



OLD DOMINION UNIVERSITY

University Policy

Policy #6200 HOURS OF WORK POLICY

Responsible Oversight Executive: Vice President for Human Resources
Date of Current Revision or Creation: March 30, 2016

A. PURPOSE

The purpose of this policy is to establish the University's guidelines for hours of work in order to ensure compliance with and consistent application of the [Federal Fair Labor Standards Act \(FLSA\)](#), the Commonwealth's Department of Human Resources Management policies and the Code of Virginia.

B. AUTHORITY

[Virginia Code Section 23-9.2:3, as amended](#), grants authority to the Board of Visitors to establish rules and regulations for the institution. Section 6.01(a)(6) of the [Board of Visitors Bylaws](#) grants authority to the President to implement the policies and procedures of the Board relating to University operations.

The University has authority to create policies and procedures to supplement the Department of Human Resource Management's (DHRM) policies. This policy provides the procedures to be followed in order to comply with the [Virginia Department of Human Resource Management Policy 1.25 – Hours of Work](#) and the [Federal Fair Labor Standards Act \(FLSA\)](#).

C. DEFINITIONS

Additional Straight Time Pay - Monetary compensation at the employee's normal rate used primarily to compensate non-exempt employees for extra hours worked in a work week in which the employee's total hours worked is less than 40.

Alternative Work Schedule – A schedule that differs from the standard 40-hour work week schedule of 8:00 a.m. to 5:00 p.m., Monday through Friday.

Call Back Pay – Compensation that non-exempt employees are eligible to receive when contacted to return to work outside of their regularly scheduled work hours at the direction of management. The minimum payment is two hours pay at the straight time rate for reporting to work under such conditions.

Classified Employee – A salaried employee whose terms and conditions of employment are subject to the [Virginia Personnel Act, Code of Virginia Section 2.2-2900 et seq., as amended](#), and who is employed in a classified position.

Compensatory Leave – Leave typically awarded to non-exempt employees who perform work on holidays, weekends, or other times outside of the normal work schedule and when total hours worked is 40 or less the same week. Such leave is awarded at a rate of one hour of leave earned for each hour worked. Under special and limited conditions, compensatory leave may be awarded to certain exempt employees at the discretion of the supervisor.

Department of Human Resource Management (DHRM) – State agency tasked with providing policies that govern the management of the State’s workforce.

Designated Personnel – Exempt and non-exempt employees who are required to work during an authorized closing because their positions have been designated as essential to agency operations during emergencies. Designated employees may be required to work during times they are not regularly scheduled to work.

Exempt Employee/Position - An employee who is not subject to the provisions of the Federal Fair Labor Standards Act (FLSA). The position meets the FLSA job duties exemption test and the employee’s salary meets the FLSA salary basis exemption test. Such employees are normally in management or professional positions.

Federal Fair Labor Standards Act (FLSA) - The Federal Act that establishes minimum wage, overtime pay, recordkeeping, and youth employment standards affecting employees in the private sector and in Federal, State, and local government.

Non-Exempt Employees - Employees whose work hours and wages are governed by the Federal Fair Labor Standards Act (FLSA).

On-Call Pay – On-call pay is a supplement provided to employees who are required to be available to return to work. For non-exempt employees, if the on-call assignment is so restrictive that it prevents the employee from effectively using the time for personal benefit, the time may be considered work time and on-call payments do not apply. Otherwise, on-call duty is not considered work time. On-call pay must be included in the non-exempt employee’s regular rate of pay when computing overtime liability.

Overtime - Any hours worked by a non-exempt employee in excess of 40 during a given work week. Overtime must be compensated through the payment of overtime pay (one-and-one-half-hour overtime rate) or overtime leave (one-and-one-half-hour overtime rate) and is applicable only to non-exempt employees.

Overtime Leave - Compensation in the form of leave, awarded at a rate of one and one-half hours leave earned for hours worked in excess of 40 during any given work week. Overtime leave is applicable to non-exempt employees only.

Overtime Pay - Monetary compensation at one and one-half times the employee's normal rate for hours worked in excess of 40 during any given work week. Overtime pay is applicable to non-exempt employees only.

Supervisor – The management level with the authority to hire, assign work, manage work schedules, approve leave, evaluate employees, and discipline employees.

Web Time Entry (WTE) – A web-based system designed to enable employees to submit hours worked and leave information electronically, eliminating the paper submission of time slips, time and attendance forms, leave activity forms, and leave reports.

