

Herbert Wertheim College of Medicine

Time & Labor Training for Non-Exempt Employees and Supervisors (Policies and Regulations)

Human Resources

Herbert Wertheim College of Medicine

Time & Labor

AGENDA



- FLSA Regulation
- Overtime Regulation
- Hours Worked
- Workweek
- Timesheet Example
- Scenarios
- Vacation and Sick Leave
- Time Accruals
- Meal and Break Periods
- Training Time
- Travel Time
- Resources and Contacts

FLSA REGULATION

- The FLSA (Fair Labor Standards Act) established in 1938 is the Federal law administered by the Department of Labor which establishes minimum wage, overtime pay, recordkeeping, and youth employment standards affecting employees in the private sector and in Federal, State, and local governments
- FLSA determines which jobs are eligible for overtime pay:
 - Duties Test (Executive, Professional, Administrative, Computer)
 - Salary Test (minimum salary threshold)
- The **CURRENT** minimum annual salary threshold established by the FLSA is \$35,568 annually, or \$684/weekly



OVERTIME REGULATION

Non-exempt employees are entitled to overtime (OT) compensation at a rate no less than one and one-half times the regular rate of pay for hours worked in excess of 40 hours in a workweek



OVERTIME REGULATION

- **Non-exempt employees** are entitled to overtime (OT) compensation at a rate no less than one and one-half times the regular rate of pay for hours worked in excess of 40 hours in a workweek
- Need to report time in and out – actual hours worked
- Eligible for overtime



OVERTIME REGULATION



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- Compensated at time and a half either as pay or comp time accrued
 - Overtime pay example: $\$10.00/\text{hr} \times 1.5 = \$15.00/\text{hr}$
 - Compensatory time example: 4 hours overtime $\times 1.5/\text{hr} = 6$ hours comp time
- The system calculates this information *automatically*
- Overtime must be approved by the supervisor *prior to the work being performed*

HOURS WORKED

Non-exempt employees are entitled to overtime (OT) compensation at a rate no less than one and one-half times the regular rate of pay **for hours worked in excess of 40 hours** in a workweek

- All hours that an employee works must be *accurately documented*
- Employees must be *paid for all hours worked*
- If the employee works extra hours, those hours must be recorded in PantherSoft HR and paid, even if the supervisor did not authorize the hours
- *Leave hours taken and holidays are not considered “hours worked”*, therefore, would not count toward the 40 hours and would not contribute to overtime pay



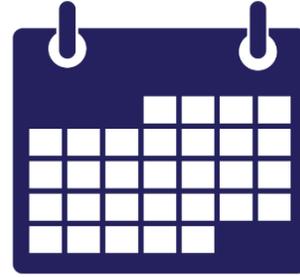
HOURS WORKED

Examples:

- Checking e-mail at home
- Checking wireless devices for messages
- Calling in to discuss assignments
- Reviewing documents at home



WORKWEEK



Non-exempt employees are entitled to overtime (OT) compensation at a rate no less than one and one-half times the regular rate of pay for hours worked in excess of 40 hours **in a workweek**

- Each workweek *stands by itself*
- Workweek is 7 consecutive 24 hour periods (168 hours) as determined by an employer
- The FIU workweek begins on *Saturday at 12:01am and ends on Friday at midnight*
- An hourly employee's scheduled hours could be adjusted by the supervisor to meet the needs of the department within the *same workweek (flex time)*

TIMESHEET EXAMPLE

42 hours worked (2 hours overtime pay)

Mon	2/5	Submitted	8:30:00AM	5:00:00PM	8.00	
Tue	2/6	Submitted	8:30:00AM	5:00:00PM	8.00	
Wed	2/7	Submitted	8:30:00AM	7:00:00PM	10.00	
Thu	2/8	Submitted	8:30:00AM	5:00:00PM	8.00	
Fri	2/9	Submitted	8:30:00AM	5:00:00PM	8.00	

40 hours worked (flex time)

Mon	2/5	Submitted	8:30:00AM	5:00:00PM	8.00	
Tue	2/6	Submitted	8:30:00AM	5:00:00PM	8.00	
Wed	2/7	Submitted	8:30:00AM	7:00:00PM	10.00	
Thu	2/8	Submitted	10:30:00AM	5:00:00PM	6.00	
Fri	2/9	Submitted	8:30:00AM	5:00:00PM	8.00	

