OVERTIME WORK, COMPENSATORY TIME, AND HOLIDAYS

PREAMBLE: This section outlines the policies and procedures for overtime work and compensatory time. It appeared in the 1979 Handbook and has been rather frequently revised for clarification and so as to reflect changes in federal and state rules and practices. It was substantially revised in July 2005. In 2008 the policy was revised to remove reference to classified exempt no longer used at the university. In 2012 section B-6 was added to align with federal regulations. Unless otherwise noted, the text is of July 1996. Further information is available from Human Resources (208-885-3889). [ed. 7-97, 7-00, 9-06, rev. 7-05, 7-08, 1-12]

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A. DEFINITIONS.

A-1. “Overtime work” is time worked on holidays and time worked in excess of 40 hours in a period of 168 consecutive hours (defined for UI employees as the seven consecutive 24-hour days beginning at 6 a.m. each Sunday). Overtime must be approved in advance in writing by the employee’s supervisor. [rev. 7-02, 7-05]

A-2. “Compensatory time” is pre-approved time off from duty provided in compensation for overtime hours worked, holidays worked, or other time worked as approved by the president or designee.

A-3. “Exempt employee” (also known as “non-classified employee”) is used to describe UI employees who are not classified employees, includes officers, members of the faculty, and members of the non-faculty staff whose positions are exempted from the provisions governing UI’s classified personnel system. [See also 3080.] These positions also are not covered by federal minimum wage and overtime requirements as discussed below in A-5. [rev. 7-05, ed. 7-08]

A-4. “Classified employees” are those holding positions which are subject to merit examination, selection, retention, promotion, and dismissal provisions, and whose compensation rates are determined by the position classification system of the University of Idaho. [ed. 7-02]

A-5. Certain positions, including exempt and faculty, are not covered by the overtime compensation requirements of the Fair Labor Standards Act [29 U.S.C. § 201-263 (“FLSA”), and Department of Labor (“DOL”) Regulations, 29 C.F.R. Parts 500-794]. These positions are defined by law and fall into the following categories of exemptions: administrative, professional, computer, executive, outside sales, or creative professional. -In all cases, the determination of whether a position is exempt from the FLSA will be made by Human Resources, in consultation with the Office of General Counsel. [rev. 7-05, ed. 7-08]

B. TIME AND LEAVE REPORTING.

B-1. General Information. Employees are required to report time worked and leave taken. Hourly employees must record the hours worked each day as agreed upon by their supervisor. The expectation for full-time, salaried employees is that they will work 40 hours per week or more to meet the needs and expectations of their position. Flexibility of the scheduled workweek is at the discretion of the supervisor, in accordance with the University’s flextime policy [FSH 3250]. Hours worked in excess of 40 do not carry over from one week to the next. Use of annual leave, sick leave, jury leave, medical leave, and other leave must be recorded by the department [see FSH
3710, A]. Supervisors should treat all employees consistently within their unit. See FSH 3710 to review leave eligibility criteria. The university-approved time report may be used for recording any leave. [rev. 7-05, ed. 7-08]

B-2. Faculty are salaried employees. All benefits-eligible faculty must report leave taken (annual, sick, jury, medical, etc.) of 4 or more consecutive hours via written, signed form to their department chair for signature. The data is recorded and the form kept on file by the unit for three years [see also FSH 3710]. [ed. 7-05, rev. 7-08]

B-3. Exempt employees and administrators (non-classified employees) are salaried employees. All benefits eligible non-faculty employees and administrators must report leave taken (annual, sick, jury, medical, etc) of 4 or more consecutive hours via written, signed form to their supervisor for his/her signature. The data is recorded and the form kept on file by the unit for three years [see also FSH 3710]. [rev. 7-05, 7-08]

B-4. Classified employees are hourly employees. The Fair Labor Standards Act and UI policy requires reporting the time arrived for work, the time lunch was taken, the time left for the day, and any leave (annual, sick, jury, medical, etc.) that was used. The employee may use any university-approved form to record these hours consistent with department guidelines. The employee and supervisor must sign the form and keep it on file in the unit for three years [see also FSH 3710]. [rev. 7-05, 7-08]

