

## Hours of Work

### Defining Hours Worked

According to the Fair Labor Standards Act

- University nonexempt staff, including temporary employees and students, must receive pay for all time spent in physical or mental exertion. All time controlled or required by the supervisor and pursued necessarily and primarily for the benefit of the supervisor must be counted as work time. All time worked without authorization must also be counted as work time. Nonexempt employees who work overtime without authorization are subject to disciplinary action, up to and including termination.
- Department heads have the authority and responsibility to establish and change work schedules in order to accomplish the objectives and requirements of the department or organizational unit. Changes in daily and weekly work schedules, regardless of whether the change is permanent or temporary, should be discussed with employees in advance, except in cases of emergency. The normal workweek (starting and ending day and time) cannot be changed to avoid the payment of overtime.
- A "workweek" is defined as a regularly recurring period of 168 hours in the form of seven consecutive 24-hour periods. The University's defined workweek is Monday through Sunday; it begins at 12:01 a.m. Monday and ends at midnight Sunday.
- Records must be maintained by the department for employees whose workweek differs from the normal University workweek. When a shift begins before and ends after 12:01 a.m. Monday, the hours worked during that shift are included in the workweek in which the shift begins.

The following principles serve as general definitions of "hours worked." Since every possible situation cannot be included, no inference should be drawn from the fact that a particular illustration is omitted. If doubt arises, inquiries should be directed to the Compensation section of Human Resources, your regional campus Human Resources department, or your HFS, ITaP, or Physical Facilities Human Resources team.

- 1. Waiting Time:** Whether waiting time is time worked depends upon the agreement and circumstances of the work being performed and the parties involved.
  - *On Duty* – Example: When work assignments are not given by supervisors, employees engage in "waiting time," such as the deliverer who works a crossword puzzle while awaiting a schedule, or the maintenance worker who waits for the other personnel to unlock doors, are in work status during such periods of inactivity. This time is work time even though the staff member is allowed to leave the work area or perform non-work activities during such periods of inactivity. However, the periods during which this occurs must be unpredictable, of short duration, and of such nature that the employee is unable to use the time effectively for his/her own purposes. In all of these cases, waiting is an integral part of the job.
  - *Off Duty* – When a staff member and his/her supervisor have agreed that the staff member is completely relieved from his/her duties (providing the relief time is long enough to enable him/her to use the time effectively for his/her own purposes), the time relieved is not counted as hours worked. The important criteria of each case is whether or not the waiting time is an integral part of the job.
  - *On Call* – A staff member who is required to remain "on call" either on the University's premises or so close thereto that he/she cannot use the time effectively for his/her own purposes is working while "on call" and must be paid at least the federal minimum wage for those "on call" hours. An employee who is "on call" and not confined to his/her home or to any particular place, but may come and go as he/she pleases (provided that he/she leaves word where he/she may be reached) is not considered at work while "on call."

### 2. Rest and Meal Periods

- *Rest* – Rest periods or “breaks” of short duration (10 to 15 minutes) twice daily are customarily practiced at the University. They promote the efficiency of the staff member and must be counted as hours worked. However, such rest periods must be taken at the department’s convenience and cannot be used for flextime schedules or to shorten the work schedule.
- *Meal* – A meal period is a period of time during which the employee:
  1. Performs no duties; and
  2. Is in non-pay status

However, in those instances where an employee receives a meal perquisite as a condition of employment he/she is expected to consume the meal in a place specified by the department unless the supervisor has authorized an exception for the convenience of the employee. A period of 30 minutes or more will qualify as a bona fide meal period. If a non-exempt staff employee is granted less than a 30-minute meal period at the convenience of the supervisor or performs assigned duties during a meal period, he/she must be kept in regular pay status for the meal period.

**3. Changing Clothes and Washing Time:** When a staff member is required, either by law or rules of the employer, or as an integral part of the performance of the individual’s work, to wash up and/or change clothing on the University’s premises before or after working, the time spent changing and/or washing is work time. However, when a staff member washes and/or changes clothing for his/her own convenience, or is not required by law or the employer to do so on the premises, the time spent is not counted as time worked.

**4. Lectures, Meetings, and Trainings Programs:** Attendance at lectures, meetings, training programs and similar activities need not be counted as hours worked if all of the following four criteria are met:

- Attendance is outside of the employee’s regular working hours;
- Attendance is, in fact, voluntary;
- The course, lecture, or meeting is not directly job-related and is not intended to make the staff member more efficient in his/her present job; and
- The employee does not perform any productive work during such attendance.

**5. Course Study:** Time spent by an employee studying courses at home is not compensable under the overtime provisions of the FLSA where the study allowed the employee to advance to a new job classification and there was no requirement to take the course.

## **6. Travel Time**

- *Home to Work Travel:* A staff member who travels from home before the regular workday and returns to his/her home at the end of the workday is engaged in ordinary home to work travel. Generally, an employee is not at work until he or she reaches the work site.
- *Travel during the workday:* Time spent by an employee in travel as part of his/her principal activity, such as travel from job site to job site during the workday or travel to and from a training event, must be counted as hours worked. When a staff member is required to report at a meeting place to receive instructions, perform work there, pick up tools, or a vehicle, the travel from the meeting place to the work place is part of the day’s work and must be counted as hours worked.
- *Out of town travel (overnight):* A staff member who travels overnight on business (i.e., more than one day) must be paid for time spent in travel (except for meal periods) during their usual working hours on regular workdays as well as non-workdays such as Saturday,

Sunday, and holidays. Travel time as a passenger on an airplane, train, bus or automobile outside of regular working hours is not considered work time. However, if an employee travels by driving a car, the travel time is considered work time, regardless of whether it occurs during working hours or outside of working hours.

- *Out of town travel (same workday)*: An employee who travels out of town for one day must be paid for all hours spent traveling except for bona fide meal periods and any travel time from home to the local rail, bus, plane terminal, or meeting place to join university provided transportation.

**7. Medical Attention:** For work-related injuries, time spent by a staff member in waiting for an receiving medical attention on the premises, or at the direction of his/her supervisor during the employee's normal working hours on the days worked, constitutes hours worked.

**8. Employee Counseling:** Departments are encouraged to allow employees a reasonable amount of time off duty, with pay, to discuss concerns with pertinent University officials. Examples are:

- Discussion of future job possibilities, interviewing, job evaluation, personal counseling as a part of the Employee Assistance Program, or processing of complaints or grievances with the Department of Human Resources.
- Discussion of concerns relating to insurance, retirement, etc., with the Department of Human Resources.

### **Time and Attendance Records**

Time and attendance records are to be maintained in each department with daily and weekly total hours of regular time and overtime identified. Overtime is reported on the biweekly time slip as actual hours worked for the biweekly pay period. Payroll computing procedures calculate the hours at one-and-one-half times the regular rate for overtime hours. Records of regularly scheduled time and overtime are maintained to the nearest one-tenth hour.

### **No Compensatory Time**

"Compensatory Time" is defined as the practice of providing time off at a later date for overtime worked within a specific workweek. The use of compensatory time off for time worked is not allowed for non-exempt staff members. This is not to be confused with rescheduling hours within the same pay period to maintain the normal gross pay as outlined in the section, "Calculating Overtime Pay."