

**THE UNIVERSITY OF NORTH CAROLINA AT ASHEVILLE
POLICIES AND PROCEDURES MANUAL**

No. 6

Date April 1995

Page 1 of 5

Approved _____

SUBJECT: Policy on Hours of Work, Overtime Compensation and Compensatory Time Off for EPA Nonfaculty and SPA Staff

Policy: It is the policy of UNCA for all full-time employees to hold an established 40-hour workweek except in cases where excessive hours of work are required because of weather conditions, peak work loads, necessary seasonal activities or emergencies.

The Work Week Defined: In general, the work schedule consists of 40 hours within a week. A work week is defined as a consecutive period of seven days, beginning on Saturday at 12:01 a.m. and ending Friday at midnight, totaling 168 hours (7 days x 24 hours). For campus security officers' schedules requiring more than 40 hours in a workweek, the work period will consist of 28 consecutive days. Campus security officers' hours worked, which in aggregate exceed 171 hours, are to be compensated at the rate of one and one-half times the regular hourly salary rate.

Hours of Work: Generally, all time an employee is required or permitted to be on the employer's premises on duty or at a prescribed work place is considered hours worked. This excludes meals and other periods when he/she is free from duty.

Flextime Defined: A deviation from the normal established work hours of UNCA for an established period of time (usually greater than two weeks), which is requested by the employee in writing and approved by the immediate supervisor/department head.

Meal Period Defined: A bona fide meal period is a span of **at least** 30 consecutive minutes (never less) during which an employee is completely relieved of duty. It is **not** counted as hours worked or paid time. (Any "meal period" of less than 30 minutes must be paid as hours worked.)

Eligibility for Overtime and/or Compensatory Time Off

The Law: The Fair Labor Standards Act and the State Personnel Act specify UNCA must differentiate between non-exempt and exempt employees for the payment of overtime or provision of compensatory time off in lieu of overtime payments. The State Personnel Act charges each agency to

**THE UNIVERSITY OF NORTH CAROLINA AT ASHEVILLE
POLICIES AND PROCEDURES MANUAL**

No. 6

Date April 1995

Page 2 of 5

Approved

develop a policy to specifically address this issue.

Nonexempt Employee Guidelines

Employees who are subject (nonexempt) to the Fair Labor Standards Act must be given compensatory time off. Departments with specific budgetary line items to cover overtime payment may pay employees for hours worked in excess of 40 at a rate of one and one-half times the employee's straight time rate instead of giving compensatory time off. If compensatory time is given, compensatory time must be calculated at a rate of one and one-half times the number of hours actually worked in excess of 40. Compensatory time off shall be scheduled by the supervisor with reasonable efforts to accommodate the needs of the employee. This compensatory time should be taken within 30 days of the time the overtime was performed.

All hours worked beyond 40 per week must have prior approval of the employee's direct supervisor.

Employees classified as nonexempt typically hold positions which fall into EEO-1 categories technical and paraprofessional, clerical, skilled trades, or service and maintenance. These employees usually complete monthly time sheets.

Further clarification regarding specific positions may be obtained by calling the Director of Human Resources.

Overtime Payment vs. Compensatory Time Off for Nonexempt Employees

It is the policy of the University to give compensatory time off in lieu of monetary compensation for hours worked in excess of 40 hours per week. Department heads may not authorize monetary compensation unless there is a specific departmental budgetary line item for overtime.

**THE UNIVERSITY OF NORTH CAROLINA AT ASHEVILLE
POLICIES AND PROCEDURES MANUAL**

No. 6

Date April 1995

Page 3 of 5

Approved

Exempt Employee Guidelines

Exempt employees (EPA nonfaculty and SPA professional employees) **DO NOT** receive compensatory time off or overtime payments for hours worked beyond 40 per week. **Supervisors may allow for some released time with pay following peak work loads, seasonal activities, emergencies, etc.**

Employees in positions classified as "exempt" are typically categorized as EEO-1 categories Officials and Managers or Professionals. Since these positions do not lend themselves to minute by minute accountability, time sheets are not completed by these employees.

Employees in these classifications are considered as "salaried." That is, these employees are paid a specified monthly amount to perform a given set of duties. Actual hours worked per week are not the determining factor upon which compensation is based.

