

# Utah Tech University Policy

## 352: Staff Compensation



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### I. Purpose

- 1.1 Utah Tech University (“the University”) maintains a Staff Compensation Program consistent with Title VII of the Civil Rights Act, the Equal Pay Act, the Fair Labor Standards Act (FLSA), and other Federal, State, and Institution regulations.

### II. Scope

- 2.1 This policy applies to all University employees without faculty status.

### III. Definitions

- 3.1 ***Standard University Business Hours:*** Monday through Friday from 8:00 am until 5:00 pm. Hours in certain areas and at certain times of the year may be scheduled outside of standard University business hours to meet operating requirements on a case-by-case basis.
  - 3.1.1 ***Work Week:*** defined for the purpose of this policy as Saturday morning at 12:00 am through the subsequent Friday evening at 11:59 pm.
- 3.2 ***Institutional Increase:*** a salary increase made at the institutional level across all University divisions, namely cost of living adjustments (COLA), equity/market increases, rank advancements, etc.
- 3.3 ***De Minimis Work:*** infrequent and insignificant periods of time beyond the scheduled working hours which cannot as a practical matter be precisely recorded for payroll purposes (as defined by the US Department of Labor Wage and Hour Division). This rule applies only where there are uncertain and indefinite periods of time involved, a few seconds or minutes in duration, and where the failure to count such time is justified by industrial

realities.

#### IV. Policy

4.1 University employees are subject to the requirements of the Fair Labor Standards Act. As such, Human Resources shall evaluate each job description with supervisors and determine the job's appropriate overtime classification of exempt vs. non-exempt under the FLSA salary and duties tests.

4.1.1 Full-time employees in exempt positions (ineligible for overtime) are responsible for fulfilling the responsibilities of their assigned positions and working a minimum of 40 hours per week.

4.1.2 Full-time employees in non-exempt positions (eligible for overtime) are expected to work eight hours a day or 40 hours per week and are responsible for accurately recording work hours, obtaining supervisor's approval prior to working overtime, and cooperate with overtime work needs. Departments shall schedule unpaid meal breaks and paid rest periods as appropriate.

4.1.2.1 Full-time non-exempt employees shall receive a meal period for each full-time work day of not less than 30 minutes and not exceeding 60 minutes. Meal periods are non-compensated and are not included when calculating total hours worked. Meal periods may not be used to shorten a work day.

4.1.2.2 Full-time non-exempt employees may take up to 15 minutes of compensated break period for every four hours worked. Break periods may not be accumulated to create a shorter work day or longer lunch period.

4.1.2.3 Full-time non-exempt employees are allowed compensated exercise release time of up to 30 minutes three days per week. Authorization for exercise release time shall be documented in writing and scheduled with the supervisor's approval.

4.1.2.4 Full-time non-exempt employees may not "volunteer" their services to the University if the work is not significantly different in nature than their primary position.

4.1.3 For employment of persons under the age of 18, the University complies with rules governed by the Fair Labor Standards Act and Utah State Administrative Code R610-2-3.

## 4.2 Overtime Pay, Compensatory Time Off, and Callback Pay

- 4.2.1 A department may require employees to work overtime. However, supervisors will organize their department workloads to keep overtime hours to a minimum.
- 4.2.2 The University provides overtime pay or compensatory time off to non-exempt employees whose work exceeds 40 hours in a workweek. Non-exempt employees must obtain their supervisor's approval prior to working overtime hours. Should an employee work overtime without the supervisor's approval and provides the appropriate documentation of said work hours, those overtime hours must be paid/compensated to the employee, though the employee may be subject to disciplinary action.
- 4.2.3 Both overtime pay and compensatory time off are given at the rate of time and one-half of the regular base pay rate for each overtime hour worked.
  - 4.2.3.1 Time absent from the job for vacation, sick, a holiday, or other paid leave is not counted as time worked for the purpose of computing overtime hours. Rather, extra hours worked in such a week are given at the normal rate of time. For example: a paid holiday is Monday and the employee works 34 hours between Tuesday – Friday of the same week for a total of 42 hours (34 hours of work + 8 hours holiday). Because the employee is not physically at work more than 40 hours this week, the employee would be given two (2) hours of comp time (the normal rate) and not at time and one-half.
- 4.2.4 Compensatory time off in lieu of overtime pay is the University's default position for compensating overtime hours. However, if the employee and supervisor agree, compensatory time off can be declined and the employee will receive pay at time and one-half. Supervisors are responsible for submitting said payment with associated documentation to the Payroll Office.
- 4.2.5 Actual hours worked and compensatory time must be documented and recorded by the employee and the supervisor as it is accrued and as it is taken.
- 4.2.6 The maximum compensatory time that can be accrued is 120 hours (80 hours of overtime work). If a non-exempt employee achieves the maximum accrual, resigns, or is discharged at the time when he or she has a balance of unused compensatory time off, the employee

