Policies for Professional Staff and Support and Service Staff not Covered by a Union

Work Time and Record Keeping for Support and Service Staff and Professional Staff who are Eligible for Overtime

PA/SS 4.3

Revised May 31, 2012

Employees covered by this policy

This policy applies to all Staff employees whose positions are covered by the Fair Labor Standards Act (FLSA) overtime provisions.

A. Purpose

The Fair Labor Standards Act (FLSA) establishes minimum wage, overtime pay, and record-keeping standards for the United States. Indiana University supplements the Act with policies on matters that are not covered in the FLSA, such as certain work hour rules, rest periods and lunch breaks. The purpose of this policy is to describe both the FLSA and University rules and regulations on these topics.

B. Introduction

1. This policy contains the university's personnel policies on (a) work hours, (b) record-keeping responsibilities, (c) lunch breaks, and (d) off-campus work which apply to Support and Service Staff and Professional Staff who are eligible for overtime (collectively referred to in this policy as Staff employees).

2. This policy also contains the university's personnel policies on (a) rest periods, (b) uniform change time, and (c) shift preference which apply only to Support and Service Staff.

C. Work hours

1. The workweek for all campuses and departments officially begins and ends at 12:00 midnight on Saturday.

2. A full-time work schedule normally consists of five, eight-hour days and 40 hours each workweek. Departments establish hours of operation and reporting and departing times and may allow alternate
or flexible work schedules that support operational needs. Any change in a Staff employee’s work schedule requires advance approval of the supervisor.

a. If operational needs require, a department may establish on a regular, on-going basis, a full-time work schedule in which the hours of work are not the same for each workweek of the pay period. In such schedules, hours covered by the Overtime Pay policy are compensated at an overtime rate.

i. In the case of a Support and Service Staff employee, the scheduled hours may be less than 40 hours for one week of the two-week pay period and greater than 40 hours for the other week. However, the scheduled work hours must average 40 hours per week for each pay period. An example is a work schedule of 36 scheduled hours in one week and 44 scheduled hours in the other week of a pay period.

ii. In the case of a Professional Staff employee eligible for overtime, the scheduled hours may be different for different weeks of the monthly pay period but must average 40 hours per week for the pay period.

iii. Overtime compensation will be received for all hours covered by the Overtime Pay policy.

iv. With such an established work schedule, Absence With Benefits (AWB) will be applied in any week in which the scheduled hours are less than 40 hours to ensure that the employee receives full time-off accruals for each pay period. Time off accruals are not earned on hours worked over 40 in a week. AWB will not be applied to cover any unpaid absences during the scheduled work hours unless qualified under another personnel policy.

v. Such a schedule is to be reviewed with the campus Human Resources Office before it is implemented and on an on-going basis to ensure that it is a full-time, bona-fide schedule maintained over a period of time and that overtime is appropriately compensated.

3. Departments should not schedule Staff employees to work more than six days of the week on a regular basis.

4. Departments have the authority to change a Staff employee’s scheduled day off. If the department notifies a Support and Service Staff employee of the change at least five calendar days in advance, the employee will be compensated for that day at his or her regular rate of pay. If less than five calendar days notice is given, the Support and Service Staff employee will be paid at time and one-half for hours worked that day.

D. record-keeping responsibilities

1. Departments shall establish written weekly work schedules and maintain those schedules with other payroll-related records within the department.

2. It is each employee’s responsibility to accurately record all hours worked on the university-provided timekeeping device or form and to submit the recorded time each pay period to his or her supervisor for approval.

   a. This includes work conducted for the University remotely, whether at an offsite location or via electronic device-unless the work is de minimis.

3. It is each department's responsibility to maintain a record of all hours worked, and the supervisor is responsible for verifying the accuracy of the time submitted.

E. Lunch breaks

1. Staff employees receive one hour off for lunch each day, unless a department has established a
different schedule. Staff employees should not be required to work more than six consecutive hours without a minimum of a one-half hour lunch period free from the job.

2. By mutual agreement between the employee and the supervisor, an employee can work more than six consecutive hours without an unpaid lunch break of 30 minutes or more, either as an occasional adjustment to the work schedule or on a regular basis as an alternative or flexible work schedule. In these situations every effort should be made to provide the Support and Service Staff employee the fifteen minute rest periods as provided below.

   a. It is recommended that any alternative work schedule that is adopted pursuant to this policy include a specific time-frame, such as a semester, such that the arrangement is periodically evaluated to ensure that the departmental needs are being met.

   b. Supervisors should make efforts to honor an agreed-upon alternative work schedule, but may discontinue, suspend, or modify the arrangement if work needs change or if service is impaired.

   c. Denial of a request for an alternative work schedule or revocation of a previously agreed-upon alternative work schedule is not subject to the grievance procedure.

F. Off-campus work

1. When departments require Staff employees to perform a work assignment, attend class, etc., at a location away from the campus of their normal work assignment, they are eligible for pay for the time spent on the activity.

2. Lectures, Meetings and Training Programs. Attendance that has been approved in advance at lectures, meetings, training programs and similar activities is work time in any of the following circumstances:

   a. attendance is during normal work hours,

   b. attendance is required by the university,

   c. the event is work-related, or

   d. university work is performed.

3. Conferences. When a Staff employee is attending a conference, work time consists only of the daily conference activities. Time spent on meal breaks, activities undertaken after the daily conference activities are completed (including attending voluntary social events presented as part of the conference) and sleeping is not considered work time.

4. Travel Time. Travel time may be work time, depending upon the kind of travel involved.

   a. Home/Work Travel: An employee who travels from home before the regular workday and returns to his/her home at the end of the workday is engaged in ordinary commuting, which is not work time.

   b. Travel time during normal work hours is work time

   c. Home to Work on a Special One-day Assignment in another City: When a Staff employee who regularly works in one city is given a special one-day assignment in another city and returns home the same day, the time spent traveling to and returning from the other city in excess of the time the employee would normally spend commuting to the regular work site is work time.

   d. Overnight Travel Away from Home Community: The following provisions apply to travel
time that keeps an employee away from home overnight:

i. Driving that the employee is required to perform is work time.
ii. Time when work is performed while traveling is work time.
iii. Travel time during normal work hours is work time.
iv. Travel time during hours that are normal work hours during the week but which occurs on a
day normally scheduled off is work time.
v. Travel time not covered above is not work time.
vi. A break in travel for meals is not work time.
vii. Time at the destination when the employee is free to come and go as he or she wishes is not
work time.

G. Rest periods for Support and Service Staff

1. Departments and supervisors will make efforts to permit Support and Service Staff employees to take
rest periods. Reasonable rest periods normally consist of a 15-minute break during each half-day of
work. Supervisors can ensure the efficiency of a work unit by scheduling rest periods at staggered
times. Supervisors may use discretion in scheduling additional breaks for Support and Service Staff
who work in adverse conditions, for example, in extreme cold.

2. Support and Service Staff may not skip a rest period to
   a. Compensate for a late arrival to work
   b. Compensate for an early departure from work
   c. Accumulate time to use later

H. Uniform change time for Support and Service Staff

Support and Service Staff who are required to wear uniforms, but are not permitted to wear the uniforms to
and from work, are allowed ten minutes of compensable time at the beginning and end of each scheduled
workday to change into and out of uniforms.

I. Shift preference for Support and Service Staff

Except in units where the practice is to rotate shift assignments on a regular basis, shift preference for
Support and Service Staff job openings having identical duties and responsibilities is given in order of
occupational unit seniority.