

Overtime

POLICY:

Utica University complies with all terms of federal and state wage and hour laws which include rules regarding overtime pay. These laws establish the criteria for determining which positions are “non-exempt” (eligible to receive overtime pay), and which are “exempt” (not eligible to receive overtime pay). The Office of Human Resources is responsible for working with University supervisors to ensure compliance with such laws, including the determination of exempt and non-exempt status (position classification).

Positions that meet specific federal and state criteria may be classified as exempt positions and paid a fixed salary based on a standard number of hours worked per pay period. No overtime is paid for hours worked in excess of 40 for these positions.

Employees in non-exempt positions receive overtime pay at a rate of one and one-half times the employee’s hourly rate for all hours worked in excess of 40 hours in one week. For the purposes of computing overtime compensation, paid time off such as sick, holiday, and vacation time are not counted toward the calculation of overtime. Meal periods do not count toward the calculation of overtime unless the employee works through the period.

Overtime work (any hours worked over 37.5 hours in a week) must be approved in advance by the employee’s immediate supervisor, except in emergency situations where prior approval is not possible. Employees who incur overtime without prior supervisory approval will be subject to the University’s Discipline Policy, which can be found in the Employee Handbook (<https://www.utica.edu/hr/handbook.cfm>).

Violation of this policy may be grounds for disciplinary action up to and including discharge.

Paid Time Off (Vacation, Sick Leave, Holidays)

Pay for vacation, sick leave, and holidays is not counted toward hours worked for the purpose of determining overtime hours; therefore, even though a staff member may be paid for such non-working time, no addition should be made to the total hours worked in the workweek for the purposes of computing overtime.

Required attendance at training and University-sponsored activities is considered work time and must be appropriately compensated. Voluntary attendance may also be considered eligible for compensation if the employee’s attendance provides some sort of benefit to the University. The following rules apply to attendance at training and

University-sponsored activities:

- a. Attendance is not considered to be voluntary if the employer (i.e. the employee's supervisor) explicitly requires the employee to be in attendance, and if failure to attend without an excuse that is deemed to be acceptable by the supervisor would result in some form of disciplinary action for the employee.
- b. This provision applies only if the activity is not specifically designed to make the employee more effective in their present job, but rather is more focused on broadening experiences, preparing for future advancement, learning new ideas or additional skills, making networking acquaintances, etc.

Travel Time

Travel time that is within the normal work day is generally considered to be eligible for compensation. The following guidelines apply to travel time:

- a. Ordinary home-to-work and work-to-home travel is not working time.
- b. Travel that is part of the employee's principal activity during the working day is work time.
- c. For one-day assignments in another city, most of the hours spent traveling and working are considered work time. Normal meal periods may be deducted, as well as the time usually spent getting from home to the normal work location and back.
- d. For travel that keeps an employee away from home overnight, the following rules apply:
 1. The travel time is work time when it cuts across the employee's workday.
 2. Travel time on the employee's non-working days which occurs during hours that correspond with their normal working hours is counted as time worked.
 3. Regular meal period time is not counted as time worked.
 4. Travel time away from home that occurs outside of regular working hours is not considered as work time.
 5. Periods when the employee is completely relieved of duty and is free to come and go and use the time as they please are not normally included as work time.

Breaks

Breaks are not required by law, but are allowed by the University (10 minutes in each four-hour block). This time is included as time worked.

Meal Period

In accordance with New York State regulations, an employee who works more than six hours in a given day is required to take the scheduled meal period. An employee is not

allowed to work through the meal period to make up lost work time or to leave work early unless approved by their supervisor on an exception only basis. In addition, the meal period may not be taken at the end of an employee's work day in order to leave work before the normal quitting time unless the need to leave early is the result of an extenuating circumstance. Even in those rare instances, substituting a meal period for an opportunity to leave early may be done only with supervisory approval.

