

Memo to: All UH-Downtown/PS Holders

UH-Downtown/PS 02.A.01

From: William Flores, President

Issue No. 6

Effective date: 07/09/2015

Subject: Policy on Working Hours

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## **1. PURPOSE**

This PS defines University operating hours and employee hours of work to comply with standards of public service and operational efficiency, and with federal and state laws and regulations.

## **2. DEFINITIONS**

- 2.1 Call-out/Call-back time: Call-out/Call-back time occurs when an employee is called out to the work site after the employee's normal shift is completed or on a non-workday.
- 2.2 Compensatory (Comp) Time: Paid time off that can be used in the future in lieu of paying the employee overtime for hours worked in excess of forty (40) per week.
- 2.3 Exempt employee: An employee in a position that is not subject to the overtime provisions of the Fair Labor Standards Act (FLSA). Exempt employees include professionals, administrators, and executives and are paid on a monthly basis.
- 2.4 FTE: An abbreviation for full-time equivalency that refers to a percentage of time and effort for a position.
- 2.5 Flextime: An optional work schedule in which the employee works the regular number of weekly hours (based on 40 hours) on a time schedule other than the regular 8:00am to 5:00pm, Monday through Friday hours.
- 2.6 Job abandonment: Job abandonment is a form of resignation, and the employee may be released without application of the policy and procedures on discipline and dismissal.
- 2.7 Non-exempt employees: Employees who are paid hourly according to FLSA standards.
- 2.8 On-call Duty: On-call duty is the time after the employee's normal shift is completed or on a non-workday where the employee must remain available to be called back to work on short notice, if the need arises, or when the employee may be required to remain "on call" on University premises or at a fixed location.

- 2.9 Overtime pay: Cash payment for time actually worked in excess of 40 hours in the standard workweek by a non-exempt employee. (Compensation is at the rate of one and one-half times the employee's regular hourly rate of pay for all overtime worked.)
- 2.10 Tardiness: Tardiness is defined as being late to work, late returning from a lunch break, or late returning from any other absence from work.
- 2.11 Troubleshooting Duty: Troubleshooting duty occurs when an employee is asked to troubleshoot technical or mechanical problems before the start of or after the employee's normal shift is completed or on a non-workday from home or a non-work location.
- 2.12 Time Reporting and Absence Management (TRAM): TRAM is an automated and updated application for capturing and processing time and leave for all employees.
- 2.13 Time Collection Device (TCD): Electronic device used by non-exempt employees to punch in and out. TCDs are located in designated areas where the employee is responsible for clocking in by scanning their thumb or fingerprint to report their time worked and meal breaks. Data from TCDs is collected and loaded into the University's payroll system for processing.
- 2.14 People Advantage Self Service (P.A.S.S.): P.A.S.S. keeps a history of all earnings, paychecks issued, direct deposits, W-2 forms, leave balances and benefits. Employees can view and print earnings statements and W-2 forms that have been issued since 2001. This feature gives employees 24-hour access to their payroll and benefits information.
- 2.15 Web Clock: Time collection system used by non-exempt employees through P.A.S.S. Non-exempt employees assigned to web clocks are responsible for punching in and out to report time worked and meal breaks. Time is transmitted from the web clock punches to the University's payroll system for processing.
- 2.16 Time Reporter: Term used for non-exempt employees when recording time worked and meal breaks on a daily basis utilizing a TCD or web clock in TRAM, and submitting absence requests.
- 2.17 Punch: Term used to describe the action when a time reporter enters their time via a web clock or TCD. Punches include, in, start meal, end meal and out.

### **3. POLICY**

#### 3.1 Hours of Work

- 3.1.1 The University of Houston-Downtown's (UHD) normal workweek begins at 12:01 a.m. on Wednesday and extends through the seven-day period ending at midnight the following Tuesday.

- 3.1.2 All staff employees paid on a full-time basis are required to work a minimum of 40 hours per work week unless on approved leave status.
- 3.1.3 Part-time employees employed at less than 100 percent FTE are expected to work those hours designated by the employing department as necessary to fulfill the requirements of their positions. Such hours of work shall be consistent with the FTE of the particular position.
- 3.1.4 [Texas Government Code, Chapter 658.005](#) defines normal working hours for state agencies as 8:00am until 5:00pm, Monday through Friday. However, faculty may have working hours before or after these hours, including weekends. Some staff, because of the nature of services they render, may also be scheduled to work varied hours and days.
- 3.1.5 The Texas Government Code, Chapter 658.005 requires that state offices remain open during the noon hour with at least one person on duty to accept calls, receive visitors, or transact business.

