

**875—220.28(91D) Other compensatory time.**

**220.28(1)** Compensatory time which is earned and accrued by an employee for employment in excess of a nonstatutory requirement is considered “other” compensatory time. The term “other” compensatory time off means hours during which an employee is not working and which are not counted as hours worked during the period when used.

**220.28(2)** and **220.28(3)** Reserved.

**220.28(4)** The rate at which “other” compensatory time is earned is not required to be at a rate of one and one-half hours for each hour of employment. The rate at which “other” compensatory time is earned may be some lesser or greater multiple of the rate or the straight-time rate itself.

SOURCE: 29 CFR 553.28.