

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 October 9, 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 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 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

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

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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

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.

IMPLEMENTATION PROCEDURES:

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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.

REPLACEMENT FOR:

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.