

Employee Rights and Responsibilities Under the Overtime Provisions of the Fair Labor Standards Act (FLSA)

(Refer to MTSU Policy 802)

- A. Any hours worked between 37.5 and 40 in a workweek must be compensated at additional straight time (either by pay or compensatory time) as determined by the supervisor.
- B. Any hours worked beyond 40 in a workweek must be compensated at time and one-half (either by pay or compensatory time “comp time”) as determined by the supervisor.
- C. The value of meals or lodging received must be added to an employee’s regular hourly rate to determine an overtime rate of pay.
- D. There should be specific permission requested and authorized each time from your supervisor before beginning work early (i.e., 7:45) or working late or during lunch. Any time worked beyond 7.5 hours per day, even if it is “just to finish up” must be paid as overtime.
- E. Time cannot be volunteered. A non-exempt employee must receive pay or comp time for all hours worked.
- F. A supervisor is in violation of the law if a non-exempt employee is permitted to work extra time without compensation.
- G. The FLSA states that an employee does not have the right to refuse overtime.
- H. A supervisor has the right to schedule comp time instead of paying overtime. If this is done within the same workweek, it is given off at equal time. If comp time is given off within the pay period, though not within the same workweek, it is at time and one-half (Note> MTSU only allows comp time within the same workweek).

I. In determining whether to pay extra hours at straight time or overtime, time actually worked plus holiday hours are counted. Examples are shown below and are based on a Saturday through Friday workweek (some employees work a Monday through Sunday workweek):

EXAMPLE 1: Employee works overtime with sick leave.

	Sat	Sun	Mon	Tue	Wed	Thur	Friday
Worked Hours	7.5		7.5	7.5	7.5	7.5	2.5
							5.0 sick leave

- In this case, an employee actually worked 40.0 hours by the end of the day Friday plus 5.0 hours of sick leave for a total of 45 hours. Only 40 hours were actually worked. This means that the 7.5 extra hours would all be paid at straight time.

EXAMPLE 2: Employee works overtime with a holiday.

	Sat	Sun	Mon	Tue	Wed	Thur	Friday
Worked Hours	2.5		10.0	7.5	7.5	7.5	
							7.5 holiday

- In this case, an employee actually worked 35.0 hours by the end of the day Thursday. Total hours actually worked equal 35.0. However, since holiday hours count as hours worked, extra pay would be based on 42.5 hours worked. This means that 2.5 hours would be paid at straight time and 2.5 hours at premium overtime.

J. Non-exempt employees have an obligation to immediately notify the Payroll/Human Resources Office if they feel these guidelines are not being followed. The employee should call Human Resources Services @ 898-2929 or go to the Human Resource Services Office located in the Sam H. Ingram Building (ING), 2269 Middle Tennessee Blvd.