



ADMINISTRATIVE PROCEDURE

TITLE: Employee Compensation

ADMINISTRATIVE PROCEDURE # 7130 *(was 311.02 BP and 311.04 AP)*

RELATED TO POLICY # 7130 EMPLOYEE COMPENSATION

A. Employee Compensation Categories. Employees are categorized as follows for purposes of compensation:

1. Represented Employees

- a. Faculty (See UCCFA Bargaining Agreement)
- b. Part-Time Faculty (See UCCPTFA Bargaining Agreement)
- c. Classified Staff (See ACEUCC Bargaining Agreement)

2. Administrative/Confidential-Exempt Employees. See BP 7240.

3. Exempt/Non-Exempt Status. Exempt employees are paid on a salary basis and are not entitled under state and federal law to receive overtime pay for hours worked. Exempt employees include supervisory employees and professional employees, in accordance with applicable law. Non-exempt employees are entitled to receive a minimum wage for all hours worked, as well as overtime pay for all hours worked over 40 hours in a workweek. Non-exempt employees are also entitled to rest periods and meal breaks in accordance with Oregon law.

4. Temporary Employees. Temporary employees in faculty positions are defined in the Faculty Association Bargaining Agreement, and temporary employees in classified positions are defined in the Classified Association Bargaining Agreement. Temporary employees in non-represented positions are those hired for a limited duration or limited purpose, and are not entitled to receive employment benefits unless required by law.

B. Overtime Approval. All overtime must be pre-approved in writing by the supervisor. The supervisor will document the date overtime is approved on the Individual Overtime Hourly Time Report Form.

C. Overtime Documentation. Employees will document overtime worked on the Individual Overtime Hourly Time Report form. Supervisors will enter the date the

overtime was approved on this document. The employee, supervisor, dean/director, and vice president will sign the form.

1. A timesheet can be construed as a legal document. Timesheets shall:
 - a. be completed and signed by the employee.
 - b. be reviewed and approved by the supervisor.
2. Any corrections should be made by the employee and initialed. Supervisors shall never alter an employee's time to reduce the amount owed to him or her. This shall result in immediate discipline to the supervisor, up to and including termination.

D. Classified Employee Overtime Agreement. The Collective Bargaining Agreement between UCC and the Association of Classified Employees of Umpqua Community College shall be followed for determining work hours for which the classified employees will be paid overtime or given compensatory time. Overtime is paid for work in excess of forty (40) hours per week.

E. Exclusions. Except as provided otherwise in an applicable collective bargaining agreement, sick leave time, vacation and holiday time are excluded from counting toward the forty (40) hour maximum. For example, if Monday is a paid holiday, and the employee works 8 hours per day on Tuesday, Wednesday, and Thursday and 10 hours on Friday, the employee has worked a total of 34 hours. The employee is not entitled to 2 hours of overtime pay.

F. Work Week. All work above the forty (40) hour maximum during the regular seven-day (168-hour) work week designated by the employer shall be paid at time and one-half of the employee's regular rate of pay except when such time is a result of a scheduled shift change. UCC's work week is 12:00 am Sunday through 11:59 pm Saturday.

G. Compensatory Time. If the College determines that budgeted funds are not available for the payment of overtime, such overtime shall be earned as compensatory time off at time and a half. The employee will have up to one year from the time of earning compensatory time to utilize the compensatory time. Written records of accumulating and using compensatory time will be maintained by the supervisor and signed off by the employee and supervisor at the time compensatory time is earned and used.

H. Work Not Requested. The US Department of Labor says the definition of the term "employ" includes "to suffer or permit to work." Work not requested but permitted to be performed is work time that must be paid for by the employer. For example, an employee may voluntarily continue to work at the end of the shift to finish an assigned task or to correct errors. The reason is immaterial. The hours are work time and are compensable. Overtime that is not pre-approved by a supervisor must still be paid, but the employee may be disciplined for violating policy.

- I. Rest and Meal Periods:** Oregon law requires paid rest periods of 10 minutes for each four (4) hour period of work for non-exempt employees. Rest periods should occur approximately mid-way in the four (4) hour period. Longer rest times may apply under an applicable collective bargaining agreement.
1. Unauthorized extensions of authorized work breaks need not be counted as hours worked when the College has expressly and unambiguously communicated to the employee that the authorized break may only last for a specific length of time, that any extension of the break is contrary to the employer's rules, and any extensions of the break will result in disciplinary action.
 2. Meal periods of at least 30 minutes are required for non-exempt employees who work 6 hours or more in a shift. The employee must be completely relieved from duty during the meal period. The employee is not relieved if he/she is required to perform any duties, whether active or inactive. Longer meal periods may be required under an applicable collective bargaining agreement.
- J. Working Off the Clock.** Employees shall report and document all hours worked (i.e. not work any hours off the clock). If the supervisor knows, or has reason to know, that an employee may have worked off the clock, even if the employee has not said anything, the supervisor shall report the incident to Human Resources. HR staff shall talk with the employee and determine whether the employee performed any off-the-clock work and how much time is involved. An appropriate wage adjustment shall be made. Payment may be owed for off-the-clock work, even if the employee does not become eligible for overtime.
1. If employees have any concerns regarding working off the clock they should contact their supervisors and/or Human Resources. Employees who report working off the clock concerns will be protected from retaliation.
- K. Telework.** Supervisors shall clearly state and document whether and when non-exempt employees may work remotely, such as checking e-mail and using smart phones, and shall ensure that time is properly documented and paid.
1. If supervisors have reason to know that a non-exempt employee may have done work remotely, they shall speak with the employee and pay him or her accordingly.

REFERENCES:

- 34 Code of Federal Regulations Part 600 et seq. (U.S. Department of Education Program Integrity Rules)
- ORS 348.586
- ORS 244.040
- ORS 341.556 (Sources of Compensation- Faculty Members)

RESPONSIBILITY:

The Director of Human Resources is responsible for implementing and updating this procedure.

NEXT REVIEW DATE:

DATE OF ADOPTION: 1/25/2021 by CC

DATE(S) OF REVISION:

DATE(S) OF PRIOR REVIEW: