

40-6 Work Time

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1. **Purpose.** The purpose of these policies and procedures is to set forth the work time and schedule policies of Eastern New Mexico University System (the System).
2. **Policy.** The general policy of the System for work time and schedules are as follows:
 - A. The work time and schedules of System employees must be arranged so that the missions of the System's campuses is accomplished. An employee's regularly scheduled work week must correspond with their actual work requirements.
 - B. If possible, individual work schedules should be assigned in a reasonable and fair manner so employees can complete their duties in a traditional work week; however, sometimes employees may be required to work additional hours. With the supervisor's prior approval, nonexempt employees may occasionally adjust their workday hours, so long as workplace operations are not impeded.
 - C. The Fair Labor Standards Act (FLSA) requires that nonexempt employees be paid overtime premium pay for all hours worked in excess of forty (40) hours per week; when employees are hired they must be told if overtime will be required, approximately how often it will be required and departmental procedures for determining the assignment of overtime.
 - D. Under the FLSA, exempt employees are paid a regular salary and are not paid based on the number of hours worked. Exempt employees are hired to get the job done and at times may need to work beyond their usual schedule. Exempt employees shall be given the flexibility to exercise judgment both in how and when the work is done in order to meet deadlines. They are expected to meet operational and departmental scheduling needs as determined by their supervisor and are evaluated on results achieved. Therefore, exempt employees do not accrue overtime.

The foregoing general policies are implemented by the following.

Procedures and Specific Policies

3. **Administration.** Except where otherwise explicitly stated, this policy and procedures shall be administered by the ENMU System director of Human Resources (SDHR) with oversight by the ENMU System chief financial officer.
4. **Paid Time.** This section describes System work schedules for all support (nonexempt) employees and defines activities that are considered working time for pay purposes. Subject to section 2. D. above, professional (exempt) employees are also covered.
 - A. **Traditional Work Schedules.** The traditional work schedule is forty (40) hours per week and consists of five (5) traditional work days within a seven (7) calendar day period, normally Monday through Friday. Nontraditional schedules may be adopted by each campus in order fit the needs and the mission of the campus. Some examples of where nontraditional work schedules exist in but are not limited to, law enforcement, athletics, plant maintenance, libraries and other seven (7) day per week operations.

- (1) Traditional Workday. The traditional workday consists of eight (8) hours, usually in two (2) four (4)-hour increments, with one (1) unpaid hour off for a meal between the four (4)-hour increments.
- (2) Traditional Working Hours. The traditional daily working hours are from 8:00 a.m. to 5:00 p.m., with one (1) unpaid hour off for lunch.
- (3) Work Week. The work week begins at 12:00 a.m. (midnight) Saturday and ends at 11:59 p.m. Friday for payroll and time reporting purposes. For employees on shifts beginning fewer than eight (8) hours before midnight on Friday and extending into Saturday, the work week begins with the start of the shift and extends to the same hour on the following Friday.

B. Meal Breaks and Rest Periods.

- (1) Meal Breaks. Each workday of eight (8) or more hours shall include either a one (1) hour or a half (1/2) hour unpaid meal break.
 - a. Supervisors shall determine the scheduling and length of meal breaks in a fair and reasonable manner and according to operational needs.
 - b. Meal breaks shall not be scheduled at the beginning or end of the work period or appended to a rest period.
- (2) Rest Periods. Each workday shall include one (1) fifteen (15)-minute paid rest period for every four (4) hours worked in a workday. Rest periods are considered as time worked and are provided by the System to allow employees to refresh themselves, and to conduct limited personal business.
 - a. Such rest periods should be taken approximately in the middle of each four (4)-hour period and shall not exceed fifteen (15) minutes whether or not the employee chooses to leave the work area.
 - b. The employee's immediate supervisor shall schedule rest periods in a fair and reasonable manner and according to operational needs.
 - c. Rest periods shall not be scheduled at the beginning or the end of a work period or appended to a meal break or another rest period.
 - d. Employees may not use rest periods for the purpose of making up absences or late arrival.

C. Shift Work. Employees working in operations requiring extended coverage may need to work a schedule other than the traditional work schedule. These are operations such as computer services, libraries, police, Physical Plant and other departments.

- (1) The starting time, meal breaks and stopping times are adjusted to meet operational needs.
- (2) Employees' shift assignments may, with reasonable notice, be changed as necessary to meet the department needs. However, to meet operational needs, an employee may be

required to work a different shift without such notice. In these situations, supervisors should give employees as much notice as possible.