Work Week – The established five-day, 40-hour per week schedule for every seven calendar-day period. The standard University work week begins at 12:01 a.m. on Sunday and ends the following Saturday at midnight. Requests for exceptions to the standard workweek must be submitted to the Department of Human Resources for approval.

D. SCOPE

This policy applies to all classified employees as defined above.

E. POLICY STATEMENT

Old Dominion University employees and supervisors are responsible and accountable for accurately reporting hours worked so that compensation policies are consistently applied and the University is compliant with all applicable Federal and State policies and guidelines.

F. PROCEDURES

Supervisor Responsibilities

Supervisors are responsible for setting a work schedule of 40 hours per week for full time classified employees, monitoring attendance, and verifying and approving work hours in WTE.

Alternative Work Schedules

Alternative work schedules may be necessary in some instances to provide effective services to the University community. As far as practicable, the University also tries to provide employees with a work schedule that is flexible enough to allow an opportunity for some personal work hour preference. Once the work schedule has been approved by the supervisor, the employee must follow that schedule unless the supervisor has approved a change.

Holidays

The University observes 12 state-approved holidays each year. A list of the exact calendar days of the holidays is distributed each year, usually in December. University holidays do not always coincide with State holidays because employees are needed to keep the University operating when students are present. The Governor may grant additional time off to coincide with one or more of the State holidays. When this occurs, compensatory leave credit may be given when these closings coincide with University holidays or an additional holiday may be granted, when possible. In order to receive pay for a holiday, employees must either work or be on paid leave the work day before and the work day after the holiday.

Employee Responsibilities

Employees are expected to:

- Adhere to their assigned work schedules,
- Take rest and lunch breaks as authorized
- Notify management as soon as possible if they are unable to adhere to their schedule, such as late arrivals or early departures, and
- Work additional hours when required by management.

1. Exempt Employees – The following wage and hour rules apply to exempt employees only:

a. Compensatory Leave

- i. Compensatory leave is authorized for exempt classified employees only when it is essential for the effective management of the University. It will not be used to accomplish normal operating duties. Under no conditions will exempt employees receive one-and-one-half-hour overtime pay or overtime leave.
- ii. Exempt classified employees are prohibited from earning compensatory leave except in accordance with the following exceptions:
 - a. Regardless of the position held, compensatory leave may be credited when a holiday falls on a scheduled rest day or when an employee is required to work on a holiday.
 - b. In unusual situations when, at the specific direction of the supervisor, an exempt employee works exceptionally long hours to meet the requirements of a critical or emergency situation, the supervisor may grant compensatory leave.
- iii. Compensatory leave expires if not taken within 12 months of the date it is earned. There is no maximum accumulation of compensatory leave hours.
- iv. In unusual situations, supervisors may not be able to allow exempt employees the opportunity to take the earned compensatory leave prior to its expiration. In these cases, the supervisor may pay the exempt employee for all or a portion of the compensatory leave. Requests to effect such payments must be made through the Budget Unit Director to Department of Human Resources. Such requests must include the following:
 - a. The number of leave hours to be paid.
 - b. The source of funds for supporting the payment.

The Department of Human Resources will process the payment request to the Payroll Office.

- b. Call-Back Pay - Exempt employees are not normally authorized call-back pay. However, under unusual conditions, compensatory leave may be granted following the guidelines and procedures established for exempt employee compensatory leave.
- c. Inclement Weather or Emergency Closing Compensation - Exempt employees who are identified as designated personnel will receive compensatory leave for the periods worked during authorized inclement weather closings up to the normal hours worked per shift.
 - i. When emergency conditions require that designated personnel work beyond their normal shift, they may be eligible to earn compensatory leave.
 - ii. Non-designated personnel who report to work during authorized closings will not normally receive compensatory leave except in extenuating circumstances approved by the President.

- iii. Employees who are on approved paid leave on the day of authorized closing will not be charged leave.
 - iv. During partial shift closings, non-designated employees who call in the day of a partial closing are only required to submit leave for the work hours not covered by the partial closing period. Employees on approved paid leave for the entire day of the partial closing will not have their leave balances charged for the partial shift closing period.
2. Non-exempt Employees – The following wage and hour rules apply to non-exempt employees:

Non-exempt employees *must be advised in advance* about the form of overtime compensation that they will receive. The default in WTE is pay rather than leave. Budget Unit Directors may request approval from the Associate Vice President for Financial Services to change the form of overtime compensation to leave for their departments. Overtime compensation must be consistent for similarly situated employees.

