1. **Policy Statement**
   Regularly appointed staff employees may be eligible for overtime compensation and to participate in alternative work arrangements in specific circumstances.

2. **Reason for Policy**
   To provide guidelines on eligibility for overtime pay and alternative work arrangements

3. **Who Should Read This Policy**
   All members of the Rutgers University community

4. **Related Documents**
   Policy 60.3.15, Additional Compensation for Full-Time Staff Members with "NL" Titles

5. **Contacts**
   University Human Resources
   Office of Labor Relations: 732-932-3020 ext. 4040

6. **The Policy**

   **60.3.14 OVERTIME AND ALTERNATIVE WORK ARRANGEMENTS FOR REGULARLY APPOINTED STAFF EMPLOYEES**

   I. **Overtime for Regularly Appointed Staff**¹

      A. Eligibility for overtime compensation

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¹ For overtime regulations regarding Type 4 employees, see Section 60.1.5.
Each job title at the University has a designation which indicates whether employees in the title are eligible for overtime compensation or not.

1. Fixed Workweek Designation - Eligible for Overtime

   “35”- Employees in titles coded “35” receive overtime compensation for hours worked beyond 35 hours in the workweek.

   “NE”- Employees in titles coded “NE” receive overtime compensation for hours worked beyond 37-1/2 hours in the workweek.

   “40”- Employees in titles coded “40” receive overtime compensation for hours worked beyond 40 hours in the workweek.

   The Fair Labor Standards Act (FLSA) requires the employer to maintain a record of hours worked by employees who are eligible for overtime; therefore, it is the responsibility of every department to keep accurate records of the hours worked each day by these employees.

2. Non-Fixed Workweek Designation - Not Eligible for Overtime

   “NL”- Employees in titles coded “NL” are exempt from the overtime provisions of the Fair Labor Standards Act and are neither eligible for, nor entitled to receive, overtime compensation.

   “NC”- This code applies to a limited number of exempt supervisory staff who are regularly required to work on their scheduled days off. They are not entitled to overtime; however, they are eligible for compensation when they are required to work on a scheduled day off.

   “N4”- This code applies to exempt employees who are required to work a minimum of 40 hours per week because their primary function is directly to supervise non-exempt, 40 hour, fixed workweek employees.

B. Workweek

   The workweek at the university is 12:01 a.m. Saturday to midnight Friday.

C. Hours worked

   With respect to fixed workweek staff, “hours worked” are computed by adding all hours actually worked during the workweek plus any paid time off, such as vacation and sick time, except as modified by collective negotiations Agreements. (Call the Office of Labor Relations for information on how to calculate “hours worked”.)

D. Employees may be required to work reasonable amounts of overtime.

E. Except in narrowly defined circumstances, all time worked for the university by employees in fixed workweek titles, including work in two or more departments and at special events as well as the employee's own department, must be considered in determining whether overtime compensation is due. Even unauthorized overtime must be compensated. Supervisors must not allow fixed
workweek employees to volunteer services prior to discussion with the Office of Labor Relations, except that such prior discussion is not necessary when the volunteer service is with respect to bona fide fundraising activities sponsored by the Rutgers University Foundation.

F. Type and Amount of Compensation Due

1. Fixed Workweek Staff

Overtime compensation may be in cash, at time-and-one-half the regular hourly rate, or in time off, at one-and-one-half hours off for each overtime hour worked, as follows:

a. Union-eligible staff - Consult the applicable collective negotiations agreements.

b. "Confidential" clerical staff will receive either cash at time-and-one-half, or time off at a rate of one-and-one-half hours for each hour worked beyond the workweek, at the discretion of the supervisor.

c. Administrative staff who are designated “35” hour workweek, “40” hour workweek, or 37-1/2 hour workweek (“NE”) will receive either cash at time-and-one-half, or time off at a rate of one-and-one-half hours for each hour worked beyond the workweek, at the discretion of the supervisor.

