



Department of Finance
Payroll Unit

Department of Human Resources
Office of Employee & Labor Relations

UUP GAP Compensatory Time (FLSA Non-Exempt Employees)

Frequently Asked Questions

Updated 5/20/2022

1. What is GAP time?

UUP employees may earn GAP Compensatory Time (“GAP Time”) which is defined as the 2.5 hours earned for work between 37.5 and 40 hours per workweek.

2. Who is Eligible for GAP time?

FLSA non-exempt shift employees eligible to earn overtime with a full-time professional obligation designated by Management as at least 37.5 but less than 40 hours per week.

3. For the purpose of calculating overtime and/or GAP time, what is the workweek?

The SUNY FLSA workweek is Thursday – Wednesday. In order to earn overtime, an employee must **work** over 40 hours during the workweek. Similarly, in order to earn GAP Time, an employee must **work** over 37.5 hours during the workweek.

4. How is Time Calculated?

Employees must request and receive written approval in advance from their designated supervisor in order to work **any** time in excess of their stated professional obligation. Employees will be required to account for their time on an hour-for-hour basis, similar to that delineated in the attachment, i.e. start of shift, meal break, departure, etc. Computation of hours worked for the purposes of determining earned overtime and/or GAP time does NOT include (A) meal breaks or (B) days off, whether unpaid or paid through use of accruals.

5. If I charge accruals for a day off but work extra hours outside of my regular shift during the same workweek, do I get paid at straight time or time-and-a-half for the hours worked outside my regular shift? *(Example: An employee’s regular schedule is 7.5 hours each day, Monday - Friday. On 5/13 they called out and charged accruals. On 5/14, they came in and worked “6 hours overtime.” How is the employee compensated for these extra 6 hours outside of their regular shift?)*

Only time **worked** is included in the calculation for the purposes of qualifying for overtime/earning GAP time. The FLSA does not count time off, i.e. holidays,



**Department of Finance
Payroll Unit**

**Department of Human Resources
Office of Employee & Labor Relations**

vacations, sick days, etc., in overtime calculations. The employee will only be paid at the overtime rate for any hours worked over 40 hours.

In the example above, the employee will not earn any GAP time or overtime pay for that workweek. Given that they charged one day to accruals (7.5 hours), they only **worked** four shifts totaling 30 hours. Thus, if they worked an extra 6-hour shift, their total hours worked for the week was only 36 hours, all of which would be paid at the straight time rate. Conversely, had the employee worked 12 hours extra on 5/14 rather than 6 hours, they would have worked 42 hours in total for the workweek, compensated as follows: 37.5 hours paid at the straight time rate, 2.5 hours earned as GAP Time and then 2 hours paid as overtime at the time-and-a-half rate.

6. If I work on a holiday during the workweek and take no other days off, will the time worked count towards my GAP time calculation?

Yes. Any time worked is included in the calculation for the purposes of qualifying for overtime and/or earning GAP time.

7. If I work on a holiday during the workweek and take no other days off, will any time worked outside of my regular schedule during that week be paid at the overtime rate?

Yes. Any time worked is included in the calculation for the purposes of qualifying for overtime and/or earning GAP time.

8. If I do not work on a holiday during the workweek, will that holiday count in the calculation for the purposes of qualifying for overtime and/or earning GAP time?

No. The FLSA does not count time off, i.e. holidays, vacations, sick days, etc., in overtime calculations. Only time worked is included in the calculation for the purposes of qualifying for overtime/earning GAP time.

9. If I do not work on a holiday during the workweek, will any time worked outside of my regular schedule during that week count towards my GAP time calculation?

It depends. In order to earn GAP Time, an employee must work at least 37.5 hours.

10. If I do not work on a holiday during the workweek, will any time worked outside of my regular schedule during that week be paid at the overtime rate?

It depends. In order to earn overtime, an employee must work at least 40 hours.



**Department of Finance
Payroll Unit**

**Department of Human Resources
Office of Employee & Labor Relations**

11. For the departments that were not keeping a track of the GAP time, how far back are they allowed to go to compensate the employee?

There is no limit, as it is time worked. However, it is up to the employee and/or the supervisor to provide proof of time worked and/or GAP time earned.

12. When should I use my GAP Time?

UUP Employees are strongly encouraged to use their GAP time prior to other leave accruals.

13. How much GAP Time can an employee accrue each week?

UUP employees may earn a maximum of 2.5 hours GAP Time each week.

14. When does my GAP time expire?

GAP Time does not expire.

15. Is there a maximum number of GAP Comp Hours that can be carried over yearly?

GAP Time carries over from period to period. Any excess GAP Time will be paid out to the employee upon separation.

FOR ADDITIONAL INFORMATION OR ASSISTANCE, PLEASE CONTACT:

Payroll Unit	GAPTimesheet@downstate.edu
---------------------	--