

Sam Houston State University
A Member of The Texas State University System

Finance & Operations Human Resources Policy ER-3
Work Schedules

SUBJECT: Work Schedules

PURPOSE: To provide a standard policy for non-faculty employees in relation to individual work schedules at Sam Houston State University.

POLICY: It is the policy of Sam Houston State University to pay its employees to perform a total job. Each full-time job, as nearly as possible, shall be structured to fit into a forty (40) hour workweek schedule. Recognizing, however, that all jobs have a variation in volume of work from time to time, it may be necessary on occasion to alter the normal work schedule. Therefore, it will be the policy of Sam Houston State University to establish individual work schedules at the departmental level using the following guidelines. The provisions of this policy shall be applied to all employees equally. Work schedules shall be established to serve business needs of the University, and in no way should they be used to favor or discipline an employee.

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1. **Office Hours** -- All administrative offices shall remain open from 8:00 a.m. until 5:00 p.m. Monday through Friday, except for designated holidays. Offices may be open beyond the normal schedule as required by individual departmental needs.

Offices shall remain open during the noon hours each working day with at least one person on duty to accept calls, receive visitors, or transact business. The Divisional Vice President may make exceptions where it is not practical to stay open during the noon hours.

2. **Workweek** -- The standard workweek consists of forty (40) hours. The official workweek is from Sunday 12:01 a.m. until Saturday 12:00 midnight. Exceptions to the beginning and ending times of the official workweek may be made by the Department Head to meet the needs of the job.
3. **Lunch Breaks** -- Lunch breaks will not be on paid time and may vary according to the needs of the department. The employee's supervisor will determine the specific time and length of the lunch break.
4. **Rest Breaks** -- Rest (coffee) breaks will be on paid time and may be granted only when the work allows. Rest breaks are a privilege and not required by state or federal regulation. The length, time, and place of these breaks will be at the discretion of the supervisor. The supervisor will be responsible for seeing that breaks do not interfere with the normal completion of the work involved.

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5. **Starting and Quitting Times** -- The normal work day begins at 8:00 a.m. and ends at 5:00 p.m. However, each Department Head may establish, on an individual basis, different starting and quitting times to meet the needs of the department.

6. **Flex-Time Scheduling** -- The Department Head may also use flex-time scheduling to allow individualized employee work schedules, to make available opportunities for employee development, accomplish special tasks, handle peak work periods and accommodate circumstances that are in the best mutual interest of the department and employee. The starting time, lunch time, quitting time, or number of hours worked on a day-to-day basis may vary for individual employees as long as all the following conditions exist:
 - a. The variation in schedule does not interfere with the normal work performance of the individual, the work group, or the department.
 - b. The employee is at work or on approved leave during the core hours designated by the Department Head.
 - c. The employee either works or accounts for the total number of hours for which they are appointed during each week.

7. **Overtime Work: Employees Must Receive Approval in Advance From Their Supervisor to Work Overtime** -- The time an employee is required to work in excess of the standard forty (40) hour workweek will be considered overtime work. No employee, whether or not subject to FLSA, shall accrue state compensatory time during any week unless the combination of paid leave and hours worked exceeds forty (40) hours. Part-time employees working more than their standard full-time equivalency must be paid for all hours up to forty (40), rather than booking them as compensatory time. No employee, whether or not subject to FLSA overtime, shall accrue state compensatory (equivalent) time for work conducted at any location other than the employee's regular place of business or assigned duty point. For state compensatory time purposes, the employee's personal residence may not be considered to be their regular place of employment or duty point.
 - a. **Employees, Non-Exempt from the Fair Labor Standards Act (FLSA) Overtime Provision**
 - (1) *FLSA Overtime Hours* -- A non-exempt employee who is required to work in excess of forty (40) hours in a workweek is entitled to compensation for the excess hours either by:
 - (a) The Department Head allowing (or requiring) the employee to take compensatory time off at the rate of one and one-half (1 1/2) hours off for each hour of overtime; or
 - (b) At the discretion of the Department Head, in cases in which granting compensatory time off is impractical, the employee will receive pay for overtime at the rate equal to one and one-half (1 1/2) times the employee's regular rate of pay.
 - (c) Any paid leave or holidays taken are not counted as hours worked in determining overtime hours.
 - (d) Each employee may accumulate overtime credit of not more than 240 hours, except that an employee engaged in a public safety activity, an emergency response activity, or a seasonal activity may accumulate not more than 480 hours, pursuant to 29 V.S.C., Sec. 207 (0) (3) (A). Employees must be paid for overtime worked in excess of the limits on accumulation, at the rate equal to 1 1/2 times the employee's regular rate of pay.

