

Baylor University
Fact Sheet: Requirements for Non-Exempt Employees
Revised: 7/16/2013

This document provides information pertaining to managing work hours for non-exempt employees (hourly staff). Non-exempt employees are paid bi-weekly and are subject to the Fair Labor Standards Act (FLSA). Questions can be directed to askHR at (254) 710-2000 or askHR@baylor.edu.

Work Hours and Lunch Time

- Normal business hours are 8 am to 5 pm Monday through Friday. The expectation is that employees are present and working during this timeframe.
 - All hours worked outside of the normal 8 am to 5 pm workday must be pre-approved by the supervisor or designee.
 - All hours worked beyond 40 in a work week must be pre-approved by the supervisor or designee.
- Lunch time for one (1) hour must be taken daily as scheduled with the supervisor. Any change to the scheduled time or duration must be previously approved by the supervisor or designee.
- The employee must be pre-authorized to work during lunch time or take less than one hour for lunch. Working during lunch includes but is not limited to taking/making work-related phone calls, checking/responding to Baylor emails and greeting visitors. This is considered work time and must be paid.
- A minimum of 30 minutes of uninterrupted meal time predominantly for the benefit of the employee must occur for it to be considered “meal time.” Otherwise it is considered to be “work time.”

Voluntary Work

- It is not permissible to work any hours on a voluntary basis outside of regular work hours. This includes but is not limited to working events at Baylor, checking/responding to Baylor emails away from any work location, or taking/making work-related phone calls. Working additional hours may be allowed, but must be pre-approved by the supervisor, recorded as work time, and paid.

Time Use and Recording

- All hours worked must be recorded on the time card (electronic in BearWeb or hard copy).
 - The time card must accurately reflect the hours worked. For example, if an employee works 8:00 am to 11:30 am and 12:30 pm to 5:00 pm one day and 8:15 am to 12:00 pm and 1:00 pm to 5:15 pm on another day, those actual times must be recorded on the time card. Any variation in the work schedule must be pre-approved by the supervisor and recorded as actual hours worked.
 - Time worked beyond 40 hours must be recorded on the time card.
 - All time off including vacation, sick and personal time, and other time off as approved, must be entered on the time card.

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- Compensatory time is not authorized in lieu of overtime pay in accordance with the FLSA.
- A best practice is to enter hours on the time card or in BearWeb on a daily basis.

Approval

- Any changes in the employee's work schedule must be pre-approved by the supervisor.

Additional Provisions

- **Overtime pay** - Overtime pay at one and one-half times the hourly rate can be authorized if provided for in the department, funds are available and working additional hours have been pre-approved by the supervisor. Overtime is defined as time worked over 40 hours which the supervisor has approved, knew or should have known were being worked and permitted to be worked. Overtime worked must be paid.
- **Flexible work schedule** - Flexible scheduling, such as working 7:30 am to 4:30 pm, is allowed provided that actual hours worked are accurately recorded on the time card and overtime is paid if it is worked. Working a flexible schedule must be pre-approved by the supervisor. Flexible scheduling is commonly used to address a business/development need such as for an employee taking a college class. Time may only be flexed within the same work week. All work performed must be paid in the paycheck that covers that pay period.
- **Compensatory time** – Baylor does not allow compensatory time. Employees may not keep a “bank” of compensatory time (hours) and supervisors should not permit the use of “comp time” for non-exempt employees. Each hour worked must be recorded on the time card and paid in the period worked.
- **On-call pay** – Non-exempt employees are not on-call and are not to send or receive work related emails or phone calls outside of their regular work hours. Overtime is defined as time worked over 40 hours which the supervisor has approved, knew or should have known were being worked, and permitted to be worked. Overtime worked must be paid.
- **Hours worked must be paid** - If an employee is found to have worked additional hours without prior approval, he or she must be paid for those hours. Based upon the established expectations, the employee may be disciplined for not obtaining prior approval.
- **Hours worked must be recorded** - If an employee is asked to work overtime and told not to record the time, the employee should refuse to do so and contact HR immediately.
- **Excessive Time Off** – An employee's excessive use of time off can be addressed by the supervisor and should be reported to a designated HR Client Relationship Manager (CRM) for further review and consultation. However, if the leave time qualifies as FMLA (Family and Medical Leave Act) time, it is protected leave and is not considered excessive time off.

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Non-Exempt Employee Responsibilities

- Non-exempt employees are responsible to comply with these provisions.

Supervisor Responsibilities

- Supervisors must become familiar with these provisions, comply with them and manage hourly workers' time on a day to day basis.
- Supervisors must familiarize non-exempt employees with these provisions and hold them accountable.
- Supervisors must make every effort to ensure employees leave work if they are not pre-authorized to work overtime and there is not a business need to stay.
- Supervisors may become personally liable for any underpayment if the employee can prove he/she actually worked time not reflected on the time card.
- Supervisor must understand that noncompliance with FLSA rules not only violates federal law, but also puts the university at significant financial and reputational risk.

References

[Fair Labor Standards Act \(FLSA\) \(http://www.dol.gov/whd/flsa/\)](http://www.dol.gov/whd/flsa/)

[BU-PP 305 Overtime](#)

[BU-PP 402 Vacation Time](#)

[BU-PP 403 Sick Time](#)

[BU-PP 404 Personal Time](#)

[BU-PP 802 Work Hours/Schedules](#)

Baylor Office of General Counsel (OGC) Website: [Fair Labor Standards Act: Wage and Hour Laws \(http://www.baylor.edu/ogc/news.php?action=story&story=120494\)](http://www.baylor.edu/ogc/news.php?action=story&story=120494)