Meal time is excluded from hours worked if the meal period is 30 minutes or longer and the employee is relieved of all duties and allowed to leave the work station. The normal lunch break at the University is a one-hour period.

SCOPE:

This policy applies to all Utica University non-exempt employees.

REASON FOR POLICY:

The purpose of this policy is to set rules and procedures meant to support the proper payment of overtime for employees in non-exempt positions and to comply with all federal and state wage and hour laws, including rules regarding overtime pay.

DEFINITIONS:

Non-Exempt – Non-exempt is a status of employment defined by the federal Fair Labor Standards Act. An employee in a non-exempt position is eligible for overtime pay when they work more than 40 hours in a workweek.

Exempt – Exempt is a status of employment defined by the federal Fair Labor Standards Act. An employee in an exempt position does not need to be paid overtime over 40 hours in a workweek if the position in which they work meets a series of exemption tests as defined by federal law.

Overtime – Overtime applies to employees who work in positions that are classified as non-exempt. Overtime occurs when an employee in a non-exempt position works more than 37.5 hours in a workweek. Utica University's standard workweek is 37.5 hours long. Hours worked between 37.5 and 40 are considered straight overtime, and are paid at the employee's regular rate of pay. Hours worked over 40 are considered overtime that is compensable at a higher rate (see "Compensation for Non-Exempt Employees).

Compensation for Non-Exempt Employees – A non-exempt employee who works beyond their normally scheduled work hours receives their base rate of pay for each additional hour worked, up to 40 hours during the workweek. Overtime compensation is paid for all hours worked in excess of 40 during a workweek at 1 ½ times the employee's regular rate of pay.

Work Week – For the purposes of this policy and payroll procedures, the Utica University work week runs from Sunday 12:00 a.m. to Saturday 11:59 p.m.

Web Time Entry – Web time entry is the process by which employees record work time in the University’s computing system. Web time entry requires employees to enter all hours worked (and paid time off) and also requires supervisors to approve time. Rules and time frames for web time entry can be found at <https://www.utica.edu/hr/payroll/>. Web time entry is used to generate payroll payments, and accuracy and timeliness are therefore very important.

PROCEDURE:

Non-exempt employees must receive authorization from their supervisor before working beyond their work hours. Authorization of overtime must be documented in some fashion by the supervisor in the event that documentation is needed to verify work hours.

If an employee is in an emergency situation where working hours in excess of 37.5 is imminent, they must immediately contact their supervisor to provide information about the emergency situation and to alert the supervisor that overtime hours will be incurred. This should occur on an exception basis only.

Failure to seek proper authorization for overtime, or failure to notify the supervisor of an emergent need for overtime hours, will result in disciplinary action up to and including discharge.

RESPONSIBILITY:

Supervisors are responsible for determining and assigning work schedules. They are also responsible for approving and monitoring overtime hours, both before they occur and when they are recorded in the web time entry system. Work outside of approved schedules should not be allowed, unless approval is obtained from the employee’s immediate supervisor (usually the same person who approved the time sheet), or if an emergency exists.

It is the employee's responsibility for submitting work time and paid time off through web time entry according to established time frames.

ENFORCEMENT:

Enforcement of Utica University policies is the responsibility of the office or offices listed in the “Resources/Questions” section of each policy. The responsible office will contact the appropriate authority regarding faculty or staff members, students, vendors, or visitors who violate policies.

Utica University acknowledges that University policies may not anticipate every possible issue that may arise. The University therefore reserves the right to make reasonable and relevant decisions regarding the enforcement of this policy. All such decisions must be approved by an officer of the University (i.e. President, Provost and Senior Vice President for Academic Affairs, Vice President for Financial Affairs, or Vice President for Legal Affairs and General Counsel).

RESOURCES/QUESTIONS:

For questions regarding the implementation and interpretation of this policy, employees and supervisors may contact the Office of Human Resources at (315) 792-3276 or hr@utica.edu.

Effective Date:	01/23/2017
Promulgation Date:	01/25/2017