

<b>Institutional Handbook of Operating Procedures</b> <b>Policy 3.4.5</b>	
Section: Human Resources Policies	Responsible Vice President: Executive Vice President Business & Finance
Subject: Compensation	Responsible Entity: Human Resources

**I. Title**

*Overtime*

**II. Policy**

The University of Texas Medical Branch at Galveston (“UTMB”) will comply with the overtime provisions of the Fair Labor Standards Act (“FLSA”). Specifically, UTMB will pay non-exempt, classified employees who are required or permitted to work in excess of 40 hours in a workweek additional compensation at the rate of one and one-half times for all time actually worked over 40 hours in a workweek.

Overtime should be managed and granted under extenuating circumstances in which major project deadlines, patient care, contracts or University funding would be jeopardized.

A non-exempt classified employee must have prior approval from his or her Department Director or Designee before working hours that result in overtime earned. If an employee works overtime without prior approval, the employee will be paid for all hours worked. However, the employee may be subject to disciplinary actions, up to and including dismissal for failing to seek prior approval.

Permitting overtime to be worked is the same as ordering or authorizing it. If a supervisor is aware that a non-exempt, classified employee works through lunch, starts early or stays late, and works more than 40 hours in a workweek, UTMB is responsible for compensating the employee for that overtime. A supervisor who knowingly and willingly allows an employee to work in excess of 40 hours in a work week, but not receive additional compensation for all hours worked as set forth in this Policy and the FLSA may be subject to disciplinary actions, up to and including dismissal.

Exempt patient care employees who work approved overtime may be eligible for overtime pay.

**III. Non-Exempt Determination**

UTMB follows FLSA regulations to determine if an employee is classified as non-exempt and eligible for overtime compensation.

UTMB will determine a job’s FLSA status based on analysis of the duties performed compensation level, and method of pay. Job title alone does not make a job exempt.

**IV. Work Cycles**

UTMB defines work cycles as repeated intervals of work time that are based on a 40-hour workweek period. Work cycles begin on Saturdays and conclude on Fridays, unless a Department has received

approval to use and alternative work cycle. Non-exempt, classified employees will be paid overtime as follows, based on their particular work cycles:

Work Cycle	Overtime Calculation
40 hour workweek	All hours worked in excess of 40 in a workweek
Hours paid but not worked and dock time are not considered time worked for the 40 hours for overtime purposes.	
Changes to work cycles must be approved by the appropriate administrative authority.	

All departments must use the 40-hour workweek method to calculate overtime, unless approved to use an alternative work cycle.

**V. Overtime Reporting Responsibilities and Accountability**

Employees are responsible for accurately reporting time worked. Managers are responsible for authorizing and verifying actual time worked for employees.

A non-exempt, classified employee or eligible exempt employee who fails to report overtime worked, and/or who reports overtime not worked will be deemed to have falsified official time records. An employee who falsifies official time records is subject to disciplinary action, up to and including dismissal.

To report overtime hours worked, an employee must complete the appropriate departmental time form.

**VI. Exempt Overtime Administration**

All overtime approved for payment to exempt employees is paid on a straight-time basis unless market conditions dictate that payment be made on a time-and-one-half basis. To be paid for overtime hours worked, an exempt employee must receive approval for overtime and pay rate from the appropriate Vice President, Dean, or equivalent executive, and also from UTMB's Human Resources Department. All requests and approvals must be forwarded to Payroll Services 30 days before implementation.

**VII. Relevant Federal and State Statutes**

[Fair Labor Standards Act](#)

[Texas Government Code, Sections 659.016, 659.018, 659.022, 659.023](#)

**VIII. Related UTMB Policies and Procedures**

[IHOP Policy 3.4.3, State Compensatory Time](#)

**IX. Dates Approved or Amended**

<i>Originated: 7/1/1995</i>	
<i>Reviewed with Substantive Changes</i>	<i>Reviewed without Substantive Changes</i>
3/2/2009	

**X. Contact Information**

Human Resources  
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Pending Final Approval