Exempt Employee Exception Time Reporting

COVERED EMPLOYEES

All Exempt Employees

Note: Bargaining unit employees are covered by the terms and agreements of the collective bargaining unit agreement (CBA). Please refer to the CBA for details.

HR PROCEDURES/DESCRIPTION/DEFINITIONS

On August 23, 2004, the Department of Labor updated the current Fair Labor Standard Act to modernize the requirements for determining employee exemption status. Those employees that qualify for the white collar exemption are considered by Federal law and the university as exempt. The Department of Labor is expected to announce additional salary thresholds in 2016 impacting exempt status. Exempt employees are:

- Generally paid on a salary basis, and not subject to minimum wage and overtime provisions.
- Not eligible for overtime pay for work performed in excess of 40 hours per week, and not eligible for compensatory time (time off).
- Overall, pay is not based on the amount of time spent at work, but rather for meeting the responsibilities of the position. (This means an exempt employee may be required to work more than regularly scheduled hours in a given workweek).

RESPONSIBILITY

Employee: Follow department/unit time off procedures for Supervisor approval. Non-FMLA time shall be reported in half-day (normally 4 hours) increments when working less than half-day. No time shall be recorded when working more than half-day.

Supervisor: Supervisors establish time off approval processes to meet the needs of the department/unit. Non-FMLA time shall not be recorded in less than half day (normally 4 hour) increments for exempt employees.

Exempt employees are required to fulfill the responsibilities of the position. The recording of half days does not prevent the supervisor from inquiring about schedules or assuring that the employee is meeting the expectations of the position either from an attendance or productivity perspective. Docking of pay for exempt employees (when no paid time is available) normally should only occur when no work is performed for a full day and the employee is off for personal reasons or has exhausted paid sick time.

Recording time off in hourly increments is permitted for absences covered under the Family and Medical Leave Act, and partial day deductions may be made for those absences.

12/2015
Refer Questions To: Any questions regarding pay, time reporting, or FLSA exemption status should be directed to the Human Resources Office at HRonestop@uc.edu as soon as is practicable.

RECORDING OF LEAVE TIME FOR EXEMPT EMPLOYEES Questions/Answers

Requests for time off are expected to be scheduled and approved by the employee's supervisor in advance whenever possible and/or in accordance with applicable policies. Exempt employees are required to fulfill the responsibilities of their position. This recording requirement does not prevent the supervisor from inquiring about schedules or assuring that the employee is meeting the expectations of the position either from an attendance or productivity perspective.

What happens if I am gone for a one-hour non-FMLA dentist appointment?
Exempt employees do not record non-FMLA absences that are less than a half day (four hours). In this case, the employee would not record any time.

Does it matter why I am gone? What if I am gone for 2 hours to deal with non-FMLA personal family matters?
Again, exempt employees do not record non-FMLA absences that are less than a half day. In this example, no time would be recorded. In cases where exempt employees record time in half-day increments, the reason they are gone would determine if the time should be charged to sick, vacation, etc.

What happens if I am gone for five hours for non-FMLA reasons?
The exempt employee would report a half-day absence and charge it to the appropriate time off category. Since recording of time is in half-day increments, the employee should not record time in excess of the half day, until it becomes a full day.

What happens if I normally work an 8:00 a.m. to 5:00 p.m. schedule, and I come in late, like 1:00 p.m., but I work until 9:00 p.m.?
Exempt employees are eligible for alternative work schedules as approved by their supervisors (Alternative Work Schedules 21.13). If the supervisor approves this sort of alternative work schedule, the employee would not record time off. It should be noted that not all positions can be granted alternative work schedules due to the nature of the work, and supervisors may modify, suspend or rescind any alternative work arrangement.

If I am expected to work on a weekend or in the evening, can I take time off during the normal work day without charging time?
If a supervisor approves this alternative work schedule, the answer would be yes. There is no compensatory time for exempt employees and, therefore, this is not an hour-for-hour exchange. It is not unusual for exempt employees to work evenings or weekends in addition to normal office hours often exceeding 40 hours per week. Exempt employees are responsible for outcomes and performing the duties of the position, not dependent upon hour for hour.

12/2015
How do I record the extra hours I work?
Exempt employees are not eligible for overtime. Exempt employees are paid their regular monthly salary and only reporting time off exceptions in half-day increments.

What if the employee submits a non-FMLA request for half day but has worked more than half day? Remind the employee that no time will be approved and should not be submitted if they have worked more than half day.

What if the Employee is on intermittent or other FMLA approved leave?
Exempt employees absent due to an FMLA-certified event (including employees utilizing intermittent FMLA) are required to submit time off work and FMLA in the increments used via ESS Time Off Work Request. This is the one difference to Exempt employee half day reporting identified by the Department of Labor.

The supervisor and employee may agree to a flexible schedule in lieu of FMLA intermittent time off work if it meets the business needs of the department.

Scenario: Employee works more than half day and communicated with supervisor in accordance with departmental guidelines they will be out the remainder of the day for a non-FMLA event. Employee submits half day off, the supervisor should not approve because the employee has worked more than half day.

Scenario: Employee works until 11:30, or 3.5 hours, and reason for absence is non-FMLA, the employee should submit half day (4 hours) time off.

Scenario: Employee works until 11:30, or 3.5 hours and reason for absence is FMLA approved, the employee should submit 4.5 hours of time off work and FMLA.

If the employee has 4 (10) hour days as a schedule, the non-FMLA half day submitted time will be (5) hours.

Exempt employees are responsible for meeting the performance objectives and outcomes of their position responsibilities and communicating with their supervisor accordingly.