



POLICY ON HOURS OF WORK/OVERTIME

Dated: July 21, 2015

Supersedes: HR. 905 *Hours of Work/Overtime* dated November 16, 2007

I. PURPOSE

To establish the College's policy on hours of work/overtime.

II. POLICY

It is the policy of New York Medical College to maintain working hours for all its employees in accordance with Federal and State regulations, labor agreements, work load and the maintenance of an efficient and effective schedule of work.

III. SCOPE

This policy applies to all College faculty and staff employees. CBU employees are covered by the Hours of Work/Overtime and provisions of their respective labor agreements.

IV. DEFINITION

Overtime - any time paid in excess of a standard workweek.

Premium overtime - any time paid in excess of forty (40) hours per week for non-union employees and time paid in excess of regular full-time schedules for union employees.

CBU - Union represented employees (Collective Bargaining Unit).

Compensatory Time – paid time off granted to an employee for working extra hours in a workweek. Compensatory time off may be approved in lieu of overtime pay for irregular or occasional overtime.

V. PROCEDURES

A. Normal Work Week/Hours

1. The normal workweek is Monday through Sunday, beginning and ending at midnight on Sunday and consisting of thirty-five (35), thirty-seven and a half (37 ½ hours) or forty (40) hours.
2. The normal working hours for most College Faculty and Staff is 9:00 a.m. to 5:00 p.m., Monday through Friday, with the customary one (1) hour lunch scheduled between 12:00 noon and 2:00 p.m.
3. The schedule of hours for faculty and staff shall be determined by the department to which they are assigned.
4. When the schedule of hours contains hours that differ from normal working hours as defined in Section V.A.2. above, sound business reasons must support the change and appropriate College management must be informed. Appropriate means informing those personnel and departments that would conduct business with the department not working normal hours.
5. Faculty and staff shall be informed of any changes to their normal scheduled working hours as far in advance as possible.

B. Flexible Work Week

1. Work week schedules may vary in order to meet departmental needs or when employees request and receive approval for a flexible schedule.
2. Regular full-time College faculty and staff, whose schedules vary at the request or approval of the department head, are still expected to work a thirty five (35) or forty (40) hour work week as required by their job title.
3. The customary one (1) hour lunch should be taken between the hours of 12:00 noon and 2:00 p.m. unless determined otherwise by Department Head.
4. Flexible work week scheduling is subject to approval by the appropriate Dean and/or Vice President in consultation with the Human Resources Department.

C. Overtime Compensation/Non-Exempt Staff

1. Non-Exempt staff is eligible for overtime compensation which has been scheduled and approved by their Supervisor. All non-exempt staff (those employees subject to the minimum wage and overtime provisions of the

Fair Labor Standards Act (FLSA), as determined through the College's job evaluation procedure) is required to record their daily hours worked on the **Payroll Timesheet (PR-2)**. Timesheets shall cover two (2) work weeks and shall be completed at the close of each work day (see **Policy CO.501 - Timesheet Reporting**).

2. The normal hourly rate will be paid between thirty-five (35) and forty (40) hours. Compensation at the rate of one and one-half (1.5) times the normal hourly rate will be paid to non-exempt staff after forty (40) hours worked in one (1) week.
3. Employees who are requested to work after an Administrative Closing receives premium overtime (one and one half times their hourly rate) for hours worked.
4. The following paid absences shall be considered as time worked for the purpose of computing overtime:
 - a. Bereavement
 - b. Child Birth Pay
 - c. Compensatory Time
 - d. Excused with Pay
 - e. Holiday
 - f. Jury Duty
 - g. Marriage Pay – 119 CBU employees only
 - h. Military Pay
 - i. Personal Day
 - j. Sick (not considered for overtime for 1199 CBU employees)
 - k. Vacation
 - l. Worker's Compensation
5. Unpaid absences shall not be considered as time worked.
6. Total hours worked for one (1) or more departments of the College are to be counted in determining overtime.
7. Regular part-time non-exempt employees are covered under the same overtime standards as all other College employees. Part-time employees must also work more than forty (40) hours per week to earn premium overtime.
8. Employees, eligible to receive overtime, who travel to meetings, conferences, speaking engagements, etc., shall be considered working in a

special capacity which is not part of the usual functions assigned to their title and, therefore, shall not be entitled to overtime pay while traveling to and engaging in such functions.