The "salaried" nature of these positions does not force an employee to work an excessive number of hours each week in order to successfully perform his/her job. When the job grows too large for one person to adequately perform, the supervisor should monitor the position and take steps to shift work, prioritize tasks, or create new positions as funds become available.

In addition to EPA nonfaculty, exempt SPA classifications include:

- a. Department heads
- b. Classifications stemming from an academic discipline or positions with policy making authority. These positions include but are not limited to: accountants, computer analysts, computer programmers, librarians, engineers, student development staff, writers, purchasing officers, safety officers, police chiefs, development officers, personnel officers, admissions representatives and counselors, financial aid directors, greenhouse managers, natural science curators, media services directors, physical plant directors, social research associates.

Travel Time Considered as Work Time for Exempt and Nonexempt Employees

**THE UNIVERSITY OF NORTH CAROLINA AT ASHEVILLE
POLICIES AND PROCEDURES MANUAL**

No. 6

Date April 1995

Page 4 of 5

Approved

Exempt employee application:

For exempt employees, actual hours worked are not the determining factor upon which compensation is based. However, supervisors should be aware of the following travel time issues to ensure hours worked do not consistently go beyond 40 per week due to travel time.

Nonexempt employee application:

Nonexempt employees should be compensated for all hours of travel which are considered as work time:

Travel Time Guidelines:

Normal travel from home to work is not work time. With the exception of travel time from home to work, all travel by an employee in connection with his/her position is considered as work time. This only includes actual hours in which an employee is traveling to reach a specified destination. For trips away from the home community, working hours are defined as those during which an employee travels or engages in a work-related activity.

Record keeping: See policy on "Documentation of Hours Worked and Leave Taken for EPA/SPA Staff" (Policy No. 35).

Flextime (Applies to SPA employees only).

Flextime is established to accommodate the individual needs of UNCA employees by adjusting normal work hours through standard procedures. These procedures are designed to assure institutional responsibilities are met and maintained, and procedures are applied uniformly and consistently. Examples of appropriate uses of flextime schedules are to further the education of the employee, to care for an ill or injured family member, or to better utilize available computer resources. Due to the number of employees with preschool and school-aged children, flextime will not routinely be approved

**THE UNIVERSITY OF NORTH CAROLINA AT ASHEVILLE
POLICIES AND PROCEDURES MANUAL**

No. 6

Date April 1995

Page 5 of 5

Approved _____

to structure work days around school schedules. Exceptional circumstances may be reviewed individually by the direct supervisor.

Employees may request approval to work a flex schedule if desired or “required” working hours deviate from the UNCA work hours of 8:00 a.m. to 4:30 p.m. for a significant period of time (greater than two weeks). If the requested schedule interferes with the effective functioning of an office or places an undue hardship on other employees, the supervisor will not approve the request. Requests should be submitted in writing to the direct supervisor thirty days prior to the date on which the requested flextime is to begin. Emergency situations will be evaluated on an individual basis. Approved flextime schedules which later result in hardships for other employees, are misused, or create other work-related problems may be canceled by the direct supervisor. Where possible, the supervisor will provide the employee at least one week’s notice prior to the cancellation.

Per State and University policy, requests to routinely work through lunch to shorten the work day cannot be approved. A minimum of a thirty minute meal period must be provided to each employee.

Procedures:

- (1) Employee requests in writing the desired working hours, reason(s) needed and submits to direct supervisor. If utilized for academic course work, the name of the classes and hours should be provided. Requests must include a proposed effective date and termination date.
- (2) Supervisor approves or denies request. If request is denied, the employee may appeal to the next level supervisor. Decisions at this level are final.
- (3) A copy of the approved flex schedule must be forwarded to the University Human Resources Office.
- (4) If cancellation is made by supervisor, written notification will be provided to the employee along with an effective date and reason. The notification will be sent with an effective date at least five working days from the date of the notification.

**THE UNIVERSITY OF NORTH CAROLINA AT ASHEVILLE
POLICIES AND PROCEDURES MANUAL**

No. 6

Date April 1995

Page 6 of 5

Approved _____

- (5) Supervisors have the responsibility to assure hours worked match hours reported on time sheets or hours paid; enforcing beginning and ending work hours; and for providing adequate supervision for each employee. This may be accomplished through direct supervision of employee; sharing or delegation of authority for supervision with an assistant director or other supervisor; and/or using electronic mail to log in and/or out to verify arrival and/or departure times for employees beginning work or ending hours of work before or after normal work day.