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# SECTION 3. Working at Saint Mary's College

Saint Mary's College of California

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## Section 3. Working at Saint Mary's College

### Authority

Assistant Vice President of Human Resources

### Summary

This section reviews all phases of working conditions and related processes. Below are the main headings:

- 3.1 Employee Status Definitions
- 3.2 Attendance / Work Hours
- 3.3 Other Types of Pay for Non-Exempt Employees
- 3.4 Other Schedule-Related Policies
- 3.5 Personnel Records – Confidentiality and Access
- 3.6 Maintaining Current Employee Information

### 3.1 Employee Status Definitions

#### 3.1.1 Full-time

Any employee scheduled to regularly work 1,950 hours per year or more. Example:

- Employees working 37.5 hours per week for 12 months per year, or employees working 40 hours per week for 12 months per year

#### 3.1.2 Part-time

Any employee scheduled to regularly work fewer than 1,950 hours per year. Example:

- Employees working 37.5 hours per week for 10 months per year (1,625 hours per year)
- Employees working 40 hours per week for 11 months per year (1,907 hours per year)

### **3.1.3 Employees Working Fewer than Twelve Months per Year**

Schedules for staff working fewer than 12 months per year are intended for those student-related positions not needed a month or more during the summer when undergraduate classes are not in session; examples: Health and Wellness, Counseling Center and other area positions.

Authorization to work fewer than 12 months a year must be approved by the dean or director and the area Vice President or Vice Provost and the Assistant Vice President of Human Resources or designee. This change needs to be formally submitted to Human Resources so a letter can be prepared for the employee that outlines the requirements and benefits changes that occur with this change of status. For example, the employee and supervisor need to designate the month(s) the employee will not be working. Normally those with reduced schedules are paid their less-than-fulltime salary over 12 months.

Those working less than twelve months who terminate mid-year will have their final pay calculated based on the weeks/hours worked from a fiscal year versus paid time basis. The calculation will be prepared at the time of termination by Payroll as verified by HR. Any hours overpaid by the College will be the employee's responsibility to be paid at the time of termination and can be deducted from any hours owed for accrued vacation. In other words at the point of termination the College will have paid the employee all hours due and can deduct any hours due to Saint Mary's if applicable.

### **3.1.4 Employee vs. Independent Contractor**

Employees are on the College payroll, are subject to withholding and may be eligible for applicable College benefits. An independent contractor or outside consultant is not a College employee, is self-employed, and is not eligible for any College benefits. Status determinations are made only by Human Resources.

### **3.1.5 Regular**

Any employee who is employed at-will for an indefinite time period or has a contract for a specified period of time.

### **3.1.6 Temporary/Limited**

A “temporary” or “limited” employee is any employee hired for a limited period of time, during which the employee is expected to be on pay status for less than 1040 hours in a 12-month period. Temporary/Limited employees are not eligible for College benefits other than those required by law (e.g. unemployment, workers’ compensation, State disability), except that when the employee has attained 1,040 hours but fewer than 1,950 hours in a consecutive 12-month period without a break in service of at least 120 consecutive calendar days, the employee is eligible for prorated holidays, vacation and sick leave based on the employee’s “Full-time Equivalent” (FTE).

### **3.1.7 Contract**

A contract position is an position established at a fixed or variable percentage of time for a definite period. Terms and conditions of employment are specified in a written employment contract.

### **3.1.8 On-Call**

A pool of temporary employees maintained by Human Resources to provide support services for short- and long-term assignments, e.g., during regular employees’ vacations or medical leaves, or special projects. On-call employees are not eligible for College benefits other than those required by law (e.g. unemployment, workers’ compensation, State disability).

### **3.1.9 Student**

A student position is a position which is reserved for a regular student of Saint Mary’s College. Such a position retains the designation of student regardless of the percent of full-time or the duration of the position.

