



# TEXAS TECH UNIVERSITY HEALTH SCIENCES CENTER EL PASO

## Operating Policy and Procedure

**HSCEP OP:** 70.06, **Employee Working Hours and Holidays**

**PURPOSE:** The purpose of this Texas Tech University Health Sciences Center El Paso Operating Policy and Procedure (HSCEP OP) is to define policies relating to administrative office hours, determining hours of work, rest periods, and holidays for classified, professional, and administrative employees.

**REVIEW:** This HSCEP OP will be reviewed by March 1 of each odd-numbered year (ONY) by the Assistant Vice President for Human Resources or designee, with recommendations for revisions submitted to the Chief Financial Officer (CFO) or designee by March 15.

### **POLICY/PROCEDURE:**

#### **1. Definitions**

- a. **Regular Employee.** An employee who is employed to work at least 20 hours per week for a period of at least four and one-half months, excluding retired employees and students employed in positions which require student status as a condition of employment.
- b. **Workweek.** A fixed and regularly recurring period of 168 hours, 7 consecutive 24-hour periods.

#### **2. Administrative Office Hours.**

- a. All administrative offices, except those indicated below, will be open and operational from 8:00 a.m. to 12:00 noon and from 1:00 p.m. to 5:00 p.m., Monday through Friday. The following offices will remain open during the noon hours, Monday through Friday: President, Payroll, Cashier, Human Resources, and Police. The President and appropriate divisional vice presidents may designate other offices to remain open during the noon hour or to be open at other times or days as required by other activities.
- b. TTUHSC El Paso administrative offices are normally closed on Saturdays, Sundays, and holidays. When TTUHSC El Paso observes a holiday which is not a traditional national holiday, departments will have sufficient personnel on hand or on call so that public business can be carried on.
- 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 shall normally be 40 per workweek.
- b. **Assignment of Workweek.** TTUHSC El Paso employees are assigned to the following workweek: 12:01 a.m. Sunday through 12:00 midnight on the following Saturday. As an administrative convenience, TTUHSC El Paso considers all time worked during one tour of duty to have been worked on the day and in the workweek in which the tour begins.
- c. **Determining Hours of Work.** Work time includes all time an employee spends productively engaged on the job, or is required or permitted to be at the place of work

performing the official business of the institution. Administrators have the right to schedule work time of employees under their charge and to modify that schedule as the needs of TTUHSC El Paso may require. The following guidelines are to be used to determine other periods which must be included as time worked.

(1) **Waiting Time.** Ordinarily, brief periods of inactivity while on duty count as hours worked. Such time belongs to and is controlled by TTUHSC El Paso 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 the work will cease and be given a specific time when work will resume.

(2) **On-Call Time.** On-call time is time worked if employees are required to remain "on call" on TTUHSC El Paso or TTU premises or so close thereto that the time cannot be used effectively for personal purposes. Employees who are not required to remain on these premises, but are merely required to leave word as to where they may be reached, are not working while "on call."

Employees may be placed on "modified on-call." "Modified on-call" employees must leave word where they can be reached and may be required to return to the campus during off-duty hours if the situation warrants it. "Modified on-call" time is not considered work time. The President, divisional vice president/dean, and other administrative personnel as designated by the President or divisional vice president/dean are considered to be on "modified on-call."

(3) **Rest and Meal Periods.** Rest and meal periods of short duration, from 5 to 15 minutes, are work time. Rest and meal periods of longer duration are not time worked if the employee is completely relieved from duty. An employee is not completely relieved from duty if required to perform any duties, whether active or inactive during the rest or meal period. It is not necessary for the employee to leave the premises, if otherwise completely freed from duties during the rest or meal period.

Rest and meal periods not taken do not accrue and cannot be accumulated or applied to make up other time lost.

(4) **Continuous Duty for 24 Hours or More.** Continuous duty for 24 hours or more may not all be time worked. When an 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 is interrupted by a call to duty, the interruption must be counted as time worked.

(5) **Duty for Less Than 24 Hours Per Day.** Duty for less than 24 hours per day is all time worked, even though the 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.

(6) **Residence on Institutional Premises.** An employee residing on the premises on a regular basis or for an extended period of time is not considered working all the time on the premises. The employee may engage in normal private pursuits and thus have time for eating, sleeping, entertaining and other periods of complete freedom from all duty or may leave the premises for personal purposes.

- (7) **Preparatory and Concluding Activities.** Preparatory and concluding activities which are an integral part of the employee's principal activity must be counted as time worked.
  - (8) **Lectures, Meetings and Training Programs.** Lectures, meetings, training programs and similar activities need not be counted as time worked if all of the following criteria are met:
    - (a) Attendance is outside the employee's regular hours of work;
    - (b) Attendance is in fact voluntary;
    - (c) The course, lecture or meeting is not directly related to the employee's job; and
    - (d) The employee does not perform any productive work during such attendance.
  - (9) **Travel from Home to Work.** 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. Time spent in travel to the job and back home by an employee who receives an emergency call, outside of regular hours of work, to report to the regular place of work, is not considered time worked.
  - (10) **Travel as Part of the Day's Work.** Travel during the workday from job site to job site, as part of the employee's principal activity, must be counted as time worked.
  - (11) **Extended Official Travel.** Travel that keeps an 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-workdays 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.
  - (12) **Automobile Used in Official Travel from Work Station.** If employees are offered public transportation, but request permission to drive their cars instead, hours worked can be counted either as the time spent driving their cars or as the time that would have been spent using public conveyances. Only travel hours, as noted in item (11) above, may be counted as hours worked.
  - (13) **Time Worked During Non-Exempt Employee Travel.** Refer to chart of compensable travel time for non-exempt employees on the Human Resources website
4. **Place of Duty.** An employee shall, during normal office hours, conduct TTUHSC El Paso business only at the employee's regular place of business or assigned duty point unless the employee is on travel status or has received prior written authorization from the President. In no event shall an employee's personal residence be deemed to be that employee's regular place of business or duty point without prior written authorization of the President or his/her designee.
  5. **Rest Periods.** A full-time regular employee may be given one or two 15 minute rest periods per day. Whether or not rest periods are granted, their frequency, regularity and scheduling depend on the nature and urgency of the work to be done and are subject to the approval of the employee's administrative officer.

