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Subject: Comp Leave

Lindsey,

In response to the email from David Owens regarding comp leave for managers working Saturdays, I am providing the following information. First, the FLSA, State HR regulations and DMV policy requires us to pay **non-exempt** employees overtime/compensatory time at 1.5 hours for every hour worked in excess of 40 hours during a work week. However, FLSA and State HR regulations **do not** require an agency to give compensatory time to **exempt** employees who work more than 40 hours in a work week.

DMV's Saturday Work Program policy (AD-603) states that "Exempt employees (managers and assistant managers) will not receive additional compensation for Saturday work." At the beginning of the program, DMV did allow exempt employees (managers and asst. managers) to earn comp. leave. However, due to their annual leave accrual rates and the comp. leave accrual rates, it was virtually impossible to staff the field offices and let the managers take this leave. FLSA and State regulations limit the number of comp hours a person can accrue to 240 hours. After that amount the agency is required to pay the employee for these additional hours. At the rates that managers were accruing leave, this would have become a financial burden to the agency.

However, in exchange for not allowing them to accrue comp leave, we have reduced the number of Saturdays that a manager/asst. manager has to work from 6-8/year down to an average of 3 year. Bottom line, this was a decision made by executive management within the authority granted by FLSA, State HR regulations and agency policy.

Hope this helps.

Steven