- (3) Probationary employees may be assigned to any shift for training purposes. Applicable shift differential shall apply if such training is conducted on a non-traditional shift and in a department where shift differential is applied.

D. Part-time Schedules. Regular part-time employees should have designated work schedules.

- (1) Part-time employees working fewer than five (5) hours in a day shall normally not take a meal break, but shall have one (1) fifteen (15) minute rest period if they work at least four (4) hours.
- (2) Employees working five (5) or more hours in a workday shall be entitled to a fifteen (15) minute rest period for each four (4) hours worked.
- (3) Employees working five (5) or more hours in a workday should be allowed to take one (1) meal break, but are not required to take a meal break unless necessary to meet operational needs.

E. Flexible Schedules. Work schedules need to be responsive to the mission of the department and its ability to serve the needs of the public. However, exempt and nonexempt employees may be permitted to work flexible schedules if the schedules are approved in advance by management. Schedules may be flexed by management based on a variety of reasons including but not limited to events, seasonal workflow, campus initiatives or other bona fide reasons.

- (1) Supervisors must approve each individual work schedule in advance.
- (2) Extended flexible schedules (one month or more) shall be approved in advance by the supervisor and the appropriate dean, director or department head, and the area executive administrator.
- (3) Supervisors are responsible for maintaining efficiency and continuity of operations, and that responsibility is the primary consideration in addressing employees' requests for flexible work schedules.
- (4) When flexible work schedules are allowed, payment shall be at the regular pay rate, unless the work occurs in an overtime situation for nonexempt employees.
- (5) If a conflict arises in determining which employees should be granted flexible hours, seniority and the employees' preferences should be taken into consideration.
- (6) Before establishing flexible schedules for nonexempt employees, supervisors shall consult with the Office of Human Resources to ensure compliance with the FLSA.
- (7) The work week begins at 12:00 a.m.(midnight) Saturday and ends at 11:59 p.m. Friday for payroll and time reporting purposes. At no point shall employees accrue compensatory time for use at a later date.

F. Telecommuting. Telecommuting allows employees to work at home, on the road or in a satellite location for all or part of their work week. The System considers telecommuting to be a viable, flexible work option when necessary. Both the employee and the job must be suited to such an arrangement. Telecommuting is not an entitlement, it is not a System wide benefit, and it in no way changes the terms and conditions of employment with the System. Because of the service nature of our System, telecommuting arrangements must be approved by management on an as-needed basis only, with no expectation of ongoing continuance.

- (1) Immediate supervisors must approve each individual work schedule in advance. For rare occurrences or situations that require telecommuting for less than one week per fiscal year, immediate supervisors are the only approval necessary.
- (2) Extended or reoccurring telecommuting schedules (more than one week per fiscal year) shall be approved in advance by the immediate supervisor and the appropriate vice president, dean, director or department head. Extended or reoccurring telecommuting schedules (more than one month per fiscal year) shall be approved by all levels of management up to the campus president and shall be accompanied by an approved Home Base Work Agreement.
- (3) Telecommuting schedules for medical purposes must be approved by the immediate supervisor and the appropriate vice president, dean, director or department head, and the Office of Human Resources, Medical telecommuting arrangements will typically work in conjunction with family or medical leave and will require a medical certification.
- (4) Supervisors are responsible for monitoring and verifying the time and attendance of their telecommuting employees, and must establish clear objectives and guidelines for allowed telecommuting.
- (5) The employee will establish an appropriate work environment within his or her home or worksite for work purposes. The System will not be responsible for costs associated with the setup of the employee's home office. Equipment supplied by the System is to be used for business purposes only. The system is not responsible for internet access.
- (6) Consistent with the System's expectations of information security for employees working at the office, telecommuting employees will be expected to ensure the protection of proprietary information accessible from their home office or worksite.
- (7) Employees are expected to maintain their home workspace in a safe manner, free from safety hazards. Injuries sustained by the employee in a home office location or other worksite and in conjunction with his or her regular work duties are normally covered by the System's workers' compensation policy. Telecommuting employees are responsible for notifying the employer of such injuries as soon as possible. The employee is liable for any injuries sustained by visitors to his or her home worksite.
- (8) Telecommuting is not designed to be a replacement for appropriate child care.
- (9) Telecommuting employees who are not exempt from the overtime requirements of the Fair Labor Standards Act will be required to accurately record all hours worked. Hours worked in excess of those scheduled per day and per workweek require the advance approval of the telecommuter's immediate supervisor.