B-5. Temporary Help employees (Irregular Help and student employees) are hourly employees. The Fair Labor Standards Act requires reporting the time arrived for work, the time lunch was taken, the time left for the day, and any leave (annual or sick for those contributing to PERSI) that was used. The employee and supervisor must sign the form and keep it on file in the unit for three years [see also FSH 3710]. [ed. 7-05]

B-6. With the exception of holiday leave or when an employee (B-4 and B-5 above) is specifically requested to work outside of regular working hours, no leave may be reported if it results in pay in excess of the employee’s regular scheduled 40 hour week. Written approval of both of the employee’s supervisor and unit head is required prior to submitting a time card that exceeds 40 hours with the use of leave. [add. 1-12]

B-7. References. For more information on procedures for these policies see APM 50.06, 50.38 and FSH 3710 and 3090 and Human Resources website at www.uidaho.edu/humanresources.aspx. [ed. 7-05, 7-10, ren. 1-12]

C. OVERTIMEWORK.

C-1. Overtime work should be permitted only in emergency or extremely unusual circumstances and requires prior written supervisor approval. The calendar period for determination of eligibility for overtime compensation is the seven-day period beginning on Sunday at 6 a.m. Whenever possible, employees who regularly work four 10-hour days are to receive the same 8-hour holiday compensation. When UI is closed for a holiday, the employee is rescheduled to work four 8-hour days during the week the holiday occurs (taking off only 8 hours for the holiday) or he or she makes other arrangements with his or her department to ensure he or she only works a total of 32 hours during the week that the holiday occurs. [See APM 55.08]. [ed. 7-10]

C-2. When the need for an employee to perform overtime work can be foreseen, prior approval by the dean or director is required. If overtime work is necessitated by a University-wide emergency, the department administrator should immediately request approval via the dean or equivalent administrator. [ed. 7-05]

C-3. When the department administrator determines that it is in the interest of UI to pay classified employees for overtime work in cash, the appropriate procedure outlined in the APM is to be followed. [rev. 7-02]

D. COMPENSATION FOR OVERTIME WORK

D-1. Eligibility and manner of compensation for overtime work differ for the various categories of employees defined in section A. Overtime work must be recorded on an approved University of Idaho Time Report form, approved by the supervisor and recorded.
D-2. Faculty and exempt employees are not eligible for payment of overtime work. However, they may be eligible for equal compensatory time off if they work on official holidays or other times specifically authorized by the president (such as a general state of emergency). [See FSH 3470 and section F-2 of this policy for official UI holidays]. [rev. 7-02, 7-05, ed. 7-08]

D-3. Classified employees are eligible to receive payment for overtime work. Overtime payment may be paid in cash at 1.5 times their regular rates or in the form of compensatory time off at the discretion of the department administrator. In lieu of payment, classified employees will receive compensatory time off or cash payment, each at the rate of 1.5 hours off for each hour of overtime worked. Per Federal Law, subject to the election and limitation process described in APM 50.10.B. Absent the maximum employee electing accrual of compensatory time as described in APM 50.10.B, compensation for overtime work will be in the form of cash paid as overtime is earned. [ren. 7-08]

D-4. Temporary Help (Irregular Help) employees are eligible to receive payment for overtime work. Temporary Help employees are paid hourly and qualify for overtime pay at the rate of 1.5. Temporary Help employees cannot accrue or use compensatory time. They are to be compensated in cash for any overtime worked in their next paycheck. If an employee has a less than full-time classified position, and at the same time has a temporary position, any overtime worked must be paid to the employee in their next paycheck. Compensation for overtime hours worked by work-study students must be processed following guidelines by the Financial Aid Office. [rev. 7-02, ren. 7-08]

