

Schedules Hours and Overtime

Policy Approval Authority	President
Responsible Division	Human Resource
Responsible Officer(s)	Senior Associate
Contact Person	William Hodson
Primary Audience	Faculty Staff Student
Status	Active
Effective Adoption Date	02-01-2017
Last Review Date	02-01-2017
Policy Category/Categories	Human Resource

I. Schedules, Hours, and Overtime

The working schedules and hours shall be established by the president for the University and must be in accordance with the applicable provisions of State and Federal law. Work schedules may be changed from time to time to meet varying conditions of the programs of the Universities.

Employees may be required to work overtime. Such overtime work, however, shall be limited to unusual, essential, or emergency situations and, insofar as practicable, shall be fairly distributed. Employees covered by a collective bargaining agreement who are required to work overtime will be compensated in accordance with the terms of that agreement. Employees in positions not covered by collective bargaining agreements will be compensated at a rate 1/2 times the regular rate of compensation for all overtime hours worked. Compensatory time may be authorized as permitted by law. These overtime provisions are not applicable if the employee's position would be defined as exempt under Fair Labor Standards Act criteria.

II. University Rules: Schedules, Hours, and Overtime

1. The Workweek and Workday

The approved workweek for all University employees is a fixed and recurring period of seven consecutive 24-hour periods existing from 12:01 a.m. Monday through Midnight Sunday. Only if the existing workweek presents impractical operating difficulties will the Senior Associate Vice President for Human Resource Services consider other workweeks. The approved University workday begins at 12:01 a.m. each calendar day and ends at midnight.

2. Hours, Schedules and Shifts

Within the workweek, the approved basic full-time work schedules are:

Eight hour day, five days, 40 hour week

OR

Seven and one-half day, five days, 37.5 hour week

Flextime arrangements are available year-round to all employees (unless not permitted by the Collective Bargaining Agreement), subject to the operational needs of the department. University departments and offices are required to maintain full operations Monday through Friday, either in person or virtually.

2. Schedules of less than 40 or 37.5 hours per week and which do not require an employee to work regularly in excess of the daily hours may be established by heads of departments. To the fullest extent feasible, part-time employees shall be assigned to regular schedules.

The President determines the general office hours of the University. Extended hours and deviations therefrom, where necessary to provide certain services requiring employee's work schedules to be altered, must be approved by the respective Vice President.

Scheduled days off shall be consecutive except where impractical operating conditions exist. An employee shall not be required to regularly work seven consecutive days within the same workweek.

Workshifts for times other than the normal workday may be established by department heads to meet operating needs. Second shifts normally begin at 3 p.m. and third shifts at 11 p.m. An employee's work shift which begins at midnight will be considered to begin at 12:01 a.m.

3. Supervisory Responsibilities

At the time of employment, each employee shall be notified of their work schedule by the supervisor. Except in emergency situations, whenever an employee's work schedule is

changed to meet operating requirements, reasonable advance notice (at least 48 hours) must be given in writing.

Supervisors are responsible for the reporting of time worked, compensating time and benefits used to Payroll. (Also see Payroll procedures.)

4. Overtime and Exemption from Overtime

Employees whose positions are covered by collective bargaining agreements will be compensated for overtime work in accordance with the respective agreement. Employees (including those on non-status appointments) whose positions are not specifically exempted from compensation for overtime hours worked and whose wages, hours and working conditions are not governed by collective bargaining agreements will be compensated for overtime as follows:

1. On a daily basis an employee must actually work a full daily schedule (7 1/2 or 8 hours) to be eligible for overtime compensation for work beyond the daily schedule. Paid benefits time does not count as hours of work toward accumulation of overtime on a daily basis. An employee who was paid benefits for a part of a regular day will be paid straight time for hours worked beyond the daily schedule until such time worked equals the full daily schedule (7 1/2 or 8 hours) after which overtime at time and one-half shall be the compensation rate. The only exception to this rule is in call-back situations as outlined in Collective Bargaining Agreements. Employees that are working under Flextime arrangements are not permitted to be paid daily overtime.

2. For work performed on the sixth or seventh day, however, time paid for benefits used shall count as hours of work toward accumulation of overtime in any workweek if such time is in the employee's regular work schedule. Example: An employee who has been in **pay status** for the total regularly scheduled workweek will be eligible for overtime compensation if required to work on the sixth or seventh day. Employees that are working under Flextime arrangements are not permitted to be paid overtime for work performed on the sixth or seventh day if this is part of their documented standard schedule.

3. An employee who is not in pay status or using benefit time for a part of the workweek is not eligible for sixth or seventh day overtime compensation until actually having worked the full weekly schedule, 37.5 or 40 hours, exclusive of overtime worked. In these situations, once an employee has worked their full weekly schedule, the benefit time will be returned before overtime pay would be authorized.

