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4.400 Hours of Work and Leave (Human Resources)

4.000 Human Resources

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June 2014

## 4.401 Hours of Work, Breaks and Attendance

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Type of Policy <input checked="" type="checkbox"/> <b>University</b> <input type="checkbox"/> <i>Campus</i> <input type="checkbox"/> <i>Department/Unit</i> <input type="checkbox"/> <b>Interim</b>		<b>Hours of Work , Breaks and Attendance</b>  <b>Policy 4.401</b>	
<b>Human Resource Policies</b>		Effective date: <b>June 2, 2014</b>	
<b>Policy History:</b>	<b>Approved by:</b>	<b>Resolution #</b>	<b>Date:</b>
Approved	Chancellor	N/A	February 9, 2012
Revised	Chancellor	N/A	May 29, 2014
<b>Responsible Office:</b>	<b>Responsible Administrator:</b>	<b>Contact information:</b>	<b>Applies to:</b>
Office of Human Resources	Director of University Human Resources	937-769-1375	All Employees <u>except</u> Core Faculty Employees in a Recognized Bargaining Unit.

## I. Introduction and Purpose

This policy establishes normal hours of work, as well as standards regarding absenteeism, tardiness, meal and rest periods, nursing mothers break periods. It also defines "compensable time" for travel by all non-exempt employees. Adherence to this policy is essential to legal compliance and to the efficient operation of the university. This policy does not apply to core faculty or those employees who are members of a recognized bargaining unit to the extent that the collective bargaining agreement conflicts with and expressly supersedes this policy.

## II. Normal Work Hours

Due to the nature of the programs on our campuses, variations in normal days and hours of work are required to provide necessary services to our students. Therefore, each campus and department shall establish and post those hours of work that are appropriate and efficient and should be communicated to employees in the pre-hire and orientation process. Those hours may change from time to time as the administration deems necessary and appropriate. During these hours, offices are to be open and staffed for service.

Each unit head, in consultation with the Director of Human Resources (“HR”) if needed, shall schedule the work hours for employees within the unit. The schedule shall provide for the required number of work hours per week as per the employment letter of agreement and, insofar as possible, shall provide two rest days in every seven-calendar-day period. Subsequent changes in scheduling should be communicated to affected employees in writing and with reasonable notice.

### **III. “Workweek” Defined**

A. The official workweek for payroll purposes begins at 12:00:01 a.m. (midnight) on Monday and ends at 11:59 p.m. Sunday. Each department determines the work schedule and hours for employees as necessary for its operation.

B. The normal full-time schedule for employees is 40 hours per week. However, work schedules may vary among departments and campuses including reduced full-time schedules, part-time, required overtime, and seasonal schedules to accommodate the operational needs of the university. See the Employment Classifications Policy # 4.201 for further information.

C. Employees are expected to work their regular schedule based on their employment letter of agreement for each workweek or obtain appropriate leave (vacation, sick, etc.) for any hours not worked. Paid time off may not to be used for hours beyond the employee’s normal work week as outlined in the employment letter of agreement.

D. Non-exempt employees must accurately record all time actually worked using the record keeping system in place. The time record must accurately reflect any unpaid breaks (i.e. meal or breaks for nursing mothers) taken during the workday. Adjustments to the assigned schedule cannot be made without prior approval of the supervisor.

### **IV. CA Employees Makeup Work Time**

A. Employees located at the Los Angeles and Santa Barbara campuses who voluntarily work more than eight (8) hours in one day to make up time missed earlier in the same week because of personal obligations do not earn overtime for those extra hours. Employees can perform up to three (3) hours of makeup work in one day without receiving overtime; however, employees who work more than 11 hours in in one day must be paid overtime.

B. Makeup time does not affect the 40 hour work week and work hours that exceed 40 a week must be paid at time-and-one-half even if the total weekly work hours include makeup time.

