

Overtime Eligible Staff Serving as Non-Tenure Track Faculty

According to the US Department of Labor, an employee cannot be considered exempt from overtime **and** non-exempt (i.e. eligible for overtime) by the same employer. The determination of the exemption status is driven by the employee's primary job with the employer. Western recognizes that overtime eligible staff may be eligible to teach certain courses at the University in addition to their primary job as a classified or professional (overtime-eligible) employee, please use the guidelines below, as well as the examples, for hiring overtime eligible staff as NTT faculty.

Definitions

Full-time employees – employees that work 40 hours a week on a regular or alternate workweek schedule

Part-time employees – employees that work less than 40 hours a week on a regular or alternate workweek schedule

Rate of pay - an hourly or per credit rate that reflects the base compensation for a faculty position

Workweek – Monday through Sunday

Appointment Percentage – the percentage of time worked in a 40 hour workweek

Guidelines for hiring classified staff in NTT positions

Classified employees may take on a NTT position, but they are overtime-eligible and must be paid in accordance to federal overtime laws and their respective [collective bargaining agreements](#). Please refer to the following guidelines when considering a classified employee to instruct a class:

Determining overtime status for full-time and part-time classified staff

Overtime laws and our bargaining units determine how staff should be compensated when they take on additional jobs at Western. For more information on our bargaining units please click [here](#).

Full-time Employees (100% Appointment)

- **WFSE (A/B/E) and PSE (PTE):** Any hours worked as a NTT faculty above their normal workday shall be considered overtime and will be paid at 1 ½ times the regular rate of pay for the faculty position.
- **PSE (D):** Any hours worked as a NTT faculty above 40 hours in a workweek shall be considered overtime and will be paid at 1 ½ times the regular rate of pay for the faculty position.
- **Overtime Eligible Professional Staff:** Any hours worked as a NTT faculty above 40 hours in a workweek shall be considered overtime and will be paid at 1 ½ times the regular rate of pay for the faculty position.

Part-time Employees (less than 100% Appointment)

- Any hours worked above 40 within a workweek will be paid at 1 ½ times the regular rate of pay for the faculty position.
- If the appointment percentage of the NTT position is such that when combined with the appointment percentage of the classified position it does not exceed 100%, the employee will receive a straight rate of pay for the faculty position.

Classified employees may be hired as NTT Salaried (F3) or NTT Hourly (F4)

Choose the most appropriate job class on the PA given the nature of the position and duties of the job. Classified employees may hold a NTT salaried or NTT hourly position. Consider the following when making a determination on the most appropriate job class:

- **Will the employee receive pay for their NTT job at an overtime rate?**

- NTT Hourly (F4) allows the department to set an hourly rate for the position. The department or employee will be responsible for entering in hours for the employee's position following the guidelines for overtime status set forth in the section above.
- NTT Salaried (F3) is typically used for departments that hire NTT faculty at a per credit rate, this should be done the same for classified employees.
- The department should consider the financial impact and feasibility of hiring a classified staff member during the course planning process.
- **Classified staff and Professional Staff (overtime eligible) are not eligible to receive one-time payments**
- **The NTT contract and PA must clearly state that the employee is overtime-eligible and that compensation and rate of pay was calculated in accordance with applicable overtime laws and collective bargaining agreements.**
 - Documentation (PA/NTT contract) should clearly show that an hourly rate (F4) or per credit rate (F3) was used as the base rate of pay for overtime calculations

Process Overview

- During the academic and summer planning process, the department should identify any overtime eligible staff who may be hired to teach as a NTT faculty. The financial impact of having an overtime-eligible employee teach those classes should be considered.
 - The scenarios section below covers various, related hiring situations that may arise
 - If the department is unsure of an employee's primary job classification they should contact HR as soon as possible for assistance.
- The employee must request and be granted approval from the supervisor of their primary position to take on the teaching position. Documentation of the approval should be attached to the PA when it is submitted, such as an email.
- When the department submits the PA, HR will review for compliance with overtime laws and CBAs and that complete documentation has been attached.
 - Documentation (PA/NTT contract) should clearly show that an hourly rate (F4) or per credit rate (F3) was used as the base rate of pay for overtime calculations

Examples

Hiring a full-time employee

A full-time classified staff member is hired to teach a 3 credit course (25% appointment) as a NTT salaried instructor. The per credit rate for the course is \$800 per credit.

- Because the employee is full-time they would receive pay for the course at the overtime rate based on the per credit rate: $\$800 * 1.5 * 3 = \$3,600$
- The PA is submitted as a NTT Salaried with a salary of \$3,600 for the quarter

Hiring a part-time (permanent) employee

A part-time, 60% classified staff member is hired to teach a 3 credit course (25% appointment) as a NTT salaried instructor. The per credit rate for the course is \$800 per credit.

- Because the employee is part-time and the combined appointment percentages of the classified and NTT jobs do not exceed 100% (60% + 25%), they would receive pay for the course at the straight rate of pay based on the per credit rate: $\$800 * 3 = \$2,400$
- If the appointment percentage of the NTT position would cause the employee's total appointment percentage to exceed 100%, contact HR to discuss the appropriate overtime calculation

Hiring a cyclical employee

A 9-month, 100% appointment classified staff member is hired to teach a 3 credit course during Summer Session. The employee typically uses their cyclic leave during the summer months.

- If the employee is on cyclic leave while teaching, they would only be eligible for overtime if their NTT appointment percentage exceeded 100%

Hiring a classified staff as NTT Hourly

A full-time classified staff member is hired to teach a 3 credit course (25% appointment) as a NTT hourly instructor. The department has set a \$25/hour base rate of pay.

- Because the position is a 25% appointment, it is assumed that the employee will work 10 hours a week as an instructor. ($40 \text{ hrs/wk} * 25\% = 10 \text{ hrs/week}$)
- The employee is full-time and any hours worked in addition to their full-time position is paid at an overtime rate: $\$25 * 1.5 = \$37.5/\text{hr}$
 - If the employee works their appointment percentage exactly they would be paid \$375/week.
- The department or employee will need to report hours worked on a timesheet. If the employee works less or more than 10 hours a week, the actual # of hours worked must be reported.

Hiring a temporary hourly staff

If you would like to hire an active temporary, hourly employee to instruct a class, the employee's primary job will determine their overtime eligibility.

- If the majority of the total hours worked across all temporary positions falls within the NTT position, the employee would not be considered overtime eligible.
- If the majority of the total hours worked falls within the employee's classified position, any hours worked above 40 in a week would be considered overtime.
- The department should consult HR to determine a temporary employee's primary job.

Additional scenarios

If you are unsure of the overtime status or how to calculate the proper overtime rate for your classified instructor, please contact your HR Employee & Labor Relations Consultant for assistance.