### 3.2 Flextime

- 3.2.1 Departmental management may stagger normal working hours of department personnel consistent with federal and state regulations and in the interest of the operating needs and requirements of the University to best serve students, faculty and staff.
- 3.2.2 When a supervisor chooses to implement a flextime schedule, the option should be available to all personnel, except for those in positions where business necessity requires adhering to the 8:00am to 5:00pm, Monday through Friday work schedule. Those positions should be so designated in advance of implementing the flextime schedule.
- 3.2.3 When personal conflict prevents an employee from adhering to the normal working schedule of the University (i.e., travel time to and from work, day-care problems, etc.), the employee may request a different schedule. Approval from the supervisor and the department head must be obtained in advance for any deviation from the regular hours of work.

### 3.3 Employees are required to adhere to the schedule set by their supervisors.

### 3.4 Overtime/Compensatory Time

- 3.4.1 Certain offices may remain open during hours and days other than 8:00 am and 5:00 p.m., Monday through Friday, but the time worked counts toward the required 40 hours per week for the purposes of calculating overtime pay or compensatory time for non-exempt personnel.

- 3.4.2 Employees may be asked to work more than normal hours when operational needs demand it and must be approved by the department head and the appropriate vice president prior to the work being performed. Non-exempt employees may be granted overtime pay for hours worked in excess of forty hours during the work week. Supervisors should manage the work load so that overtime is minimized.
- 3.4.3 FLSA permits public sector employers to give non-exempt employees compensatory time off in lieu of monetary overtime compensation. Compensatory time must be given at a rate of one and one-half hours for each hour of employment for which overtime compensation is required.
- 3.4.4 Working unauthorized overtime may subject a non-exempt employee to disciplinary action, up to and including termination.
- 3.4.5 Non-exempt employees are not permitted to sign in or commence work before their normal starting time or to sign out or continue work after their normal quitting time without the prior approval of the supervisor.
- 3.4.6 As per FLSA regulations, exempt employees are not eligible to receive overtime or compensatory pay.
- 3.4.7 Employees requesting time-off using accumulated compensatory time must have supervisory approval prior to taking the leave.

### 3.5 Time Reporting

- 3.5.1 All non-exempt employees are required to account for hours worked by reporting their time via a time collection device (TCD) or web clock.
- 3.5.2 Weekly pay is computed from hours worked (punches collected in TRAM) plus hours of approved absence (absences requested and approved in TRAM) for which the employee is eligible to be paid. Only approved absences for leave taken may be considered as hours worked for pay purposes.
- 3.5.3 Falsifying information pertaining to leave taken or not reporting leave is strictly prohibited and may result in disciplinary action up to and including termination. Managers who make changes to absence requests or make incorrect adjustments to reported leave on the electronic timesheets may be subject to discipline and dismissal the same as the employee who falsifies their leave requests.

### 3.6 Breaks

- 3.6.1 Non-exempt employees may take periodic rest breaks. Rest breaks during the work day are considered time worked and are not recorded in TRAM. The time for rest breaks for non-exempt employees is decided and scheduled by departmental management with appropriate regard for work load.

- 3.6.2 Each employee is provided a meal break near the middle of the work day. Meal breaks are not considered time worked. All non-exempt employees are required to take a 60-minute meal break unless other arrangements are made with the supervisor. Scheduling of meal breaks should be approved by the supervisor.
- 3.6.3 Non-exempt employees are required to account for their meal breaks by recording a punch in their TCD or web clock at the start and end of their meal break.
- 3.6.4 Any other time spent by a non-exempt employee away from the work area (i.e., deliveries, office errands, etc.) must be approved by the supervisor. Employees leaving the work area should let the supervisor know where they may be reached and the length of time they will be away.
- 3.6.5 Management may alter or amend meal or rest break schedules as necessary to ensure efficient operations.

### 3.7 Holidays

- 3.7.1 Holidays shall be established by UHD in accordance with state law. Employees will be notified of the holiday schedule each fiscal year. A UHD employee is entitled to observe Rosh Hashanah, Yom Kippur, Good Friday, and Cesar Chavez Day by using accrued vacation hours.

### 3.8 Tardiness and Job Abandonment

- 3.8.1 All employees are required to call their supervisors by no later than one hour following the scheduled starting time to report absence. If the employee is unable to reach the supervisor directly, the employee is required to report to someone within the department and then make personal contact with the supervisor as soon as reasonably possible.
- 3.8.2 Tardiness generally applies only to non-exempt employees. Habitual tardiness of employees should be handled by the supervisor.
- 3.8.3 An employee who leaves work without authorization or who fails to report to work and notify their supervisor for more than three continuous work days may be considered to have abandoned the job.

### 3.9 National Guard or Reserve Personnel

- 3.9.1 [Texas Government Code, Section 658.008](#), requires that the work schedule of an employee who is a member of the Texas National Guard or United States Armed Forces Reserve be adjusted so that two of the days off each month

coincide with the two days of military duty. An employee may not be required to use vacation or any other compensated leave for this military duty.