C. Employees must make written requests in advance and receive Supervisor approval in advance to make up work time that is or would be lost because of personal obligations. Written requests must be made for each occasion that employees want to make up work. Supervisors are prohibited from encouraging or otherwise soliciting employees to make up work hours spent on personal obligations. See **CA Employees Request to Make Up Work Time Form 4.401:01**

## V. Absenteeism and Tardiness

A. Regular attendance and punctuality are essential functions of each employee's job as set forth in the Employee Code of Conduct, Policy #4.601. When illness or other unexpected events prevent employees from being at work or from being on time, employees should directly notify supervisors by telephone as soon as they know that they will be unable to work, but no later than the 30 minutes after the starting time of the employee's scheduled workday. The notification should provide the following information:

1. Reason for the absence (e.g., personal illness)
2. Expected return to work date. (If the employee needs additional time beyond that reported, he or she must again notify the supervisor prior to the beginning of the work shift in which the employee was expected back to work).
3. If the employee is absent for reasons to an approved FMLA or CFRA leave, he or she shall indicate that it is related to the approved serious health condition.

Daily notification will not be necessary if the employee provides a written certification from a physician with an expected return to work date. If the absence extends beyond the date certified by the health care provider, the employee must notify his / her supervisor of the need for an extension no later than the last day of the approved leave. Patterns of excessive unauthorized and/or inappropriate absence and/or tardiness may lead to discipline up to and including termination in accordance with the Corrective Action and Discipline Process Policy # 4.617.

B. Failure to report for work for two consecutive days without notice may result in termination for job abandonment. Such termination is considered to be voluntary. If the failure to report is due to circumstances beyond the employee's control, the employee may be considered for reinstatement, depending on the circumstances.

C. Non-exempt employees are not permitted to leave work prior to the end of the workday without advance notification and approval of the supervisor. If departments adopt alternative notification options for emergency situations, they should be communicated to all employees within the work area.

## VI. Compensable Time

Employees are paid for all compensable "hours worked" which includes all hours actually worked and paid breaks as described below.

## A. Breaks

### 1. Paid Breaks

- a) **Scheduled Rest Breaks:** Non-exempt hourly employees are required to take a 10 minute paid rest period each morning and afternoon. However, a rest period need not be taken for employees whose total daily work time is less than three and one-half (3 ½) hours. Authorized rest period times are counted as hours worked for which there shall be no deduction from wages.

Most work areas within the university allow for sufficient flexibility for an appropriate amount of break time within the work day as needed. However, positions that cannot be left unattended such as receptionists and switchboard attendants, are permitted, at a minimum, one 10 minute paid break every 4 hours as part of the normal work day. Unless otherwise specified by the Supervisor, the 10 minute morning break should ordinarily be taken sometime between 10 a.m. and 11:00 a.m. and the 10 min. afternoon break should ordinarily be taken sometime between 2:30 p.m. and 3:30 p.m. Supervisors should identify the standards for breaks in their area and communicate the same to both the relief person and employee working the position. Unapproved, extended breaks are not permitted. It is the employee's responsibility to take all breaks every day as required by this policy. Repeated offenses or failure to comply with departmental scheduled break times may result in discipline.

- b) **Breaks for Nursing Mothers:** In addition to the employee's scheduled rest breaks, reasonable break periods will be provided for a nursing mother to express breast milk for her child for up to one (1) year after the child's birth. Typically, 15 to 20 minutes every three to four hours are required. Supervisors should grant non-exempt employees working an 8-hour day a morning and afternoon break, not exceeding 15 minutes each, which are included with the total required hours of work. These breaks are to be paid. To accommodate mothers who require more than 15 minutes, managers may permit them to extend these breaks by up to 15 minutes each by taking unpaid time from the meal break or by extending the work day by the amount required. Managerial approval is required for extended breaks. Designated locations, other than restrooms, shielded from public view and free from intrusion from coworkers and the public will be provided for the breaks. Nursing mothers requiring nursing breaks should make the request to the immediate supervisor or manager and communicate the frequency and duration of the breaks. Exempt employees wishing to express milk should be accommodated in a similar manner, including access to an appropriate space if they don't have a private office.

### 2. Unpaid Breaks

- a) **Meal Breaks:** Non-exempt hourly employees who work for a period of more than five (5) hours are entitled to an unpaid meal period of not less than 30 minutes, except that the meal period may be waived by mutual consent of the employer and the employee if the work period is to be completed in six

(6) hours or less. Schedules for meal breaks are based upon the operational needs of the work area. AU generally recognizes a meal break as unpaid time for which an employee is relieved from work for a period of time. AU encourages employees to leave their work station during meal and rest breaks. On very rare occasions, employees who do not receive an uninterrupted meal break due to operational requirements of at least 30 minutes are required to notify their supervisor and report the time worked on their time record.

