

WINTHROP UNIVERSITY COMPENSATORY TIME, OVERTIME, AND OFFICIAL WORKWEEK POLICY

THIS DOCUMENT IS NOT A CONTRACT BETWEEN EMPLOYEES AND WINTHROP UNIVERSITY, EITHER EXPRESSED OR IMPLIED. THIS DOCUMENT DOES NOT CREATE ANY CONTRACTUAL RIGHTS OR ENTITLEMENTS. WINTHROP UNIVERSITY RESERVES THE RIGHT TO REVISE THE CONTENT OF THIS DOCUMENT, IN WHOLE OR IN PART. NO PROMISES OR ASSURANCES, WHETHER WRITTEN OR ORAL, WHICH ARE CONTRARY TO OR INCONSISTENT WITH THE TERMS OF THIS PARAGRAPH CREATE ANY CONTRACT OF EMPLOYMENT.

Applicability

The provisions set forth in this section apply to all employees at Winthrop University, unless otherwise noted.

General Policy on the Use of Overtime

The use of overtime should be an exception to the regular work schedule in any department. An employee should only be required to work overtime on an occasional basis to meet a sudden increase in the workload, to overcome productive time lost due to some mechanical failure, or to meet the demands of a crisis situation. Every attempt should be made to avoid the repetitive and chronic use of overtime.

It shall be the responsibility of each department head/supervisor to determine that the provisions of this policy are administered fairly, consistently, and in the best interest of Winthrop University. Each department head/supervisor is responsible for the prior approval of hours worked that will result in overtime. However, unauthorized overtime must be compensated. Unauthorized overtime may result in disciplinary action for department heads/supervisors and/or employees.

Winthrop University complies with the laws and regulations of the Fair Labor Standards Act, the Equal Pay Act of 1963 and their amendments, the State Human Resources Regulations and any and all other state and federal laws and regulations related to this section.

Exempt/Nonexempt Status under the Fair Labor Standards Act

Exemptions from both the minimum wage and overtime pay requirements of the Fair Labor Standards Act for any employee in a bona fide executive, administrative, professional, or computer employee position shall be determined by the President or his designee. All other employees shall be nonexempt. Department heads/supervisors shall be advised of those determinations which apply to their employees.

Minimum Wage

All nonexempt employees must be paid not less than the current minimum wage.

Compensation

Compensation of all employees is based on 40 hours per week or 2080 hours per year. (Exception: calculation of annual leave payout for employees who work a regular 37.5 hour week. See Winthrop University Annual leave Policy)

The regular rate of pay, for purposes of calculating overtime due includes all remuneration for employment paid to an employee to include base pay, and all compensation not included in base pay as outlined in the State Human Resources Regulations, with the exception of discretionary bonuses.

The Workweek

The normal workweek for Winthrop University shall be 37.5 hours. However, employees shall not receive additional compensation for hours worked between 37.5 and 40 hours per workweek. Employees shall not receive compensatory time for hours worked between 37.5 and 40 hours per workweek. For record keeping purposes, the workweek begins at 12:00 a.m. on Sunday and ends at 11:59 p.m. the following Saturday. Any employee may be required to work up to 40 hours per workweek without additional compensation.

All employees of the university are expected to report for work as scheduled each week. University offices are normally open from 8:30 a.m. to 5:00 p.m. Monday through Friday during the regular academic year. At the discretion of the administration work hours may be modified during the summer months in which case notice of a university-wide work schedule modification would be communicated separately. Scheduled hours of work will depend on the department to which the employee is assigned.

Hours Worked

Hours worked include all time that the employee is required to be on duty or at the prescribed workplace and all time during which the employee is permitted to work. This includes any bona fide work which the employee performs on or away from the premises if the supervisor knows or has reason to believe that the work is being performed.

Temporary employees

Nonexempt temporary employees shall be compensated for all hours worked and shall receive overtime pay for hours worked over 40 in a workweek. Exempt temporary employees shall not be eligible for overtime pay.

Accrual of Overtime/Compensatory Time

Overtime is all hours worked in excess of 40 in a seven consecutive day work period (workweek). Winthrop's work week begins at 12:00 a.m. on Sunday and ends at 11:59 p.m. the following Saturday.

Generally, the use of overtime should be an exception to the regular work schedule in any department, and overtime should only be required on an occasional basis. Every attempt should be made to avoid the repetitive and chronic use of overtime.

When overtime occurs, all nonexempt employees in FTE positions are granted compensatory time at a rate of one and one-half hours for each hour worked over 40 in a workweek. The maximum number of hours of compensatory time which may be accrued is 240 hours. Any nonexempt employee who has accrued 240 hours of compensatory time shall be paid overtime for additional hours of work over 40 in a workweek.

Although a rare occurrence, if it is determined by the vice president for the division in which the employee works that it will be in the best interest of the university to pay the employee for the overtime hours worked rather than to grant compensatory time off, the employee may be paid no less than one and one-half times his regular rate of pay for all hours worked over 40 in a workweek.

Time off for holidays, paid leave, and compensatory time is not considered hours worked and is not considered when calculating overtime.

A nonexempt employee shall be paid no less than one and one-half times his/her regular rate of pay for all hours worked over 40 in a workweek or granted compensatory time at a rate of one and one-half hours for each hour of overtime worked. Nonexempt employees shall not receive additional compensation or compensatory time for hours worked between 37.5 and 40 hours per workweek.

Law enforcement officers will earn overtime compensation for hours worked over 80 during a given 14 day period. No overtime compensation will be due when a law enforcement officer is required to work more than 12 hours during a day unless that results in more than 80 hours of work during the 14 day period. The maximum number of hours of compensatory time which may be accrued by nonexempt law enforcement personnel is 480 hours.

