

University Staff Open Forums  
August 22, 2017

- This topic was brought up due to the Work Life Balance Study Group.
- Slide deck comes out of UW System Office (Compensable Hours Worked by FLSA Nonexempt Employees).
- FLSA: Fair Labor Standards Act.
- Exempt employees are typically salaried, nonexempt are typically hourly employees. The FLSA requires that nonexempt employees be paid 1.5 times the regular rate of pay in overtime or compensatory time, this is within the 40 hour week.
- Have a local UW Oshkosh compensation policy for University Staff (on Handbook page).
- Always ask permission whenever taking time away from work, before taking the time off or before working overtime.
  - Sometimes feel pressure to get work done, but this may mean that more than the 40-hour week.
  - This will also communicate to the supervisor accurate time needed to complete duties.
  - Comp time is now paid out May 1st of each year. Any comp time that is not taken will be paid out. Need to get permission from supervisor to use this time, just like vacation time.
- What counts as hours worked:
  - Should always indicate on timecard the hours working. If working an alternate schedule, the timesheet should reflect the actual hours worked.
  - Paid time off is not deemed hours worked
- Meal Periods and Breaks:
  - Should not sit at desk to eat lunch if taking it as an unpaid break.
  - Entitled to a 15 minute break for every 4 hours worked. This is a paid break.
  - It is not appropriate to add these breaks to the lunch break. Even if supervisor has approved this, it is not OK. It is also not appropriate to “take breaks” by starting 15 minutes later and leaving 15 minutes early.
- Work from home:
  - Checking emails from home is the same thing as working. Need to check with supervisor to see if allowed to check emails after hours.
  - If receive phone calls, need to bring this up to supervisor and discuss the situation.
  - Make sure to be open about checking emails and answering phone calls. Make sure supervisor is aware that other employees are calling after hours.
- Volunteerism
  - Employees may not volunteer time in order to work over 40 hours per week. This is falsifying the timecard.

- There are times that something could be deemed a volunteer effort (ex: volunteer for move-in day). Because this work is completely outside of the job description, therefore, it is considered a volunteer activity.
- Discussion:
  - Time worked in a week. Worked 50 hours in a week, next week use 10 hours of comp time. For 50 hour week, would have 10 hours of comp overtime, would actually have 15 hours of comp time accumulated. The next week, can use the comp time for leave time off. Taking overtime as leave time. If don't have any comp time in "bucket", cannot use comp time within a pay period.
  - Can only be considered overtime if over 40 hours are physically worked within a week.
  - For a position to be deemed exempt, it needs to pay at least \$23,660 per year. The proposed ruling was to move that threshold up to \$47,476. That discussion was put on hold and is not as urgent of an issue as it was. If implemented, this would not impact many University Staff.
  - Most are nonexempt, why is it that some have to take an unpaid lunch and some work a straight 8. This is all about policy and legal guidance. It is appropriate that supervisors and managers to have their own rules. In some units, it may work well for employees to work a straight 8 hours and other is may make sense to take breaks. It may not seem fair, but it's not outside of the scope of the supervisor to determine which is allowed.
  - If supervisor is unaware if overtime is allowed, should get guidance from their supervisor to seek an answer.
  - It is not frowned upon to use overtime as comp time, as long as approval from supervisor is obtained.
  - Is it within a unit's discretion to work a modified work schedule (outside of 7:45-4:30)? Yes, but there are units that it would work well to allow this, and others that it would not. Does this extend to working from home? We do not have a telecommuting policy, but we do have a telecommuting agreement. This should be completed for anyone working from home for a long or short period of time. This does need to be approved up through the Vice Chancellor or to the Human Resources Office, who needs to make sure that risk items are mitigated. There is philosophy on campus about telecommuting, regarding how it look to public as state employee.
  - On-call:
    - Should know that on call before calls come in. There's call-back code (if called back to work) in the system. Any time get a call, it is a minimum of 30 minutes worked. Ex: If on call for students working, and get call for 2 minutes on Friday, 5 minutes on Saturday, and 8 minutes on Sunday, you would claim 30 minutes from each call, so would claim 1.5 hours worked. Don't use the call-back code in HRS.
    - If called physically back to work, it's a minimum of 2 hours worked. Use call-back code in HRS in this situation.

- What if say to supervisor about this policy and they say that employee cannot follow the policy? HR will be following up with supervisors regarding proper practices as supervisor. Will also likely infuse some points in supervisory training. If in the course of talking to supervisor, you are told “no, you can’t do that”, please contact HR so they can work with the supervisor to come up with a course of action.
- If major clean-up is needed and end up working 5-6 hours straight and don’t take that 15 minute break, how is that accounted for? There are going to be situations where there is an emergency and unable to take the break. Need to use your best judgement about what is reasonable. If work through 15 minute break in emergency-type situations, do not get that time back.
- Is traveling on a Saturday or Sunday considered a work day. Travel is different, in order to be considered work time, it needs to be involuntary and part of your job. If conference in Madison, travel to Madison is work time. If get there the night before and not working, then that is not considered work time. Conference time and travel back is considered work time. If there is an unrequired social hour, not considered work time. If social hour with keynote speaker, note considered work time.
- Travel to the work site is not considered work time, unless traveling someplace other than regular work site.
- Comp time, supervisor has discretion not to offer it. He maxed out 80 hours of comp time during storms by February. Most employees want the time off, that is their incentive. Is there any opportunity that can go over 80 hours? No, system policy that can only accumulate 80 hours of comp time.
- What will come of the survey that was sent out. The survey was meant to try and get an understanding of what employees were experiencing. Helps HR to know what needs to be communicated with supervisors. It was also sent out in case employees were unable to attend the open forum.
- The risk to falsifying timesheet is if we don’t have accurate timesheets, could be a financial issue for the institution if people come back and ask for money earned. If not allowed overtime and work it anyway, it could be a disciplinary action since disobeying a direct request from supervisor.
- If work from 7:30-5 and reflect worked 7:45-4:30, and you get hurt at 4:45 at work, that could have affect on that employee.
- The system automatically rounds up or down appropriately within 15 minute increments. It calculates it by punch, not within the total hours worked in the day.
- What if you have mandatory OT on a Saturday, and are sick? If you already have your 40 hours in during the week - you wouldn't need to claim sick time. BUT if you took off Friday to work Saturday, you need to take sick time.
- Computer training - custodians and facilities employees should have access to computers for training when required and also for looking at emails during their shifts. This should be paid time.

- What if an employee has a learning disability and isn't comfortable doing this in front of their peers and are more comfortable doing this at home? Go to the Disability office and they tell your supervisor the accommodations you need to do the training or to do your work. May need a physician note to support you.
- **\*\*\*\*\* Laurie is going to get clarification on the law and accommodations - ask appropriate people.**
- **\*\*\*\*\*Laurie will look at policy requiring overtime and the selection process of which employees get picked to do this.**
- **\*\*\*\*\*Need to continue the discussion about requiring mandatory OT on the spot - custodial supervisor staff.**