August 12, 2010

MEMORANDUM

To: Administrative Heads of Office, Center and Institute
Directors and Executive Officers

From: Yosett Evans Johnston
Assistant Vice President for Faculty and Staff Relations

Subject: Implementation of the HEO Compensatory Time Agreement

In accord with the Fair Labor Standards Act (FLSA), the Office of Human Resources has notified current and newly appointed Higher Education Officer (HEO) series employees of their status. Under the Act, employees whose positions are designated by CUNY as "Non-Exempt" may be considered for overtime pay if their work week exceeds 40 hours. Employees whose positions are designated as "Exempt" are not eligible for overtime payment. Teaching faculty positions are "Exempt" under the FLSA provisions. Article 24.7 of the Professional Staff Congress (PSC/CUNY) Collective Bargaining Agreement (CBA) contains additional provisions for overtime rates.

You may recall that on May 27, 2010 Executive Vice Chancellor Dobria and Vice Chancellor Waters wrote to College Presidents about an immediate moratorium on the scheduling of overtime hours. The moratorium was imposed by The New York State Division of the Budget and continues in effect for annual and hourly employees until further notice. We write at this time to advise you of the policy and procedures for The Graduate School and University Center and to ensure that we are in full compliance with the terms of the HEO Compensatory Time Agreement when the moratorium is lifted.

On June 24, 2003, a HEO Compensatory Time Agreement was reached between CUNY and the PSC that established guidelines for granting compensatory time (comp time) to employees in HEO series titles assigned to work in excess of 35 hours in a work week. It stipulated that HEO series employees who are Non-exempt (under the FLSA) and assigned by their supervisors to work between 35 and 40 hours during the workweek shall receive compensatory time, on an hour for hour basis. Non-Exempt employees assigned to work in excess of 40 hours in a week, may be eligible for cash payment of overtime at a rate of time and one-half for the hours worked. Although HEO series employees who are Exempt under the FLSA are not eligible for overtime cash payment, they may be eligible to receive compensatory time (comp time), on an hour for hour basis, for hours assigned by their supervisor in excess of 35 hours in a week.
Overtime is defined as hours a supervisor assigns to a HEO series employee to perform a specific project in addition to his/her usual responsibilities that require the employee to work beyond his/her regularly scheduled 35 hour workweek. Prior to assigning the overtime hours, supervisors must seek approval in advance in writing by the authorized HEO Overtime Approver and provide the employee with 48 hours’ notice of the overtime. To process requests for payment of overtime and/or credit for comp time, a “Weekly Overtime Authorization Form HEO Series Employees” form was created for eligible employees to complete and sign. It must be signed by the employee’s supervisor and the authorized HEO Overtime Approver. Employees must forward the form to the Office of Human Resources for review and signature by the Director of Human Resources. Approved forms will be forwarded to the Payroll Office for overtime payments. Please note that the form is available on our website: http://web.gc.cuny.edu/HumanResources/forms/documents/WklvOTAuthorizationFormforHEO Series.pdf.

Compensatory time earned during a quarter of the contractual HEO “leave year” (September 1 – August 31) must be scheduled to be used as promptly as possible within the quarter but no later than 30 calendar days after the end of the quarter in which the compensatory time was earned. Use of the compensatory time must be approved in advance by the supervisor. Employees may download the “Request for Leave Time” form on our website at http://web.gc.cuny.edu/HumanResources/forms/documents/RequestforLeaveTime-Fillable.pdf, print, sign and submit it to their supervisors for review and approval. The approved request must be forwarded to our office. Questions regarding compensatory time use and balances may be directed to Ms. Mamie Mark at mmark@gc.cuny.edu or at 212-817-7700.

If you need information on an employee’s FLSA status or the name of the authorized HEO Overtime Approver for your program/department, please contact Ms. Ella Kiselyuk at ekiselyuk@gc.cuny.edu or Ms. Mamie Mark. If you should have additional questions, please contact me at yiones-johnson@gc.cuny.edu.

Thank you.

YJJ/mm

cc: Ella Kiselyuk
    Mamie Mark
    Rosa Valentin