

USM Bylaws, Policies and Procedures of the Board of Regents

USM HR Policy Review Sheet

Policy Number: VII – 6.10

New Policy Title: Policy on Work Schedules for Regular Nonexempt and Exempt Staff Employees

Old Policy Title: Policy on Work Schedules for Regular Exempt Staff Employees

1. Policy Application: Nonexempt Staff Exempt Staff Faculty Contingent Staff
 All Other: _____

2. Proposed Revisions

Terminology outdated

Re-Formatting

Title Change

Obsolete provisions deleted

Merge with other policy: _____

Clarifications: _____

Transfer to another policy or chapter: _____

Updates to reflect changes in law

Incorporate USM-wide existing practice into policy

Incorporated Pre-USM Policy: Personnel Policies and Rules for Classified Employees, Section V., page V-1 through page V-3, "The Weekly Work Period and Daily Work Period," "Work Week," "Work Schedules," "Days, Hours and Shifts", March 1988.

Fills gap in policy:

Added definitions

Other revisions: _____

VII- 6.10 - POLICY ON WORK SCHEDULES FOR REGULAR NONEXEMPT AND EXEMPT STAFF EMPLOYEES

(Approved by the Board of Regents on December 3, 1999, EFFECTIVE January 2, and January 12, 2000; Amended, 2015)

I. PURPOSE AND APPLICABILITY

This policy identifies the work schedule requirements for regular employees in Nonexempt and Exempt positions.

II. SCHEDULE REQUIREMENTS

Each USM institution has a set workweek for employees. All changes to the set workweek must be approved by the Unit Head or designee in advance. The hours and days of employment may vary to meet operational demands, provided they adhere to wage and hour laws and provide reasonable notice to the employee.

A. Exempt Employees

~~Employees in Exempt positions should be assigned a reasonable work schedule. The work of employees in exempt positions is not measured solely by the hours worked.~~ Employees in Exempt positions are exempt from overtime provisions of federal and state wage and hour laws, and exempt employees are expected to work when needed, including the hours necessary to complete assignments on a schedule that satisfies the requirements of the job and needs of the department. A full-time commitment typically requires a minimum of 80 hours per bi-weekly payroll period. Although not required and not an entitlement, a limited amount of compensatory leave may be granted, with the prior written approval of the institution ~~CEO/President~~ or designee. Compensatory leave shall be used within one year from the date it is earned. No compensation shall be paid for compensatory leave that is unused at the time the employee leaves university service, and such leave shall not be restored upon reinstatement.

B. Nonexempt Employees

A full-time commitment typically requires 40 hours per week.

1. Overtime

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Employees in Nonexempt positions are subject to overtime provisions of federal and state wage and hour laws. Overtime will be paid at an overtime premium rate of one and a half times the employee's regular pay rate for all hours worked over 40 hours per pay week. Holidays, unscheduled closings, annual, personal and sick leaves count as time worked. The employee's institution may require employees to work overtime. Overtime work should be limited to unusual, essential, or emergency situations, and, when practical, should be fairly distributed. Nonexempt employees will be paid for all hours worked; however, overtime requires advanced approval from the employee's department head.

2. Compensatory Leave

- a. Department heads, with prior approval determined by the institution, may enter into a voluntary agreement/understanding with a Nonexempt employee that the employee will receive compensatory leave in lieu of payment for overtime.
- b. The employee cannot be required to accept Compensatory Leave and the Unit Head is not required to approve Compensatory Leave if requested by the employee.
- c. Compensatory Leave will be earned in the same manner as overtime, i.e., time and one-half for hours worked in excess of 40 in a workweek.
- d. Compensatory Leave may not exceed a maximum accumulation of 240 hours at any time; any overtime worked beyond this amount must be compensated as paid overtime.
- e. Compensatory Leave shall be used in the same calendar year as earned. Any accumulated compensatory leave remaining at the end of the calendar year earned, and/or at the time of separation from USM employment, must be paid in full.

III. TIMEKEEPING

A. Exempt Employees

Consistent with the Fair Labor Standards Act (FLSA), USM Exempt employees will note on their timesheets "D" (duty day) to record days worked. Work days and leave hours shall be recorded for all Exempt Staff employees via a positive or exception-based timekeeping method that supports the accurate accounting of leave balances.

B. Nonexempt Employees

Consistent with the Fair Labor Standards Act (FLSA), Nonexempt employees are required to record actual hours worked on their timesheets. All leave hours must also be recorded.

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IMPLEMENTATION PROCEDURES:

Each President shall identify his/her designee(s) as appropriate for this policy, develop procedures as necessary to implement this policy, communicate this policy and applicable procedures to his/her institutional community, and post it on its Institutional website.

~~—Each Chief Executive Officer or designee shall establish procedures as necessary for reasonable work schedules, days worked and recording leave and shall submit a copy of such procedures to the Chancellor. Such institutional procedures may require additional reporting of information as the Chief Executive Officer or designee may direct.~~

REPLACEMENT FOR:

~~Laws Relating to and Governing Policies and Procedures of the Board of Trustees of the State Universities and Colleges of Maryland, Section VI., Administrative Officers, page VI-1, July, 1985.~~

~~Personnel Policies and Rules for Classified Employees, Section V., page V-1 through page V-3, “The Weekly Work Period and Daily Work Period,” “Work Week,” “Work Schedules,” “Days, Hours and Shifts”; page V-4, “Overtime Group II,” Item 4; and page V-6, “Compensatory Time—Group II,” March 1988.~~

~~Policies and Rules for Associate Staff, paragraph L, “Work Week and Compensatory Leave,” June, 1989, page 31.~~

~~BOR Policy III-12.00, Policy on Academic Administrators/Associate Staff Time Keeping Record, issued by the President, June 15, 1977, pages III-12.00-1 through 12.00-5.~~

~~Additionally, this policy supersedes, in whole or in part, any policy(ies) and/or procedure(s) established by the Regents, Trustees, Presidents, or their designees, of the former institutions of the University of Maryland, and of the former State Universities and Colleges, and of the Regents of the University System of Maryland that are in conflict with this policy’s purpose, applicability, or intent, that may have been overlooked and not included as a specific citation under “Replacement For.~~