

Hours Worked and Additional Pay

POLICIES

Issued:

Responsible Official: Vice President for Finance and Administration

Responsible Office: Human Resources

Policy Statement

It is the policy of Austin Peay State University to comply with the provisions of the Fair Labor Standards Act (FLSA) 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 FLSA, 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.

Purpose

The purpose of this policy is to establish the criteria and process regarding work schedules and the reporting of hours worked.

Contents

Procedures

- Work Schedule
- Compensatory Time
- Overtime
- Call-Ins
- Public Safety Special Events
- Inclement Weather Time Reporting Procedures
- Non-exempt Employee Travel

Links

- Fair Labor Standards Act

Definitions

Work Schedule

All employees of Austin Peay State University who are considered to be full-time shall work a minimum 7.5 hours per

day, 37.5 hours per week, 1950 hours per year. This work schedule shall include a one-hour lunch/meal break. If schedules will allow, employees are permitted up to 15 minutes for a work-break period during the first half of his/her work shift and again during the second half of his/her work shift. 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. Work breaks and/or lunch breaks cannot be accumulated or used to compensate for early departure from duty.

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 or a one-hour meal break. In these instances, as determined by the President, exceptions to the above paragraph are permissible. Initially, the President 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.

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 regular non-exempt employees only. Compensatory time shall be accrued and used in lieu of cash overtime pay, unless the institution determines otherwise (or the FLSA requires cash payment because the employee has accumulated the maximum number of compensatory time hours, 240). Some required off-campus trainings for certain job groups will be considered compensatory time for any hour worked in excess of 40.0 per week, as determined by the supervisor. Compensatory time will be granted at 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, non-exempt employees

must use any accrued compensatory time before they take annual leave; unless the accumulated annual leave balance at the beginning of the pay period is within two (2) days of the maximum accrual rate for the employee.

Non-Exempt 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 (Straight) &
Overtime (Premium Rate)**

Overtime (Straight Time)

This rate of pay is equal to the employee's regular rate of pay. This pay rate is usually applied when workweeks are less than 40 hours.

Overtime (Premium Rate)

Rate of pay equal to time-and-one-half of the employee's regular rate of pay. In most cases, this rate of pay is applied to hours worked in excess of 40 hours in a workweek.

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. 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

Non-Exempt employees will receive three hours pay at the premium rate overtime when they are called in for emergencies that are not a prelude to or an extension/continuation of their normal hours. Call-ins should be more than two hours before the employee's regularly scheduled shift. 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 premium overtime rate.

Public Safety Special Events

Public Safety Officers providing security for an event scheduled outside of their normal work schedule will receive a minimum of three hours compensation at the appropriate overtime/compensatory time rate. All Hours worked (minimum of three) will be reported on the regular time sheet in accordance with the FLSA and funding will be reimbursed to Public Safety from the department or activity that requested the security to be provided.

Inclement Weather & Emergency Closing Time Reporting Procedures

Each department head will designate essential employees to work on-campus during periods of inclement weather or emergency closings as appropriate. For these employees, any time worked during regular work hours that occur (1) before a delayed opening time or (2) after an early closing time will be paid at the premium compensatory/overtime rate. Regularly scheduled hours worked outside of the closure period for inclement weather or emergency periods will be paid at the regular rate.

Holiday Pay

When a non-exempt employee is required to work on a scheduled holiday, the employee will receive overtime pay or compensatory time at premium rates. The compensation for the hours worked is in addition to normal holiday pay. Non-exempt employees who wish to take time off after the holiday should request to have their hours reported as compensatory time for the holiday. The final decision on whether overtime or compensatory time will be used will be determined by the employee's supervisor.

Employees whose regular work hours are more than 7.5 hours per day shall receive holiday pay equal to their regularly scheduled hours worked.

Non-exempt Employee Travel

Travel away is defined as travel that keeps an employee away from home overnight and falls outside of the employee's normal workday schedule. If an employee regularly works from 9 a.m. to 5 p.m. Monday through Friday, travel during these hours on any day is considered work time. Regular meal period times are not counted.

- 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 and 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 <https://www.dol.gov/agencies/whd/flsa>

Revision Dates

APSU Policy 5:015 – Rev.:
 APSU Policy 5:015 – Rev.: November 15, 2022
 APSU Policy 5:015 – Rev.: June 1, 2020
 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 |
|----------|---------|---------|-------------------------------------|------------------------|-----------------|
| | | | <input checked="" type="checkbox"/> | | |

Approved

President: signature on file
