

SOP—UNM Department of Biology Time Reporting Exempt Employees

Purpose

The purpose of this document is to identify UNM Department of Biology implementation of new reporting procedures of leave for Exempt Employees beginning June 1, 2016.

Policy

This procedure applies to Biology Department employees who are designated as Exempt Employees by the University of New Mexico.

Definitions

UNM Administrative Policies and Procedures (UAP) 3200 Employee Classification

2.1. Exempt Employees

Exempt employees are salaried employees and are paid on the monthly payroll and are not subject to the minimum wage and overtime provisions of the Fair Labor Standards Act. Exempt employee positions include such positions as directors, managers, and professional staff, such as engineers, attorneys, and physicians. This list is for illustrative purposes only, and is not meant to be all inclusive. See UAP 3305 ("Overtime") and UAP 3310 ("Compensatory Time") for information on compensation for overtime hours.

Controls

The controls for this procedure are based on the UAP's found at <https://policy.unm.edu/university-policies/index.html> and based on Policy 3200, 3300, 3310 and 3500. Using the description of UNM Exempt Employees found in three of the UNM policies, we follow these policies as the controls for this procedure:

Policy 3300. Paid Time

Section 1. General

*Generally, exempt employees are covered by the provisions of this policy, but the nature of their responsibilities may require irregular hours and work time beyond those provided herein. **Exempt employees are given the flexibility to exercise judgment both in how and when the work is done. A greater emphasis is placed on meeting the responsibilities of the position rather than on working a specific number of hours.***

Policy 3310: Compensatory Time

Section 3. Exempt Employees

*Under the Fair Labor Standards Act, exempt employees are paid a regular salary and are not paid based on the number of hours worked. **Exempt employees are hired to get the job done and at times may need to work beyond their usual schedule. Exempt employees are given the flexibility to exercise judgment both in how and when the work is done. A greater emphasis is placed on meeting the responsibilities of the position rather than on working a specific number of hours. They are expected to meet operational needs and are evaluated on results achieved.** Therefore, exempt employees do not accrue compensatory time.*

However, supervisors may allow an exempt employee paid time off when it is recognized that the exempt employee has worked a significant amount of time beyond the normal work schedule to perform specific job requirements. Any time off under the circumstances described above shall be determined mutually by the supervisor and employee. An exempt employee may not use this time off for absences when the employee is paid for work performed outside the employee's regular work unit or outside the University; the employee must use annual leave for such absences.

Supervisors will administer compensatory time in a fair and reasonable manner. An exempt employee is responsible for ensuring procedural compliance with this policy and adequate documentation of absences.

Policy 3500: Wage and Salary Administration

Section 8. Extra Compensation

*Under the Fair Labor Standards Act, **exempt employees are not paid on the basis of the number of hours worked. Exempt employment is a professional relationship whereby employees are given the flexibility to exercise professional judgment both in how and when the work is done. They are expected to meet operational needs and are evaluated on results achieved.** Therefore, exempt employees do not normally receive extra compensation for work conducted beyond the normal forty (40) hours per week. However, exempt employees may in limited circumstances receive extra compensation from the University for work performed outside the employee's department.*

Responsibilities

The Department has a responsibility to Exempt Employees to closely follow the UAP guidelines for these employees. In seeking guidance from HR and the College, we determined that the normal practice for many areas of the University is referred to as the "two hour rule" for exempt employees. This means that employees who take two hours or less time off (that would have been reported as either annual and/or sick leave) do not have to report the leave usage on a Department Leave Request.

Anyone who takes time off for more than two hours, must report the entire leave usage as either annual and/or sick leave. All time off must be reported to and

approved by the supervisor; with the understanding that in the spirit of this procedure you (as supervisors) are encouraged to allow your exempt employees the flexibility to successfully perform their jobs; and to manage all unreported time off as per this procedure.

Should an employee abuse this new procedure, it is the responsibility of supervisors to ensure that the employee understands that they are expected to meet operational needs and are evaluated on results achieved as per UAP. The use of the performance review is one way to evaluate the employee in meeting the needs of the position should the use of unreported leave time become problematic for the needs of the position.