Criteria as defined in the U.S. Fair Labor Standards Act shall be used in determining when a position may be exempted from overtime compensation. Exemption of positions from the requirements of compensation for overtime work are by submission of a request to Human Resource Services by the Department Head. Employees in positions so exempted are not eligible for either overtime pay or compensatory time off when operational requirements necessitate work in excess of the normal schedule. All Civil Service positions not specifically approved for exemption from overtime compensation are referred to as non-exempt. Employing department heads may request rescission of exemptions from

overtime compensation. In addition, the exemption will be rescinded when either (a) changes in job content result in a failure to meet FLSA requirements, or (b) the FLSA requirements are revised to exclude a previously exempt position. No overtime will be worked except with the expressed request and approval of the employee's supervisor.

The payment of an overtime premium for any hour excludes that hour from consideration for other overtime premiums. The payment of an overtime premium is calculated on an employee's base rate of pay, exclusive of any other differential pay for which the employee is eligible. (This is sometimes referred to as duplication of overtime premiums or pyramiding of overtime.)

5. **Compensating Time Off**

Compensatory time is earned at time-and-one-half of the number of overtime hours actually worked by the employee and may be "banked" indefinitely up to a limit of 120 hours fifteen working days (112.5 hours for 37.5-hour week employees, and 120 hours for forty-hour week employees). Should the employee work additional overtime hours after reaching the accumulation limit, they will be paid overtime for in-cash for all subsequent overtime hours.

Accrual of compensatory time off must be mutually agreed upon by both the employee and supervisor-it may not be forced upon the employee, and the supervisor may elect to pay for the overtime ~~in-cash~~.

Employees who have accumulated compensatory time are to be allowed maximum flexibility in its use, and supervisors may refuse the employee's request only when the proposed time off would be unduly disruptive to the particular operation. Employees are requested to use accrued compensatory time at their earliest convenience.

Employees who leave the university with accrued compensatory time will be paid ~~in-cash~~ to them in their last paycheck, as is done with vacation pay. Such payments will be based on the employee's earning rate as of the time of separation. All compensatory time accrual and use must be reported to Payroll, using the Salaried Non-Exempt/ Hourly Time Sheet and Benefit Usage Form. Salaried (exempt) employees are not eligible for compensatory time.

6. **Make Up Time**

Non-exempt employees may request to work additional hours on a straight time basis, subject to supervisory approval, in order to make up for an approved, unpaid absence occurring with the same pay period.

7. **Dual Appointments-Additional Appointments**

Employees with "status" appointments including those on a part-time appointment, plus those with provisional, intern, learner, apprentice, temporary, and extra help appointments, may not be additionally employed as graduate assistants or student employees of NIU. Further, individuals receiving student financial aid or holding graduate

assistantships may not be concurrently employed on a Civil Service appointment. Exceptions to the guideline for student financial aid must be approved by the Office of Student Financial Aid on an individual basis.

Exceptions to the hiring of graduate assistants as extra help must be approved by the Dean of the Graduate School.

An employee may be granted a part time faculty appointment to teach at a time other than the employee's regular working schedule.

As a general rule, NIU employees with 100% time appointments are not eligible for additional status or nonstatus appointments. Only if it is in the best interest of the University and only if a qualified non-university person cannot be found to fill the position, shall a 100% time employee be granted a non-status appointment to the same or another department. All non-status appointments for full time employees must be approved by the respective Vice President. No additional benefits accrue for such non-status appointments and no wages or benefits shall be paid during absence from the additional appointment.

8. Effect of Overtime, Temporary upgrades, Non-Status Appointments and Shift Differentials on Holiday, Sick Leave and Vacation Pay

While using accumulated benefits, employees are paid their base hourly rate of pay or monthly pay exclusive of overtime payments, temporary upgrade or an additional non-status appointment. However, an employee whose regular assignment includes a night shift differential and who is/ was receiving the shift differential immediately prior to the benefit used will also receive the shift differential pay. At the time of employment termination, however, accumulated benefits will be paid only at the employee's base rate of pay.

9. Rest Periods

Full time employees are permitted a rest period, not to exceed 15 minutes during the first half of their work shift and 15 minutes during the second half of their work shift. The rest period is to be preceded and followed by an extended work period. Accumulation of rest periods to be taken as late arrivals, early departures, extended lunch periods or time taken off in any way, is not permitted.

10. Lunch Periods

Scheduled unpaid lunch periods on any shift shall be a minimum of 30 minutes and not to exceed one hour.

11. Shift Differentials

For NIU rules *pertaining* to shift differentials, see "Employee Compensation Policies."

12. ~~Pay or Use of Benefits When University is Shut Down in Other Than an Emergency Situation~~ Pay or Use of Benefits in Suspension or Closure of University Operations Situation

~~Non-exempt (i.e., hourly) employees required to work during a scheduled closing of the campus or off-campus office where employed (such as a Christmas shutdown but not including designated holidays) will receive regular straight-time pay for hours worked when employees must otherwise use accrued vacation benefits or receive no pay. An exempt employee (i.e., monthly) who is required to work under the above conditions would also receive straight-time pay and shall not be required to use accrued vacation benefits for the amount of time worked. Please reference the Suspension or Closure of University Operations Pay and Benefit Policy for more information.~~