CDU Policy I.E.00555 Hours of Work

ISSUING OFFICER: Director of Human Resources

RESPONSIBLE OFFICE: Department of Human Resources

EFFECTIVE DATE: September 1, 2004

REVISED DATE: October 29, 2010

SUPERSEDES: CDU Policy I.E.00550, dated September 1, 2004

POLICY I.E.00555 Hours of Work

A. EXEMPT EMPLOYEES

At Charles R. Drew University, the workweek for full-time exempt employees is normally considered to be 40 hours, and for part-time employees the proportion of 40 hours equivalent to the appointment percentage; however, greater emphasis is placed on meeting the responsibilities assigned to the position than on working a specified number of hours. Exempt employees do not receive overtime compensation or compensatory time off, or additional compensation beyond the established salary for the position.

B. NON-EXEMPT EMPLOYEES

The regular number of hours worked by full-time, non-exempt employees is 40 hours in a workweek and over 8 hours in a workday for the first eight hours of work on the seventh consecutive day of work in a work week. Employees must be paid double time for all hours worked in excess of 12 hours in a work day and in excess of eight hours on the seventh consecutive day of work in a work week. Work beyond 40 hours in a week is subject to additional compensation only under the circumstances described in CDU – AMP I.E.00560 (Overtime).

1. Meal Periods.
   The University allows its Employees to take up to a (1) one-hour meal break each workday. It is the University’s policy and the law that non-exempt employees who work more than five (5) hours per day must be provided with at least a 30-minute meal period. If the employee works no more than six (6) hours, the meal period may be waived by written mutual consent of both the employer and employee.

   In addition, any time an employee works more than ten (10) hours in one day, he or she must receive a second meal period of at least 30 minutes. However, if an employee works a total of no more than twelve (12) hours in one day, then the second meal period may be waived by written mutual consent of both the employer and employee.
Unless an employee is relieved of all duty during a 30-minute meal period, the meal period shall be considered an “on-duty” meal period and counted as time worked. An “on-duty” meal period shall be permitted only when the nature of the work prevents an employee from being relieved of all duty and when an on-the-job paid meal period is agreed to in writing by all parties. The written agreement must state that the employee may, in writing, revoke the agreement at any time.

If the employer requires the employee to remain at the work site or facility during the meal period, the meal period must be paid. This is true even when the employee is relieved of all work duties during the meal.

2. Rest Periods.

Nonexempt employees are required to take a paid rest period that must, insofar as practicable, be taken in the middle of each work period. The rest period is based on the total hours worked daily and must be at the minimum rate of ten (10) consecutive minutes for each four (4) hour work period or major fraction thereof. A rest period is not required for employees whose total daily work time is less than three and one-half hours.

3. Activities Before or After the Work Schedule.

When the University requires that the employee must change into or out of uniform, engage in special washing or cleaning procedures, or perform other activities on or at a University facility before or after the work period, the time spent in such activities shall be considered as time worked.

4. Travel Time.

Assigned travel during an employee's regular working hours on work days is counted as time worked. Travel time between home and the work place is not time worked. Travel that keeps an employee away from home overnight and that occurs outside the employee's normal working hours is considered as hours of work. However, travel that does not keep an employee away from home overnight is considered as hours worked, as is travel that occurs during the hours an employee normally works when the travel occurs on the employee's days off.

5. Call-Back.

When an employee is called back to work after completing the regular work schedule and leaving the premises, the employee shall be paid for time actually worked upon return or a minimum of three hours, whichever is greater. Call-back time actually worked must be included in the calculation of the regular rate.
6. On-Call.

- An employee is considered to be in on-call status only when assigned by the University. On-call will be considered hours worked when an employee is required to restrict personal activities so that the employee cannot use his or her time effectively for the employee's own purposes. Under such circumstances, the employee will be paid at the employee's normal pay rate (or overtime when appropriate).

- On-call will not be considered hours worked when employees are free to engage in activities for their own purposes, but are required to inform the employer how they can be reached or to carry a beeper or radio. It is not mandatory to compensate for this type of on-call; however, locations may establish on-call rates according to local needs.

- Payment for on-call time is included as part of compensation in calculating the regular rate for determining premium overtime pay. An employee in on-call status is not eligible for minimum call-back payments.