E. COMPENSATORY TIME (see APM 50.10)

E-1. Classified employees are the only employees eligible to earn or accrue compensatory time except as is described in D-2 above. An employee may not have a compensatory time balance of more than 240 hours pursuant to the Fair Labor Standards Act. [ed. 7-08]

E-2. Classified employees are paid for unused compensatory time under the following circumstances:

a. If a classified employee has a compensatory time balance over the 240-hour limit, he/she automatically will be paid for the hours over 240. Departments are expected to monitor closely the accrual of compensatory time and not allow it to accrue for longer than a year.

b. Upon termination of UI employment, classified employees will be paid for the compensatory time balance at the employee’s current hourly rate or at the average of the hourly rate paid the employee during the final three years of employment, whichever is higher. [rev. 7-02]

c. If there is a change in the employee’s classification to a non-classified position, or if the classified employee transfers between UI departments in the same classification, or if he/she is reassigned to another UI classified position, the classified employee will be paid for the compensatory time balance or be asked to take time off prior to beginning the new role.

d. Classified employees with accrued and unused compensatory time in excess of 80 hours at the end of payroll 25 of each calendar year will receive a mandatory cash payment for the balance in excess of 80 hours in their payroll 26 paycheck.

F. HOLIDAYS.

F-1. Compensation for holidays.

a. On an official UI holiday, full-time benefited UI employees will be paid for the number of hours they would normally work, up to 8 hours, even though they do not work on that day. Temporary and part-time employees (excluding employees in the College Work-Study Program) receive the benefit of the paid holiday provided that they are contributing to the state retirement system. They are credited with a fraction of eight
hours equal to the fraction of 32 hours that they actually do work during the week in which the holiday occurs. [ed. 7-05]

b. If an employee works or is on paid sick leave, annual leave or compensatory time the day before or the day after the holiday, the employee is eligible for holiday pay. If an employee is on leave without pay on both the day before and the day after the holiday, the employee is not eligible for holiday pay. If an employee is on a fiscal-year appointment and works in a department or unit that closes down, thus precluding the employee’s working on the day before and/or after the holiday, the employee is still eligible for holiday pay. See APM 55.08. [renum. 7-05, ed. 7-10]

c. Employees who work on an official UI holiday and who are eligible for overtime payments must be paid at 1.5 times their regular rates of pay or be given compensatory time off at the rate of 1.5 hours for each hour worked. Fiscal year faculty and other exempt employees who work on a holiday may be given equal compensatory time off if authorized by the president [see D-2]. [renum. 7-05, rev. 7-08, 6-09]

d. A new employee whose date of hire normally would fall on a Monday holiday is to be appointed effective on Tuesday. An employee whose employment terminates for any reason is entitled to pay for any holiday observed after his/her last day worked, when the holiday is observed on the last day of the workweek and the employee works the first four days of the workweek or equivalent. [renum. 7-05]

F-2. Official UI Holidays. The following are the official University of Idaho holidays: New Year’s Day (January 1), Martin Luther King Jr.—Idaho Human Rights Day (third Monday in January), President’s Day (third Monday in February), Memorial Day (last Monday in May), Independence Day (July 4), Labor Day (first Monday in September), Thanksgiving Day (fourth Thursday in November), the day after Thanksgiving, the day before Christmas (December 24), Christmas Day (December 25) and New Year’s Eve Day (December 31). In the event that a holiday falls on a Saturday, the preceding Friday is recognized as a holiday; in the event that a holiday falls on a Sunday, the following Monday is recognized as a holiday. The holiday schedule continues from year to year unless the President of the University notifies otherwise.

F-3. Office Closure Around Holidays. The President of the University or official designee has the authority to announce the closure of offices and/or the early dismissal of staff around the holiday seasons. Unless otherwise notified by the president or official designee, regular office hours should be held and staff should not be dismissed early. Staff who must leave early should request the appropriate leave and keep record of this time. For more information on university closures please see APM 95.21. [rev. 7-05, ed. 12-13]