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Wage and Hour Policies

Dear Reader:

The following document was created from the CTAS website (ctas.tennessee.edu). This website is maintained by CTAS staff and seeks to represent the most current information regarding issues relative to Tennessee county government.

We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with county government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other CTAS website material.

Sincerely,

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Wage and Hour Policies

Reference Number: CTAS-1100

Under T.C.A. 5-23-104, the county must have written policies covering “the compensatory time policy in effect for the office or department or a statement that no compensatory time is allowed, a statement of whether the salary received by salaried employees is intended to cover all hours worked up to and including 40 hours in a workweek in offices or departments where the regular workweek is less than 40 hours, policies for maintaining compliance with the overtime provisions of the federal wage and hour laws, and provisions for recordkeeping.”

These policies cover the requirements of the federal Fair Labor Standards Act (FLSA).

The policies must define the workweek—when it begins and ends, and the number of hours in the regular workweek. If the regular workweek is less than 40 hours, the employer will need to state whether the salary paid to salaried non-exempt employees is intended to cover just those hours in the regular workweek or whether it covers all hours the employee may work up to and including 40 in the workweek.^[1] This is a general policy that establishes the workweek for overtime purposes. It does *not* set individual work schedules—these should be set by the employee’s supervisor.

The policies must include overtime and compensatory time policies. The policies should state whether employees are required to receive approval in advance before working overtime; whether employees who work overtime will be paid in cash or whether they will receive compensatory time off; the procedure for requesting and using comp time; and the maximum amount of comp time an employee can accrue (the federally prescribed maximum is 240 hours for most employees but public safety employees may accrue up to 480 hours). Remember that compensatory time can only be given if there is a voluntary agreement or understanding with the employees that they are willing to accept compensatory time. If compensatory time is not used, employees must be paid overtime for time worked in excess of 40 hours in the workweek and the policy should so state.

Finally, the policies must provide for the recordkeeping procedures for wage and hour purposes.

Sample time record forms

[1] If the salary does not cover all hours worked up to and including 40 in the workweek, then the employer must compensate the employee at the employee’s regular rate of pay for any hours worked over the number of hours in the regular workweek up to and including 40, then at the overtime rate for any hours over 40.

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