



Institutional Handbook of Operating Procedures
Policy 03.04.05

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| Section: Human Resources Policies | Responsible Vice President: Vice President and Chief Human Resources Officer |
| 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 at an additional compensation rate of one and one-half times for all time worked over 40 hours in a workweek.

Overtime should be managed and granted in accordance with the business need or under extenuating circumstances in which patient care, major project deadlines, 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.

Supervisors are required to provide overtime compensation to any non-exempt employee who works more than 40 hours in a workweek. 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 more than 40 hours in a workweek but does not knowingly and willingly appropriately compensate that employee for all hours worked as set forth in this policy and the FLSA, may be subject to disciplinary actions, up to and including dismissal.

III. Non-Exempt Determination

UTMB follows FLSA regulations to determine whether 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 an alternative work cycle. Non-exempt, classified employees will be paid overtime as follows:

| Work Cycle | Overtime Calculation |
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| 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 departmental authority in consultation with Human Resources. | |

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

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 enter all hours worked in the institutional time capture system, i.e. Kronos.

VI. Relevant Federal and State Statutes

[Fair Labor Standards Act](#)
[Texas Government Code, Sections 659.016, 659.018, 659.022, 659.023](#)

VII. Related UTMB Policies and Procedures

[IHOP - 03.04.03 - State Compensatory Time](#)
[IHOP – 03.04.08 – Compensation Practices for Non-Exempt Employees](#)

VIII. Dates Approved or Amended

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| <i>Originated: 7/1/1995</i> | |
| <i>Reviewed with Substantive Changes</i> | <i>Reviewed without Substantive Changes</i> |
| 3/2/2009 | |
| 6/4/2015 | |
| 07/24/2019 | |
| 03/04/2022 | |

IX. Contact Information

Human Resources
 (409) 772-8696