

Overtime and Compensatory Time

The federal *Fair Labor Standards Act* requires that private sector and state and federal government workers be paid the federal minimum wage and be paid extra for overtime work. However, the Act specifically excludes workers employed in an executive, administrative, or professional capacity--including in schools and universities--from those requirements. Due to the professional nature of our work, therefore, the Act does not entitle AFT employees to be paid for overtime work or to take compensatory time off to make up for it. Nor does the Collective Negotiated Agreement (CNA, our statewide contract) provide for payment or compensatory time off for overtime work. This is why there is no way for us to keep track of overtime hours in Workday. Nevertheless, there are two ways for AFT Professional Staff and Librarians at Montclair State to be compensated for substantial overtime work. (Faculty members and Specialists do not track hours in Workday.)

First, the CNA allows each college or university to negotiate the issue of compensatory time locally, which we did at Montclair State several years ago. **Section 13:13 of our Local Selected Procedures Agreement** provides that if an AFT employee is asked to work “significantly” more than 35 hours in a five-day period, the supervisor will “try” to give 10-day advanced notice to the employee and will arrange compensatory time of “roughly but not necessarily exactly” the number of hours over 35, prior to the scheduled overtime work, and if the employee and supervisor can’t agree on the timing or the amount of the compensatory time, the employee can appeal up the chain of supervision to the President. If anyone in your supervisory chain asks you to work a significant amount of overtime for a significant period of time without also arranging a schedule of compensatory time with you, you should notify your union officer (Professional Staff or Librarian representative).

Second, if an employee is asked to work a significant amount of overtime for a significant length of time, the University and the union can negotiate compensation for the extra hours worked. This is done to ensure that your pay is equitable, and that the administration follows through on their end. It sometimes happens that a dean or other supervisor attempts to negotiate that compensation directly with the unit member (usually by just offering a certain amount), but that constitutes “direct dealing,” which is an “unfair labor practice.” If anyone in your supervisory chain offers you extra money for doing extra work, you should notify your union officer.