

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

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

SUMMARY OF THE REGULATION: The amendments to the regulation establish standard hours of work; address compensation for overtime hours worked by non-exempt support employees, deletes provisions regarding compensatory leave 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, Executive Assistant to the VP and General Counsel at (863)583-9061.

AUTHORITY: Board of Governors Regulation 1.001.

NAME OF PERSON INITIATING PROPOSED REGULATION: Mark Mroczkowski, Vice President and Chief Financial Officer.

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, Executive Assistant to the VP and General Counsel at 4700 Research Way, Lakeland, Florida 33805-8531, Email: bluke@flpoly.org, Phone: (863)874-8412, Fax: (863)583-8716.

DATE OF PUBLICATION: August 1, 2016

THE FULL TEXT OF THE REVISED 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; the hours for holiday pay; 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.~~

(2)

(a) ~~(a)~~ Workweek. The standard ~~_workweek~~ for full-time employees is as follows:

- (i) For non-exempt employees (excluding police officers) is 40 hours and begins at 12:00 a.m. on Friday and ends the following Thursday at 11:59 p.m.
- (ii) For non-exempt police officers is 84 hours for a two week period and begins at 12:00 a.m. on Friday and ends the second Thursday at 11:59 p.m.
- (iii) For exempt employees an expectation of a minimum of 40 hours and begins at 12:00 a.m. on Friday and ends the following Thursday at 11:59 p.m.

The standard workweek for part-time employees is based on the pro-rata portion of their Full-Time Equivalent (FTE).

~~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 or an employee's scheduled work hours may be adjusted to ensure his or her an employee's workweek will not exceed their standard full-time workweek, 40 hours. Each employee is expected to work the number of hours in the employee's established standard workweek, unless on approved leave.

(b) Overtime. ~~(applicable Overtime is only paid to hourly non-exempt employees, whether budgeted or OPS, when the Full-time employee's actual hours worked exceeds the employee's standard workweek and when the part-time employee's actual hours worked exceeds 40 hours only).~~ A non-exempt employee must get the appropriate supervisor's approval prior to the working of any overtime hours. An employee's 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.~~

~~e. 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) ~~Aan employee Leave will shall accrue be accrued~~ leave while in pay status. ~~The leave will accrue and and shall be credited and the leave accrued~~ to the employee on the ~~fifteenth (15th) and the last day of each month, that pay period in which the leave was accrued or,.~~ In the case of an employee's separation from employment with the University, on the leave will accrue and the appropriate pro-rat portion will be credited on the last day the employee is on the payroll. An employee may only use paid leave hours that ~~has have already~~ 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 use his or her the employee's~~ accrued leave ~~be used~~ in order to remain in pay status and to continue contributions to State benefits and/or other expenses.
- (c) ~~If Aan employee is on Family Medical Leave Act (FMLA)-approved leave will leave, Unless the employee agrees otherwise, an the employee shall~~ be employed in the same or similar status upon completion of the approved leave period, unless the employee agrees otherwise.
- (d) While on paid leave, an employee may not be employed elsewhere unless approved by ~~the university~~ Human Resources and the designated University official 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 complete pay period cycle 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.

- (4) ~~(F) Leave Hours Must Not Be Used to Exceed Standard Workweek.~~** Regardless of the amount of ~~vacation annual~~ leave, ~~compensatory leave,~~ or sick leave ~~originally~~ approved by ~~the an~~ employee's immediate supervisor, ~~an employee to be taken, such leave may only be~~ use ~~leave~~ in the amount necessary to bring ~~the employee to him or s/her to their~~ regular FTE and; not to exceed the standard 40-hour workweek, unless otherwise provided in these regulations or by Florida law.

Effective Date, October 1, 2016, or when ERP Workday goes live, whichever date is later.

Authority: FBOG Reg. 1.001

History: NEW 2.5.14, rev. _____