

Examples

- On Friday at 4:00 p.m., a non-exempt employee is asked to work 6 hours on Saturday and 4 hours on Sunday. Because there is no time to adjust the schedule for the Saturday hours, the hours worked on Saturday must be paid. The manager may allow the employee to adjust his/her schedule for the hours worked on Sunday, i.e. leave 2 hours early 2 days that week to stay within the 40-hour week.
- A non-exempt employee checks his email in the evenings at home. The employee is not asked to do this but is dedicated to his job. This is considered "hours worked", and the employee must report it on their timecard. The manager can determine if working from home after hours is needed/allowable in the future.
- A non-exempt employee purchases food for an office event before reporting to work, the time the employee spends in the store is time worked and must be reported on the time card.
- If an employee carries out any work related duties after normal business hours they are considered "hours worked" and should be reported by the employee and approved by the supervisor.
- If an employee drives to their primary work location and is asked to travel to a secondary location in the same city the travel time (from primary location to secondary location) is considered time worked and must be reported on the time card.

Examples

- A non-exempt employee attends a two-day, out-of-state conference. The employee leaves home at 6:30 a.m. to catch a 9:00 a.m. flight, which lands at 11:00 a.m. Day one of the conference begins at 12:00 p.m. and ends at 5:00 p.m. After 5:00 p.m., the employee and other attendees **elect** to meet for dinner in the hotel restaurant for two hours. The hours between 8:30 a.m. and 5:00 p.m. are considered time worked and should be recorded by the employee and approved by the supervisor. The two-hour dinnertime would not be considered time worked.
- Day two begins at 8:30 a.m. and ends at 3:30 p.m. with a one-hour lunch break. The employee catches a 5:30 p.m. flight returning home at 8:00 p.m. All hours between 8:30 a.m. – 5:00 p.m. minus the lunch hour are considered "hours worked" and should be recorded by the employee.
- If an employee leaves home, driving his personal vehicle, at 7:00 a.m. to attend a 10:00 a.m. meeting out of town, working through lunch. The meeting ends at 3:00 p.m. and the employee returns home at 6:00 p.m. The employee would record all hours between 7:00 a.m. – 6:00 p.m. as time worked, less normal commute time.

FAIR LABOR STANDARDS ACT

QUICK REFERENCE GUIDE FOR MANAGERS



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THE LAW & MANAGER/EMPLOYEE ACCOUNTABILITY

- The Fair Labor Standards Act (FLSA) establishes and regulates minimum wage, overtime pay, record keeping, and child labor standards affecting full-time and part-time workers in the private sector and in Federal, State and local governments.
- By law, the University of Richmond is required to pay overtime to non-exempt employees for all hours worked over 40 hours within a given workweek and to maintain accurate and complete time records on all employees in non-exempt jobs.
- All non-exempt **employees** are required to maintain and submit accurate records of their hours worked, using the Department's designated time keeping method (TimePro for Facilities and Food Service, Banner Web for all others).
- Managers must review and approve all time records for accuracy.
- As a private employer, **Compensatory Time, future leave time in exchange for overtime worked, is prohibited** for non-exempt employees. Managers can apply flexible scheduling within a given workweek.



WHAT COUNTS AS TIME WORKED

- The University's workweek is 12:00 a.m. Sunday through 11:59 p.m. Saturday.
- Any hours worked from Sunday through Saturday during a single workweek are considered time worked.
- The following instances **are** considered as time worked:
 - Lunches that do not provide a break from work
 - Break periods of less than 20 minutes
 - Holiday hours actually worked
 - Email, phone calls, training, etc. performed during as well as outside the employee's normal work schedule.
 - Any local and out of town travel required by the University during the normal work schedule (ex. 8:30 a.m. – 5:00 p.m., Sunday – Saturday) Travel on planes, trains and buses outside of the normal work schedule is not considered time worked unless work is performed.

WHAT DOES NOT COUNT AS TIME WORKED

The following instances are **NOT** considered as time worked and should not be included in overtime calculations:

- * Sick, Vacation, Personal Errands, etc.
- * Lunch periods of 20 minutes or more
- * Normal home to work travel
- * Meal periods, free-time and non-work time in or outside of a hotel/motel for out of town travel

All non-exempt employees **must** track all hours worked utilizing the record keeping method specific to their department.

MANAGING OVERTIME

- Hourly non-exempt employees are paid overtime at a rate of 1½ times the regular-time rate for all hours worked in excess of 40 in a single workweek, Sunday through Saturday.
- To manage overtime, the following guidelines should be adhered to:
 - * All overtime should be approved in advance of any scheduled work
 - * **Employees** that foresee working overtime should discuss it with their supervisor beforehand
 - * **Supervisors** should ensure that any overtime hours are productive and truly necessary
 - * **Employees** are responsible for recording overtime worked
 - * **Employees** that continuously work overtime without approval should be counseled **but** still paid the overtime hours worked