### **3.1.10 Exempt vs. Non-exempt**

Federal and state wage and hour laws inform whether employees are classified as exempt or non-exempt on the basis of the employee’s current job duties, and for part time exempt positions,

earnings per month. Determination of exempt or non-exempt status, as informed by applicable laws, is made by Human Resources.

- ***Non-Exempt*** – Non-exempt employees are in positions that do not meet the FLSA tests for exemption from overtime, or other employee categories such as those earning less than two times the California state minimum wage (currently \$2,733.33 per month for a 40-hour week), regardless of the FLSA classification.
  - Full-time non-exempt employees are expected to work either 7.5 or 8 hours per day, and 37.5 or 40 hours per week, as assigned.
  - Non-exempt employees must report actual hours worked, must account for all time off, and are eligible for pre-approved overtime pay based on actual hours worked in a day or week.
  - Non-exempt employees are not eligible for compensatory time.
  - Non-exempt employees are expected/required to take two 15 minute paid breaks and ½ hour unpaid lunch period during their scheduled day.
  - Non-exempt employees may not make up time. Make up time is defined as taking time off in a week and making it up within the same week.
- ***Exempt*** – Exempt employees include those employees who earn a minimum of \$2,733.33 per month (or two times minimum wage for a 40-hour week), are salaried, and have executive, managerial, professional or administrative responsibilities that meet Fair Labor Standards (FLSA) tests.
  - Exempt employees are not eligible for overtime pay, compensatory time, or specific meal periods and rest periods.
  - Exempt employees' work week usually consists of *at least* 40 hours per week; exempt employees are expected to work until their responsibilities have been completed.

### **3.2 Attendance / Work Hours**

The College has policies regarding work hours and attendance to provide consistency among College departments.

### 3.2.1 Attendance Policies and Procedures

Every staff member is expected to be punctual, to observe required hours of work and to notify the department supervisor at the earliest possible time when he/she will be absent or late because of illness, emergency or other unexpected cause. Excessive unexcused absenteeism, patterns of absenteeism (e.g. repeated absences on Mondays and Fridays), or tardiness can result in disciplinary action, including termination. An employee who is absent three or more consecutive work days without notice is presumed to have voluntarily resigned.

All staff employees and their supervisors must sign the attendance or exception report to document time off.

- **Non-exempt** employees are required to submit attendance reports to Payroll on the 5th and 20th of each month. Attendance reports must document all work time and absences during the pay period, and must be signed by both employee and supervisor, certifying that those are the hours actually worked during that period.
- **Exempt** employees are required to submit monthly absence reports to their supervisor, whether or not the exempt employee was absent during the month. Absence reports must note time off, e.g. vacation, holiday, sick leave, jury duty, bereavement or any other approved leave. Absence reports must be signed by both employee and supervisor, certifying that the time off indicated for that period is accurate and complete. Absence reports are due in Payroll by the 5th of each month for absences during the previous month.
- The Payroll Office will not accept any unsigned attendance or absence reports. Failure or refusal to complete attendance or absence reports may result in disciplinary action.
- If a supervisor believes an attendance or absence report submitted by an employee is not accurate, the supervisor should discuss the concern with the employee. The employee, not the supervisor, should make any changes to the employee's timesheet or attendance report.
- Attendance or absence records signed by employees' supervisors, must accurately document all time off from work.

See Section 8 Benefits: 8.1, 8.2, 8.4 and 8.5 for additional information on vacation and sick leave.

### **3.2.2 Pay Days**

Paydays are the 15th and the last day of the month. If either of these days falls on a weekend or College holiday, payday will be the workday before. The pay received on the 15th of the month compensates for work performed the 1st of the month through the 15th. The paycheck on the last day of the month is for work performed the 16th of the month through the end of the month.

### **3.2.3 Paychecks**

The Payroll Office is responsible for the preparation and disbursement of the payroll. Each employee's pay advice ("pay stub") will be available electronically via Gaelxpress by 8:00 a.m. each pay day. Individual pay advices will be available electronically for two (2) years following that pay day.