Non-exempt employees will only be scheduled to work overtime when it is essential for the effective management of the University. When possible, supervisors should provide advance notification of overtime work hours needed.

Supervisors are responsible for controlling the work hours of non-exempt employees. Non-exempt employees are not allowed to work overtime without authorization of the supervisor.

Supervisors may adjust an employee's work hours temporarily within a workweek to avoid overtime liability or to meet operational needs. At the supervisor's discretion, employees' hours may be adjusted to meet the employee's personal needs.

a. Overtime Pay

- i. All non-exempt employees must be compensated at the one-and-one-half-hour overtime rate for any hours worked in excess of 40 during a given work week. Overtime pay is processed via WTE. Overtime hours must be submitted via WTE during the pay period in which the overtime was performed.
- ii. Non-exempt employees may work overtime hours only as authorized in advance by the supervisor.
- iii. Budget Unit Directors are responsible for ensuring that adequate funding exists before authorizing overtime pay.

b. Overtime Leave

- i. Overtime leave may be selected by supervisors as a means for compensating non-exempt employees for overtime work. Non-exempt employees will be compensated at the rate of one and one-half hours of leave awarded for each hour worked in excess of 40 during a given work week.
- ii. Overtime leave must be documented via WTE.
- iii. Supervisors are responsible for ensuring that an employee's overtime leave balance does not exceed 240 hours. Overtime leave has no expiration date.

- iv. When an employee's overtime leave balance reaches 240 hours, all further overtime **must** be compensated through overtime pay. Once an employee's overtime leave balance falls below 240 hours, overtime leave may again be awarded.
- c. Working on Holidays
- i. Non-exempt employees who work on a University holiday record worked time in WTE as additional hours worked.
 - a. For those hours worked on a holiday that would cause the total hours worked during that workweek to exceed 40 hours, the non-exempt employee will receive overtime pay or overtime leave. Overtime compensation is awarded at the rate of time and one-half.
 - b. For those hours worked on a holiday that do not cause total hours worked during that workweek to exceed 40 hours, the non-exempt employee will receive additional straight time pay or compensatory leave. Compensatory leave is awarded at a rate of one hour of leave for each hour worked.
 - c. Supervisors will advise employees in advance of the type of overtime compensation provided in the department (pay or leave).
 - ii. In addition, when non-exempt employees work on a holiday, they will earn compensatory leave in an amount equal to the hours worked.
 - iii. If a University holiday falls on an employee's scheduled rest day, the employee will receive holiday leave.
 - iv. Compensatory leave expires one year from the date on which it was earned.
 - v. When it is impossible to schedule the use of compensatory leave before it expires, supervisors may pay non-exempt employees for all or a portion of the compensatory leave balance following the procedure specified for Exempt Employees in Section 1.a.iv.
- d. Call Back Pay
- i. Non-exempt employees returning to work at the direction of the supervisor during non-scheduled work hours for emergency purposes will be compensated for a two-hour call-back minimum. This provision does not apply to designated personnel reporting to work during inclement weather closings.
 - ii. The two-hour call-back pay minimum is based on the employee's straight time rate. Rules governing non-exempt employee overtime and additional straight time compensation apply.
 - iii. The two-hour call-back minimum will not be recorded via WTE as the time worked; rather, the actual number of hours worked will be entered with a notation that minimum call-back pay applies.
 - iv. The two-hour minimum call-back includes transit time to and from the University.

- v. The two-hour call-back minimum may be applied more than one time on a given day if an employee is called in more than one time.
- e. Daylight Saving Time - Non-exempt classified employees working a shift that spans the designated hour of transition from/to Daylight Saving Time will:
 - i. Receive eight hours pay for the actual seven hours worked during the spring transition from Eastern Standard Time to Daylight Saving Time and must account for the lost hour either by using accumulated leave or working the hour at another time during the same work week.
 - ii. Receive one-and-one-half-hours of overtime pay or be awarded one and one-half hours of overtime leave for the extra hour worked during the fall transition from Daylight Saving Time to Eastern Standard Time.

In order to preclude paying overtime during the fall transition to Eastern Standard Time, Budget Unit Directors may elect to adjust evening shifts to eight actual work hours. Wage employees working shifts that span these transition periods are only authorized to be paid for the actual hours worked.

