

Fair Labor Standards Act (FLSA) Compensatory Leave Frequently Asked Questions (Non-OPS)

1. How does an employee make the change from being paid for overtime to earning FLSA compensatory leave or vice versa?

The employee may make the change to earn FLSA comp time by completing the following steps:

- Log in to People First.
- Select the Time and Attendance tile.
- Select Overtime Election.
- Select New.
- Mark the checkbox “Change Overtime Election to: **Comp Time**” (or vice versa if the employee is going from Comp Time to Pay).
- Select Save.

Please Note:

- Not all state agencies allow included employees (employee group 1) to accrue FLSA comp. If you are unsure about whether a particular agency allows accrual of FLSA comp time, check with the agency’s Human Resource Office.
- Under Title 29 CFR 553.23, the federal code that relates to FLSA, employers are allowed to offer but cannot mandate the accrual of FLSA comp leave in lieu of being paid overtime. As such, the election in People First cannot be completed by the employee’s manager and must be voluntarily completed by the employee.

2. How does an employee confirm the change in selection has been updated?

In the Overview section of the Overtime Election screen, a new record will appear with the new election type and with the current date as the effective date and 12/31/9999 as the end date.

3. When does the change become effective?

The change in overtime election is effective at the time the employee selects Save.

For example: Assume an employee with a 40-hour FLSA work period works the following hours during the period:

Day	Hours Worked	Overtime Election
Friday	10	Pay
Saturday	0	Pay
Sunday	0	Pay
Monday	10	Pay
Tuesday	10	Pay

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Day	Hours Worked	Overtime Election
Wednesday	13	Pay
Thursday	8	Comp Accrual

The employee will receive three hours (at 1.5 times his or her hourly rate) of paid overtime and 12 hours (8 hours times 1.5 FLSA accrual rate) of FLSA comp time for the same 40-hour FLSA period. The three hours of overtime are paid since the employee was in a pay status up through Wednesday and had worked 43 hours up to that point. The 12 hours of comp are accrued based on the time worked on Thursday only and on the fact that all hours worked on Thursday were in excess of 40 hours.

4. How often can an employee change his or her overtime election?

The employee may change his or her selection as many times as he or she would like. However, when changing between pay or comp time, pay special attention to the effective date as it will change between the current date for the first change and the next calendar date for the second change.

5. When does the comp time accrue for the employee?

Leave is accrued based on the employee physically working hours in excess of his or her FLSA work period hours (40 hours for most employees) while the employee is in an accrue status on the date he or she worked the excess hours.

6. What hours types are included in physical hours worked?

Hours types 1000 Work – Regular; 1004 Work – Call-Back #1; 1014 Work – Call-Back #2; 1024 Work – Call-Back #3; 1034 Work – Call-Back #4; and 1044 Work – Call-Back #5 are considered physical work hours.

7. What is the rate at which FLSA comp time is accrued?

Leave is accrued at a rate of 1.5 hours (each hour of overtime is accrued at 1.5 hours).

8. How many hours of FLSA comp time may an employee accrue?

FLSA comp leave is capped at 80 hours for most employees. A few exceptions exist. If you have additional questions, discuss with the agency's Human Resource Office.

9. What happens when an employee reaches the cap prior to the biannual or annual agency leave payout date?

Once the employee reaches the FLSA cap, any additional hours worked above his or her FLSA work period hours are paid as overtime.