### **3.2.4 Direct Deposit**

Employees are strongly encouraged to have their paychecks deposited directly with their bank, credit union or other financial institution. Forms to sign up can be found at the Human Resources website, or outside the Human Resources office. Those employees who do not have direct deposit will have their paychecks mailed to them on payday.

### **3.2.5 Garnishments**

If the Payroll Office receives a court order to withhold (garnish) a portion of an employee's paycheck, it will promptly notify the employee of the garnishment and his/her rights.

### **3.2.6 Pay and Vacation Records**

The Payroll Office posts attendance reports and pay records for all employees and Human Resources is the official keeper of the records as defined by law. In the event of a dispute, these signed attendance reports are the official records of the College and shall prevail. Human

Resources is responsible for maintaining records of vacation time accrued and taken, and its records are the official records of the College.

On a regular basis Human Resources audits the attendance records submitted by employees. Attendance reports may be questioned for accuracy and clarification at which time adjustments may be required.

It is the responsibility of every employee to submit attendance reports in a timely manner as described in Section 3.2.1. Failure to do so can be cause for discipline including termination.

### **3.3 Other Types of Pay for Non-Exempt Employees**

#### **3.3.1 Overtime**

Overtime is paid to *non-exempt* employees under the following conditions and at the following rates:

- Employees who work more than 8 hours but fewer than 12 hours in one day, or more than 40 hours per week, will be compensated for the excess hours at the overtime rate of one and one-half times the employee's straight time hourly rate of pay, beginning after the 8th hour in a day or after the 40th hour in a week.
- Employees who work more than 12 hours per day are paid for hours beyond 12 at the overtime rate of two times the employee's straight time hourly rate of pay.
- While California law requires that for non-exempt employees, any hours worked in excess of 8 hours a day or 40 hours per week must be paid at the appropriate overtime rate, Saint Mary's has historically and is currently voluntarily paying overtime to non-exempt administrative employees overtime for hours worked in excess of 7.5 hours per day or 37.5 hours per week.
- All overtime must be authorized in advance and in writing by the supervisor.
- Employees on an approved (by the Department of Labor) alternative work-week schedule shall be subject to the applicable overtime rules associated with the alternative schedule.



Non-exempt employees are required by law and Saint Mary's policy to report all hours worked accurately and honestly. Failure to do so can lead to discipline or termination. Supervisors are also required to verify the hours worked and will be held personally responsible for any approvals that may be recorded in error.

### **3.3.2 Rest Periods**

Non-exempt employees working more than four (4) hours per day are entitled to a paid rest period of 15\* minutes for each four hours worked (or major portion thereof). For employees who start work in the morning, the breaks should be taken mid-morning and mid-afternoon. Rest periods should be scheduled with the employee's supervisor's approval.

NOTE: Rest breaks may *not* be combined with or added onto meal breaks, even at the employee's request. Nor can an employee use them to come in 15 minutes late or leave 15 minutes early in lieu of taking breaks.

\*While California law requires only 10-minute rest breaks for non-exempt employees, Saint Mary's practice is to provide rest breaks of 15 minutes for each four hours worked.

### **3.3.3 Meal Breaks**

Non-exempt employees working more than five hours per day are required to take a meal break of at least 30 minutes in approximately the middle of their work day. If six hours completes the work day, the meal break may be waived by mutual consent of the employee and supervisor, in writing. Meal breaks must be free of any work duties, and should not be taken at the employee's desk. Meal breaks are unpaid and should be scheduled with the supervisor's approval.

NOTE: rest periods and meal breaks may not be used to extend the employee's starting time nor advance departure time.

#### **3.3.3.1 Failure to Provide or Take Meal and Rest Breaks**

California employers are required to provide rest periods and meal breaks for non-exempt employees as described above. Failure to provide or to take the rest breaks and meal breaks described above may result in disciplinary action.

