Compensatory Time FAQs for Non-Exempt Employees

- **What is overtime?**

  All hours worked in excess of 40 hours in one workweek. For Law Enforcement, the work period is a 28 day work period and overtime applies to all hours worked in excess of 171 in one work period.

- **What is compensatory time?**

  Overtime compensation may be in the form of wages or compensatory time for all hours worked over 40 hours in a work week (except for Law Enforcement). Compensatory time is paid time off from work instead of overtime pay granted at a rate of one and one-half hours for each hour of overtime worked. For example, 4 hours of overtime equals 6 hours of compensatory time.

- **Who is eligible to earn overtime or compensatory time?**

  Employees whose positions are non-exempt under the Fair Labor Standards Act (FLSA) are eligible for overtime or compensatory time.

- **Do leave and holidays count towards overtime?**

  No, time off for holidays, paid leave and compensatory time are not counted as hours worked when calculating overtime.

- **My work schedule is 37.5 hours per week. Do I earn overtime pay or compensatory time for hours worked between 37.5 and 40?**

  No. USC is a state entity and state employees are compensated based upon 40 hours per week.

- **Is my supervisor required to approve overtime?**

  Yes, a non-exempt employee must receive approval from his/her supervisor prior to working overtime hours.

- **What happens if I work overtime without prior approval from my supervisor?**

  Non-exempt employees who engage in unauthorized overtime work may be subject to disciplinary action.

- **Is there a limit to the amount of compensatory time I can accrue?**

  FLSA allows non-exempt employees to accrue up to 240 hours of compensatory time. Once the 240-hour maximum is reached, employees will begin receiving pay for overtime until they use some compensatory time to bring their balance under 240 hours. The same rule applies to Law Enforcement except they can accrue up to 480 hours maximum of compensatory time.

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- **How do I ensure my compensatory time is documented?**
  Non-exempt employees are required to record all hours worked and all compensatory time taken on the Time and Absence System. More information about the Time and Absence System can be found here:
  https://sc.edu/about/offices_and_divisions/payroll/payroll_toolbox/
  time_labor_and_absence_management/index.php.

- **Who determines if I receive overtime pay or compensatory time?**
  That decision is at the discretion of the department, division or college to determine whether an employee will receive overtime pay or compensatory time.

- **Should I use my compensatory time before I use my annual leave?**
  It is recommended that employees use accrued compensatory time prior to using annual leave, but it is not required.

- **Is my supervisor required to approve my use of compensatory time?**
  Yes, since compensatory time is "time away from work," you must receive your supervisor's approval to use your compensatory time. Supervisors are encouraged to honor each employee's request to use his/her compensatory time. However, supervisors should take into consideration workloads, work distributions and similar factors that will be subject to the approval or denial of compensatory time.

- **Can my supervisor tell me when to use compensatory time?**
  Your supervisor can request that you take your compensatory time on certain days, as long as those are your regularly scheduled work times.

- **Does my compensatory time expire if I wait too long to use it?**
  No, your compensatory time does not expire.

- **When does USC payout compensatory time?**
  USC pays out compensatory time at the end of each fiscal year.

- **What happens if I separate employment from USC?**
  Because compensatory time is a form of wages, all of your unused compensatory time must be paid when you separate employment.

- **What happens if my position changes from non-exempt to exempt?**
  If your position changes from non-exempt to exempt or you accept another position that is exempt within USC, compensatory time must be paid prior to you starting in the exempt position.

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