

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 of 1964, The Equal Pay Act, the Fair Labor Standards Act (FLSA), and other federal and state law, and University and Utah Board of Higher Education policy.

II. Scope

- 2.1 This policy applies to all University Staff employees.

III. Definitions

- 3.1 **Base Job:** A full-time employee’s Base Job duties as outlined in their Staff job description.
- 3.2 **Base Pay:** The compensation a Full-Time Employee receives for doing their Base Job.
- 3.3 **De Minimus 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.
- 3.4 **Full-Time Employee:** An individual whose employment status is expected to last nine (9) consecutive months or longer, working 75 percent or more of the normal possible annual work hours for that position. This includes individuals working consistently 30 hours or more weekly on a 12-month basis, and those working 75 percent or more for at least nine (9)

consecutive months in jobs where the normal possible working hours are less than 2,080 hours (full-time annual equivalent).

- 3.5 **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.
- 3.6 **Staff:** Employees of the University whose primary responsibility is administering the University's organization and functions (e.g., Executive Staff) or supporting University infrastructure, processes and/or programs (e.g., Exempt Staff, Non-Exempt Staff, Hourly Staff, Seasonal/Temporary Staff, etc.).
 - 3.6.1 **Executive Staff:** Senior Administrators, including the University's President, Vice Presidents and Provost, Associate and Assistant Vice Presidents or Provosts, Deans, Associate Deans, and other chief administrators.
 - 3.6.2 **Exempt Staff:** An individual in a position which qualifies for exemption from overtime compensation under the Fair Labor Standards Act. See University Policy 351.
 - 3.6.3 **Non-Exempt Staff:** An individual in a position which qualifies for overtime compensation under the Fair Labor Standards Act. See University Policy 351.
 - 3.6.4 **Part-Time Staff:** A part-time employee whose primary responsibility is to support University infrastructure, processes and/or programs. Includes Hourly Employees, Student Employees, Work-Study Employees, and Seasonal/Temporary Employees. See University Policy 310.
- 3.7 **Standard University Business Hours:** Monday through Friday from 8:00 a.m. until 5:00 p.m. 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.
 - 3.7.1 **Work Week:** Saturday morning at 12:00 a.m. through the subsequent Friday evening at 11:59 p.m.

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.

4.1.1.1 As a Full-Time Exempt Staff is not required to report time under the Fair Labor Standards Act, an Exempt Staff employee's supervisor may approve modification to an Exempt Staff employee's work schedule during Standard University Business Hours to allow for exercise time, abnormal meal periods during the workday, etc. Such modifications should allow the employee to still fulfill the responsibilities of their assigned position, meet department and University needs, and work a minimum of 40 hours during the Work Week. Exempt Staff employees are expected to communicate proactively with their supervisors regarding any variances in their established schedule.

4.1.1.2 Exempt Staff employees are paid an established pay period or annual salary and routinely receive their full salary for any week in which they perform work, without regard to the number of days or hours worked. They cannot have their pay reduced based on the quantity or quality of work performed, and they record time off requests within the University's official timekeeping system.

4.1.1.3 The University seeks to provide the opportunity for Exempt Staff employees to balance their professional and personal commitments. It is understood that a Full-Time Exempt Staff employee will generally work a minimum of 40 hours per week; however, in the scope of an Exempt Staff employee's normal job, work outside the usual schedule is often required. This might include evening meetings, weekends, extended travel, or work hours well beyond 40 in a given Work Week. In using professional scheduling, Exempt Staff employees may (with supervisor approval) come in later than usual, take additional lunch time, or leave work early to provide some balance to work time and personal time without having to take vacation, sick, or comparable time off. When circumstances require extraordinary time commitments to meet business needs, supervisors may grant additional time off; however, this will not be determined on an hour-for-hour basis and be limited to extraordinary time commitments to

meet business needs.

4.1.2 Full-Time Employees in non-exempt positions (eligible for overtime) are expected to work eight (8) 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 cooperating with overtime work needs. Departments will schedule unpaid meal breaks and paid rest periods as appropriate.

4.1.2.1 Full-Time Non-Exempt Staff employees shall receive a meal period for each full-time workday 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 workday.

4.1.2.2 Full-Time Non-Exempt Staff 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 workday or longer lunch period.

4.1.2.3 Full-Time Non-Exempt Staff employees are allowed compensated exercise release time of up to 30 minutes three (3) days per week. Compensated exercise release time may be used in connection with an employee's lunch period, but not used to shorten a workday (e.g., not used at the beginning or end of the employee's workday). Authorization for exercise release time must be documented in writing and scheduled with the supervisor's approval.

4.1.2.4 Full-time Non-Exempt Staff 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

Full-Time Non-Exempt Staff employees whose work exceeds 40 hours in a Work Week. Non-Exempt Staff employees must obtain their supervisor's approval prior to working overtime hours. Should a Non-Exempt Staff employee work overtime without the supervisor's approval and the Non-Exempt Staff employee provide the appropriate documentation of said work hours, those overtime hours must be paid/compensated to the employee by the University, although the employee may be subject to disciplinary action.

4.2.3 Both overtime pay and compensatory time off are provided 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 Full-Time Non-Exempt Staff 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 Full-Time Non-Exempt Staff employee and supervisor agree, compensatory time off can be declined, and the employee will receive pay at time and one-half.

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 Staff employee achieves the maximum accrual, resigns, or is discharged at the time when they have 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 off without having scheduled time off in

the next 30 days shall be automatically compensated for those hours above 120 hours.