A rest period is intended to be a recess to be preceded and followed by an extended work period and shall not be taken at the beginning or at the end of a work period. Time not used for rest periods shall not be used to reduce work schedules or accumulated to be taken at a later time.

**6. Holidays.**

- a. Only regular employees shall be eligible for paid holidays, as provided herein.
- b. The Texas Legislature sets the number of holidays to be observed each year by state employees. TTUHSC El Paso observes the same number of holidays as other state agencies. The administrative holiday schedule is adjusted each year by the Board of Regents to permit efficient academic scheduling. TTUHSC El Paso has chosen to reduce the number of holidays by three days (24 hours) each fiscal year. The 24 hours will be accrued proportionately each month and will be available in the employee's Holiday Comp balance. Accrued Holiday Comp may not be carried forward after 12 months. Therefore, the maximum balance of Holiday Comp is 24 hours. It is the employee's responsibility to monitor their balance and report Holiday Comp in lieu of other leave in order to avoid forfeiture.
- c. A regular hourly employee is entitled to the same holidays with pay as a regular monthly employee. An employee working an irregular schedule during a workweek in which a holiday occurs shall be entitled to the same number of holiday hours as an employee working the schedule which is normal for most administrative TTUHSC El Paso employees. A regular part-time employee shall be entitled to holiday hours on a pro rata basis based upon the percent of time worked.
- d. Time worked on an official TTUHSC El Paso holiday to which an employee is entitled shall be compensated by equivalent time off on a day mutually agreeable to the employee and the administrative officer and must be taken prior to the end of the fiscal year. If it is not possible to grant the holiday at another time, the employee shall be paid the straight time rate for each holiday hour worked in addition to the regular straight time payment for the holiday.
- e. Each administrative officer is responsible for preparation of hourly payrolls and for obtaining approval from the appropriate vice president for payment of holiday hours which are to be paid.
- f. To be paid for a holiday that falls on a day other than the first or last workday of the month, the employee must be in a paid status on the day before and the day after the holiday. An employee who is taking leave without pay on the day before and/or the day after the holiday will not be paid for the holiday.

If the holiday falls on the first workday of a month, the employee must be in a paid status on the day immediately after the holiday to be paid. If the holiday falls on the last workday of the month, the employee must be in a paid status on the day immediately before the holiday to be paid for the holiday.

- g. An employee is entitled to substitute the religious holidays of Rosh Hashanah and Yom Kippur for any scheduled holidays on which the TTUHSC El Paso is required to have sufficient personnel on hand and on call so that business can be carried on.
- h. If Good Friday is not an official TTUHSC El Paso holiday and if the Legislature and/or Governor of Texas does not grant special approval for Good Friday as a holiday, individual departmental administrators are authorized to permit employees to take time off from work for the purpose of attending religious services. Any work time missed must be

made up, charged to vacation accruals, or taken as leave without pay.

**7. Recordkeeping and Overtime Exemptions.**

- a. Each employee, unless specifically exempt, shall record actual hours worked through Web Time Entry or their assigned timekeeping system for each pay period during which any time is worked. The employee's supervisor will certify that the reported hours are correct. Employees employed in positions designated as exempt (E) in the Personnel Pay Plan are exempt from Web Time Entry and from overtime regulations.
  - b. Individual employees employed on a live-in basis, or engaged in continuous travel, or employed in other situations where it is impossible for both TTUHSC El Paso and the employee to define actual hours worked may also be exempted by signing a work agreement that details the reasons why work hours cannot be determined and both the employee and TTUHSC El Paso agree that the actual hours worked approximate the hours the employee is paid to work. Such work agreements are subject to approval by the Assistant Vice President for Human Resources.
  - c. Employees who are classified as exempt by TTUHSC El Paso will only report leave taken through the Web Leave Reporting process.
  - d. Each administrative officer is accountable for the management and approval of complete and accurate records of hours worked for each nonexempt employee under their charge. Neither an employee nor an administrative officer shall disregard or circumvent the recordkeeping of overtime requirements of the TTUHSC El Paso by instructing or permitting an employee to file incorrect hours through Web Time Entry or by any other means.
  - e. The Fair Labor Standards Act provides that violations may be prosecuted criminally and the violator fined up to \$10,000 on each count. A second conviction for a violation may result in imprisonment.
  - f. An employee cannot be employed partially in an exempt and partially in a nonexempt status. An employee employed partially in any nonexempt status is considered to be totally nonexempt. Each administrative officer appointing an employee in any nonexempt capacity is responsible for assuring that accurate records are maintained on the total hours worked by the employee.
8. 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.