

# Arkansas State University System

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## Operating Procedure

**Effective Date: 11/1/2016**

### **Subject: Time and Attendance Management Procedure for Non-Exempt Employees under the Fair Labor Standards Act**

In order to ensure accurate employment compensation and compliance with the Fair Labor Standards Act, campuses within the Arkansas State University System shall adhere to this Operating Procedure for monitoring the time and attendance of those employees who are not exempt from overtime protection under the Fair Labor Standards Act (“FLSA”).

#### **TIME AND ATTENDANCE REPORTING**

Each campus within the Arkansas State University System, individually, or as a group or groups, shall develop an efficient and effective method of reporting and monitoring time and attendance reporting from all Non-Exempt Employees.

Each Non-Exempt Employee is required to make a daily reporting of all time spent in his or her employment with his or her Home Campus, and any leave time taken. Such reports shall be submitted weekly. The time reported shall include Compensable Travel Time, Compensable Meeting Time, time spent on work during the course of the Non-Exempt Employee’s Regular Working Hours, time spent working by the Non-Exempt Employee during “off hours”, absences, late arrivals, early departures, and meal breaks. Each submitted report shall be certified by the Non-Exempt Employee to be accurate, true and correct. False or inaccurate reporting of time worked by an employee may result in disciplinary action.

Each supervisor shall review the time and attendance reports of all Non-Exempt Employees within that supervisor’s department and verify the report(s) on a weekly basis.

#### **PROHIBITION ON UNAUTHORIZED OVERTIME AND UNREPORTED WORK TIME**

Overtime Work is not permitted except where requested, in writing, by a Non-Exempt Employee’s supervisor. Voluntarily arriving at the work location before, or remaining at the work location after the Non-Exempt Employee’s Regular Work Hours will not be compensated, and the Non-Exempt Employee is prohibited from performing any work functions during that time. Unreported, or “off the clock”, time is prohibited, and shall be treated as a fraudulent certification of time. Unauthorized overtime or unreported work time may result in disciplinary action being taken against the Non-Exempt Employee.

#### **OVERTIME REQUIRED AT SUPERVISOR’S DISCRETION**

At the discretion of a supervisor, when operations of the department require additional working hours than those contained within the Regular Working Hours, Non-Exempt Employees may be scheduled to work as Overtime Work. A Non-Exempt Employee will be expected and required to perform Overtime Work only when necessary to meet the needs of his or her department or Home Campus. Advance notification of an Overtime Work assignment will be provided whenever possible. Supervisors shall take efforts to avoid the need for Overtime Work whenever possible.

### **COMPENSATORY TIME AS COMPENSATION**

As authorized by Arkansas law, the Arkansas State University System, as an agency of the State of Arkansas, shall grant compensatory time in lieu of overtime compensation for those Non-Exempt Employees who are approved for Overtime Work, in writing, by their supervisors. Compensatory time shall be granted at a rate of one and one-half hours (1 ½) for each one hour of Overtime Work completed by the Non-Exempt Employee. In accordance with Arkansas Administrative Code 006.24.1-110.1.2, compensatory time may not be earned in less than fifteen (15) minute increments.

### **MANDATORY USE OF COMPENSATORY LEAVE**

Any Non-Exempt Employee with available compensatory time hours must use those hours for paid time off before the Non-Exempt Employee can use his or her available annual leave. A Non-Exempt Employee with available compensatory time must deplete that balance before obtaining unpaid leave.

Non-Exempt Employees may not acquire more than two hundred and forty (240) hours of compensatory time, and may be required to take leave upon reaching that limit. Use of compensatory time shall be approved by a Non-Exempt Employee's supervisor, and utilized so that it does not disrupt the normal operations of the Non-Exempt Employee's department.

### **SUSPECTED OR KNOWN VIOLATIONS**

Suspected or known violations of this Operating Procedure should be immediately reported to the Office of Human Resources for the Non-Exempt Employee's Home Campus. Allegations of violations of this Operating Procedure shall be fully investigated. Arkansas State University System prohibits any retaliatory action against good faith reporters of known or suspected violations of any Arkansas State University System Policy or Operating Procedures.

### **DEFINITIONS**

The following definitions shall apply to this Operating Procedure:

Arkansas State University System – refers to the Arkansas State University System, and each campus within the System.

Compensable Meeting Time – includes all meetings attended by the Non-Exempt Employee in the course and scope of his or her employment except when: the meeting is held outside the Non-Exempt Employee's Regular Work Hours; attendance is voluntary; the meeting is not directly related to the Non-

Exempt Employee's job; and, the Non-Exempt Employee does not perform any productive work while attending the meeting.

Compensable Travel Time – includes that time spent travelling from one location to another in the course and scope of a Non-Exempt Employee's employment. For out of town travel completed in one day, that time spent travelling from the normal place of employment to the travel destination, from one location to another, and that time spent performing work on behalf of the employer is included. For overnight out of town travel, time spent on work, and time spent on travelling during the Non-Exempt Employee's Regular Working Hours, or during regularly scheduled hours of employment on another day than that which the Non-Exempt Employee typically works, is included. For overnight out of town travel, time spent travelling as a passenger on an airplane, train, boat, bus, or automobile during hours outside of the Non-Exempt Employee's Regular Working Hours, or outside of regularly scheduled hours of employment on another day than that which the Non-Exempt Employee typically works, is not Compensable Travel Time. Time commuting from the Non-Exempt Employee's residence to Home Campus, or Home Campus to the Non-Exempt Employee's residence is not Compensable Travel Time.

Home Campus – refers to the specific campus within the Arkansas State University System where a particular Non-Exempt Employee is employed.

Non-exempt Employee(s) – employee(s) who are employed in a position which is not exempt from the Fair Labor Standards Act, and who are entitled to overtime protection under the same.

Overtime Work – any work performed by the employee in the course or scope of the Non-Exempt Employee's employment that exceeds forty (40) hours of work in a work week. Overtime Work includes working early, finishing work late, working during a meal break or at the employee's desk or work station, taking work home, working weekends, making phone calls or text messages on behalf of the employer or in the course and scope of the Non-Exempt Employee's employment, accessing and/or responding to emails in the employee's campus issued email account, and/or accessing the campus's network outside of Regular Working Hours, where the time to do so causes the Non-Exempt Employee to exceed forty (40) hours of work in a single work week.

Regular Working Hours – for Non-Exempt Employees begins at 8:00 a.m. and ends at 5:00 p.m., with a one (1) hour lunch period, or begins at 8:00 a.m. and ends at 4:30 p.m. with a thirty (30) minute lunch period, Monday through Friday, except where otherwise provided in the applicable job description, with a 15 minute break in the morning and a 15 minute break in the evening. Campus recognized holidays or when the Non-Exempt Employee's campus is otherwise closed are not regular working hours.

Work – those services rendered by a Non-Exempt Employee in the course and scope of that Non-Exempt Employee's position. Work does not include time spent at lunch, time used from the Non-Exempt Employee's available leave balances, or time used as the Non-Exempt Employee's available wellness or educational release time. Time spent at lunch, time which is used from the Non-Exempt Employee's available leave balances, and time used as the Non-Exempt Employee's available wellness or educational release time shall not be counted towards the forty (40) hours of work in a work week.