With respect to Paragraphs F(1)(b) and F(1)(c) above, where the department has decided that such compensation will be given in time off rather than in cash, the department must not allow more than 120 hours of compensatory time (80 hours at time-and-one-half) to accrue unless specific authorization is given by the appropriate Chancellor or Vice President. If possible, employees should be advised at the time of assignment of overtime work whether the compensation will be in time off or in cash. Where the compensation is to be in cash, payment should be made in the pay period in which the overtime is worked, if possible. If that is not possible, then payment must be made in the following pay period. Where compensation for overtime hours will be in time off, such accrued compensatory time may be taken by the employee provided the time off is scheduled in advance and the time selected does not unduly disrupt departmental operations. Departments are cautioned to maintain accurate records of compensatory time owed and to grant such time as soon as possible after the week in which the overtime is accrued. Further, departments shall keep in mind future ramifications of deciding to compensate for overtime hours in time off rather than in cash, since employees are entitled to a cash payment upon leaving employment, upon transfer to a different department, or prior to the expiration of a grant.

2. Non-fixed workweek staff “NC”

When a staff member in a title designated "NC" is required by the department to work on his/her regularly scheduled day off, or on a holiday, he/she will receive an alternate day off. If the department is unable to grant another day off within a month, the employee will be paid for the day in cash at straight time.
G. Part-time Employees

Part-time employees in fixed workweek titles

Such employees are eligible to receive overtime compensation as set forth in F(1) only for hours worked beyond the normal workweek established for their titles. For example, an employee in a title designated "40" who regularly works only 20 hours per week will receive only straight-time pay for any extra hours he/she may work up to 40 hours in a workweek.

H. Miscellaneous

1. Unusual demands on exempt employees

Where unusual work demands require employees in “NL” titles consistently to work far beyond regular business hours, such employees may be given time off with the approval of both the employee’s supervisor and the appropriate Vice President or Chancellor. Employees in “NL” titles have no claim nor entitlement to hour-for-hour time off or to cash compensation, and department heads are not permitted to grant compensation except as set forth in Policy 60.3.15 (formerly Regulation 3.6.16).

2. Premium time for work on a holiday

Fixed workweek employees authorized to work on an observed holiday will earn premium compensation at time-and-one-half for the hours worked on the holiday. This premium compensation will be in addition to the pay due for the holiday, but there will be no pyramiding of the overtime compensation benefit. The premium compensation for holiday work will be paid regardless of the total number of hours worked during the workweek.

Always refer to the appropriate collective negotiations agreements for any variations or additional details. This policy does not apply to employees who are not entitled to paid holidays.

3. Overtime work in another department

Prior to employing a Rutgers employee outside of their regular position, hiring units must receive authorization from University Human Resources. Please contact the Office of Labor Relations for this authorization.

4. Special situations

The Office of Labor Relations provides information regarding overtime compensation in other work situations not specifically addressed in this policy (for example, travel time, trainees, and work different from the regular duties of the title).

I. Overtime Procedures

1. Authorization

All overtime must be authorized by the Vice President or Chancellor in charge of the area. Each Vice President and Chancellor will promulgate procedures appropriate to the particular area.

2. Payment
Payment of cash overtime compensation due should be made in the pay period in which the overtime is worked, if possible; if that is not possible, then payment must be made in the following pay period.


J. Nothing in this policy precludes a department from changing the schedule of an employee. Call the Office of Labor Relations for discussion if a schedule change is contemplated.

II. Alternative Work Arrangements for Regularly Appointed Staff Employees

The definitions for all terms utilized in this Section (II) are the same as those utilized in Section I above unless otherwise noted.

A. Forms of Alternative Work Arrangements

The University recognizes two forms of alternative work arrangements: a Flexible Work Day Arrangement and a Compressed Workweek Arrangement. Both forms of Alternative Work Arrangements may be implemented either department-wide or on an individual basis. The implementation of Alternative Work Arrangements shall be at the discretion of the employee’s department. Prior to implementing any form of Alternative Work Arrangement for union-eligible staff, departments must contact the Office of Labor Relations.

1. Flexible Work Day Arrangement

The features of a Flexible Work Day Arrangement are as follows:

a. A variable daily schedule that revolves around a fixed set of core hours, which may vary by employee;

b. A pre-defined start time during which the employee will commence his or her workday; for non-exempt\(^2\) staff, a workday that remains for a specific number of hours (i.e. 7, 7.5 or 8), not including a meal break, during which the employee must be at work; and

c. A meal break of at least thirty (30) consecutive minutes.

