

DUTY DAY MEMO

Prepared by Human Resources
May 3, 2000

MEMORANDUM

DATE: May 3, 2000

TO: ALL REGULAR EXEMPT EMPLOYEES

FROM: Loretta J. Pique, Director
Human Resources/Relations

RE: **REPORTING OF DUTY DAYS**

Effective with the timesheet issued 3-26-00, Exempt employees will account for their time in a fundamentally different manner consistent with the new Board of Regents (BOR) "Policy on Work Schedules for Regular Exempt Employees" (VII-6.10). This policy is one of ten policies approved by the BOR which became effective 1-2-00 for the University System of Maryland (USM). The BOR policies may be viewed in their entirety on-line at <http://www.usmh.usmd.edu/ppex/>.

The following is a review and breakdown of what was discussed with the President's Council, the Professional Associate Staff Senate (PASS) and at training sessions held on 2-21-00, 2-29-00 and 3-1-00. As outlined in these discussions and training sessions, this policy affects all regular employees formerly categorized as Associate Staff, Classified-Exempt, or Academic Administrator, now categorized as "Exempt" under the new USM Exempt Pay Program. Specifically, the policy changes the university's timekeeping practice for Exempt employees and is consistent with the Federal Fair Labor Standards Act (FLSA), which stipulates that Exempt employees be paid a standard salary as compensation for performing the work required of a job, irrespective of the actual hours worked. The new policy states:

Employees in Exempt positions should be assigned a reasonable work schedule. The work of employees in Exempt positions is not measured solely by hours worked. Employees in Exempt positions are expected to work the hours necessary to complete assignments on a schedule that satisfies the requirements of the job. A full-time commitment typically requires a minimum of 80 hours per bi-weekly pay period.

Implementation Detail:

As stated above, beginning with the timesheet received on 3-26-00, Exempt staff will record days worked as "duty days" on their timesheets by marking a "D" in the appropriate box. The current timesheet has been modified to allow for the recording of duty days for Exempt staff. UMBC's typical work schedule will continue to be Monday through Friday with a standard schedule approved by the supervisor.

Supervisory Responsibilities:

Work schedule arrangements will continue to be a supervisory responsibility at the departmental level, including employee workload performance management as well as the service considerations of the unit. Supervisors should:

- ! establish the standard workweek for each Exempt employee within the supervisor's span of control, taking into consideration the essential duties of the employee's position, the mission of the unit and the institution;
- ! assure that the workload of each Exempt employee within the supervisor's span of control is effectively managed, utilizing the Performance Management Process (PMP) and progressive discipline measures if necessary;
- ! consider and approve, as appropriate, requests for leave and/or temporary schedule changes requested *in advance*; and
- ! review each employee's timesheet and certify (by signing) that the duty days recorded and leave recorded are correct. If the timesheet is not correct, the supervisor should discuss the disparity with the employee and, as appropriate, make the corrections on the timesheet and provide the employee with a copy.

Procedural Notes:

- ! Exempt employees will no longer account for eight hours in a workday; however, the BOR Policy on Work Schedules for Exempt Employees (VII.6.10) states that a typical bi-weekly pay period will consist of a minimum of 80 hours. All University employees are required to schedule a 30- or 60-minute lunch period during their workday.
- ! Start times, end times, and actual hours worked shall not be recorded nor tracked on the timesheet for Exempt employees.
- ! Exempt employees will record Annual, Personal, Holiday and Sick Leave in *full day increments* in the appropriate section of the timesheet (based on full/part-time work schedule, whatever constitutes a workday). Since non-exempt, hourly paid employees may be "docked" for absences of less than a full day, as a general rule, Exempt staff cannot be "docked" for absences of less than a full day. Conceptually, the FLSA allows certain jobs to be "exempt" from the requirement to pay overtime for all hours worked over 40 worked in a given workweek. The need for the exemption, was that some jobs are complex and it is not possible to divide the work done into hourly increments. These jobs may require incumbents to work less or more hours than a standard of 40 each week to achieve results. In agreeing to "exempt" these jobs, the law incorporated the logic that the jobs could not be "divided" into hourly increments. Thus when there is an absence of less than a full day, it is inconsistent for employers to "divide" the job into hourly increments for the purpose of deducting pay and, at the same time, to preserve the argument that the same job cannot be "divided" into hourly increments for overtime purposes.

- ! Normally, absences during regularly scheduled duty days will require the recording of leave in full day increments. However, in unusual circumstances (i.e., working hours in excess of the normally scheduled workweek), management has the discretion to permit a temporary schedule change that allows the employee to be absent from work without using leave. In these instances, an asterisk (*) may be marked on the timesheet which will explain that “employee satisfactorily completed job requirements and work schedule.”

- ! The earning of compensatory time for Exempt employees will not be permitted based on the “exempt” status outlined in the FLSA. However, in instances where a special project has been identified and *prior* approval has been obtained by the Department Head, Division Head and Director of Human Resources/Relations, compensatory time may be accrued. Any such accruals may not exceed 10 days at any given time and must be used within 12 months of accrual.

- ! The 12 month utilization requirement also applies to current balances of compensatory time. Upon termination/resignation of employment there will be no payment for unused compensatory time.

We encourage all Exempt staff to discuss the new duty day policy and timekeeping policy with the appropriate managerial staff in their respective departments. We recognize that the implementation of this policy represents a major change in the timekeeping process for Exempt staff. Please be assured that the DHR/R will be available to provide clarification and assistance during this period of implementation.