

MANUAL OF PROCEDURE

PROCEDURE NUMBER: 2651 **PAGE** 1 of 4

PROCEDURE TITLE: Pay for Non-Exempt Employees

STATUTORY REFERENCE: Florida Statute 1001.64

BASED ON POLICY: I-1 Administration and Organization of Miami Dade College
II-51 Salary Administration: Professional Exempt Contractual,
Professional Exempt Non-Contractual and Support Non-Exempt
Personnel

EFFECTIVE DATE: April 19, 2005

LAST REVISION DATE: December 19, 2019

LAST REVIEW DATE: December 19, 2019

I. PURPOSE

To administer the provisions of the Fair Labor Standards Act (FLSA) as amended in 2020 for non- exempt employees.

II. PROCEDURE

This procedure applies to Support Non-Exempt positions, where employees are paid at no less than the minimum wage, on an hourly basis and are eligible for overtime pay.

A. REGULAR RATE

Regular rate is defined as an employee's hourly pay rate determined by dividing the annual salary (not including differential pay) by 1,950 hours. Non-exempt employees are paid their hourly rate for work performed up to 40 hours a week as recorded in the electronic time and attendance system.

1. Practices regarding all full-time and part-time non-exempt positions are also referenced in Procedure 2831.
2. In general, individuals employed in part-time non-exempt positions are scheduled to work no more than 25 hours a week. (See Procedure 2831).

The College practice is to provide part-time employees with an unpaid meal break of no less than 30 minutes after 4 continuous hours of work.

3. The formula for calculating a workday has been implemented by the College. Employees may take paid or unpaid leaves in smaller increments for such personal matters as medical appointments, personal business or other employee tardiness/absences with prior supervisory approval.

All leave paid or unpaid shall be reported in 30 minute increments via MDCConnect ESS Absence Management Module.

B. OVERTIME / COMPENSATORY TIME

1. Employees working in excess of 40 hours per week shall be paid at the overtime rate (1.5 times the regular hourly rate). All overtime must be approved in advance by the supervisor. In extenuating circumstances, a post-incident approval form must be completed by the employee and authorized by the supervisor within one (1) business day following the end of the workweek in which the overtime occurred. [Post-dated Overtime-Compensatory Time Approval Form](#).

Paid leave (vacation, sick leave, temporary duty, holidays etc.) is not counted as hours worked for the purpose of calculating overtime payment or compensatory time.

Employees must secure the permission of their supervisor prior to working overtime. Failure to comply with this directive will be viewed as a violation of College Procedure 2410.

Employees who work overtime without obtaining prior authorization for the overtime will be paid for all overtime hours worked, but may be subject to disciplinary action up to and including termination. Refer to Procedure 2410 for more details.

2. Compensatory time off may be used in lieu of overtime pay, provided there is mutual agreement between the employee and the supervisor before the work is performed.
 - i. Compensatory time off for hours worked between 37.5 and 40 hours shall be calculated at the regular rate (1 hour for each hour of overtime worked). Compensatory time off for hours worked in excess of 40 hours per week shall be calculated at the overtime rate (1.5 hours for each hour of overtime worked). **This provision is only available to full-time non-exempt employees.**


- ii. The Request for Compensatory Time must be approved in advance, requested via MDConnect ESS Time and Labor Module, with the specific directive to accrue compensatory time in lieu of payment for the overtime requested and approved within the appropriate time reporting period.
 - iii. Compensatory time off should be granted within a reasonable period of time following the next pay period, that is not disruptive to the operation of the College, but not to exceed the fiscal year in which it was earned. Employees may accrue a maximum of 40 compensatory hours. Overtime approved will not be eligible for compensatory time off accrual once the employee's accrual for the current fiscal year has reached 40 hours.
3. Due to business operational needs, some departments may not grant compensatory time, instead pay the overtime. Employees in shift eligible positions may not accrue compensatory time. Actual hours worked will be paid at the applicable rate.
4. Compensatory time off accrual balances will be liquidated in full at the end of the fiscal year in which it is earned. No accruals of compensatory time will be carried forward.
5. Time keepers and time approvers are responsible for monitoring the accrual of compensatory time.
6. If compensation is paid in lieu of accrued compensatory time off due to a promotion to an exempt position, such payment shall be at the employee's current non-exempt pay rate.
7. A terminating employee must be paid for unused compensatory time at the employee's current non-exempt pay rate. Payments shall be charged to the employee's current home department/account.

C. DUAL EMPLOYMENT AT THE COLLEGE

Overtime Pay for Full-Time Support Non-Exempt Personnel Occupying Additional Hourly Positions.

1. A full-time employee occupying a Support Non-Exempt position may accept a part-time position at the College. The rate of pay will be based on the duties of the position and the training and experience of the employee. Such assignment shall be performed outside the regularly scheduled workday. Overtime worked in such an additional position may not be added to compensatory time accrued. Overtime compensation will be computed in accordance with the applicable provisions of the FLSA.

- a) Full-time employees occupying Support Non-Exempt positions shall be paid overtime in accordance with B.1 of this procedure.

	
<u>12/19/2019</u>	
PRESIDENT	DATE