- f. Inclement Weather or Emergency Closing Compensation – Non-exempt employees who are identified as designated personnel will receive compensatory leave for the periods worked during authorized inclement weather closings, up to a maximum of 8 hours of leave.
 - i. When emergency conditions require that non-exempt, designated personnel work beyond their normal shift, they will receive overtime leave or overtime pay, as appropriate, provided more than 40 hours are actually worked during the work week.
 - ii. Non-designated personnel who report to work during authorized closings will not normally receive any extra compensation except in extenuating circumstances approved by the President.
 - iii. Employees who are on approved paid leave on the day of an authorized closing will not be charged leave.
 - iv. During partial shift closings, non-designated employees who call in the day of a partial closing are only required to submit leave for the work hours not covered by the partial closing period. Employees on approved paid leave for the entire day of the partial closing will not have their leave balances charged for the partial shift closing period.
- g. Meal and Rest Breaks – Supervisors are responsible for scheduling breaks for non-exempt employees as described below:
 - i. Full-time classified employees who work at least six consecutive hours shall be afforded a meal break of at least 30 minutes. The meal break is not included in the count of hours worked per day. When employees are required to work during their meal break, that time shall be counted as time worked.
 - ii. Supervisors may grant employees who work an eight-hour day or longer a maximum of one 15-minute rest break before and one 15-minute rest break after the required

meal break. Rest breaks are included in the required hours of work per day and are at the discretion of the supervisor.

- iii. The meal and rest break(s) must be taken separately and rest breaks may not be used to extend the meal break. Except with prior approval, meal breaks should not be adjusted to compensate for employee late arrival, early departure or to cover time off for other purposes. Supervisors reserve the right to determine when or if meal breaks may be used to make up for an employee's late arrival or early departure.

3. Recordkeeping for Hours Worked and Leave Taken

- a. Non-exempt employees must enter all hours worked and leave taken via WTE each pay period.
- b. Exempt employees are responsible for entering all leave taken via WTE each pay period (or a comment that no leave was taken).

4. Joint Employment

Joint employment occurs when a University employee occupies two or more positions within the University. Joint employment frequently results in complications under the Federal Fair Labor Standards Act (FLSA). The Department of Human Resources is responsible for reviewing and approving requests for joint employment to ensure compliance with the FLSA. The University may have an overtime obligation depending upon the status of the employee's primary job.

- a. Non-exempt primary position (non-exempt classified or hourly): the employee must be paid one and one-half hours of overtime for all hours worked over 40 hours in the second non-exempt position. The only exception to this requirement is if the extra work outside the primary position is done on an "occasional or sporadic basis" in a "substantially different capacity" from the employee's primary position and at the employee's own volition. (Example, a fiscal assistant in the Office of Finance proctors a test on Saturday twice a semester.)
- b. It is the University's practice not to allow non-exempt employees to work in a secondary exempt position due to possible issues with the Fair Labor Standards Act (FLSA) and to ensure compliance.
- c. Exempt primary position (exempt classified, adjunct, teaching or administrative and professional faculty): if the duties of the primary and second position are both exempt, there are no overtime issues.
- d. It is the University's practice not to allow exempt employees to work in a secondary non-exempt position due to possible issues with the Fair Labor Standards Act (FLSA) and to ensure compliance.

The supervisor of the employee's primary position must concur with the appointment to the secondary position to ensure there is no conflict between the two positions and that the employee's effectiveness in the primary position will not be jeopardized.

5. Wage Employees

All University wage employees are non-exempt. All provisions of the Federal Fair Labor Standards Act apply to wage employees.

- a. Wage employees must be paid for all hours worked. Work hours are recorded in WTE each pay period.
- b. Wage employees are limited to working 29 hours per week on average during the period of May 1 to April 30 the following year not to exceed 1,500 hours.
- c. Wage employees may not be awarded compensatory leave or overtime leave.
- d. The provisions of the call-back pay policy apply to wage employees.
- e. The provisions of the holiday pay policy are not applicable to any wage employee.

Records Retention

Time and attendance records are retained for five years and then destroyed in compliance with the Commonwealth's Records Retention and Disposition Schedule.

G. RESPONSIBLE OFFICER

Director of Human Resources for Total Compensation and Staffing

H. RELATED INFORMATION

[Virginia Department of Human Resource Management Policy 1.35 - Emergency Closings](#)
[Virginia Department of Human Resource Management Policy 3.10 - Compensatory Leave](#)
[Virginia Department of Human Resource Management Policy 3.15 - Overtime Leave](#)
[Virginia Department of Human Resource Management Policy 4.25 - Holidays](#)
[University Policy 1020 – Closure of the University Due to Inclement Weather and Emergencies](#)
[University Policy 6201 – Alternative Work Schedules](#)
[Old Dominion University's Office of Finance Web Time Entry Procedures](#)

