



TEXAS TECH UNIVERSITY HEALTH SCIENCES CENTER EL PASO

Operating Policy and Procedure

HSCEP OP: 70.06 Employee Work Hours

PURPOSE: Define TTUHSC El Paso's policies relating to administrative office hours, flexible work arrangements, overtime exemptions, and determining hours of work for employees who observe the university's administrative calendar.

REVIEW: This policy will be reviewed in September each even-numbered year (ENY) by the Vice President of Human Resources with recommendations for substantial revisions, forwarded to the Office of the President.

POLICY:

1. Definitions

- a. **Regular Employee:** An employee who is hired to work at least 20 hours per week for a period of at least four and one-half months and is not employed in a position that requires student status as a condition of employment.
- b. **Work Week:** Defined by TTUHSC El Paso as 12:00am Sunday through 11:59pm the following Saturday.
- c. **Alternative Work Schedule:** Any work schedule that deviates from the standard administrative office hours of 8:00am – 5:00pm, Monday through Friday.
- d. **Compressed Work Week:** A work schedule during which the employee works the standard number of hours across fewer days in the week.

2. Administrative Office Hours

- a. In accordance with [Texas Government Code Section 658](#) regular office hours will be 8:00 am to 5:00 pm, Monday through Friday. The President and appropriate divisional vice presidents may designate offices to remain open during the noon hour; be open at other times or days as required by other activities; and make exceptions to the minimum length of the workweek and the maximum length of a workday established by this chapter to achieve and maintain operational efficiency.
- b. All offices are normally closed on Saturdays, Sundays, and annually established TTUHSC El Paso holidays. When TTUHSC El Paso observes a holiday that is not a traditional national holiday, TTUHSC El Paso will have sufficient personnel on hand and on-call so public business can be conducted.
- c. The President may approve variations to this schedule for specific periods of time.

3. Hours of Work

- a. **General Policy.** The established regular hours of work for a full-time employee will normally be 40 hours per workweek. Exempt employees who work more than 40 hours per week are not entitled to overtime pay or additional compensation.
- b. **Assignment of Workweek.** TTUHSC El Paso employees are assigned to the following

workweek:

- i. 12:00 a.m. Sunday through 11:59 p.m. on the following Saturday.
- ii. In compliance with [Fair Labor Standards Act \(FLSA\)](#) provisions, all time worked during one shift of work is considered to have been worked on the day and in the workweek in which the shift begins.

c. Determining Hours of Work.

- i. **Work Time.** Includes all time the employee spends productively engaged on the job or is required or permitted to be at the place of work. Administrators have the right to schedule work time of employees under their charge and to modify that schedule as the needs of the university may require. The following guidelines are to be used to determine other periods that must be included as time worked.
- ii. **Waiting Time.** Ordinarily, brief periods of inactivity while on duty count as hours worked. Such time belongs to and is controlled by the university when the employee is unable to use the time effectively for personal purposes. Periods during which the employee is completely relieved from duty and which are long enough to be used effectively by the employee for personal purposes are not hours worked. To be completely relieved from duty, an employee must be told in advance that work will cease and given a specific time when work will resume.
- iii. **On-Call Time.** On-call time is time worked if employees are required to remain “on call” on university premises or so close thereto that the time cannot be used effectively for personal purposes. Employees who are not required to remain on university premises, but are merely required to leave word as to where they may be reached, are not working while “on call.”
- iv. **Call Back Time.** Nonexempt employees called back to work outside of their normal work hours because of an emergency will receive a minimum of two hours of regular pay for the first call requiring the employee to report to the work facility. If hours worked are greater than two hours the employee will be reimbursed for the actual time worked. If the employee is called back again within two hours of the initial call back, the employee will not be paid an additional two hours but will only be paid for time worked beyond the two hours.
 1. If the employee is called back to work on a university holiday, the employee will receive a minimum of three hours of regular pay for the first call back.
 2. The regular hours paid for call back time will be credited toward hours worked in the workweek for the calculation of overtime. The counting of work time (only as it relates to “call back” work and not regular work) begins when employees are notified by the university that they must return to campus and ends with the completion of the call back duty.
 3. The only employees eligible to receive call back pay are employees working in departments with an approved departmental call back pay policy and an approved system of keeping records for call back hours. A call back pay policy must comply with the following rules:
 - a. A written policy and timekeeping system must be prepared by the department, reviewed by Human Resources, and approved by the appropriate vice president or the Provost and the President or the Chancellor. A copy of the approved policy and timekeeping system is to be filed with Payroll Services prior to implementation.
 - b. Basic requirements for an acceptable policy and timekeeping system are:

