

# Town of Leyden

## Compensatory Time for Exempt Employees

Approved by Select Board: October 10, 2023.

### **Policy Statement**

Exempt Employees are not eligible for overtime according to the Fair Labor Standards Act. The existence of this policy does not represent a “contract” for employment between the employee and the Town. The Select Board may choose to grant compensatory time off to qualifying exempt employees who are required to work in excess of forty (40) hours per week for special projects, unusual/irregular events or during weekends or any normally scheduled time off. Compensatory time will be granted on an hour-for-hour basis.

### **Applicability**

This policy only applies to exempt employees whose compensation does not have anticipated overtime pay build into the regular rate.

This policy only applies to work performed beyond forty (40) hours in a week due to exceptional circumstances that requires overtime, and must be pre-approved by the Select Board. A Select Board member must sign the employee timesheet to record approval.

This policy applies only to compensatory time that will be carried beyond the pay period in which the qualifying excess hours are worked. Qualifying employees are permitted to manage their work hours within a pay period as needed, consistent with their duties and responsibilities, without Select Board pre-approval.

It is the employee’s general responsibility to prioritize and manage their work within the normally compensated hours. Employees are encouraged to seek help from Select Board with general workload challenges. This compensatory time policy is limited to exceptional circumstances and not intended to grant compensatory time for all overtime worked beyond the forty-hour workweek.

### **Accrual and Use of compensatory time.**

An employee who has accrued compensatory time and requests use of the time must be permitted to use the time off within three (3) months after making the request. Employees must request approval to use comp time five (5) days prior to date requested off. Supervisors may deny the request if the use of compensatory time will “unduly disrupt” the department's operations.

All compensatory time earned by exempt employees in any workweek must be taken during the three-month period following the end of the workweek during which the compensatory time was earned. Compensatory time must be used prior to using vacation or personal time.

Compensatory time accrued is subject to an accrual limitation of forty (40) hours. Employees cannot accrue compensatory hours in excess of forty in a three-month period. Compensatory time must be used in the fiscal year it was earned. Should compensatory time remain unused at the end of a fiscal year or upon termination of employment, unused balances of compensatory time will be forfeited and will not have any cash value.