**PROCEDURE I.E.00555 Hours of Work**

**REFERENCES AND RELATED POLICIES**

CDU – APM I.E.00555 (Hours of Work)
CDU – APM I.E.00560 (Overtime)

**A. EXEMPT EMPLOYEES**

1. Exempt employees regularly receive a predetermined salary each pay period, and the amount is not subject to reduction because of variations in the hours they work.
2. Exempt employees are not eligible to receive any compensation for straight overtime, premium overtime, compensatory time, call-back, on-call, shift differential, or extra compensation for holiday work.
3. Use of vacation and sick leave will be recorded in one-day increments. Absences of less than a day will not be charged against accrued leave time.
4. When an employee has exhausted all available accrued vacation and sick leave, salary will not be reduced ("docked") for absences of less than a full day.
5. Work schedules may fluctuate and vary based on operational need, but exempt employees are not required to record their work time for purposes of receiving their established salary.
B. NON-EXEMPT EMPLOYEES

PENALTIES

When an employer does not provide an employee with a required meal period, it must pay the employee one hour of pay at the employee’s regular rate of compensation for each workday that the employee does not receive his or her meal period.

1. Non-exempt employees are required to account for time worked as well as the use of sick, vacation, compensatory, and other leave time to the nearest one-quarter hour.
2. When a non-exempt employee has exhausted all available accrued vacation leave, sick leave, and compensatory time, salary will be reduced ("docked") in proportion to any absences from scheduled work time.
3. Non-exempt employees are compensated for qualified overtime hours at the premium (time and one-half) rate. Refer to CDU – APM I.E.00560 (Overtime).

Meal Periods

Refer to CDU – AMP I.E.00555 (Hours of Work)

1. If a work period of not more than six hours will complete the day’s work, the meal period may be waived by written mutual consent of the employer and the employee using the Meal Period Waiver Form.
2. If the total work period of an employee is more than ten (10) hours, a second meal break of at least thirty (30) minutes will be provided. If an employee works no more than twelve (12) hours, non-exempt employees may waive the second meal period, by written mutual consent of the employer and the employee using a Meal Period Waiver Form.

Rest Periods

3. A rest period shall not be added to a meal period or taken at the beginning or end of a work period except that the department head may approve adding rest periods to meal periods when circumstances require such action.
4. Time not used for rest periods shall not be accumulated for use on another day.
5. Rest periods are scheduled by the supervisor and rest period privileges may be withdrawn by the supervisor if such privileges are abused.

Activities Before or After the Work Schedule

The Department Head may establish internal work rules to define the maximum amount of time employees may spend in changing clothes or performing other activities covered by CDU – AMP I.E.00555 (Hours of Work).
Travel Time

University travel during the employee’s normal working hours, including scheduled days off, shall be considered time worked. Travel outside normal working hours is not time worked, except as follows:

a) An employee who normally finishes work on campus at 5:00 p.m. is working on a job at an alternate site until 8:30 p.m. The employee is required to return to the campus after completing the assignment and arrives at the campus at 9:00 p.m. All of the time, including time spent in travel between the alternate job site and the campus, shall be counted as hours worked. On the other hand, if the employee goes directly from the alternate job site to home, the travel shall not be considered as hours of work, unless the alternate work site is outside the normal commuting areas of the campus.

b) An employee who normally starts work at 8:00 a.m. is required to report to work on campus at 7:00 a.m. for instructions, tools, etc., before proceeding to an alternate work site. The time spent traveling to the alternate work site shall be considered as hours of work. On the other hand, if the employee goes directly from home to the alternate work site, the travel time shall not be considered as hours of work, unless the alternate work site is outside the normal commuting area of the campus.

c) An employee who normally starts work at 8:00 a.m. is required to travel by airplane to another campus. The employee’s scheduled departure time is 7:00 a.m. The time spent traveling from home to the airport shall not be time worked. Hours of work begin with the scheduled departure of the plane. The employee returns by airplane, lands at 9:00 p.m. on the same day (or a subsequent day), and returns directly home. Hours of work end at the time of arrival at the airport.

d) An employee who normally works until 5:00 p.m. departs from the home city on a 4:00 p.m. flight which arrives at the alternate work site at 6:00 p.m., where the employee remains overnight. The time between 4:00 p.m. and 5:00 p.m. shall be time worked; the time between 5:00 p.m. and 6:00 p.m. shall not be time worked.

e) An employee who normally works until 5:00 p.m. departs from the home city on a 6:00 p.m. flight which arrives at the alternate work site at 8:00 p.m., where the employee remains overnight. The travel time shall not be considered time worked.

On-Call for Non-Exempt Employees

Payment for on-call time shall be in accordance with the provisions of CDU – APM I.E.00555 (Hours of Work).
C. STANDARD AND ALTERNATE WORKWEEKS

The standard workweek is from 12:01 am Monday to 12:00 midnight the following Sunday. When circumstances require such action, alternate workweeks of any other 7 consecutive 24 hour periods may be approved by the President, Organization Head or designee following consultation with the Department of Human Resources regarding Fair Labor Standards Act (FLSA) and notice requirements.

D. WORK SCHEDULES

Work schedules are established and approved by the Department Head or designee following consultation with the Department of Human Resources regarding FLSA and notice requirements.

Applicability: Exempt and Non-exempt Staff Members