G. Time Paid. Time worked for pay purposes is as follows:

- (1) Actual time worked at an employee's job location as required by the job assignment is paid time.
- (2) Meal breaks shall be paid time when a supervisor requires an employee to be on duty during the meal break or when an employee is scheduled such that he or she cannot be relieved for a meal break (for example, security guards who are on duty during such meal breaks or employees required to attend a meeting during their meal break).
- (3) Authorized rest periods not to exceed one (1) fifteen (15)-minute period during each scheduled work period of four (4) consecutive hours are paid time.
- (4) Time required to change into or out of uniforms or perform other required activities before or after the work period is paid time.
- (5) Visits to other campus offices or departments such as, but not limited to, the Payroll Department, Affirmative Action Officer, and the Office of Human Resources are paid time; however, employees must arrange visits so as not to interrupt departmental operations. Although they must notify their supervisors when they are away from the work site, they do not need to disclose the specific department visited.
- (6) Attendance at meetings, conferences, training courses or other authorized activities during scheduled work periods when such attendance is required or authorized by the immediate supervisor, in advance, is paid time.
- (7) Travel time during scheduled work periods when such travel is required by the job assignment and authorized by management is paid time.
- (8) Time lost from the employee's job location as a result of fire, machine breakdown, power failure or other unforeseen work-related events when the employee is sent home by his or her supervisor is paid time. The employee shall be on paid administrative leave for the remainder of the work day.
- (9) Time not actually worked is paid time when that time is reported as annual leave or sick leave. A paid holiday is paid as straight time.
- (10) Time off for specific purposes is paid time when authorized and granted according to approved System policies including, but not limited to, the inclement weather policy, the tuition waiver policy and policies regarding voting and jury duty.

G. **Time Not Paid.** The following are considered as time not worked for pay purposes:

- (1) Time spent on System premises before the start of work or after the end of work (such as the time between when an employee arrives at work and his or her standard work starting time) and

5. **Overtime.** The procedures, which comply with the FLSA, for assigning, reporting and paying overtime to nonexempt employees are as follows:

- A. Notice. When employees are hired, they must be told if overtime shall be required, approximately how often and departmental procedures for determining the assignment of overtime.
- B. Authorization Required. The immediate supervisor must authorize overtime before the start of the overtime work. An employee who fails to secure prior permission before working overtime may be subject to disciplinary action.
- (1) Immediate supervisors must assign overtime in a fair and reasonable manner, taking into consideration the needs of the organization and the abilities, availability and willingness of employees.
 - (2) An employee who refuses to work overtime or who works unauthorized overtime may be subject to disciplinary action.
- C. Overtime Hours. Overtime is time worked, exclusive of meal breaks, in excess of forty (40) hours in a standard work period. The traditional work week begins at 12:00 a.m.(midnight) Saturday and ends at 11:59 p.m. Friday. For employees on shifts beginning fewer than eight (8) hours before midnight on Friday and extending into Saturday, the work week begins with the start of the shift and extends to the same hour on the following Friday.
- (1) Time worked for overtime purposes consists of any hours worked during the work period less sick leave, annual leave and any leave with pay (such as jury duty).
 - (2) For the purpose of computing overtime compensation, paid holidays are considered time worked.
 - (3) Time worked does not include the meal break, unless an employee is directed by his or her supervisor to perform work-related duties or remain on duty during the meal break.
 - (4) Nonexempt employees should take their meal break away from the work site or their desk to avoid confusion on overtime liability.
- D. Overtime Pay. When a nonexempt employee works authorized overtime, he or she is paid a rate, that is, one and a half (1-1/2) times the employee's regular rate of pay (base pay plus shift differential, if applicable).
- E. Reporting and Payment. Overtime worked by nonexempt employees shall be reported to the nearest quarter of an hour on the employee time sheet.
- (1) The employee and the employee's immediate supervisor are mutually responsible for accurate reporting of overtime worked, and both supervisors and nonexempt employees must be trained in the manner of tracking overtime worked and paid.
 - (2) The employee's overtime pay is normally included in the employee's next regularly scheduled payroll.

Approved by the Board of Regents on December 16, 2005.

Amendments approved by the Board of Regents on December 11, 2014.

Approved by the Board of Regents, November 1, 2019