- **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.

Specific questions on overtime should be directed to the Division/College/School human resources representative. In all cases, overtime pay or compensatory time should be held to a minimum consistent with the needs of the University.

- **Nonexempt Employees**

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 ensure compliance with federal and state requirements. Guidelines for the payment of overtime for non-exempt employees can be found in the [State Compensation Plan](#).

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.

- **Payment for Overtime for Exempt Employees**

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. Guidelines for payment of overtime for the different types of exempt employees can be found in [State Compensation Plan](#) (Section A 4.03), [Wisconsin Human Resource Handbook](#) (Chapter 520), and [Department of Labor](#).

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).