### 3.10 On-call Duty

- 3.10.1 A non-exempt employee on “on-call duty” status is required to be available by telephone, pager, cell phone, or other electronic device during specific, pre-arranged hours, and may be called back to work on short notice if the need arises.
- 3.10.2 If the employee can utilize the “on-call duty” time for personal use, and there are no location restrictions while on “on-call duty” status, i.e., employee does not have to be on University premises or at a fixed location during the on-call period, this time is not compensable.
- 3.10.3 A non-exempt employee on “on-call duty” status who is required to remain on University premises, or at a fixed location, and cannot use time for personal use, this time is compensable, and the employee may be eligible for overtime pay.

### 3.11 Call-out/Call-back Time

- 3.11.1 A non-exempt employee who is called back to work after the employee’s normal work schedule is completed, and who reports for such work, is eligible for call-out/call-back pay.
- 3.11.2 An employee entitled to call-back pay receives the greater of four (4) hours of regular hourly pay or 1½ times the regular hourly pay for the time actually worked.
- 3.11.3 Travel time to the worksite is not compensable.

### 3.12 Troubleshooting Duty

- 3.12.1 If a non-exempt employee is asked to troubleshoot technical or mechanical problems from home or a non-work location after the employee’s normal work schedule is completed or on a non-workday, the employee is eligible to receive the greater of one (1) hour of regular hourly pay or 1½ times the regular hourly pay for the time actually worked.

### 3.13 Work on a scheduled holiday

- 3.13.1 The nature of certain operations may require that they be kept in operation during part or all of scheduled holidays. For that reason, staff assigned to such work groups must, as a condition of their employment, be available to work on some or all of such holidays. Work on a scheduled holiday must be

approved in advance by the supervisor. Eligible employees who are required to work on a scheduled holiday will be entitled to equivalent time off with pay to be taken during the 12-month period following the end of the workweek in which the holiday occurred. The date(s) of such equivalent time off will be mutually agreed upon in advance by the employee and the supervisor. Unless an employee actually works on a scheduled holiday, holiday hours are not considered as “hours worked” for the purpose of computing weekly overtime of non-exempt employees. Employees may be paid for holiday compensatory time hours earned on a straight time basis when the supervisor determines that allowing the employee to take compensatory time off would be disruptive to normal teaching, research, or other critical functions.

### 3.14 Paid Leaves

3.14.1 Employees wishing to take paid leave, such as vacation, sick leave, jury duty, etc., must submit an absence request through TRAM. For additional information, see [SAM 02.D.01, Vacation and Sick Leave Policy](#), [SAM 02.D.06, Family and Medical Leave](#), [SAM 02.D.08, Parental Leave](#), or [PS 02.A.09, Miscellaneous Leave Policy](#).

## 4. PROCEDURES

- 4.1 All non-exempt employees must account for hours worked and meal breaks by reporting their time via a time collection device (TCD) or web clock. On a typical day, non-exempt employees will record four punches on their assigned TCD or web clock. These are: (1) In (when arriving to work), (2) Start Meal (when leaving for lunch), (3) End Meal (when arriving back to work), and (4) Out (when leaving for the day).
- 4.2 All requests for paid leave must be submitted in advance through Absence Management in TRAM.
- 4.3 All overtime must be approved verbally in advance by the supervisor.
- 4.4 The supervisor completes the [Advance Authorization for Overtime](#) form and forwards it to the appropriate vice president for approval. A copy of the approved form is sent to Employment Services and Operations.
- 4.5 As per [University of Houston System Administrative Memorandum 02.E.03](#), UHD employees may observe Rosh Hashanah, Yom Kippur, Good Friday and/or Cesar Chavez Day by using accrued vacation leave or leave without pay if all accrued vacation leave has been exhausted. An employee who wishes to observe these optional holidays must provide reasonable advance written notice to his or her supervisor and .Employees requesting vacation to observe Rosh Hashanah, Yom

Kippur, Good Friday, or Cesar Chavez Day must submit a vacation request through TRAM.

- 4.6 Employees requesting time-off using accumulated compensatory time must request leave through TRAM, and receive approval, prior to taking time off.

## **5. EXHIBITS**

There are no exhibits associated with this policy.

## **6. REVIEW PROCESS**

Responsible Party (Reviewer): Vice President for Employment Services and Operations

Review: Every three years on or before November 1<sup>st</sup>.

Signed original on file in Employment Services and Operations.

## **7. POLICY HISTORY:**

Issue #1: 05/12/89

Issue #2: 07/24/00

Issue #3: 11/08/06

Issue #4: 01/20/09

Issue #5: 01/08/10

## **8. REFERENCES**

[Texas Government Code, Chapter 658.005](#)

[Texas Government Code, Section 658.008](#)

[SAM 02.D.01, Vacation and Sick Leave Policy](#)

[SAM 02.D.06, Family and Medical Leave](#)

[SAM 02.D.08, Parental Leave](#)

[SAM 02.E.03, Holidays](#)

[PS 02.A.09, Miscellaneous Leave Policy](#)