

Policy Title: Overtime Pay

Policy Number: BU-PP 305

Date Issued: Updated January 15, 2007

Responsible Executive: Vice President & Chief
Human Resources Officer

Date Last Revised: May 19, 2023

Responsible Office: Human Resources

Overtime Pay BU-PP 305

Policy Statement

Baylor University (the “University”) complies with the Fair Labor Standards Act (FLSA) by compensating non-exempt employees at one and one-half times their regular rate of pay for hours worked in excess of 40 hours per seven-day workweek. **Compensatory time is not authorized in lieu of overtime pay, in accordance with the FLSA.** Non-exempt employees may not volunteer to perform their work duties without pay.

This Policy is designed to comply with and be interpreted in a manner consistent with the University’s obligations toward its employees under all relevant federal, state, and local laws to include the laws of states where employees may reside and work in accordance with the Baylor University *Alternate Work Location Policy* ([BU-PP 045](#)).

Reason for the Policy

To ensure fair and equitable pay in accordance with the FLSA

Individuals/Entities Affected by this Policy

Non-exempt employees

Exclusions

Exempt employees

Related Documents and Forms

University Policies and Documents

[Work Hours and Schedules](#)

[Holiday Time](#)

[Court Leave](#)

Other Documents

Fair Labor and Standards Act (FLSA)

Forms and Tools

[Payroll Office](#)

Definitions

These definitions apply to terms as they are used in this policy.

Non-exempt employee	Hourly, paid employee, eligible for overtime pay
Exempt employee	Salaried employee, not eligible for overtime pay
Compensatory time	Time off with pay in lieu of overtime pay for irregular or occasional overtime work

Contacts

Subject	Contact	Telephone	Office email/web site
Policy Questions	Human Resources	254-710-2000	askHR@baylor.edu https://hr.web.baylor.edu
Payment for Overtime	Payroll	254-710-2217	Payroll_Office@baylor.edu https://payroll.web.baylor.edu

Responsibilities

Supervisor	Manages and sets expectations on the use overtime; Reviews and approves timecards
Non-exempt employee	Seeks approval prior to working overtime hours; Accurately records all hours worked

Principles

What is Included in Work Time

The 40-hour workweek is a fixed and regularly recurring period of 168 hours – seven consecutive 24-hour periods, Sunday to Saturday. Only hours worked in excess of the 40-hour workweek are considered overtime hours.

In all circumstances, all time spent performing Baylor work (regardless of the week, time of date, or location) is paid time. Non-exempt employees must not perform work outside of their regularly scheduled hours without express permission of their supervisor.

Examples of what is included in the “work time” to calculate overtime follow:

- Attendance at required work-related training, lectures, or meetings during regular scheduled work hours is generally considered hours worked and recorded as such on the timecard, which could result in overtime pay. Such attendance is not considered work if the following four criteria are met:
 - 1) attendance is outside of the employee’s regular scheduled working hours;
 - 2) attendance is in fact voluntary;
 - 3) the course, lecture, program or meeting is not directly related to the employee’s job, or the work of the employee’s office or department, and
 - 4) the employee does not engage in any productive work during such attendance.
- Attendance is not truly voluntary if it is required by the employer, or if the employee is led to believe that nonattendance would somehow adversely affect his / her employment.
- Training is directly related to the employee’s job if it is designed to make the employee handle his / her job more effectively, as distinguished from training him / her for another job, or to a new or additional skill.
- Work performed after or outside of “normal scheduled hours” such as during the lunch break, or at home or other places away from the normal job site, such as email or phone calls in the evening when the supervisor “knows or has reason to believe that” the work is continuing.

- Generally, travel time on University business that cuts across the normal workday is compensable time worked, regardless of whether such travel occurs on a day the employee is normally scheduled for work, excluding regular meal periods. If the employee travels as a passenger outside normal working hours, the time is not compensable. An employee who serves as a driver or a pilot for other employees would be paid for the entire travel time. This same rule applies even in the case of travel on days not normally worked.

“Work time” does not include paid leave, such as vacation, health leave, court leave, holiday pay, or personal time. Normal work commute to and from home/work is not included.

Procedures

Managing Overtime Worked

Supervisors should inform staff in advance of restrictions in the number of overtime hours worked. They should establish clear expectations and boundaries related to work during meal breaks and after hours. Supervisors must ensure that all hours worked are accurately recorded, to include after-hours work and work during lunch breaks.

Non-exempt employees should seek prior approval for work hours exceeding 40 hours per week. Employees must accurately record all hours worked on their timecard. Averaging of hours over two or more weeks is not permitted. Failing to record hours worked in one week and adding them to a later week or weeks, is not permitted.

To the extent possible, department heads should plan for and budget for overtime hours during the budget preparation process.