

**THE FLORIDA POLYTECHNIC UNIVERSITY BOARD OF TRUSTEES
NOTICE OF PROPOSED REGULATION**

REGULATION NUMBER AND TITLE: FPU-6.003 Hours of Work and Overtime.

SUMMARY OF THE REGULATION: This regulation establishes a standard for the hours of work; addresses compensation for overtime hours worked by non-exempt support employees, and provides information on the accrual and use of leave.

TEXT OF REGULATION: The full text of the Proposed Regulation can be viewed below and on the Florida Polytechnic University Board of Trustees website, at

<http://floridapolytechnic.org/board-of-trustees/university-policies-and-regulations/>.

If you would like a copy of the Proposed Regulation, please contact Bacogie Luke, Administrative Assistant to the VP and General Counsel at (863)583-9061.

AUTHORITY: Board of Governors Regulation 1.001.

NAME OF PERSON INITIATING PROPOSED REGULATION: Gina DeIulio, VP and General Counsel.

ANY PERSON SEEKING TO COMMENT ON THE PROPOSED REGULATION MUST SUBMIT COMMENTS IN WRITING TO THE CONTACT PERSON LISTED BELOW. ALL WRITTEN COMMENTS MUST BE RECEIVED BY THE CONTACT PERSON WITHIN 14 CALENDAR DAYS OF THE DATE OF PUBLICATION OF THIS NOTICE.

THE CONTACT PERSON REGARDING THIS REGULATION IS: Bacogie Luke, Administrative Assistant to the VP and General Counsel at 439 South Florida Avenue, Suite 300, Lakeland, Florida 33810, Email: bluke@floridapolytechnic.org, Phone: (863)583-9061, Fax: (863)583-9070.

DATE OF PUBLICATION: November 19, 2013

THE FULL TEXT OF THE PROPOSED REGULATION IS PROVIDED BELOW:

FPU-6.003 Hours of Work and Overtime

(1) Purpose. The purpose of this regulation is to establish a standard for the hours of work; address compensation for overtime hours worked by non-exempt support employees, and provide information on the accrual and use of leave.

(2) Hours of Work.

(a) Workweek. The standard workweek is 40 hours for full-time University employees. Holiday pay (maximum of eight hours in a single day) and paid leave are not considered overtime and are paid at the Budgeted Employee's regular pay rate. Approved leave may be adjusted to ensure an employee's workweek will not exceed 40 hours. Each employee is expected to work the number of hours in the employee's established workweek unless on approved leave.

(b) Overtime (applicable to hourly employees only). An employee must get the appropriate supervisor's approval prior to the working of any overtime hours. Failure to comply with this provision may lead to disciplinary action.

i. Non-exempt employees will be paid for overtime hours worked in accordance with the provisions of the Fair Labor Standards Act (FLSA).

ii. The payment for overtime hours worked will be made no later than the end of the following pay period, unless accrued as overtime compensatory leave.

iii Overtime Compensatory Leave may be provided in lieu of payment for overtime for non-exempt Support employees at the rate of one and one half times the total hours worked beyond 40 in a workweek. Unused Overtime Compensatory Leave shall be paid out when:

a. The employee changes departments through promotion or reassignment. The employee shall be paid for all unused Overtime Compensatory Leave at the regular rate of pay by the sending department immediately before the promotion or reassignment takes effect.

b. The employee has accrued more than 80 hours of compensatory overtime as of each June 1. The employee will be paid for the amount of compensatory leave in excess of 80 hours. Payment shall be made in the last pay period occurring within the month of June.

c. The employee separates from the University.

d. The employee requests a payout during the year.

Employees must use accrued compensatory leave prior to using other types of leave.

(3) Paid and Unpaid Leave Status.

(a) Leave shall be accrued while in pay status and shall be credited to the employee on the last day of that pay period in which the leave was accrued or, in the case of separation, on the last day the employee is on the payroll. An employee may only use paid leave that has been credited into his or her balance as of the end of the last/most recent pay period; it cannot be both earned and used in the same pay period.

(b) During approved unpaid leave for parental, medical, or military reasons, an employee may direct that the employee's accrued leave be used in order to continue contributions to State benefits and/or other expenses.

(c) Unless agreed otherwise, an employee shall be employed in the same or similar status upon completion of the approved leave period.

(d) While on paid leave, an employee may not be employed elsewhere unless approved by the university in writing. The requirements for outside employment or outside activity and dual compensation regulations may apply in such circumstances.

(e) Employees who are aware that they may need to be on an unpaid leave for one pay period or more must meet with Human Resources prior to going into an unpaid status. If it is not possible for the employee to meet with Human Resources, the employee may designate, in writing, a

representative to meet with Human Resources on the employee's behalf in order to ensure arrangements are made to provide for continued insurance coverage.

(f) Regardless of the amount of vacation leave, compensatory leave, or sick leave originally approved by the employee's immediate supervisor to be taken, such leave may only be used in the amount necessary to bring the employee to his/her regular FTE, not to exceed the 40-hour workweek, unless otherwise provided in these regulations or by Florida law.

Authority: FBOG Reg. 1.001

History: NEW ____

11.13.13RLD