



UW SYSTEM COMPENSATORY TIME POLICY

The Fair Labor Standards Act (FLSA) gives public employers the option of providing employees with compensatory time off in lieu of cash for overtime as long as the employee has received notice of the comp time option. Each UW institution has the authority to decide whether to provide compensatory time in lieu of cash for FLSA overtime and for non-FLSA overtime (such as for hours worked on a holiday) for FLSA nonexempt staff.

FLSA exempt staff shall not be granted compensatory time for hours worked over forty in a work week except under the following conditions:

- FLSA exempt staff in law enforcement positions may be granted compensatory time for overtime.
- FLSA exempt staff who are not in law enforcement positions may be granted comp time only in exceptional and limited situations and only when preapproved. If such compensatory time is granted, it should generally be at straight time.
- Prior to July 1, 2015, under Section A, 4.03(2)(b)2 of the State of Wisconsin Compensation Plan there are limited circumstances when supervisors must receive overtime pay.

FLSA nonexempt employees and exempt employees in law enforcement will be allowed to accumulate up to 80 hours of compensatory time. Comp time for FLSA nonexempt employees accrues at one and one half times for each hour worked over 40 in a week. Any hours worked by FLSA nonexempt employees that result in the 80-hour limit being exceeded must be paid in cash at the premium rate.

UW System employers will have discretion to approve scheduled use of compensatory time. The FLSA, however, provides that employees may be allowed to take accrued comp time off within a reasonable period after the leave is requested if the use does not “unduly disrupt” the operations of the public employer. It is **not** considered “unduly disruptive” if the use of comp time by one employee would create overtime for another employee.

UW System employees must use accrued comp time no later than four months after the end of the calendar year in which the comp time was earned. Any comp time unused by April 30 of the following calendar year will be converted to cash payment and included in the earnings for the pay period that includes May 1.