will be paid for the unused compensatory time. Payment will be calculated using the employee's current base pay rate.

- 4.2.6.1 Employees who accumulate more than 120 hours of compensatory time without having scheduled time off in the next 30 days shall be automatically compensated for those hours above 120 hours.
- 4.2.7 If an employee is required to work on an official University holiday, the supervisor may schedule another day off during that workweek. If that is not possible, then employees are entitled to holiday premium pay (double time) if they are required to work on an official University holiday in a non-overtime workweek.
- 4.2.8 If a non-exempt employee is required to be on-call and is called into work for critical operational duties outside standard University business hours, the University will compensate for those work hours the employee receives based on the above overtime/compensatory time rates.
- 4.3 For non-exempt employees who travel to meetings, conferences, etc. on the University's behalf, accountability of these hours in relation to overtime/compensatory time are as follows:
  - 4.3.1 An employee who commutes from home before the regular workday and returns to their home at the end of the workday is engaged in ordinary home to work travel, which is not considered work time.
  - 4.3.2 An employee who regularly works at a fixed University building/location who must visit another fixed University building/location for meetings, assignments, etc. must be compensated for the travel time as work time, except for the time the employee would normally spend commuting to the regular work site at the start/end of their workday.
  - 4.3.3 Travel that keeps an employee away from home overnight is travel away from home. Travel away from home is always considered work time when it occurs during standard University business hours, including on days that are not scheduled workdays.
    - 4.3.3.1 When the travel occurs outside standard University business hours for the employee, time spent as a passenger on an airplane, train, boat, bus, or automobile is not considered work time (is viewed as De Minimis) unless the employee is doing actual work such as preparing for a

meeting/presentation the following day, etc.

- 4.3.3.2 When the travel occurs outside standard University business hours for the employee, time spent operating/driving the vehicle from one city to another is considered work time. Normal commuting away from home (hotel to meeting location, etc.) is considered ordinary home to work travel and not considered work time.

#### 4.4 Staff Base Pay Guidelines

- 4.4.1 It is the goal of the University to attract, motivate, and retain highly qualified individuals whose knowledge, experience, and contributions advance the University's mission. The University is committed to fairly and equitably compensating staff for their role in the academic learning and support environment.
- 4.4.2 Staff salary determination is made on national salary survey data of higher education institutions with similar characteristics to Utah Tech University, which can include budget size, student enrollment, public vs. private classification, program/degree offerings, Carnegie Classification of Institutions of Higher Education, etc.
- 4.4.3 Each staff member's job description will be analyzed and compared to the national salary survey data based on employee's job duties, experience, education, level of responsibility, etc. and assigned a market benchmark. Department/division heads, Vice Presidents, and the Human Resources Office will review factors used in determining appropriate benchmarks on an annual basis.
  - 4.4.3.1 The University President has the ultimate authority in determination of staff salaries.
- 4.4.4 Staff salary equity information will be given to the Vice Presidents each year for use in making base salary market adjustments.
- 4.4.5 Achieving and maintaining salary equity based on internal and external factors is an ongoing process. The University's salary equity goal is to have staff salaries average at least 100% market median.
- 4.4.6 Base pay adjustments are generally given as part of the annual budget cycle and are implemented at the start of the fiscal year. Human Resources, together with department administrators, examines issues that arise outside the annual budget cycle. Some

examples of issues that may be addressed midyear are:

- 4.4.6.1 Transfers and Reclassifications: employees who are promoted may be eligible for a pay increase in connection with the new position's market benchmark. However, employees whose transfer or reclassification results in a lateral move or demotion shall not receive a pay increase in connection with the action and may receive a pay decrease as determined by market factors, department administrators, and Human Resources.
- 4.4.6.2 Attrition: through the natural turnover process, department administrators should work with Human Resources to ensure pay is equitable for the replacement position based on market factors. Funding may be reallocated to ensure appropriate equity for the replacement position.
- 4.4.6.3 Externally Funded Positions: positions funded 50% or more from non-state funds may have as much as 10% variance from similarly benchmarked positions.
- 4.4.6.4 Other Salary Adjustments: employee retention issues, critical market conditions or resolution of salary inequity. Off-cycle salary adjustments shall not be used to reward performance.
- 4.4.7 The University may authorize the use of merit pay to compensate staff employees as part of the annual salary increase program.
  - 4.4.7.1 Commissions, bonuses, or other incentive payment programs given to employees or contractors for the purpose of securing enrollments of military service members is prohibited.
- 4.4.8 Equity Increases
  - 4.4.8.1 Based on funding availability, staff members are eligible for annual equity increases if the market median salary for the employee's market benchmark is greater than the employee's current salary.
  - 4.4.8.2 Equity increases for staff will be determined using various factors including but not limited to funding availability, number of positions below market median, and general staff salary equity needs.
  - 4.4.8.3 Vice Presidents reserve the right to withhold equity increases to positions that are vacant or to staff members who are not

performing at a satisfactory level and are on a performance plan. Any unawarded amount can be awarded as part of the following year's annual University equity increases.

4.4.9 Temporary positions are ineligible for University increases.

#### 4.5 Staff Supplemental Pay Guidelines

4.5.1 Supplemental compensation may be used to compensate full-time staff employees for additional temporary efforts or temporary assignments that significantly deviate from the job's normal expectations. Such additional compensation requires documentation of the additional assignment, when the job assignment is to be completed outside of standard University business hours, total number of hours worked, applicable rate, etc.

4.5.1.1 Non-exempt employees must be paid at their applicable overtime rate for supplemental assignments since their base job is 40 hours of work per week.

4.5.1.2 Employees may not accept or be compensated for additional assignments during standard University business hours if the secondary assignment is more than four (4) hours per week. Specific assignments that may occur during standard University business hours, such as staff who qualify for and are approved to adjunct teach, Staff Association leadership positions, staff com leadership assignments, etc. require approval from University administrators before the additional assignment may begin, with hours being made up on their base/primary job.

## V. References

5.1 University Policy 310: Part-Time Employment

5.2 Utah State Administrative Code R477-8-3: Lunch, Break and Exercise Release Periods

5.3 Utah State Administrative Code R610-2-3: Employment of Minors

5.4 US Department of Labor Wage and Hour Division  
(<https://www.dol.gov/whd/>)

5.5 US Department of Defense Voluntary Education Program  
(<https://www.dodmou.com/>)

## VI. Procedures

- 6.1 Each department is required to maintain accurate time and attendance records for all staff employees within the department. Non-exempt employees must record the total number of hours actually worked each day, including start/stop times as well as uncompensated meal periods.
- 6.2 Human Resources shall be responsible for collecting and maintaining salary survey information on an annual basis.
- 6.3 Upon attrition or request for new positions, department/division heads should inquire of Human Resources as to the appropriate compensation level for positions based on market factors. Positions may not be approved for advertisement until appropriate funding is allocated.
- 6.4 Human Resources shall provide complete salary equity data for staff to University administrators as part of the annual budget cycle. Each Vice President shall be responsible for approving the proposed distribution of staff salary equity for positions within their organizational units.

## VII. Addenda – N/A

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Policy Owner: Executive Director of Human Resources

Policy Steward: Staff Association, Vice President for Administrative Affairs

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