



Human Resource Services **POLICY RESOURCES**  
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Applies to:	<b>Marshall University</b>
Title:	<b>Compensatory Time</b>
Number:	<b>MU-HR-50</b>
Effective Date:	06/01/2016
Last Revision Date:	08/2019

The purpose of this administrative procedure is to effectuate the provision of WV Code 18B-7-10.

Hourly, non-exempt employees are eligible for compensatory time, as outlined by the WV State Code 18B-7-10 and in accordance with the Fair Labor Standards Act.

Compensatory time is defined as time earned for work performed in excess of 37.5 hours during the work week, with supervisor's prior authorization. Compensatory time is the most desirable method of compensation for overtime work. However, overtime payments may be provided if requested by the employee in advance.

**Guidelines**

Compensatory time will be earned at the rate of one and one-half hours for each full hour worked in excess of forty (40) hours per week. Otherwise, hourly employees may earn straight time (1.0) for any hours worked between 37.5 and 40 hours.

1. To be eligible for compensatory time, an employee must be classified as hourly/nonexempt and has physically worked beyond 37.5 hours during the work week.
2. Compensatory time may not be earned in less than fifteen (15) minute increments and must be earned before it can be used.
3. When an employee uses and is paid for earned compensatory time, he or she shall be paid at his or her current rate of pay.
4. Compensatory time may be used in lieu of sick leave.
5. Compensatory time may be used in lieu of annual leave.
6. Classified employees whose job duties do not involve public safety or emergency response may accrue no more than 240 hours of compensatory time per calendar year.
7. Classified employees whose job duties involve public safety and/or emergency response may accrue no more than 480 hours of compensatory time per calendar year.
8. An employee who has accrued the maximum allotment of 480 or 240 hours of compensatory time, shall be paid overtime (1.5) for additional hours worked above

40 during the workweek and straight time (1.0) for any hours worked between 37.5 and 40 hours.

9. Compensatory time expires within 12 months from the time it was earned.
10. Employees are responsible for checking "Time Clock Plus" to manage all leave balances. This includes annual leave, sick leave, compensatory time, and substitute time off.
11. Compensatory time is awarded pursuant to a written agreement between the employer and the employee before the work is performed. A written agreement may be modified at the request of the employer or employee, but under no circumstances may changes in the agreement deny an employee compensatory time already acquired/worked.
12. Holiday "worked" hours will be paid out at a premium rate of "time and a half" or the employee at his/her option shall receive regular pay for the holiday plus substitute time off for the number of hours worked on the Holiday. Please note that "substitute time off" will be added to the employees "substitute time off" bank and must be used within 12-months following the holiday.
13. The supervisor must review and approve all paid hours, including compensatory time prior to the close of each pay period.
14. Supervisors are encouraged to accommodate, to the extent practicable, the employee's use of compensatory time off.

### **Payout at Termination or Transfer**

Upon termination from employment, the employee is to receive a cash payment at a rate not less than the final regular rate of pay received by an employee for any compensatory time accrued that has not been used.

When an employee transfers from one state agency to Marshall University, the original state agency where the employee accrued the compensatory time may pay the employee the balance of their compensatory time in a lump sum payment before transferring to Marshall University. Marshall University doesn't accept any accrued compensatory time from other employers/agencies.

If the employee is transferring to another position at Marshall (fund/org), the compensatory time earned must be used or paid out before the transfer.

Any questions involving these procedures and/or the use of compensatory time should be forwarded to the Director of Human Resource Services.