2. Compressed Workweek Arrangement

a. Features of a Compressed Workweek Arrangement

The features of a Compressed Workweek Arrangement are as follows:

i. A regularly repeating weekly, or bi-weekly, schedule that is shorter than five uniform and consecutive days in one workweek, or ten uniform and consecutive days in two workweeks, respectively;

ii. A regular workweek (e.g. 35, 37.5 or 40 hours) that is executed over the shortened period of time so that there are fewer but longer days in the new workweek(s);

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\(^2\) The term non-exempt refers to those employees who are not exempt from the overtime provisions of the Federal Fair Labor Standards Act.
iii. For non-exempt staff, a workday that is for a specific number of hours, not including a meal break, during which the employee must be at work;

iv. A meal break of at least thirty (30) consecutive minutes; and

v. One regularly scheduled day off that the employee receives as a result of the compression of the workweek(s). The regularly scheduled day off may be any day during such workweek(s), as predetermined by the department, which shall repeat with regularity.

b. The Two Forms of Compressed Workweek Arrangements

i. **4&1** In a 4&1 Compressed Workweek Arrangement the employee will work four (4) days and receive one (1) regularly scheduled day off in each workweek.

   An employee who is in a 35-hour per week position and who is placed on a 4&1 Compressed Workweek Arrangement will work four 8.75-hour days per workweek.

   An employee who is in a 37.5-hour per week position and who is placed on a 4&1 Compressed Workweek Arrangement will work four 9.38-hour days per workweek.

   An employee who is in a 40-hour per week position and who is placed on a 4&1 Compressed Workweek Arrangement will work four 10-hour days per workweek.

ii. **9&1** In a 9&1 Compressed Workweek Arrangement the employee will work nine (9) days and receive one (1) regularly scheduled day off in every two consecutive workweeks. A 9&1 Compressed Workweek Arrangement must correlate with an employee’s pay period as defined in Section I above. A 9&1 Compressed Workweek Arrangement is not available to overtime-eligible employees.

   **NL employees** NL employees have a minimum average workweek of 37.5 hours. Accordingly, An NL employee who is placed on a 9&1 Compressed Workweek Arrangement will work nine days of at least 8.33 hours per two consecutive workweeks.

   **N4 employees** N4 employees are required to work a minimum of 40 hours per workweek because their primary function is to directly supervise non-exempt, 40-hour, fixed workweek employees. Accordingly, an N4 employee who is placed on a 9 & 1 Compressed Workweek Arrangement will work nine 8.9-hour days per two consecutive workweeks.

B. Alternative Work Arrangements for Part Time Employees

Compressed Workweek and Flexible Work Day Arrangements can be implemented for part-time employees by following the same guidelines set forth in section A above, prorated according to the employee’s part-time percentage.
C. Holidays

1. The value of a holiday is equal to 1/5 of the employee’s regular workweek (e.g. 35, 37.5 or 40 hours, or less as in the case of part-time employees).

2. If a holiday falls on an employee’s regularly scheduled day of work, the employee shall receive the day off. If due to the Compressed Workweek Arrangement the length of the employee’s workday is greater than the value of the holiday, the difference is charged to another form of time or to leave without pay.

3. If a holiday falls on an employee’s regularly scheduled day off, the employee shall receive an alternate day off within the same workweek. If due to the Compressed Workweek Arrangement the length of the employee’s workday is greater than the value of the holiday, the difference is charged to another form of time or to leave without pay.

4. If an employee is directed to work on a holiday, the employee shall receive pay for the holiday. Additionally, if non-exempt, the employee shall receive time-and-one-half premium pay for all hours worked on such holiday.

5. Current University policies for recording holiday time remain applicable.

D. Recordkeeping

1. Alternative Work Arrangements do not require any additional recordkeeping beyond what must already be kept pursuant to State and Federal law.

2. Alternative Work Arrangements for each employee, if implemented, should be communicated in writing to the employee and kept on file. The writing must identify the form of the Alternative Work Arrangement being implemented, the days of the week and the hours per day that the employee is required to work, the expected starting and ending times of the employee’s workday, and any other pertinent information.

III. Interpretation of Policy

Please contact the Office of Labor Relations for interpretations or assistance with this policy.