

## **Compensable Hours of Work**

### ***What is Work Time?***

Employees classified as non-exempt must be paid for all hours worked including those in excess of the normally scheduled workweek. All hours a non-exempt employee is "permitted or required to work" must be counted. This includes work performed at the College, at home, or away from campus. A non-exempt employee should not be asked or permitted to take work home except in unusual circumstances. Work may not be done at home without prior approval from the supervisor.

### ***Standard Payroll Work Week***

The College's standard payroll week for all employees is 12:01 am Monday to 12:00 midnight Sunday. The regular workweek for staff may be 37.5 or 40 hours, with work schedules established in accordance with the needs of the specific departments. Within departments, there may be positions with schedules that vary from the standard work schedules.

### ***Overtime and Overtime Premium***

The Fair Labor Standards Act (FLSA) requires that non-exempt employees be paid the premium rate of one and one-half times the regular rate for all hours worked in excess of 40 hours in a standard workweek. In calculating 40 hours, it is the College's policy to include all paid hours (including hours worked, sick, personal, or vacation time; and holiday time equal to the number of hours the individual is normally scheduled to work) authorized by the supervisor.

### ***Reduced Hours in Lieu of Overtime Pay***

According to the provisions of the FLSA, a non-exempt employee's request to take time off instead of being paid for overtime may not be granted unless the supervisor can schedule the time to be taken off in the same work week in which the "extra hours" are worked. It is not allowable to take "time off" during the following workweek, even if it is within the same pay period.

### ***Holiday Rate***

When a non-exempt, benefits-eligible employee is required to work a full shift on a day designated as a College holiday and that day would be a normally scheduled work day, that individual will be paid time and one-half for the actual hours worked, and will accrue a full holiday day. In the event, the individual works a partial shift on a day designated as a holiday, the individual will be paid time and one-half for the actual hours worked, will be paid holiday time for the remaining hours, and will accrue the number of hours actually worked on the holiday up to the number of hours normally scheduled for that day. If an individual is asked to work on a day designated as a holiday, but that day would not be a normally scheduled work day, the individual will be paid time and one-half for the actual hours worked. The individual will not receive holiday time for that day since it is not a normally scheduled workday for that individual. In the event an individual who is not benefit eligible works during this time frame, she/he will be paid straight time for the hours worked.

### ***Rest & Break Time***

Rest periods or break time of short duration, running from 5 minutes to 15 minutes are customarily paid for as working time. They must be counted as hours worked.

### ***Meal Period***

Meal periods are not worktime. The employee must be completely relieved from duty or work for the purposes of eating regular meals. Individuals must be given a minimum of 30 minutes as a bona fide meal period. The employee is not relieved if he/she is required to perform any duties, whether active or inactive, while eating.

### ***On-Duty Time***

An employee who resides on campus who is required to remain on-call or on duty on the premises or so close thereto that the individual cannot use the time effectively for their own purposes is working while "on call". An employee who is not required to remain on the employer's premises but is required to leave contact information where the individual may be reached is not working while on-call.

### ***Sleeping Time & Other Activities***

An employee who resides on the employer's premises is not considered to be working at all times they are present on the employer's premises. When engaging in normal private pursuits such as eating, sleeping, entertaining, periods of complete freedom from all duties and work assignments, and leaving the premises for purposes of their own are not considered to be work time. If any of this time is interrupted by a call to duty, the interruption must be counted as hours worked.

### ***Lectures, Meetings and Training Programs***

Attendance at lectures, meetings, training programs and similar activities is considered hours worked if attendance is required by the employer, or the employee is given to understand that present working conditions or the continuance of employment would be adversely affected by nonattendance.

Attendance at lectures, meetings, training programs and similar activities need not be counted as working time if the following four criteria are met: (a) Attendance is outside of the employee's regular working hours; (b) Attendance is voluntary; (c) The course, lecture, or meeting is not directly related to the employee's job; and (d) The employee does not perform any productive work during such attendance.

### ***Travel Time***

The principles which apply in determining whether or not time spent in travel is working time depend upon the kind of travel involved.

- *Home to work; ordinary situation.* An employee who travels from home before the regular workday and returns to his home at the end of the workday is engaged in ordinary home to work travel which is not worktime. This is true whether he works at a fixed location or at different job sites.
- *Travel that is all in the day's work.* Time spent by an employee in travel as part of his principal activity, such as travel from job site to job site during the workday, must be counted as hours worked.

- *Travel for a special one-day assignment in another city.* When an employee who regularly works at a fixed location in one city, is given a special 1-day work assignment in another city and returns home the same day, the time spent in traveling to and returning from the other city is work time. The employer may deduct/not count time the employee would normally spend commuting to the regular work site.
- *Travel away from home community.* Travel that keeps an employee away from home overnight is travel away from home. Travel away from home is worktime when it cuts across the employee's workday. The employee is simply substituting travel for other duties. The time is not only hours worked on regular working days during normal working hours but also during the corresponding hours on nonworking days. Thus, if an employee regularly works from 9 a.m. to 5 p.m. from Monday through Friday the travel time during these hours is worktime on Saturday and Sunday as well as on the other days. Regular meal period time is not counted.

The time spent in travel away from home outside of regular working hours as a passenger on an airplane, train, bus, or automobile is not counted as hours worked. An employee who drives or an employee who is required to ride therein as an assistant or helper is working.

- *Work performed while traveling.* Any work which an employee is required to perform while traveling must be counted as hours worked. Meal periods or sleep time are not considered hours worked.
- *When private automobile is used in travel away from home community.* If an employee is offered public transportation but requests permission to drive his car instead, the employer may count as hours worked either the time spent driving the car or the time he would have had to count as hours worked during working hours if the employee had used the public conveyance.

### **Recording Hours on Timecard**

- Record all hours worked including travel time as "Hours Worked".
- Record all paid time away as appropriate (Personal, Sick, Vacation).
- Record hours worked between standard hours and 40 as Overtime @ 1.0.
- Record all hours worked above 40 per week as Overtime @ 1.5.
- To record holiday hours on a timecard, enter the hours worked under "Hours Worked" and enter half the hours worked under Overtime @1.0. (This will ensure that TIAA is withheld, as well as correct overtime paid).
  - For example, an employee works 8.0 hours on a holiday, the employee would enter 8.0 hours worked & 4.0 on overtime @1.0. The employee is paid for 12 hours equaling time & a half.