### **3.3.4 Travel Time**

With the exception of travel from home to work and back (commute), most travel time for non-exempt employees is considered work time. However, because travel time does not require the use of an employee's skills, pay for travel time may be at a rate that is less than the employee's normal rate of pay (at least minimum wage). For assistance in setting the appropriate rate for travel, consult with the Director of Employee Relations & Compensation.

NOTE: When travel time is counted as work time, overtime may be due for applicable travel.

For those non-exempt employees traveling to a distant work place (out-of-area/state, conference, etc.) travel pay begins when she/he leaves to go to the airport, and ends when the employee arrives at the out-of-area hotel or meeting location. Upon return, work time begins when the employee leaves the meeting or hotel for the out-of-area airport and work time ends when the employee arrives at the home airport. For further detail, refer to Human Resources.

### **3.3.5 Call-in Pay**

When a non-exempt employee is called in to work on a day other than his/her normal work schedule, the employee receives at least two (2) hours at the applicable hourly rate, even if the employee is not needed for the full two hours.

Call pay for an exempt employee is considered part of the exempt employee duties and is not compensable.

### **3.3.6 On-Call / Standby Pay**

“On-call” time is not compensable if the non-exempt employee can use the time primarily for his/her own benefit. If a nonexempt employee is “on call” or required to carry a cell phone or similar device, the on-call time is normally not compensable unless the employee is required to stay at home or at work, there are geographic restrictions placed on the employee's movement or there are other limitations on the employee's ability to use the time for personal use, in which case the on-call time may qualify as hours worked. For clarification, see the Director of Employee Relations & Compensation.

On-Call/Standby Pay for an exempt employee is considered part of the exempt employee duties and is not compensable.

### **3.3.7 Shift Differential Pay**

The law does not require differential payment for shifts worked other than the employer's normal hours. However, the College has determined that those non-exempt employees working a regular schedule of 3:30 pm to midnight (swing shift) will be paid an additional 5% of their normal pay, and those non-exempt employees working a regular schedule of midnight – 8:30 am (graveyard shift) will receive an additional 10% in pay. Variations of these schedules must be approved by Human Resources.

## **3.4 Other Schedule-Related Policies**

### **3.4.1 Work Week**

The work week begins at 12:00 a.m. on Monday and ends at 11:59 p.m. on Sunday.

### **3.4.2 Office Hours**

Most administrative offices of the College are normally open Monday through Friday, 8:30 a.m. – 4:30 p.m., 12 months per year, except for administrative (non-academic) holidays. Some academic offices are closed during certain periods of the year when students are not on campus. Seasonal or other variations in hours in some departments should be reviewed and approved by Human Resources.

### **3.4.3 Ten (10) or Eleven (11) month Positions**

Some academic offices are closed during certain periods of the year when students are not on campus. Employees in those offices may be scheduled to work only ten (10) or eleven (11) months during the year. For more information, see *Employee Status Definitions*, earlier in this section.

### **3.4.4 Alternative Workweek**

Alternative workweek schedules for non-exempt employees are closely regulated by the State Labor Commissioner. Departments interested in exploring alternative workweeks must consult with and obtain the approval of the Assistant Vice President of Human Resources or designee.

Alternative work weeks include 10 hour days for 4 days per week 9/80, 8 hours days for non-exempt employees regularly scheduled for 7½ hour days. These schedules must be discussed with Human Resources prior to adoption.

### **3.4.5 Flexible Work Schedule**

Employees may work a flexible schedule for one day or longer to meet department needs or to accommodate the employee's needs as long as the flexible schedule does not interfere with the department's efficiency or effectiveness. Flexible schedules must be approved by the employee's supervisor. Typical flex-time schedules are working 8:00 a.m. to 4:00 p.m. or 9:00 am to 5:00 p.m. in the same day.

### **3.4.6 Make Up Time**

Make up time is not allowed at Saint Mary's for non-exempt employees. Make up time is defined as taking leave and making up the time taken at a later date. For example: an employee has no sick leave but must take 4 hours off on Monday for a doctor's appointment. That employee cannot come in on Saturday or work 4 hours overtime to make up for the time lost on Monday.

