

## University of St. Thomas Policies

### OVERTIME AND HOURS WORKED

Policy Number: H.02.03

#### SCOPE

All non-exempt staff employees.

#### PURPOSE

To provide direction to managers and supervisors in administering and calculating overtime pay and accurately reporting the actual number of hours worked in compliance with University policy and applicable federal and state wage and hour regulations.

OVERTIME - The University of St. Thomas works to comply with the provisions of the federal Fair Labor Standards Act and applicable state laws in calculating overtime pay. Only those employees whose positions are classified as non-exempt under Fair Labor Standards Act criteria will be paid for overtime at the rate of time and one-half their regular base hourly rate for each hour or partial hour actually worked in excess of forty hours (40) in one workweek. The University's normal workweek, for most positions, is defined as Sunday through Saturday. Some differences in the defined workweek may be necessary due to the operating needs of the department and are coordinated with Human Resources and Payroll.

Employees who are classified as exempt are paid an agreed upon salary and are not eligible for overtime pay. Exempt employees are expected to work the required hours necessary to perform the duties and responsibilities of their position in a satisfactory manner.

Employees should attempt to make their manager aware of the need for overtime in order to gain the manager's approval in advance. The time worked must still be recorded in those instances when approval in advance has not been obtained. Managers and supervisors are not to instruct non-exempt employees to work any time, including overtime hours, off the clock and are responsible for ensuring that all hours actually worked are properly and accurately recorded on the employee's timesheet.

Overtime (working additional hours beyond the regular schedule) is considered a condition of employment and is expected to be worked when reasonable notice has been given to the employee. At the supervisor's discretion, a non-exempt employee's work schedule may be adjusted during a workweek to avoid overtime costs.

HOURS WORKED – Hours worked for non-exempt employees are to be entered and captured by the time and labor web clock. Employees are responsible for entering their "in" and "out" punches accurately and on a timely basis. Only hours actually worked, as reported on the electronic timesheet, are used in calculating a non-exempt employee's regular wages and any earned overtime pay. Non-exempt employees on an approved paid absence, including sick time, vacation, holiday, paid leaves of absence, military leave, jury duty, funeral/bereavement leave, and other approved paid time off are paid at an employee's regular hourly rate of pay, but these hours are not counted as time worked for the purposes of computing overtime.

COMPENSATORY TIME OFF – Compensatory time off for non-exempt employees in lieu of paying overtime is not provided for under UST policies. All hours worked must be recorded on the employee’s timesheet and any resulting overtime must be paid as part of the regular payroll process.

ON CALL EMPLOYEES AND CALLBACK PAY – Some non-exempt employees because of the nature of their duties may be on call in case of an emergency. These employees are paid three (3) hours of straight time pay for being on-call for a one-week period. The employee’s supervisor is responsible for entering the three (3) hours on the employee’s timesheet (Elapsed Timesheet – code On Call Pay Hourly).

Non-exempt employees, those on call or other employees, may be called to return to the University in case of an emergency or special need. The hours actually worked are to be entered by the supervisor on the employee’s timesheet. It is the supervisor’s responsibility to ensure the hours worked are correctly entered on the timesheet within the workweek. The callback hours actually worked are calculated at the rate of time and one-half their regular base hourly rate regardless of the number of hours actually worked during the workweek. (Elapsed Timesheet – code Callback Pay Hourly).

MEAL (LUNCH AND DINNER) AND REST PERIODS FOR STAFF EMPLOYEES - Federal or Texas State laws do not currently require employers to provide meal (lunch or dinner), or brief break periods for their employees. The University, at its own discretion, does encourage supervisors to provide their employees with a meal break if the employee is regularly scheduled to work six or more hours per day. A meal period generally should be at least 30 minutes and the employee does not perform any work during this time. The employee should punch “out” when they leave and then “in” when they return since the meal period is considered non-compensable time. Meal periods of less than 30 minutes are considered time worked and are included in the total hours worked for the week. Employees who do take a 10, 15 or 20 minute meal period should refrain from recording the meal break on the timesheet. Employees must be compensated for the time worked if they perform work during their meal period.

Supervisors may grant short breaks during the day. Short breaks of 20 minutes or less are considered time worked and are to be included in the total hours worked for the week. Short breaks during the day are allowed at the discretion of the supervisor.

DETERMINING FLSA STATUS (EXEMPT OR NON-EXEMPT) - Human Resources has the responsibility for determining whether a position, based on a review of the current job description, duties, requirements, and responsibilities, is classified as non-exempt or exempt under the Fair Labor Standards Act. Changes in exempt or non-exempt status will be re-evaluated by Human Resources, at the request of the manager, whenever there is a significant change in job duties and responsibilities as documented in an updated job description. Managers and supervisors are primarily responsible for maintaining current job descriptions.

**APPROVED: Dr. Richard Ludwick**

**Date of Original Policy: 6/14/2011**

**1<sup>st</sup> Revision Date: 7/1/2015**

**2<sup>nd</sup> Revision Date: 10/1/2019**