
PARDON AND PAROLE BOARD

Policy 108 – Fair Labor Standards Act

POLICY

It is the policy of the Pardon and Parole Board (PPB) to be compliant with the Federal Fair Labor Standards Act (FLSA) 29 U.S.C. § 201 et seq., which provides detailed rules and regulations on whether employees must be compensated for overtime. The general presumption is that all employees are covered by the FLSA, unless the employee is identified by the PPB as exempt.

Only those employees whose positions are non-exempt are entitled to accrue compensatory time off. Non-exempt employees who work more than 40 hours during a given work week accrue compensatory time at the rate of one and one half hour for each hour of overtime worked. However, non-exempt employees shall not work in excess of forty (40) hours in a single work week, unless previously authorized by the employee's supervisor in those cases where additional hours are necessary because of weather conditions, seasonal activity, staff shortages, workload, or emergencies involving the health and safety of the public. Such authorization must be obtained in advance and in writing from the employee's supervisor. Prior to providing authorization, a supervisor should obtain authorization from the Executive Director. In the absence of the supervisor, the Executive Director or the Deputy Director may also approve such exceptions.

In order to qualify as in excess of a forty (40) hour work week, a non-exempt employee must have actually worked in excess of forty (40) hours during a work week. Holidays, sick leave, annual leave, or other authorized leave does not count towards the 40-hour requirement. An employee's daily accounting of actual hours worked in excess of a normal work week does not constitute approved compensatory time. If a non-exempt employee accrues approved compensatory time, the PPB shall pay the non-exempt employee for the balance of compensatory time accrued but not used within 180 days of accrual. Employees with accrued compensatory time must use that time before using annual leave.

Exempt employees are not entitled to compensatory pay. While exempt positions may not accrue compensatory time, the Executive Director may permit exempt employees to adjust their work schedules or accrue flextime when the performance of job duties requires hours, which exceed the 40 hour work week. The flex time, which is accounted for in the OMES timesheet, must be utilized within 180 days or the flex time is forfeited.

Exempt employees shall not work in excess of forty (40) hours in a single work week, unless requested and approved in advance and in writing by the employee's supervisor. In order to qualify as in excess of a forty (40) hour work week, an exempt employee must also have actually worked in excess of forty (40) hours during a work week. Holidays, sick leave, annual leave, or other authorized leave does not count towards the 40-hour requirement.

Non-exempt and exempt employees will be subject to progressive discipline if their work week exceeds forty (40) hours without prior written authorization.

Reference: 29 U.S.C. § 201 et seq.

Established: September 7, 2007

Revised: December 14, 2015

Affirmed: November 5, 2018