

### **3.39 - WORK SCHEDULE**

**Effective:** August 15, 2024

**Purpose:** The purpose of this policy is to establish guidelines and procedures regarding work hours, punctuality, compensation for overtime, breaks, meals, call-in and call-back situations, travel away from home, shift differentials, and stand-by compensation to ensure efficient and fair operations within the University.

**Scope:** This policy applies to all University employees.

**Responsible Office:** Human Resources

**Policy Statement:** The work week for the University will begin at 12:01 a.m. Sunday and end at midnight on the following Saturday.

The basic work schedule for most employees is forty (40) hours per week from 8:00 a.m. until 5:00 p.m., Monday through Friday, with one hour off for lunch. The exception are those units which operate seven (7) days per week, twenty-four (24) hours per day. The basic work schedule may be changed with at least five (5) calendar days' notice to the employee(s).

Employees are expected to report to work on time. If an employee is required to report at the actual place of performance of their principal activity at a certain time or period, the workday commences at the time their reports for work as requested by the supervisor – even on weekends – the employee is eligible for compensation or comp time accrual. Excessive absences or consistent tardiness will be considered grounds for disciplinary action. Employees must contact their supervisors and request permission to be absent before their shift begins.

In accordance with state and federal law, all University positions must be categorized for overtime eligibility purposes as exempt (not eligible for overtime) or non-exempt (eligible for overtime) under the Fair Labor Standards Act (FSLA). Overtime will not apply to employees who are exempt. The determination of a position as exempt or non-exempt is made based on an individual review of the position's specific responsibilities as determined by Human Resources, not the supervisor or the employee.

Employees are typically allowed a fifteen (15) minute break each morning and each afternoon unless otherwise agreed upon within a collective bargaining agreement. Breaks should be taken approximately half-way through each four (4) hour shift and are fifteen (15) minutes in length. Breaks should not interfere with work performance. Supervisors may opt not to grant formal breaks because of workload and staff size. Breaks are compensable time. Therefore, they may not be used as or in conjunction with non-compensable time such as lunch breaks or compensable time such as vacation or sick leave.

Compensatory time will not be automatically converted to paid overtime unless the employee terminates employment with the University prior to use of the compensatory time.

Employees who are non-exempt must be completely relieved of duty for the purpose of eating regular meals. An employee is not relieved if required to perform any duties (i.e., answering the phone, reception duties) whether active or inactive while eating. Time spent working will be included in the overtime calculation for overtime pay or comp time accrual.

Supervisors are responsible for planning the work in their units so all duties can usually be completed during the normal work periods. Employees who are non-exempt may be required to work overtime when necessary for university business. A non-exempt employee is compensated for overtime worked with compensatory time off at a rate of one and one-half (1½) hours off for each overtime hour worked in a work week.

Employees may be called in to work on a regular day off. Employees may be called back to work after a regular work schedule. Employees who are non-exempt will receive a minimum of two (2) hours' pay even if the work assigned only takes a few minutes.

If an employee who is non-exempt is notified to stay by the phone and remain available for work during a specified period because of a possible emergency, the employee will be paid \$1 per hour for such stand-by time.

Any employee who is non-exempt and who works on a shift that either starts before 6:00 a.m. or ends after 6:00 p.m. will receive an additional amount per hour based on classification for the total hours worked on that shift.

Non-exempt employees may be required to take time off during the work week in order not to be in overtime status, under the following conditions:

- The University notifies the employee of a change in the work schedule at least 5 calendar days in advance (14 calendar days, if the employee is in the bargaining unit) of the day in which the employee's normal work schedule is first changed; OR
- The employee requests or agrees to take equivalent time off on an hour-for-hour basis within the work week that the extra time was worked. The equivalent time off must be agreeable with the employee's supervisor, with minimum interruption to the efficient conduct of university operations.

Travel, which is required by the University that keeps an employee away from home overnight is considered work time when it cuts across the employee's workday.

Employee is permitted, but not required, to attend University events during business hours for a reasonable amount of time so long as their work performance is not affected.

**Definitions:** All words and phrases shall be interpreted utilizing their plain meanings unless otherwise defined in University or Board of Regents policy or by statute or regulation.

**Procedures:** All procedures linked and related to the policies above shall have the full force and effect of policy if said procedures have first been properly approved by the University's administrator in charge of Human Resources.

[Hyperlink to Human Resources procedures]

**Related Policy Information:** 3.09 – Pay Period and Distribution; 3.16 – Holidays;

**History:**      Adopted: Unknown [Approved and included in UPM as Policy 2D]  
                    Revised: 08/15/2024 [UPM Policies 2D (Including 2D.01 through 2D.09) combined as part of UPM Revision]  
                    Revised: XX/XX/XX [Statement added to allow employees to attend ESU events during work hours.]