



DEPARTMENT OF ADMINISTRATION

Enterprise Policy

HR-EXEMPT POSITION COMPENSATORY TIME-2019

DIVISION OF HUMAN RESOURCES

Exempt Position Compensatory Time Policy

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1. Purpose

- a. All positions at the State are governed by the Fair Labor Standards Act (FLSA), Rhode Island labor laws, and state policies to ensure employees in exempt and nonexempt positions are classified correctly and paid appropriately. The Division of Human Resources is responsible for determining the classification of positions as exempt or nonexempt based on FLSA criteria and for ensuring that all employees are paid in accordance with federal and state laws.
- b. Unlike hourly-paid FLSA nonexempt (standard) employees, FLSA exempt (non-standard) employees are accountable for their performance outcomes rather than for the number of hours or days worked and are not eligible for overtime pay. In recognition that occasionally a state of emergency or other extraordinary emergency-related event may result in an agency, department or work unit experiencing extraordinary time and effort well beyond the employees' regular work schedule, the purpose of this policy is to provide for compensatory time for FLSA exempt employees along with the guidelines under which the compensatory time will be authorized.

2. Governing Authority

- a. This policy is governed by the Fair Labor Standards Act.

3. Scope

- a. This policy is applicable to states of emergency declared by the Governor, activation of the State Emergency Operations Center (SEOC), activation of an agency's emergency operations plan (EOP), or other extraordinary emergency related events determined by the relevant agency Director(s) and Executive Director of Human Resources/Personnel Administrator to warrant compensatory time under this policy.
- b. This policy applies to all state employees who are exempt from the overtime provisions of the Fair Labor Standards Act.
- c. All provisions of a collective bargaining agreement which modify or supplement this policy shall take precedent over any portion of this policy that may be in conflict with such agreement. In case of such modification or supplementation by a collective bargaining agreement, those portions of this policy not affected thereby remain in full force and effect.

4. General

- a. Neither the FLSA nor State policy requires any form of compensation for hours worked in excess of exempt employees' regular schedules. It is understood that a full-time exempt employee will generally work a minimum of 35 or 40 hours per week.
- b. During events that meet the criteria above, exempt employees will receive compensatory time on an hour-for-hour basis for hours worked in excess of ten (10) hours beyond their normal work week.
 - (i.) For example: Employees who work a 35-hour Non-Standard work week will accrue compensatory time on an hour-for-hour basis for hours worked in excess of 45 hours in a work week.

5. Process

- a. Compensatory time is earned on an hour-for-hour basis and may be earned in one-half hour increments for compensatory hours worked.
- b. The maximum balance of compensatory time an overtime exempt employee may maintain at any time is 70 hours for a 35-hour work week and 80 hours for a 40-hour workweek.
- c. Use of compensatory time requires prior approval by a supervisor. Compensatory time may be used in intervals of one-half hour and must be documented in the same manner as an employee would request to use leave.
- d. Any compensatory time earned must be used within one year of its accrual date. It cannot be carried over to the next year.
- e. Exempt employees must complete and submit timely and accurate weekly timesheets recording all of their hours worked. When discharging compensatory time, the compensatory leave must be recorded on the timesheet.
- f. Cash payment for earned compensatory time is not permitted.
- g. Employees may not convert compensatory time to any form of leave.
- h. All compensatory balances will be forfeited upon separation from state service or movement to a position that is overtime eligible.
- i. Compensatory time may not be used to extend an employee's date of resignation or date of retirement.
- j. Earned compensatory time is not transferable to another state department or agency.
- k. Unless otherwise prohibited by law, the State expressly reserves the right to modify this policy without notice.

6. Signatures

Kyle A. Adamo
 Division Director

5/1/19
 Date

Paul A. Ri
 Director of Administration

5/1/19
 Date

