



# 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:** October 2, 2009

---

#### A. PURPOSE

The purpose of this policy is to treat all employees consistently and equitably in reference to work hours and compensation issues. The policy and related procedures are intended to assist managers in the proper application of Federal, State, and University wage and hour regulations.

#### 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 [DHRM's Hours of Work Policy, #2.10](#). and the [Federal Fair Labor Standards Act \(FLSA\)](#).

#### C. DEFINITIONS

Alternate Work Hours – A schedule that differs from the standard work week of 8:00 a.m. to 5:00 p.m., Monday through Friday.

Call Back Pay - A special payment that non-exempt employees are eligible to receive when contacted to return to work outside of their regularly scheduled work hours at the explicit 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 - A type of leave that is typically awarded to non-exempt employees who perform work on holidays, weekends, or other times outside of the normal work schedule. Compensatory leave may be awarded to non-exempt employees only when the total hours

actually worked in a week is 40 or less. 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.

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

Docked Time - Hours of work missed during the scheduled work week that are not chargeable to or covered by an employee's leave balance.

Exempt Employees - Employees who are not subject to the provisions of the Federal Fair Labor Standards Act (FLSA). Such employees normally are in management or professional positions.

Federal Fair Labor Standards Act (FLSA) - The Federal Act that establishes wage and work hour standards for non-exempt employees.

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

Holiday Pay - Compensation in the form of straight time pay or compensatory leave for work performed by non-exempt employees on University holidays. This compensation is also in addition to being paid for the holiday. Compensatory leave may be applicable to exempt employees under special conditions.

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

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 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.

Part-Time Faculty Status - Classified employees, exempt or non-exempt, who perform adjunct faculty duties, such as teaching a credit or non-credit course, are eligible to be paid as part-time faculty.

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

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 standard University work week begins at 12:01 a.m. on Sunday and ends the following Saturday at midnight. Some University departments and academic units have alternate work week schedules. Specific employees may also have alternate work week schedules.

#### **D. SCOPE**

This policy applies to all classified employees as defined above.

#### **E. POLICY STATEMENT**

Work Schedule - Full-time classified employees are required to work 40 hours per week. The standard University work week begins at 12:01 a.m. on Sunday and ends at midnight on the following Saturday. Exceptions to the standard workweek may be requested to and approved by the Department of Human Resources. Normal University hours are 8 a.m. to 5 p.m., Monday through Friday. All classified employees are normally entitled to an unpaid one-hour daily lunch break. Employees may also take two 15-minute breaks each day at the discretion of their hiring supervisor.

Alternate Work Hours - Alternate work hours 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. Departments may allow employees to stagger their starting and ending work times or work a compressed work week. Once the work schedule has been approved, the employee must follow that schedule unless the hiring 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 holiday pay, employees must either work or be on paid leave the work day before and the work day after the holiday.

#### **F. PROCEDURES**

##### EXEMPT EMPLOYEES

*(The following wage and hour rules apply to exempt employees only.)*

##### 1. Compensatory Leave

- a. Compensatory leave will be authorized 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.
- b. All exempt University employees are prohibited from earning compensatory leave except in accordance with the following exceptions:

- (1) Regardless of the position held, compensatory leave may be credited when a holiday falls on a scheduled rest day or is not observed by the employee because all other employees in his or her unit are required to work on the holiday.
  - (2) In unusual situations when, at the specific direction of the hiring supervisor, an exempt employee works exceptionally long hours to meet the requirements of a critical or emergency situation, the hiring supervisors may grant compensatory leave.
- c. Other than noted in the above exceptions, compensatory leave will not be credited to any employee in a position in which the employee independently determines the need for the extra hours or in which administrative or professional responsibility for work accomplishment without regard for schedule is implicit.
  - d. Compensatory leave expires if not taken within 12 months of the date it is earned. There is no maximum accumulation of compensatory leave hours.
  - e. In extremely unusual situations, hiring 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 hiring 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 Department of Human Resources to the appropriate Vice President. Such requests must include the following:
    - (1) The number of leave hours to be paid off and total cost of the requested payment.
    - (2) The specific reason management was unable to schedule the use of the accumulated hours.
    - (3) The source of funds for supporting the payment.

Upon the Vice President's approval, the Department of Human Resources will process the payment request through the Payroll Office. Requests for pay off of accumulated compensatory leave should not be made any earlier than three months prior to the expiration date of leave.

2. Additional Straight Time Pay - Exempt employees are not normally compensated for hours worked beyond 40 in the work week. Exempt employees in positions previously authorized to receive straight time pay may continue to be compensated in this manner, and the additional hours will be submitted via WTE. However, the State's Department of Human Resource Management no longer permits new authorizations to award straight time pay.
3. Call-Back Pay - Exempt employees are not normally authorized minimum call-back pay. However, under unusual conditions, compensatory leave may be granted following the guidelines and procedures established for exempt employee compensatory leave.
4. Holiday Pay - Exempt employees may receive compensatory leave for working on a holiday if the holiday falls on the employee's scheduled rest day or if the exempt employee and all other employees in his or her unit are required to work on the holiday.

5. Inclement Weather or Emergency Closing Compensation - Exempt employees who have been designated as essential personnel will receive compensatory leave for the periods worked during authorized inclement weather closings.
  - a. When emergency conditions require that essential personnel work beyond their normal shift, they may be eligible to earn compensatory leave.
  - b. Non-designated personnel who report to work during authorized closings will not normally receive compensatory leave except in extenuating circumstances approved by the President.
  - c. Employees who are on approved paid leave on the day of authorized closing will not be charged leave.
  - d. 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.