9. Overtime for Employees on Soft Money

- a. When an eligible employee's salary is paid from both hard and soft dollars, the pay for overtime hours must be prorated among the various accounts. For example, if half an employee's salary is paid by the College and half by a Grant or Designated Purpose Fund any pay earned by the employee for overtime hours worked will be charged half to the College and half to the Grant or Designated Purpose Fund.
- b. Whenever an employee is requested to work overtime on an assignment that is specifically charged to one account, **Payroll Check Request (PR-4)** form may be used to charge the appropriate account for overtime (at either straight time or premium time as appropriate) if the employee's **Personnel Action Form (PAF) (HR-31)** form cannot accommodate the transaction.

Every effort should be made to process all employees' time through a **Payroll Timesheet (PR-2)**.

D. Compensatory Time Off/Non-Exempt Staff/CBU Staff - non-Exempt/CBU staff may elect compensatory time-off in lieu of overtime compensation at the same rate in hours as listed in Section V.C.2.

1. Compensatory time-off must be taken in the same payroll period as the overtime is earned.
2. If compensatory time cannot be scheduled during the same payroll period, overtime wages are paid.

E. Holiday Pay/Non-Exempt and Union Staff

In the event a non-exempt employee is required to work on any of the Holidays as named in the Holiday Schedule, he/she shall be paid at the rate of one and one-half (1.5) times regular pay for all hours worked on the holiday in addition to their holiday pay, or a day off in lieu of holiday pay. A union employee receives pay at the rate of one and one-half (1.5) times their regular pay for hours worked on the holiday and the employee will receive an additional day off with regular pay within thirty (30) days of the holiday (which is recorded as "C" Compensatory Time in the Miscellaneous Box

of the Payroll Timesheet (PR-2), or will receive an extra day's regular pay in lieu thereof, subject to Department Head approval (subject to respective CBU agreement.)

F. Overtime/Compensatory Time Off - Exempt Staff
(Pre-Approval Required)

1. Exempt Staff are not eligible for overtime compensation as mandated under the FLSA but may be granted either straight overtime compensation at their normal rate or compensatory time off, under the following conditions only:
 - a. Working extra time because of a strike or work stoppage.
 - b. Working extra time due to unusual or emergency conditions.
 - c. Working extra time due to taking on the responsibilities of another position within the same department or another department.
 - d. When working extra time as per the respective Collective Bargaining Unit Agreement (such as Doctor's Council Agreement at Metropolitan Hospital) or for physician coverage.

2. Overtime compensation or compensatory time-off for non-affiliate employees must be completely documented and pre-approved by the Department Chairperson/Head and Senior Vice President/CFO, with the exception of physicians represented by the Doctor's Council CBU contract. Affiliate employees must receive approvals from the Department Chair/Head; by the Chief Affiliation Officer and the Senior Vice President/CFO before an employee engages in working extra time. The preapproved **Exempt Overtime/Compensatory Time Request Form (HR-21)** should be attached to the **Payroll Timesheet (PR-2)** in order for the employee to receive compensation for overtime hours worked during that pay period. Approved overtime pay for Exempt Staff is recorded as Straight Overtime on the Payroll Timesheet (PR-2) and Compensatory time off is recorded as "C" in the miscellaneous box on the Payroll Timesheet (PR-2).

G. Weekend Work-Exempt Staff

Full-time exempt employees, who work their regular workweek and are scheduled to work overtime for at least five (5) or more hours per day on Saturday and/or Sunday, are entitled to receive \$10.00 for lunch money plus mileage and tolls for transportation to and from their residence to place of work for each Saturday and/or Sunday worked.

VI. EFFECTIVE DATE

The policy is effective as of date signed below.

VII. POLICY RESPONSIBILITY

A. Department Administrators/Managers


1. Notify the Human Resources Department and other appropriate departments when the department's hours of operation change.
2. Complete and receive pre-approval for exempt overtime using the Exempt Overtime/ Compensatory Time Request Form (HR-21) and attaching the approved (HR-21) form to the Payroll Timesheet (PR-2). Record Overtime or Compensatory Time as noted in this policy based on the FLSA, Compensatory Leave Guidelines or Collective Bargaining Unit Agreement.
3. Comply with the provisions of this policy

B. Human Resources Department - provide advice and guidance with respect to the interpretation and administration of this policy and compliance to the Fair Labor Standards Act and Collective Bargaining Unit agreements


VIII. POLICY MANAGEMENT

Responsible Officer: Director of Human Resources
Responsible Executive: Vice President of Operations
Responsible Offices: Human Resources Department

APPROVED:



Edward C. Halperin, M.D., M.A.
Chancellor for Health Affairs and
Chief Executive Officer



Date