

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

Finance & Operations Human Resources Policy ER-3
Work Schedules & Employee Compensation

SUBJECT: Work Schedules & Employee Compensation

PURPOSE: To provide a standard policy for non-faculty employees in relation to individual work schedules and employee compensation 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. All personnel actions are reviewed to ensure Equal Employment Opportunity (EEO) compliance.

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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. Recommended exceptions to beginning and ending times of the official workweek may be made by the Department Head to the Divisional Vice President to meet the needs of the job. Final approval of workweek changes are made by the AVP of Human Resources.

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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.
5. **Break Time for Expression of Breast Milk** – The University supports the practice and will make reasonable accommodations for the needs of employees who express breast milk. Supervisors shall provide break time for an employee to express breast milk as needed, and provide a place (other than a public restroom) that is shielded from view and free from intrusion from other employees and the public where the employee can express milk.

The University will not tolerate discrimination in the workplace against employees who express breast milk. Employees and supervisors are encouraged to contact Human Resources for assistance.

6. **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.
7. **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.
8. **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 exempt or nonexempt, shall accrue state compensatory (equivalent) 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 those hours as compensatory time. No employee, whether exempt or nonexempt, 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, unless approved by the Department Head.
 - a. **Nonexempt Employees – Employees Covered by the Provisions of the Fair Labor Standards Act (FLSA)**
 - (1) *FLSA Overtime Hours* -- A nonexempt employee who works in excess of forty (40) hours in a workweek is entitled to compensation for the excess hours either by:

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- (a) The Department Head approving (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 indetermining 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 one and one-half (1 1/2) times the employee's regular rate of pay.

(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 (equivalent) time 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. At the Department Head's discretion, the decision to book or pay employees for compensatory time is normally made when the hours are earned. Compensatory time payment is submitted on the employee's Personnel Time Report.
- (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

Most Executive, Administrative, Professional, and outside sales jobs are exempted 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 based on department and University needs.

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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.

9. **Occasional and Sporadic Work** – If a nonexempt employee undertakes, on an occasional or sporadic basis, and solely at the employee's option, part-time employment within the University which is in a substantially different capacity from that in which the employee regularly engages, the hours worked in the additional part-time job will be excluded in assessing hours worked for overtime purposes. Examples of such substantially different, sporadic employment are: officiating at recreation and sports events; proctoring exams; taking of tickets; security for special events; or food and beverage sales at special events.
10. **Attendance Records** – An attendance record must be maintained for each employee at the departmental level. FLSA regulations require timekeeping records be maintained for all nonexempt staff.
 - a. *Non-Exempt Employees* -- An Employee Time Sheet must be entered through Banner employee self-service on My Sam and submitted to the Payroll Office each payperiod.
 - b. *Exempt Employees* -- A Leave Report must be submitted for approval through Banner employee self-service on My Sam for each pay period in which the employee has leave to report. If the deadline has passed for timely submission, a paper document must be completed, approved, and submitted to the Payroll Office. The form can be found on the Payroll website.
11. **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 8 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 8 of this policy.
12. **Multiple State Employment** – See Human Resources Policy E-4, Multiple State Employment.
13. **Holiday Work** – See Human Resources Policy B-4, Holidays.