- b) **On-call Time:** Some departments require non-exempt paid employees to be available during a specified period other than their regular shift. On-call pay is for hours that an employee is "on-call" while off the premises and required to be available if called in to work or to work from home within a specified period of time. On-call time may be compensable time if the employee is required to remain on the university's premises. However, an employee who is able to remain on-call from home is generally not considered eligible for compensation under federal or state law.
- c) **Standby Time:** If a staff member is required to remain available (but not actually working) on the premises or in close proximity, waiting time should be considered hours worked. Please contact HR for further information regarding standby pay.

## **B. Travel Time:**

On occasion, non-exempt employees may be required to travel for AU related purposes. The following guidelines should be used when determining when travel time is considered "work time" and therefore must be paid. Travel time considered compensable as follows:

1. Participating in any AU related activities at a conference or seminar;
2. Participating in social activities where attendance is required;
3. Traveling out of town for AU related reasons, regardless of the day/time;
4. Traveling between work locations during the workday;
5. Traveling from the office to a local airport, bus depot, or train station, or vice versa;
6. Travel time not considered work time includes: participating in social activities where attendance is not required, sleeping, non-work related meal breaks, traveling from home to a local airport, bus depot or train station, or vice versa, traveling from home to an in-town conference, traveling from home to a regular designated work location or vice versa.

### **C. Training/Conference Time**

Attendance at lectures, meetings, training programs, seminars or similar activities must be treated as hours worked when the training is job-related or otherwise required by the employer. Prior to attending such programs, employees should obtain supervisory approval.

## **VII. Hours of Work for Exempt Employees (Salaried)**

Exempt employees are paid on a salaried basis. Exempt employees are expected to adhere to the minimum hour's requirement for the position set by the work location. Exempt employees are also required to work any hours necessary to perform the duties of the job. Exempt employees do not receive overtime, compensatory time, or additional pay for hours worked or travel time outside normal work hours.

1. Up to one hour is allowed for lunch. Lunch breaks shall be scheduled by supervisors to ensure coverage in operations as necessary. The lunch break may not be forfeited in order to shorten the work day.
2. AU is committed to compliance with all applicable federal and state wage and hour laws and as such deductions from the salary of exempt employees are prohibited, whether for quality or quantity of work, discipline, violations of workplace conduct rules, or otherwise, unless authorized by law.
3. Any employee who believes that an improper deduction has been made from their salary should discuss the situation with their supervisor and HR. If the complaint is not resolved to the employee's satisfaction, the Grievance and Conflict Resolution Process in Policy # 4.625 is available.

## **VIII. Time Reporting**

A. Each department in coordination with HR is responsible for maintaining accurate time and attendance records. For each non-exempt employee, a time record must be completed for each pay period. The time record must record the total number of hours actually worked each day, as well as the number of hours of leave taken for paid and unpaid leave such as vacation, sick, etc. Time records must be an accurate reflection of both work and non-work time and cannot be adjusted without prior approval.

B. The approving supervisor is responsible for verifying the hours recorded. Falsification of a time sheet is a form of theft by deception and will be grounds for discipline up to and including termination. See Corrective Action and Discipline Policy # 4.617

C. Exempt employees are responsible for accurately reporting any use of sick, vacation, or other leave time. Exempt employees should report time away from work (sick, vacation or other leave time) in one-half shift increments. If some hours are worked in a day, salary is continued without a deduction.

### **Policy Cross References**

Employment Classifications Non-Faculty	Policy # 4.201
Employee Orientation	Policy # 4.303
Employee Training	Policy # 4.305
Flexible Schedules (Flex Time)	Policy # 4.403
Payroll and Time Reporting	Policy # 4.407
Employee Code of Conduct	Policy # 4.601
Corrective Action and Discipline	Policy # 4.617
Grievance and Conflict Resolution Process	Policy # 4.625

### **Forms Cross Reference**

CA Employees Request to Make Up Work Time	Form # 4.401:01
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