SCENARIOS

- **Scenario 1:** Nancy worked 40 hours the first week of the pay period (09/01 to 09/07). Nancy worked 5 additional hours on 09/08 (Saturday). Total hours worked on the first workweek are 40 hours.
NO overtime pay.
- **Scenario 2:** Nancy worked 5 additional hours on 09/08 (Saturday). Nancy worked 40 hours between 09/10 (Monday) and 09/14 (Friday). The total hours worked for the second week of the pay period would be 45 hours.
5 hours of overtime pay.
- **Scenario 3:** Joe attended a community event on 09/01 (Saturday) and worked for 8 hours. Monday, 09/03, was a holiday. Joe worked 8 hours each day for the rest of the week (Tuesday through Friday). Total hours worked on the first workweek are 40 hours (Holidays are not considered hours worked and are excluded from overtime calculation).
NO overtime pay.



VACATION AND SICK LEAVE

VACATION LEAVE

- Vacation leave must be **approved by the supervisor** prior to the employee taking the time off from work
- An employee may carry over vacation leave from year to year up to the maximum accrual rate
- After one (1) year of continuous employment, an employee who separates from the University shall be paid for all unused vacation leave not to exceed the maximum accrual amount

SICK LEAVE

- An employee may carry over sick leave hours from year to year
- Sick leave will not be paid out upon separation
- Employees must use sick leave for its intended purpose. Supervisors will monitor employee use of sick leave for patterns of abuse.
- The employee or supervisor is responsible for reporting any medical leave of absences to the Human Resources Team. The leave must be reported if it consists of **four (4) or more consecutive business days.**

TIME ACCRUALS

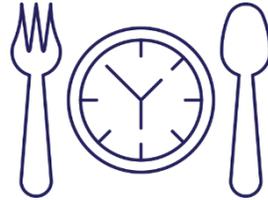
Vacation Accrual Nonexempt

Length of Service	Hours Accrued per Pay Period	Maximum Accrual
Less than 5 years	5 hours	250 hours
More than 5 years but less than 10 years	6 hours	250 hours
More than 10 years	7 hours	250 hours

Sick Time Accrual

Hours Accrued per Pay Period	Maximum Accrual
4 hours	No Maximum Accrual

MEAL AND BREAK PERIODS



- Meal periods are **not hours worked** when the employee **is relieved of duties**
 - There are no mandated breaks under Florida law
 - FIU policy allows a 30-minute unpaid lunch per 6 hours worked
- Breaks of short duration (normally 5 to 15 minutes) are counted as hours worked and must be paid
 - Break schedules are established by departments to meet the needs of the operation
- FIU generally allows employees to combine the 30-minute lunch with two 15-minute breaks for a total 1-hour lunch break

TRAINING TIME



- Time employees spend in meetings, lectures, or training is considered hours worked and must be paid, unless:
 - Attendance is truly voluntary
 - The course, lecture, or meeting is not job related

TRAVEL TIME

- Ordinary home to work travel is NOT work time
- Travel between job sites during the normal work day is work time
- Overnight travel/ multi-day travel:
 - Travel time must be paid if during regular work hours
 - Travel time must be paid outside regular work hours if employee is driving (versus traveling as a passenger)
- If travel time ends during employee's normal work hours, leave must be taken or they must report back to work



TRAVEL TIME

Pre-Travel Arrangements

- Go over the event's agenda in detail
- Discuss how hours worked should be logged
- Plan a flex schedule ahead of time, if necessary
- Agree on the date and time of the employee's return to work



RESOURCES AND CONTACTS

RESOURCES

- FIU Division of Human Resources – Compensation Administration
 - <http://hr.fiu.edu/index.php?name=flsa>
- U.S. Department of Labor - Wage and Hour Division (WHD)
 - <http://www.dol.gov/whd/flsa>

CONTACTS

- HWCAM Human Resources Department – 305-348-0621/ comhr@fiu.edu
- FIU Human Resources Service Center – 305-348-2181/ hr@fiu.edu
- Compensation Administration – 305-348-4996/ cmpadmin@fiu.edu
- Payroll – payroll@fiu.edu