- i. Identify positions within the department by title and position class number that are eligible to receive call back pay.
 - ii. Specify employees called back to work outside of their normal work hours because of an emergency will receive a minimum of two hours of regular pay for the first call requiring the employee to report to the work facility. If hours worked are greater than two hours the employee will be reimbursed for the actual time worked.
 - iii. If the employee is called back again within two hours of the initial call back, the employee will not be paid an additional two hours but will only be paid for time worked beyond the two hours.
 - iv. If the employee is called back to work on a university holiday, the employee will receive a minimum of three hours of regular pay for the first call back.
- c. Specify regular hours paid for call back time will be credited toward hours worked in the workweek for the calculation of overtime. The counting of work time (only as it relates to “call back” work and not regular work) begins when the employee is notified by the university that it is necessary to return to campus and ends with the completion of the call back duty.
- d. Preparation and approval of a record each time a covered employee is called back to campus after normal work hours.
- e. Maintain a pay period log for each covered employee called back to work during the pay period indicating the date and time of the call back, who authorized the call back, the time the call back was completed, the number of hours actually worked for each call back, and the minimum hours to be credited for each call back.
- f. The forms identified in the above two paragraphs will be subject to audit by internal, state, and federal auditors.
- g. Exempt employees are not eligible for call back pay under any circumstances.

d. Rest Periods.

- a. A full-time non-exempt employee may be given one or two rest periods per day, not to exceed 20 minutes per period. Rest periods are considered work time and are given at the discretion of the department or manager for which the employee works. Therefore, whether or not rest periods are granted, their frequency, regularity, and scheduling depend on the nature, level, and urgency of the work to be done and are subject to the approval of the employee's administrative officer.
- b. A rest period is intended to be a recess to be preceded and followed by an extended work period, and it should not be taken at the beginning or at the end of a work period. Time not used for rest periods cannot be used to reduce work schedules or accumulated to be taken later.
- c. Unauthorized extensions of authorized rest periods may be deducted from the employee's vacation accrual balance or, in the absence of a vacation balance, the employee may be placed on leave without pay for the excess amount of time taken.