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(2) *State Compensatory (Equivalent) Time Provisions for Non-Exempt Employees*

- (a) In situations in which the employee has not worked more than forty (40) hours in a workweek but the total of hours worked and hours of paid leave or paid holidays exceeds forty (40) hours, the employee shall be allowed equivalent compensatory time off for the excess hours.
- (b) In situations in which the employee has worked more than forty (40) hours in a workweek and the total of hours worked and hours of paid leave or paid holidays exceed forty (40) hours after subtracting FLSA overtime hours worked, the employee shall be allowed equivalent compensatory time off for such excess hours.
- (c) Compensatory time must be taken during the 12-month period following the end of that workweek. Compensatory time under this section may not be carried forward past the end of the 12-month period and an employee may not normally be paid for the unused time. However, in cases where, in the judgment of the Department Head, the taking of compensatory time off would be disruptive to normal teaching, research and other critical functions, the employee may be paid for compensatory time hours on a straight-time basis. Compensatory time payment should be submitted on a Payroll Action Form (PAF) as a one-time pay. A full explanation, including number of hours being paid and date(s) hours were earned, should appear in the "Special Instructions/Information" section of the PAF. This requires the approval of the appropriate Divisional Vice President and the Director of Human Resources.
- (d) When compensatory time is used, the equivalent compensatory time will be used first on a first in, first out basis. When equivalent compensatory time is depleted, the overtime compensatory time will be used on a first in, first out basis. All compensatory time should be used prior to vacation. Vacation time should be used first only when the employee's accrued vacation balance exceeds the maximum hours eligible for carry-over to the next fiscal year. Vacation hours that exceed the maximum carry-over converts to sick leave at the end of the fiscal year.

b. Employees Exempt from the Fair Labor Standards Act (FLSA) Overtime Provision

Executive, Administrative, Professional, and outside sales jobs are exempt from the overtime provisions of the FLSA. It is the policy of Sam Houston State University to compensate exempt employees based on the requirements and responsibilities of their jobs. The amount of time required to accomplish the job is not a factor in determining the compensation. All full-time exempt jobs are structured around, but not restricted to, forty (40) hours in a workweek; however, hours may vary from day to day and month to month.

Regardless of the number of hours exempt employees work in excess of forty (40) hours in a workweek, they do not earn any overtime pay or compensatory time. In lieu of compensation for overtime worked, an exempt full-time employee may, with the consent of the supervisor, vary their schedule to average not less than a forty (40) hour workweek over the course of the fiscal year.

8. **Attendance Records** -- An attendance record must be maintained for each employee at the departmental level. The department may devise a method or form that best meets their departmental needs to account for attendance. However, events that affect this record should be posted as they occur. This record will provide information needed to prepare semi-monthly time and leave reports for the Payroll Department.

- a. *Non-Exempt Employees* -- A "Personnel Time Report" must be completed and submitted to the Payroll Office each pay period.

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- b. *Exempt Employees* -- A "Leave Report" must be completed and submitted to the Payroll Office each pay period.
9. **Standby and Call-In Duty** -- Employees who are required to be on standby or are called in for emergency work at night, or weekends and holidays.
- a. *Standby Duty* -- Employees required to serve on standby duty (for the workweek Sunday 12:01 a.m. through 12:00 p.m. Saturday) will earn, based upon their current rate of pay, six (6) hours of compensatory time per week, or four (4) hours pay at one and one-half (1 1/2) times their regular rate, or overtime as described in item number 7 above if actual hours worked during the week exceed forty (40). Standby duty is equivalent to four (4) hours worked per week for the purpose of calculating overtime.
 - b. *Call-In Duty* -- Employees called in during off hours to perform emergency work will be compensated according to the overtime provisions outlined in item number 7 of this policy.
10. **Other Assigned Duty Point Work Arrangement**
- a. Other Assigned Duty Point Work Arrangements allowing employees to do official University work at home or at an alternate assigned duty point must be:
 - (1) applied to all employees consistently,
 - (2) have all work strictly accounted for, and
 - (3) receive the prior approval of the Department Head, Director of Human Resources, and Divisional Vice President. The Divisional Vice President may delegate this authority to Department Heads.
 - b. The Other Assigned Duty Point Work Arrangement is normally not permanent. It is usually a temporary work arrangement counted as official work time for circumstances when it is not practical to conduct agency business at the regular place of business or assigned duty point.
 - c. The Other Assigned Duty Point Work Arrangement should be approved only when work cannot be performed by another employee at SHSU's regular place of business without creating an undue hardship; and also be based upon business necessity, such as if the work is not completed the result would severely impact the functioning of the department or University, i.e., be disruptive to normal teaching, research, and other critical functions.
 - d. The Other Assigned Duty Point Work Arrangement does not apply to employees on officially approved travel status or flex-time scheduling.
 - e. This arrangement is not to be used to assist an employee that is out of eligible paid leave time and/or prefers not to use such time while unable to come to their regular work station.
11. **Multiple State Employment** -- See Human Resources Policy E-4, Multiple State Employment.
12. **Holiday Work** -- See Human Resources Policy B-4, Holidays.

Reviewed by: Ted E. Michael, Director of Human Resources – 11/01/2007
Next review: 11/01/2008