



# WVU Talent & Culture Guidelines

## Compensatory/Substitute Time Off

### Guidelines

- Job types eligible for compensatory time off (CTO) or substitute time off (STO) include classified, non-classified, or faculty equivalent/academic professionals.
- Full and part-time regular, and, exempt employees, may be eligible to receive substitute time off (STO).
- Full and part-time regular non-exempt employees are eligible for compensatory time off (CTO).
- Non-exempt employees with secondary assignments are not eligible to earn CTO in their primary assignments and will be paid at the overtime rate for the assignment in which working when the overtime is earned.
- Employees in temporary, casual or seasonal assignments, may not be compensated with CTO; they must be paid for all hours worked.
- Employees must receive authorization in advance from the supervisor/director/dean prior to working: additional hours, overtime, on university observed holidays, or during inclement weather closures.
- It is a management option to offer CTO in lieu of money as compensation for additional hours worked. Unless otherwise specified, in order for employees to earn CTO the supervisor must offer CTO in lieu of salary prior to the work being performed. There must be a mutual written agreement between the employee and the supervisor confirming the employee's agreement to be compensated with CTO (Please see CTO Agreement Form). The written agreement may be modified at the request of either party, prior to the work being performed and can be amended on a monthly basis by completing a new agreement and submitting it to their EBO. The change will take place on the first Sunday of the month following the date the agreement is signed. Mutual consent is required for modification. In the absence of such an agreement the employee must be compensated in pay for the authorized hours worked.

### RECORD KEEPING

- CTO earned or used by an employee must be recorded in the official University time system. Any CTO earned must also be submitted with a copy of the written agreement indicating the employee's desire to be compensated in CTO rather than pay, at the end of each month.
- Supervisors are responsible for monitoring the accrual and use of STO

### EMPLOYEE SCHEDULING & USE OF CTO/STO

- Use of CTO/STO by an employee is scheduled and utilized consistent with annual leave guidelines (cross reference Annual Leave policy). Employees wishing to use accumulated CTO/STO may do so by requesting and being approved in advance for time away from work with their immediate supervisor., Employees will use CTO/STO in the same order as it was earned (i.e. first-in = first-out).

When employee requests for use of CTO/STO outnumber available opportunities the supervisor has the discretion to use seniority or other valid criteria as a means of accommodating CTO/STO requests. The approval of CTO/STO use is to be based on operational need in the unit.



# WVU Talent & Culture Guidelines

## Compensatory/Substitute Time Off

### CTO/STO ACCUMULATION & PAYOUT

- Non-exempt, eligible employees may accumulate up to 240 hours of CTO, which is 160 actual work hours. Employees whose jobs are in public safety, emergency response or related to seasonal activities may accumulate up to 480 hours of CTO, which is 320 actual work hours.
- CTO must be used within one year of the date it was earned.
- Any CTO hours earned must be used by August of each year or it will be paid out to the employee.
- Any unused CTO hours will be paid out to the employee in August.
- When an employee has accrued CTO and is then hired by a different unit, the receiving unit may require the employee to use accumulated CTO before beginning their new position, or to receive compensation, at their current regular rate of pay, for their accrued CTO from their originating unit.
- If a non-exempt employee moves from one non-exempt position to another non-exempt position in the same EBO or financial unit, the EBO/financial unit can determine if the employee will be paid out their CTO leave balance or if it will be retained by the employee.
- An employee who has accumulated CTO, who terminates employment is entitled to receive payment for the unused CTO at their final regular rate of pay or the average regular rate received by the employee during the first three years of employment, whichever is higher.
- No employee moving from non-exempt to exempt status may “carry-over” a CTO balance. Payout must be initiated at such time as the exemption-change status is known and/or communicated to the appropriate department supervisors, managers and/or EBO. The payout will be at the rate the employee was earning in the non-exempt role.
- STO will be accumulated consistent with compensatory time off limits (see above). STO must be used within six months from the date it was earned.

### HOLIDAYS

- Non-exempt eligible employees required to work on a University observed holiday are eligible to accrue CTO at a rate of one-and-one-half (1.5) times actual hours worked on the holiday.
- Exempt eligible employees required to work on a University observed holiday are eligible to accrue STO on an hour-for-hour worked basis.

### INCLEMENT WEATHER CLOSURE

- Non-exempt, eligible employees who work during an inclement weather/emergency closure shall be compensated with pay only. CTO cannot be earned. (Inclement Weather Policy)
- Exempt eligible employees earn STO for all of the hours that they work during an inclement weather/emergency closure, on an hour for hour basis. (Inclement Weather Policy)



# WVU Talent & Culture Guidelines

## Compensatory/Substitute Time Off

### RESPONSIBILITIES

#### Supervisor

The employee's supervisor is responsible for verifying and monitoring an employee's accumulation and usage of CTO to ensure compliance. The employee's supervisor is responsible for ensuring that the employee is compensated appropriately.

The employee's supervisor is responsible for ensuring that the employee uses any accumulated STO before changing departments or terminating from the University.

#### EBOs

The EBO will maintain copies of their employee's CTO agreements. They will key in any changes to the CTO agreement by selecting the correct start date in the system of record, and monitor the earning and use of CTO by their employees. They will ensure that CTO payouts are made to an employee who has reached a CTO balance of 240 hours, moving from non-exempt to exempt status, and employees terminating their employment.

#### **Additional Information:**

Additional information or questions regarding the accrual and/or use of compensatory or substitute time off should be directed to the Shared Services department at 304-293-6006.

### Definitions

- Compensatory Time Off (CTO) is an alternative method of overtime payment for hours worked over 40 for non-exempt employees. Compensatory time off is earned by non-exempt employees required to work in excess of forty (40) hours in the work week is at a rate of one-and-one half times the actual hours worked beyond forty (40) [Overtime policy].
- Substitute time off (STO) is earned by exempt employees required to work in excess of their regular, defined work week up to forty (40) hours on an hour-for-hour worked basis.

### Authority & References

### Revision History