#### 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 Administration and Finance to change the form of overtime compensation to leave for their departments. The method of overtime compensation must be consistent for similarly situated employees.

Non-exempt employees will only be scheduled by hiring supervisors to work overtime when it is essential for the effective management of the University.

Hiring 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 hiring supervisor.

#### 1. Overtime Pay

- a. 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.
- b. Budget Unit Directors are responsible for ensuring that adequate funding exists before authorizing overtime pay.

#### 2. Overtime Leave

- a. Overtime leave may be selected by hiring 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.

- b. Overtime leave must be documented via WTE.
  - c. Hiring supervisors are responsible for ensuring that an employee's overtime leave balance does not exceed 240 hours. Overtime leave has no expiration date.
  - d. 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.
3. Additional Straight Time Pay and Compensatory Leave
- a. Additional Straight Time Pay - Non-exempt employees may be compensated with straight time pay for time worked beyond the required hours in a work week in which no more than 40 hours are worked. This may occur when a University holiday falls within a work week or when an employee has taken paid leave such as annual, sick, or other approved leave during the work week.
  - b. Straight time pay is processed via WTE.
  - c. Compensatory Leave - Compensatory leave is awarded at a rate of one hour of leave for each hour worked. This type of leave is only applicable to hours worked outside the normal work schedule or on holidays when the total hours actually worked during the work week is below 40 due to the presence of a holiday or because the employee was on sick, annual, or other approved leave during the work week.
  - d. Compensatory leave expires one year from the date on which it was earned.
  - e. When it is impossible to schedule the use of compensatory leave before it expires, hiring supervisors may pay non-exempt employees for all or a portion of the compensatory leave balance following the procedure specified in Section F. under Exempt Employees.
4. Call Back Pay
- a. Non-exempt employees returning to work at the explicit direction of hiring supervisors during non-scheduled work hours for emergency purposes will be paid a two-hour call-back minimum. This provision does not apply to designated personnel reporting to work during inclement weather closings, except in situations where an employee is called back to work to take care of an emergency after being released from work during an inclement weather and emergency closing.
  - b. The two-hour call-back pay minimum is based on the employee's straight time rate; however, the actual rate paid will be based on the rules governing non-exempt employee overtime pay and additional straight time pay.
  - c. 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.
  - d. The two-hour minimum call-back pay does include transit time to or from the University.

- e. 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.
5. Holiday Pay
- a. Non-exempt employees must receive compensation for working on a University holiday.
  - b. If a holiday falls on an employee's scheduled rest day, the employee will receive compensatory leave. If a non-exempt employee is required to work extra hours on a University holiday, the employee will receive compensatory leave or, at the employee's option, additional straight time pay. For those hours worked on a holiday that would cause the total hours worked during that work week to exceed 40 hours, the non-exempt employee will receive overtime pay or overtime leave. Hiring supervisors will advise employees in advance of the type of overtime compensation that they will receive.
6. Daylight Saving Time - Non-exempt classified employees working a shift that spans the designated hour of transition from/to Daylight Saving Time will:
- a. 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.
  - b. Receive one-and-one-half-hour 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.

7. Inclement Weather or Emergency Closing Compensation - Employees who have been designated as essential personnel will receive compensatory leave for the periods worked during authorized inclement weather closings.
- a. 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.
  - b. 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.
  - c. Employees who are on approved paid leave on the day of an authorized closing will not be charged leave.

- d. 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.

#### RECORDKEEPING FOR HOURS WORKED AND LEAVE TAKEN

1. All classified employees whose positions are non-exempt from the Federal Fair Labor Standards Act (FLSA) must enter all hours worked and leave taken via WTE each pay period.
2. Non-exempt from the FLSA means that the employee is eligible for overtime compensation when working in excess of 40 hours in the same work week.
3. Exempt employees are responsible for entering all leave taken via WTE each pay period (or a comment that no leave was taken).

#### 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).

If the individual considered for part-time employment (academic support services position, adjunct faculty position, or wage position) is already a University employee, the Department of Human Resources must conduct a review 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 job: the employee must be paid one and one-half hours of overtime for all hours worked in the second job, even if the second job's duties are exempt. The only exception to this requirement is if the extra work outside the primary job is done on an "occasional or sporadic basis" in a "substantially different capacity" from the employee's primary job 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. Exempt primary job: if the duties of the second job are exempt, there are no overtime issues. If the duties of the second job are non-exempt, at least 50% of the duties in both jobs combined must be exempt or else an overtime obligation exists, and the employee will lose the exempt status in his/her primary job.

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

#### WAGE EMPLOYEES

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

1. Wage employees may not be awarded compensatory leave or overtime leave.
2. The provisions of the Holiday Pay policy are not applicable to any wage employee.
3. The provisions of the Call-back Pay policy apply to wage employees. Wage employees must be paid for all hours worked.
4. No wage employee may work for the University more than 1,500 hours during any consecutive 365-day period. The 365-day period begins with the wage employee's first day of employment. A new 365-day period will begin for wage employees who have been laid off and subsequently rehired-beginning with their first day of return to work.

#### **G. RESPONSIBLE OFFICER**

Vice President for Human Resources

#### **H. RELATED INFORMATION**

Department of Human Resource Management Policies:

[Hours of Work, #1.25](#)

[Compensatory Leave, #3.10](#)

[Overtime Leave, #3.15](#)

[Holidays, #4.25](#)

[Emergency Closings, #1.35](#)

[Old Dominion University's Office of Finance Web Time Entry Procedures](#)