- 4.2.7 If a Non-Exempt Full-Time Staff employee is required to work a large campus-wide event on an official University holiday (as defined in University Policy 346), the Non-Exempt Staff employee may be entitled to holiday premium pay (or double their regular rate of pay) for that specific day. Such premium pay requires the Vice President's pre-approval and must be documented with Human Resources and Payroll prior to working the event. All other work completed on University holidays will be paid at the employee's regular rate of pay or as overtime hours (if Non-Exempt Staff) within the Work Week. An Exempt Staff employee may work with their supervisor to schedule another day off during that pay period as a result of working on an official University holiday.
- 4.2.8 If a Non-Exempt Staff 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 Full-Time Non-Exempt Staff 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 (e.g., 8 a.m. – 5 p.m.), including on days that are not scheduled workdays.
 - 4.3.3.1 When the travel occurs outside Standard University Business Hours (e.g., 5:01 p.m. – 7:59 a.m.), time spent as a passenger

on an airplane, train, boat, bus, or automobile is not considered work time (is viewed as De Minimus) 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 (e.g., 5:01 p.m. – 7:59 a.m.), 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 contribution 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 compensation determinations are made based 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 Full-Time Staff employee's job description will be analyzed and compared to the national salary survey data by Human Resources based on the employee's job duties, experience, education, level of responsibility, etc., and assigned a market benchmark. Department/division heads, Vice Presidents, the President, and Human Resources will review factors used in determining appropriate benchmarks on an annual basis.
 - 4.4.3.1 The University President has the ultimate authority in the determination of Staff salaries.
- 4.4.4 Staff salary equity information will be given to the Vice Presidents and President each year for use in making base salary market adjustments for employees in their divisions/office.
- 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% of 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 the department administrators, examine 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 are prohibited.

4.4.8 Equity Increases

4.4.8.1 Based on funding availability, Full-Time Staff employees 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 The President, Vice Presidents, and President's Direct Reports reserve the right to withhold equity increases to positions that are vacant or to Staff employees 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 an Institutional Increase.

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 Full-Time Non-Exempt Staff employees must be paid at least their applicable overtime rate for all University supplemental assignments since their Base Job with the University is 40 hours of work per week, and all supplemental assignments are in addition to the Base Job and also paid through the same University payroll system.

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 teach part-time, serve in Staff Association Executive Board positions, chair high-workload staff committees, etc., require approval from their supervisor and up their chain of command to possibly include the Vice President or the President's Direct Report before the additional assignment may begin, with hours being made up (or approved accrued leave taken, as outlined in University Policy 346) during the Work Week to ensure the employee's base/primary job has a total of at least 40 hours per Work Week.

- 4.5.1.2.1 If a supplemental assignment is for University teaching, actual contact hours dedicated to teaching during Standard University Business Hours, up to four (4) hours per week, are acceptable. All grading and prep for said teaching must be completed outside of Standard University Business Hours.

V. References

- 5.1 University Policy 301: Personnel Definitions and Classification
- 5.2 University Policy 310: Part-Time Employment
- 5.3 University Policy 344: Tuition Waivers for Employees, Retirees, and Dependents
- 5.4 University Policy 346: Staff Leave and Absences
- 5.5 University Policy 351: Job Descriptions, Classification, and Reclassification
- 5.6 Utah State Administrative Code R477-8-3: Lunch, Break, and Exercise Release Periods
- 5.7 Utah State Administrative Code R610-2-3: Employment of Minors
- 5.8 US Department of Defense Voluntary Education Program (<https://www.dodmou.com/>)
- 5.9 US Department of Labor Wage and Hour Division (<https://www.dol.gov/whd/>)

VI. Procedures

- 6.1 Each department is required to maintain accurate time and attendance records for all Staff employees within the University's official timekeeping system and/or payroll recordkeeping system.
 - 6.1.1 Full-Time Exempt Staff request and report leave time used.
 - 6.1.2 Full-Time Non-Exempt Staff must record the total number of hours actually worked each day, including start/stop times as well as uncompensated meal periods, in addition to requesting and reporting leave time used.
 - 6.1.3 Part-Time Hourly, Student, and Work-Study Staff must record the total number of hours actually worked per day.

- 6.1.4 Part-Time Seasonal/Temporary Staff must record the total number of hours worked per assignment.
- 6.2 Supervisors are required to input any approved exercise release time (as approved/documented per Section 4.1.2.3 of this policy) and/or educational release time (per University Policy 344) each week using the University's official timekeeping system.
- 6.3 A Full-Time Non-Exempt Staff employee who works a large campus-wide event on an official University Holiday will clock in and out using the University's official timekeeping system on the day the employee worked the event. The supervisor will also add 8 hours of "bonus" holiday pay using the specific pay code in the University's official timekeeping system on the day the employee worked the event. The supervisor then edits the timesheet to list any accrued compensatory time for the completed Work Week as payable, so the employee is paid out the hours the employee worked for the event in the subsequent pay period.
- 6.4 Human Resources shall be responsible for collecting and maintaining salary survey information on an annual basis.
- 6.5 Upon attrition or request for new positions, department/division heads should inquire of Human Resources as to the appropriate compensation level for positions needing to be filled based on market factors. Positions may not be approved for advertisement until appropriate funding is documented by Human Resources through the Budget Office.
- 6.6 Human Resources shall provide complete salary equity data for Staff to the President, each Vice President, and President Direct Report as part of the annual budget cycle. The President, each Vice President, and President Direct Report shall be responsible for reviewing and approving the proposed distribution of Staff salary equity for positions within their organizational units.

VII. Addenda – N/A

Policy Owner: Executive Director of Human Resources

Policy Steward: Staff Association Executive Board; Vice President of Administrative Affairs

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