

POLICIES

Issued: February 2, 2017

Responsible Official: Vice President for Finance and Administration

Responsible Office: Human Resources

Policy Statement

It is the intent of the University to conform to the provisions of the Fair Labor Standards Act as amended to apply to public employers and also to conform to the policies and guidelines of the university. The University will comply with all provisions of the amendments to the Fair Labor Standards Act, such as those dealing with maximum accrual of compensatory time, method of cash payment for accrued hours, requests for time off and multiple job situations.

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Procedures

37.5 – Hour Work Week

All employees of Austin Peay State University who are considered to be full-time shall work a minimum of 37.5 hours per week throughout the year. This work schedule shall include a one hour lunch/meal break and shall recognize the existence of up to two fifteen-minute miscellaneous breaks during each work day as work flow permits. For purposes of calculating the hours worked each week, lunch/meal breaks shall not be counted as "time worked" but miscellaneous breaks shall be counted.

Specific campus office hours shall be worked in accordance with APSU Policy 5:010 and remain at the discretion of the President.

It is recognized that, due to the nature of some work, certain jobs do not lend themselves to a 37.5 hour work week schedule. In these instances, as determined by the President, exceptions to the above paragraph are permissible. Initially, the Chancellor should be notified in writing as to the particular job groups in question, the nature of the work that necessitates the exception, a description of the exception, and the approximate number of affected employees.

The official work day will be 7.5 hours long, 5 days per week (37.5 hours); and the normal fiscal work year shall be 1,950 hours. All attendance records, time sheets, leave records, payroll documents and other record keeping instruments shall be kept only in hours and hundredths of hours reflecting the actual time worked each day and week. Hundredths of hours is figured by dividing the exact minutes worked by 60, such as $15 \text{ minutes}/60=.25$.

Compensatory Time

Compensatory time and overtime payments are available to clerical and support employees only. Compensatory time shall be accrued and used in lieu of cash overtime pay, unless the institution determines otherwise (or the Fair Labor Standards Act requires cash payment because the employee has accumulated the maximum number of compensatory time hours).

Compensatory time will be granted at a straight time for hours worked up to 40.0 in a work week and at time-and-one-half for hours worked in excess of 40.0 per week. Accrued time worked shall include hours actually worked and holiday hours.

Additional hours worked on a holiday in excess of the normally scheduled holiday hours, will be accrued at the appropriate compensatory rate based upon total hours worked during the week.

Compensatory time must be reported as earned in the week in which it is worked but does not have to be taken in the pay period in which the week falls. However, classified employees must use any accrued compensatory time before they take annual leave.

Clerical and support employees may accrue up to 240 hours of compensatory time. Any hours worked beyond the maximum accrual allowed must be paid in cash, at the appropriate overtime rate. Compensatory time accumulated toward the maximum

hours allowed is accrued over the full duration of employment. There is no annual accumulation limit.

Employees may request compensatory time off at any time and must be allowed to use it within a reasonable time of the request unless their absence at that time would unduly disrupt the operation of the areas in which they work. Supervisors should allow compensatory time to be taken whenever the workload permits and should avoid maximum accruals.

Overtime

Where compensatory time is not a feasible alternative overtime may be paid, if authorized by the administrator in charge of the unit or department. In such cases, overtime at straight time will be paid for hours worked in excess of 37.5 and up to 40.0 per week; premium rate overtime at time-and-one-half will be paid for hours worked in excess of 40.0 per week. Accrued time worked shall include hours actually worked and holiday hours. Any hours other than holiday hours and work hours are excluded from overtime compensation. Additional hours worked on a holiday in excess of the normally scheduled holiday hours, will be paid at the appropriate overtime rate based upon total hours worked during the week. Hours approved for cash payment must be reported in the week in which they were earned and must be paid in the paycheck for that pay period. Overtime payment should be kept to an absolute minimum.

When cash payment is made for overtime, it shall be calculated at the rate earned by the employee at the time the work was done. When meals and/or lodging are provided as part of the base pay, then the value of such must be included in determining the hourly overtime rate. If employees with accrued compensatory hours leave the University, they must be paid for those hours not based on the rate of pay which they were earning when they worked the extra hours, but based on their average regular rate received by the employee during the last 3 years of employment, or the final regular rate received by the employee, whichever is higher.

Hours which employees work on a sporadic or occasional part-time basis will not be counted in calculating overtime compensation if the work is at the option of the employees and is different from the employees' regular assignments.

Call-Ins

Support personnel will receive three hours pay at time-and-one-half base pay when they are called in for emergencies that are not a prelude to or extension/continuation of their normal duty hours. If an employee is called in more than two hours before the start

of the employee's regularly scheduled shift, a call-in will be approved for the employee. If the emergency is corrected quickly, the employee should be assigned other duties by the supervisor to ensure the full three-hours are being worked. Exceptions may be made for special situations when approved by the supervisor. Each department will establish internal guidelines to ensure consistency as to if and when additional duties are assigned for call-ins. Consideration should be given to the timing of the call-in, weather conditions, special holidays, and the nature of the emergency (e.g., an emergency call-in on Christmas; at 1:00 a.m., or in hazardous weather conditions, etc.). This type call-in should not be extended beyond the duration of the emergency. Further, if the employee does not work the full three hours for a call-in and is recalled for the same problem, only one call-in will be paid. Any additional hours worked exceeding three will be reported on the employee time sheet at the appropriate overtime rate in accordance with the Fair Labor Standards Act.

