



# POLICY MANUAL

## EMPLOYMENT

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**Number 382**

**Subject: Standard Work Hours and Attendance**

**Covered Employees: Non-exempt and Hourly/Non-benefited Employees**

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### **382.1 DEFINITIONS**

#### **Non-exempt and Hourly/Non-benefited Employee**

An individual who is covered by the Federal Government's Fair Labor Standards Act (FLSA) and must be compensated at one and one-half times the regular rate for hours exceeding 40 in a work week.

### **386.2 POLICY**

This policy establishes basic hours of work, recording hours worked, absenteeism and tardiness, flexible time scheduling, meal and rest periods, holiday work, and travel payment guidelines for non-exempt and hourly/non-benefited employees. Adherence to this policy is essential to legal compliance and to the efficient operation of the University.

#### **2.1 Standard Work Week and Hours**

The standard work week begins at 12:01 a.m. Saturday and ends at midnight the following Friday. The University may change employees' work hours to ensure smooth and continuous operations.

The standard work schedule for most full-time University employees is a 40-hour week consisting of five 8-hour days. The normal hours are 8:00 a.m. to 5:00 p.m., Monday through Friday, with one hour for lunch each day. Part-time employee hours are based on a schedule determined by the supervisor and employee to meet the needs of the department.

Overtime should be avoided except in extreme or unusual conditions and then should be approved in advance and kept to a minimum (see USU Policy 378 Overtime).

## **2.2 Recording Work Hours**

Hours worked by all hourly/non-benefited employees and non-exempt employees in variable-hour positions must be recorded by the employee, approved by the department head/supervisor, and reported monthly using the University's electronic payment system. The FLSA requires that complete and accurate time records be kept for all non-exempt employees for three years. USU requires a time keeping method that allows employees and supervisors to sign each monthly time sheet/card. All time records must be stored at the department/unit level.

## **2.3 Absenteeism and Tardiness**

Regular attendance and punctuality are part of each employee's job responsibility. Employees are expected to be at work on time every scheduled day. When unexpected illness or accident prevents an employee from doing this, the supervisor should be notified as soon as possible.

Patterns of excessive unauthorized and/or inappropriate absence and/or tardiness may lead to an oral warning. Each incident thereafter may lead to more severe discipline, including possible termination.

Failure to report for work for three consecutive days without notice may result in termination for job abandonment. Such termination is considered to be voluntary. If the failure to report is due to circumstances beyond the employee's control, the employee may be considered for reinstatement, depending on the circumstances.

## **2.4 Meal and Rest Periods**

Non-exempt employees may take up to 15 minutes worth of rest periods within each 4-hour work period. These rest periods are not cumulative and should not be taken at the beginning or the end of the work day. An unpaid meal period of 30 to 60 minutes will be provided to non-exempt employees who work more than five hours in a day. If a non-exempt employee is required, or chooses, to remain at his/her work station, and performs any work effort, it is considered paid work time. USU encourages employees to leave their work station during meal and rest periods.

## **2.5 Flexible Hours**

The University encourages flexible work arrangements to facilitate customer service during peak periods, allow for effective supervision, encourage use of public transportation, accommodate employee needs (e.g., child care), and expand job opportunities to individuals who may be denied access due to restricted time requirements.

University departments may choose a flexible work approach that best fits the department's needs and University requirements. Flexible scheduling does not affect overtime policies for non-exempt employees, as provided by the FLSA.

The maximum scheduled hours in a work week is 40, and may be fewer for persons assigned to less than full-time work. The total number of hours worked during the designated work week is governed by University policy, requirements of individual departments, and the FLSA. All variations in scheduling must be approved by the department head/supervisor.

## **2.6 Holidays and Holiday Scheduling**

The University observes specific holidays each year. For work scheduled on a holiday, employees will report as directed. Benefited staff are eligible for paid holidays. If a non-exempt employee works 33-40 hours in a week that includes a holiday, that time is paid as straight time. However, if that employee works more than 40 hours in a week that includes a holiday, those hours are paid at one and one-half times the regular rate.

## **2.7 Travel Hours**

The Portal-to-Portal Act specifically excludes from compensatory time, all time that is spent "*walking, riding or traveling to and from the actual place of performance of the principal activity*" of an employee and time spent in "activities which are preliminary or postliminary" to the principal activity. Travel time at the beginning or end of the workday, therefore, is not compensable.

The key to identifying whether travel time during the work day is compensable is determining whether the employee is engaged in travel *as part of the employer's principal activity*. In the event of out-of-town travel, the Department of Labor (DOL) specifically permits the employer to exclude the travel time between the employee's home and the "common carrier" entity (i.e., airport) as "home-to-work" travel time.

The DOL regulations provide that travel time is compensable work time when it occurs during the employee's regular working hours, whether the employee actually performs work or not, since the employee is simply substituting travel for other work duties. DOL does not count as working time overnight travel that occurs outside of regular working hours as a passenger in a vehicle and where the employee is free to relax. Of course, employees who perform work while traveling must be compensated. If an employee is required to drive or required to ride as an "assistant or helper" in an automobile, the employee must be compensated for the travel time, except when the employee is on a bona fide meal break or is provided sleeping facilities. If an employee is offered the option of public transportation but chooses to drive, the employer may count as hours worked either the time spent driving or the time that would have had to be counted if public transportation had been taken. If the travel is overnight and done outside work hours, the travel time is not compensable.

## **382.3 RESPONSIBILITY**

### **3.1 Department Head, Supervisors and the Office of Human Resources**

Responsible for ensuring that the University complies with applicable legislation on work hours, travel time, and meal and rest periods, and that employees comply with established procedures for recording hours worked, absenteeism, tardiness and flexible schedules. Department heads and supervisors are responsible for approving hours worked and reporting them monthly.

### **3.2 Employees**

Responsible for regular attendance and punctuality. Also responsible for accurately recording work hours and cooperating with balancing University and personal needs when establishing flexible work schedules.