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14. **Meetings, Training Sessions, and Conferences** – Usually, time spent for nonexempt employees to attend meetings, training sessions, or conferences is considered working time. The following conditions must be met for time spent at meetings, training sessions, or conferences to be considered non-working time: (all conditions must be met)
- a. Attendance is outside the employee's regular working hours, and
 - b. Attendance is voluntary, and
 - c. Employee is not required to perform any productive work while attending, and
 - d. The event is not directly related to the employee's job.
15. **Travel Time** – Nonexempt employees are entitled to be paid while traveling to other locations to conduct University business, minus regular commute time. Purposes for such travel include, among others, attending conferences and participating in professional meetings in other cities away from the employee's normal worksite location. Travel time with an overnight stay is handled differently than travel time that occurs in the same day, in accordance with federal law.
- a. **Travel Time With an Overnight Stay** -- Travel that keeps a nonexempt employee away from home overnight is counted as hours worked if the employee travels during normal duty hours or corresponding hours on Saturdays and Sundays. Travel time that occurs outside of normal duty hours will not be considered working time, unless actual work is being performed during that time.
 - 1. **Example #1:** An employee who normally works Monday through Friday from 8:00 a.m. to 5:00 p.m. travels on University business between 8:00 a.m. and 5:00 p.m. on Saturday on a trip that includes an overnight stay. The travel that occurs between 8:00 a.m. and 5:00 p.m. is considered working time.
 - 2. **Example #2:** An employee who normally works Monday through Friday from 8:00 a.m. to 5:00 p.m. travels on University business between 8:00 a.m. and 7:00 p.m. on Saturday on a trip that includes an overnight stay. The travel that occurs between 8:00 a.m. and 5:00 p.m. is considered working time and the travel time between 5:00 p.m. and 7:00 p.m. is considered non-working time if the employee is traveling as a passenger. If the employee is driving, all time is considered working time.
 - 3. **Example #3:** An employee who normally works Monday through Friday from 8:00 a.m. to 5:00 p.m. has travel time that occurs after 5:00 p.m. on a Saturday (which would not typically be considered working time), but during that travel the employee is using a laptop computer to complete a required work-related project or respond to work-related emails.

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The travel that occurs after 5:00 p.m. is considered working time, but only because the employee was actually performing work.

Note that in all examples above, a supervisor may adjust the nonexempt employee's schedule for the remainder of the workweek to avoid the accrual of overtime or compensatory time.

- b. **Travel Time Without an Overnight Stay** -- Travel performed both during and outside normal duty hours in association with a one-day assignment in another city that does not require the nonexempt employee to stay overnight is counted as hours worked. Example: An employee who departs on a trip to another city for a one-day assignment at 7:00 a.m. and arrives back from that trip at 6:00 p.m. will be paid for all hours of travel and work. Time that will not be considered working time in this scenario would be regular commute time, appropriate time for lunch, and other time not considered to be work-related (sightseeing, shopping for personal items, etc.).

Travel time issues with nonexempt employees should be discussed in advance.

- 16. **Student Assistant Work Schedules** – A student employee (nonexempt hourly) is an individual whose association with the University is for the primary purpose of furthering her or his formal education. Hourly student employees may work 28 hours per workweek or less. *(Please see Finance & Operations Policy FO-PAY-21 "Student FICA" for FICA tax exemption eligibility)* Student employees who work in excess of 28 hours within a University workweek (12:01am Sunday to 12:00 midnight Saturday) are in violation of this policy and must promptly discuss work scheduling with their supervisor. If an hourly student employee's workload exceeds 28 hours three times within an academic long semester, summer long semester, or over two short summer semesters, the worker's employment will be terminated unless the department converts the individual to a regular, benefits-eligible, TRS employment.

Supervisors are advised to closely monitor hours worked by hourly student employees, especially those working in multiple departments.

- 17. **Graduate Assistant Work Schedules**

- a. **Teaching and Research Graduate Assistants.** Teaching and research graduate assistants are classified as exempt employees in accordance with the FLSA. Teaching and research graduate assistants normally work halftime (20 hours per week) and receive a fixed stipend for services.
- b. **Other Graduate Assistants.** All other graduate assistants (those not classified as teaching or research) are classified as nonexempt employees under the FLSA. These graduate assistants normally work halftime and receive a fixed stipend for services. This policy constitutes an understanding between non-teaching or non-research graduate assistants for receipt of a "Fixed salary for fluctuating hours" under 29 C.F.R. § 778.114.

Reviewed by: Rhonda Beassie, Assistant VP for Human Resources & Diversity-08/05/2020
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