### **3.4.7 Adjusted / Flexible Work Week**

Due to departmental or employee needs some adjustment to a work week may be necessary. Those adjustments would include, but are not limited to: taking Fridays off to work Saturday or working a Wednesday through Sunday schedule. Graduation may require the non-exempt staff to work a Sunday. That would require an adjustment of the normal work schedule to make sure that a 37.5/40 hour work week is accomplished between Monday and Sunday. The College will pay any appropriate overtime based on applicable law and policy.

## **3.5 Personnel Records – Confidentiality and Access**

Federal and state laws and Saint Mary's policy require the collection and retention of certain personnel information. Human Resources maintains the only official personnel files for all employees of the College covered by this Handbook.

### **3.5.1 Access**

Employee personnel files are maintained with strict confidentiality. Access to employee personnel files is limited to the President of the College, Provost, Vice Presidents/Provosts (for employees under their jurisdiction), General Counsel, Assistant Vice President of Human Resources, Human Resources staff, and the employee's supervisors, for business-related needs.

### **3.5.2 Contents of Files**

Human Resources determines what documents will be maintained in personnel files and how long the documents are retained, in accordance with applicable laws, statutes and court orders.

### **3.5.3 Employee Inspection of Personnel File**

An Employee who wishes to inspect his/her personnel file should make a written request to Human Resources. Within a reasonable time for Human Resources to ensure that the file is up to date, an appointment will be arranged. An Human Resources representative will be present during the inspection. The employee cannot remove any information from his/her personnel file nor have a copy of the file. However the employee may make written notes about the documents, and Human Resources can make copies of documents for the employee that the employee has signed. If an employee does not agree with something in the file, he or she may submit additional information which, at the sole discretion of the Assistant Vice President of Human Resources or designee, may be included in the file.

### **3.5.4 Other Requests for Personnel Information**

All faculty and staff home addresses and telephone numbers are considered to be private information unless the employee specifically authorizes their release. The President, Provost,

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Vice Presidents/Provosts, General Counsel, the employee's supervisors and Human Resources have a right to this information, if needed.

During and after employment with the College, the College will release certain information about an employee's or former employee's employment as follows:

- Human Resources will provide or verify employment dates and job titles when requested by an external party.
- Salary or other more specific information will be released only if the employee or former employee has given written permission to do so, and the signed release specifying what information can be released is submitted with the request.
- HR will respond to a lawful court order, subpoena, federal or state agency request, permissible discovery requests in litigation matters, or order or request of the IRS or Franchise Tax Board for records;
- HR will furnish relevant factual information to authorized government agencies (e.g., social security, unemployment insurance, disability insurance) for benefits purposes.

## 3.6 Maintaining Current Employee Information

### 3.6.1 Personal Data

Human Resources is responsible for the maintenance and accuracy of the College database for all employees (excluding students). When changes occur to an employee's personal data, the employee must make sure HR receives a *written* authorization of the change. Change forms are available on the Human Resources website, in the boxes outside the HR office, or at the HR window in Filippi Hall.

Examples of personal data changes include:

- Name change – Employees changing their names must show Human Resources their new social security card with their new name. Human Resources will make a copy of the original.
- Emergency contacts

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- Marital status
- Address – it is important that the College has each employee's current street address (not PO Box). Address changes should also be made with the College's benefits administrator and insurance carriers.
- Home or message telephone number
- New Dependents
- Change of Beneficiary – Forms are available in Human Resources to register changes in beneficiaries for the retirement and life insurance programs.
- Changes in beneficiaries can be made at any time.

#### **3.6.2 Retention of Files**

The College retains all employment records during employment, and thereafter, for a minimum period of five (5) years, after which the records may be destroyed. Files involved in threatened or pending litigation or governmental action will be retained as required by applicable procedures and regulations until the matter involving those files is concluded.