Public Safety Special Events

Public Safety Officers providing security for an event scheduled outside of their normal work schedule will receive two hours compensation at the appropriate overtime/compensatory time rate. Hours worked will be reported on the regular time sheet for Public Safety Officers, and funding will be reimbursed to Public Safety from the department or activity that requested the security to be provided. Any additional hours worked exceeding two will be reported on the employee time sheet at the appropriate overtime rate in accordance with the Fair Labor Standards Act.

Inclement Weather Time Reporting Procedures

Each department head will designate personnel to work during periods of inclement weather as appropriate. For these personnel, any time worked during regular work hours, but before a delayed opening time, or after early closing time will be reported as straight time overtime (regular pay rate). In addition, the employee will also be paid for his/her regular scheduled hours. Should the employee request an adjustment to the regular work schedule as authorized later in this policy, time worked during the adjusted work schedule when the university is closed will be paid only at the employee's regular rate unless the employee has exceeded 40 work hours for the week.

Examples:

- The University opens at 9:30 a.m. An employee who normally begins work at 7:00 a.m. comes in at 7:00 a.m. to begin work; this employee would be paid straight time overtime for 2.50 hours (7:00 a.m. to 9:30

a.m.) in addition to their regular pay. The regularly scheduled time is included as work hours when calculating overtime for the week.

- The University opens at 9:30 a.m. An employee who normally begins work at 7:00 a.m. comes in at 6:30 a.m. to begin work; this employee would be paid straight time overtime for 2.5 hours (7:00 a.m. to 9:30 a.m.), in addition to their regular pay. The thirty minutes from 6:30 a.m. to 7:00 a.m. will count as additional hours worked and be paid at the appropriate overtime rate.
- The University closes at 1:30 p.m. An employee who normally leaves at 3:30 p.m. leaves at the regular time (3:30 p.m.); this employee would be paid straight time overtime for 2.0 hours (1:30 p.m. to 3:30 p.m.) in addition to their regular pay. This time is included as regularly scheduled work hours when calculating overtime for the week.
- The University closes at 1:30 p.m.; an employee who normally leaves at 3:30 p.m. works until 4:30 p.m.; this employee would be paid 2.0 hours of straight-time overtime (1:30 p.m. to 3:30 p.m.) in addition to their regular pay. The additional hour from 3:30 to 4:30 will count as additional hours worked and be paid at the appropriate overtime rate.

A regular daily work schedule will be established for each employee that will be used for computing payments for inclement weather or other call-ins. On occasions, it may be beneficial to the employee to have his/her daily schedule adjusted when computing overtime amounts. This should only be an option when an employee has been at work for an extended period and needs to be sent home to rest during his/her normal shift. An adjustment will allow the employee to leave work without charging leave for the absence; however, it will also usually result in less money being paid to the employee because of the fewer number of hours worked at overtime rates. This is an option only for those employees that are subject to call-ins or working during inclement weather. Prior to making any adjustments, supervisors must thoroughly discuss the impact on loss of pay with the employee to ensure they understand the impact of his/her decision.

**Non-exempt Employee
Travel**

- Any portion of authorized travel time that takes place within normal work hours (defined as 8:00 a.m. to 4:30 p.m.) on any day of the week, including Saturday and Sunday, is treated as work hours. Travel time within normal work hours will be paid at the employee's regular hourly rate and will be factored into overtime calculations.
- When an employee travels between two or more time zones, the time zone associated with the point of departure should be used to determine whether the travel falls within normal work hours.
- Any portion of authorized travel time (with the exception of driving time) that takes place outside of normal work hours is considered to be outside travel hours.
- When a nonexempt employee is required to travel as a passenger in an automobile, plane or any other mode of transportation outside of normal work hours, these hours are considered to be non-compensable.
- All authorized travel time spent driving an automobile (as the driver, not as a passenger) is treated as work hours, regardless of whether the travel takes place within normal work hours or outside normal work hours. An employee will receive his or her regular hourly rate for all travel time spent as the driver of an automobile, and this time will be factored into overtime calculations.
- Travel as a passenger in an automobile is not automatically treated as work hours. Travel as a passenger in an automobile is treated the same as all other forms of travel, and compensation depends on whether the travel time takes place within normal work hours.
- If an employee drives a car as a matter of personal preference when an authorized flight or other travel mode is available, and the travel time by car would exceed that of the authorized mode, only the estimated travel time associated with the authorized mode will be eligible for compensation.
- Employees are responsible for accurately tracking, calculating and reporting travel time on their timesheets in accordance with this policy.

- Meal periods should be deducted from all travel time.
- If an employee requests a specific travel itinerary or mode that is different from the one authorized, only the estimated travel time associated with the authorized schedule, route and mode of transportation should be reported on the timesheet.

Links

Fair Labor Standards Act <http://www.dol.gov/whd/flsa/>

Revision Dates

APSU Policy 5:015 (previously 5:031) – Rev.: February 2, 2017

APSU Policy 5:015 – Rev.: April 26, 2006

APSU Policy 5:015 – Issued: January 10, 2006

Subject Areas:

Academic	Finance	General	Human Resources	Information Technology	Student Affairs
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Approved

President: signature on file