

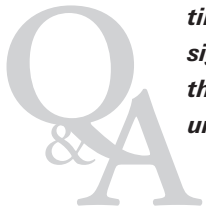
The Comp Time Conundrum

How can a law firm handle excess accrued compensatory time?

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What's on legal administrators' minds? Take a closer look at feedback on one topic recently discussed in the online ALA member discussion groups. (Responses shown here may be edited for length and clarity.)

The regular office hours at my firm are 8:30 a.m. to 5 p.m., creating a 37.5-hour work week. We allow employees to earn compensatory time after 37.5 hours, up to 40 hours. Employees are accruing a significant amount of comp time and can use this time instead of their personal time. As a result, many employees are being paid for unused personal time at year's end. Any solutions to this problem?



Comp time is discussed in the Fair Labor Standards Act (FLSA) of 1938. You may want to research the subject on Google to learn more. Comp time is allowed in most states, but it must be taken within the same work week in which it is earned. In other words, you cannot bank it and use it later. Because you are working a 37.5-hour work week, and FLSA discusses comp time in relation to a 40-hour work week, you may be able to get by with banking the hours worked between 37.5 and 40. However, I would consult an employment attorney to review the policy so that you are in compliance with state and federal laws.

Check with your local Department of Labor (or equivalent agency) to find out what your state allows. Even if comp time is permitted, allowing it to accumulate without limits is not a good business practice. And, if any employees are taking time worked over 40 hours in a week as comp time, then it must be granted at time and a half. Comp time does not negate the obligation to pay time and a half for hours over 40. If your state follows the procedures of many other states and requires comp time to be earned and used within the same work week, then employees cannot build up huge amounts of comp time, which resolves the issue you are experiencing.

Check your local employment laws. I would discourage you from continuing comp time if at all possible. There are simply too many issues with it.

In Oregon, accruing comp time is illegal. We, too, have a 37.5-hour work week. Hours worked between 37.5 and 40.0 are paid at straight time; hours over 40.0 per week are paid at time and a half.

Is this a hot topic for you? Do you have a question for your peers? Visit www.alanet.org/members/network/ to post or read questions and comments. ✱



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