- d. Additionally, unauthorized extensions of authorized rest periods may be considered the basis for corrective action up to and including termination.
- e. **Meal Breaks.**
 - a. A full-time non-exempt employee may be given a meal break of from 30 minutes to 1 hour in length. Meal breaks are not considered work time as long as the employee is completely relieved from duty. An employee is not completely relieved from duty if the employee is required or allowed to perform any duties, whether active or inactive, during a meal break. It is not necessary for the employee to leave the premises if otherwise completely freed from duties during the meal break.
 - b. Unauthorized extensions of authorized meal breaks may be deducted from the employee's vacation accrual balance or, in the absence of a vacation balance, the employee may be placed on leave without pay for the excess amount of time taken. Additionally, unauthorized extensions of authorized meal breaks may be considered the basis for corrective action up to and including termination.
- f. **Continuous Duty for 24 Hours or More.**
 - a. Continuous duty for 24 hours or more may not all be time worked. When a non-exempt employee is required to be on duty 24 hours or more, bona fide meal periods and regularly scheduled sleeping periods of not more than 8 hours may be excluded from time worked, provided adequate sleeping facilities are furnished and the employee can usually enjoy an uninterrupted night's sleep. If the sleep or meal is interrupted by a call to duty, the interruption must be counted as time worked.
- g. **Duty of Less Than 24 Hours per Day.**
 - a. Duty of less than 24 hours per day is all time worked, even though the non-exempt employee is permitted to sleep or engage in other personal activities when not actively performing assigned duties. As long as the employee is required to be on duty, the time is included in hours of work.
- h. **Preparatory and Concluding Activities.**
 - a. Preparatory and concluding activities that are an integral part of the non-exempt employee's principal activity must be counted as time worked.
- i. **Lectures, Meetings, and Training Programs.**
 - a. Lectures, meetings, training programs, and similar activities need not be counted as time worked if all of the following criteria are met:
 - i. Attendance is outside the employee's regular hours of work.
 - ii. Attendance is voluntary.
 - iii. The course, lecture, or meeting is not directly related to the employee's job.
 - iv. The employee does not perform any productive work during such attendance.
- j. **Outreach and Engagement Activities.**
 - a. In order to support employee outreach and engagement activities that connect the resources of Texas Tech University with those of the community, full-time staff are eligible to use up to 16 hours of outreach and engagement service time per fiscal year, and part-time staff are eligible to use up to 8 hours per fiscal year. Unused hours do not carry over each fiscal year. If more than the allotted hours are used within a fiscal year,

the additional hours must be recorded as vacation or other approved leave, if applicable and available.

- b. Non-exempt staff are required to report this time worked per their normal departmental procedures in order to meet the payroll processing deadline. All staff (non-exempt and exempt) must have their outreach and engagement hours pre-approved by the employee's supervisor through the Outreach and Engagement Application <https://apps.hr.ttu.edu/OEA/>. Hours not pre-approved must be recorded as vacation leave or other approved leave, if applicable and available.
- c. It is both the supervisor and the staff member's responsibility to ensure outreach and engagement hours do not prevent the staff member from completing their required work. Additionally, outreach and engagement hours are considered time worked, which means hours worked over 40 during a workweek are eligible for overtime pay.

k. Travel To and From Home to Work.

- a. Time spent in travel from home to work before a regular workday and to return home at the end of the workday is not considered as time worked.

l. Travel as Part of the Day's Work.

- a. Required travel during a workday as part of an employee's principal activity, such as from jobsite to jobsite, must be counted as time worked.

m. Extended Official Travel.

- a. Required travel that keeps a non-exempt employee away from home overnight is work time when it cuts across an employee's workday. An employee is simply substituting travel for other duties. In addition, time spent traveling during normal working time on non-work days is work time. Thus, an employee who regularly works from 8:00 a.m. to 5:00 p.m., Monday through Friday would also be on work time for travel during these hours on Saturday and Sunday. Regular meal period time is not counted as work time.

n. Automobile Used in Travel from Home Community.

- a. If an employee is offered public transportation, but requests permission to drive his/her car instead, hours worked will count as the shorter of the time spent driving their car or the time the employee would have spent had he/she used public conveyance.

4. Conditions of Employment.

- a. A student employee (with the exception of a High School Student Worker and Student Assistant - External) must be currently enrolled as a student at Texas Tech as a condition of employment and is expected to be in good academic standing and making satisfactory progress toward a degree.

5. Right to Change Policy.

- a. TTUHSC El Paso reserves the right to interpret, change, modify, amend, or rescind this policy in whole or in part at any time without the consent of employees.

References:

United States Department of Labor, Wage and Hour Division, Chapter 30 through Chapter 32, and Regulation 29 C.F.R. Part 785
Texas Government Code, Chapter 658, Chapter 662, Subchapter A, Sections 662.001 - 662.011
Texas Government Code, Section 658.010
29 CFR, Chapter 825, Family and Medical Leave Act of 1993