Holidays

An employee who is required to work on a legal holiday shall be given compensatory holiday leave credits in accordance with Section 19-708.04 of the State Human Resources Regulations. Time worked on a legal holiday shall be used in computing total hours worked. All nonexempt employees who are not allowed to take holiday compensatory time earned for working on a holiday within a 90-day period, or a one-year period in the case of employees who follow academic schedules, shall be compensated for the holiday by the employing agency at the straight hourly pay rate of the employee. The President or his designee may extend the 90-day period for an additional 90 days because of limited staffing. All nonexempt employees will be paid for unused holiday compensatory time upon separation of employment from State government, movement to a position in another State agency (whether the new position is exempt or nonexempt), or upon an employee starting in an exempt position in the current agency. Exempt employees shall not be paid for unused holiday compensatory time under any circumstances.

Overtime/Compensatory Time May Not Be Waived (Off the record adjustments)

The requirement that overtime pay must be paid or compensatory time granted to nonexempt employees after 40 hours of work in a workweek shall not be waived by agreement between the supervisor and employee.

Adjusted Workweek

Under warranted circumstances, a nonexempt employee may be allowed to work in excess of the normal workday and may be given time off during the same workweek at the rate of an hour for an hour to avoid working over 40 hours in a workweek. This adjustment is not allowed for hours worked between 37.5 and 40 hours during any workweek. This type of work rescheduling precludes working over 40 hours in a workweek and eliminates the need for overtime payment.

Exempt Employees

The Fair Labor Standards Act provides an exemption from both minimum wage and overtime pay for employees employed in bona fide executive, administrative, professional, outside sales, and computer employee positions. Employees are considered exempt if their job duties and their salary meet certain thresholds established by the FLSA. In addition, some Winthrop employees may qualify for the teacher exemption, which has no minimum salary threshold; or for the academic administrative exemption, which has a lower salary threshold. The Wage and Hour Division of the U.S. Department of Labor has outlined specific requirements that must be met in order to qualify for exemption under each of the above listed categories. These requirements may be found at www.dol.gov. Winthrop University's Office of Human Resources maintains records of exempt/nonexempt status for all positions.

With the supervisor's pre-approval, exempt employees may be granted release time (compensatory time for exempt employees) for a variety of reasons, (i.e. special projects, events, time spent traveling, training programs, etc.) in excess of the normal workweek (40 hours per week). The amount of release time granted should be agreed upon between the supervisor and the employee, and must not be granted at a rate greater than one hour of time for each hour worked in excess of 40 in the official workweek, but may be at a lesser rate. Under no circumstances shall an exempt employee accumulate more than 160 hours of release time. Exempt employees must not be paid for overtime. Upon termination of employment, exempt employees are not paid out for any unused release time.

On Call

"On call" is not regarded as work time unless an employee is required to remain at/on the employer's premises or prescribed workplace, or is so restricted that the employee cannot use the time effectively for his or her own purposes. For employees who reside on campus, all the time spent in/at the campus residence is not hours worked when the employee has time to engage in normal personal activities and use the time as the employee chooses. If an employee who is "on call" is expected to respond within a reasonable timeframe that would not restrict the employee from engaging in personal activities (generally, 30 – 45 minutes), the hours spent "on call" are not regarded as working hours. A nonexempt employee who is "on call" and is actually called upon to work will be compensated for the hours worked at the employee's current regular rate of pay. Hours spent actually working while "on call" may be overtime hours if the total hours worked in the official workweek exceeds 40.

Meal Periods

A bona fide meal period of 30 minutes or more which occurs during the scheduled workday is not hours worked if the employee is completely relieved from duty for the purpose of eating a meal. For Winthrop University, the meal period (lunch period) is one hour each workday.

Breaks (Rest Periods)

Although there are no legal requirements to grant breaks or rest periods during the work day, the privilege of a short break may be granted by the employee's supervisor or department head. Breaks or rest periods of short duration (20 minutes or less) must be counted as hours worked. Breaks shall not be used to allow an employee to come in late, to leave early, to extend the lunch period, or to take a course through the Employee Educational Assistance Program.

Travel Time (Nonexempt)

One-Day Travel

Travel time for nonexempt employees may be hours worked under some conditions. Ordinary home-to-work travel or vice versa is not work time. All time spent traveling on one-day assignments is considered time worked regardless of time of day or day of the week and should be accounted for on the employee's timesheet.

Overnight Travel

Time spent traveling away from home that includes overnight stay or multiple days is clearly work time when it occurs during the employee's normal working hours. The time is not only hours worked on regular working days during normal working hours but also during corresponding hours on nonworking days. Time spent in travel away from home outside of regular working hours as a passenger on an airplane, train, boat, bus, or automobile is not considered work time.

Any time spent working while traveling is work time. Mandatory attendance of a conference event or other events that take place outside the normal work day is work. Optional attendance at a conference event or other events that take place outside the normal work day is not work. Time spent "on your own" while traveling is not work.

Lectures, Meetings, and Training Employees

When a nonexempt employee by reason of official responsibilities is required to attend lectures, meetings, training programs, etc., such time shall be considered work time.

Recordkeeping Requirements

It is the responsibility of the supervisor to ensure that the necessary records are maintained by or for all employees and submitted in a timely manner to the appropriate recordkeeping department.

Status Change

If a nonexempt employee accepts a position that is considered exempt either at Winthrop or with another state agency, compensatory time must be paid to the employee on the next available pay date after the effective date of the action. If a nonexempt employee separates from employment or moves to another state agency, any accrued compensatory time must be paid out to the employee. Compensatory time must be paid at a rate of compensation not less than either the average regular rate received by the employee during the last three years of employment or the final regular rate received by the employee, whichever is higher.