

OFFICE OF THE COMMISSIONER OF HIGHER EDUCATION
PERSONNEL POLICIES

SUBJECT: Hours and Compensation
Policy 301 - Compensatory Time for Exempt Employees
Adopted: January 1, 2012; Updated: July 1, 2019

Policy

- A. Employees who are exempt from the provisions of the Federal Fair Labor Standards Act (exempt employees) are not eligible to receive payment for hours worked in excess of 40 hours in a workweek. State and federal law do not require the employer to make overtime or compensatory time available to exempt employees. Exempt compensatory time is not intended to provide any compensation in addition to established salaries. Rather, it is a means of providing greater flexibility in scheduling work hours for exempt, salaried employees.
- B. Classified exempt employees and exempt Regents contract employees are eligible to use and accumulate exempt compensatory time in accordance with the provisions of this policy and Department of Administration Policies and Procedures, policy number 151. The provisions of this policy prevail over any conflicting provisions in the Department of Administration policy.
 - 1. Exempt compensatory time is accrued on an hour-for-hour basis for time worked in excess of the hours regularly scheduled for the employee in a workweek.
 - 2. The employee's supervisor determines whether hours worked by an exempt employee which exceed the hours regularly scheduled for that employee in a workweek will be accrued as exempt compensatory time under this policy. The supervisor may approve or deny the accrual of exempt compensatory time either before or after the hours worked.
 - 3. There shall be no cash compensation for accrued exempt compensatory time at the time of termination. Exempt compensatory time may not be used to extend an employee's termination date.
 - 4. A maximum of 120 hours of exempt compensatory time may be carried over from one calendar year to the next. A determination of excess exempt compensatory time will be made as of the end of the first pay period which extends into the next calendar year. The employee must take all excess compensatory time during the first 90 days of the next calendar year or forfeit the excess hours, except when the Commissioner extends the forfeiture deadline. When the first 90 days of the calendar year are a peak work period for an employee, the Commissioner may extend the number of days the employee has to use excess compensatory time prior to forfeiture. The length of this extension is up to the discretion of the Commissioner, but may not exceed 180 additional days.

References: Montana Operations Manual #151