

Section: COMPENSATION  
Subject: Pay for Exempt, Regular Nonfaculty Employees  
Number: HR 3450

I. Institutional Regulations

- A. Regular nonfaculty employees shall be exempt from the overtime provisions of the Fair Labor Standards Act (FLSA) if they are paid on a salaried basis and meet exemption requirements described in Section 13(a) of the Fair Labor Standards Act as defined by Regulation, 29 CFR Part 541.
- B. All DMACC Administrative/Professional and IES Administrative/Professional employees, except those in jobs that have been designated as salaried nonexempt on either the Administrative/Professional or IES Administrative/Professional Pay Schedule, shall be exempt.
- C. The annual salary of an exempt employee is generally considered full compensation for all services rendered, including compensation for those extra hours or unusual workdays that are sometimes necessitated by the nature of exempt jobs. In return for his/her annual salary, an exempt employee is expected to work the hours necessary to complete assigned duties and responsibilities.
  - 1. Exempt employees shall be allowed flexibility in their work schedules, with supervisory approval.
  - 2. Only in unusual situations shall exempt employees be granted additional leave time or extra pay to compensate them for extra hours worked in the performance of their regular duties and responsibilities.
  - 3. Exempt employees may receive extra pay for performing Adjunct or Temporary work, in addition to their regular duties and responsibilities.

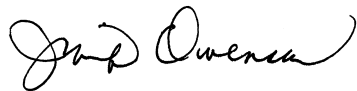
II. Procedure

- A. Specific hours worked by exempt employees shall not be reported through the payroll system and supervisors shall not treat exempt employees like nonexempt by keeping track of "overtime" hours worked, except as authorized in II-C below.
- B. Flexibility in Work Schedules - Because the work demands of exempt employees may vary within and between workweeks, the employees may flex their work schedules. Prior supervisory approval is required and the schedule flexing must be in increments of less than a full workday. Flexed schedules shall not be reported through the payroll system but supervisors must be able to account for employee absences should questions arise.
- C. Additional Leave Time - In unusual situations, a supervisor may request approval to grant additional leave to a subordinate first-line supervisor or to a professional employee due to extra work the employee is being required to perform over and above the regular duties assigned to the position. Administrative and managerial employees shall not be eligible for additional leave time.
  - 1. A written request shall be submitted to Human Resources for approval, through the appropriate Vice President or other direct report to the President. The request shall include the rationale for the request and the amount of additional leave time to be granted. Approval by Human Resources is required to ensure consistent treatment of similarly situated employees.
    - a. Rationale for the request may include pay compaction problems with subordinate employees, assignments requiring significant extra work for extended periods of time, labor market comparability issues, etc. Employees shall not be granted additional leave time for performing their regular duties.
  - 2. Additional leave time is an unofficial leave in that earned and used leave is not reported through the payroll system. Leave of this type should be tracked by the supervisor in order to maintain acceptable documentation for use of the leave.
  - 3. Additional leave time should be used within 60 calendar days from when it is approved. Employees must have supervisory approval before using the leave.

- D. Pay for Extra Work - Only in exceptional circumstances shall an exempt employee receive additional pay for work beyond his/her expected work schedule. To request pay for extra work, the supervisor shall submit a written request to Human Resources, through the appropriate Vice President or other direct report to the President, explaining the rationale for requesting pay for extra work and the amount requested. Approval by Human Resources is required to ensure consistent treatment of similarly situated employees.
- E. Employees Receiving Both Regular and Adjunct Pay
1. An exempt Regular nonfaculty employee may also be paid by the College as an Adjunct instructor. Adjunct instruction is exempt work and does not impact the employee's exempt status. Regular nonfaculty employees are limited to teaching a maximum of 6 credits per semester as an adjunct instructor, but no more than 3 of those credits may be taught during regular work hours. When teaching non-credit courses, no more than 45 hours of non-credit course work may be taught during regular work hours each semester. Regular nonfaculty employees must submit a Request for Employee to Teach Courses (P71) form to request permission to teach as an adjunct instructor. The Adjunct work is not, however, part of the employee's regularly assigned job so if it is not performed outside of the employee's regularly scheduled work hours:
    - a. The employee must take Vacation, Personal Business or Leave Without Pay to cover the work time missed. In this instance, leave may be taken in one-hour increments and Leave Without Pay may be used before paid leave has been exhausted;
  2. The employee shall continue to be paid on a salaried basis for his/her Regular job and shall additionally be paid the appropriate Board-approved rate for the Adjunct job. Payment must be authorized on an Adjunct Load Form signed by the appropriate Provost/Dean.
- F. Employees Receiving Both Regular and Temporary Pay
1. An exempt Regular nonfaculty employee may also be paid by the College as a Temporary employee. Temporary employment is paid on an hourly basis and as such, is nonexempt work under the FLSA. The primary duty of the employee's Regular exempt job must constitute more than 50% of all of the time worked in both jobs in order for the employee to remain exempt.
    - a. If the employee remains exempt, the employee shall continue to be paid on a salaried basis for his or her Regular exempt job and shall additionally be paid the appropriate Board-approved hourly rate for the Temporary job.
    - b. If the primary duty of the exempt job is not more than 50% of all of the time worked, the employee becomes nonexempt for all work performed during the period of the dual assignment, a timesheet must be completed, and the employee's "regular" rate of pay for purposes of determining the overtime premium shall be based on the weighted average of both rates (see HR 3445, II-G).
  2. The Temporary work is not part of the employee's regularly assigned job so it must be performed outside of the employee's regular work schedule or the employee must take Vacation, Personal Business or Leave Without Pay to cover the work time missed. In this instance, the leave may be taken in one-hour increments and Leave Without Pay may be used before paid leave has been exhausted. An employee's regular schedule may not be temporarily changed to accommodate a Temporary job.
  3. The Regular employee's Temporary job must be authorized on an Electronic Personnel Action Form (EPAF) initiated by the supervisor and approved through the appropriate Provost/Dean/Director and Human Resources.
- G. Employees Receiving Both Regular and Other Pay
1. An exempt Regular nonfaculty employee may also be paid for performing services as an independent contractor.

2. The independent contractor services are not part of the employee's regularly assigned job so they must be performed outside of the employee's regular work schedule or the employee must take Vacation, Personal Business or Leave Without Pay to cover the work time missed. . An employee's regular schedule may not be temporarily changed to accommodate an independent contractor service.
3. Payment for contracted services is processed through the Business Office and does not impact the salary paid work performed as an employee.

APPROVED:



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Executive Director, Human Resources

Date: October 1, 2002

Revised: November 1, 2009  
November 1, 2010  
November 1, 2011  
November 1, 2012  
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February 1, 2016  
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Cross Reference: Board Policy 3009