

**DEPARTMENT OF ADMINISTRATIVE SERVICES
INTERNAL POLICIES AND PROCEDURES**

Subject: WORKING CONDITIONS
Date: November 4, 2011
Ref: DHRM Rule Sections R477-8-1 to R477-8-5
DAS Policy on Telecommuting

Purpose:

To establish policy and guidance relative to general working conditions with respect to working hours and alternative work schedules for Department of Administrative Services' employees.

This policy is in accordance with the provisions of the DHRM Rules, which in part, states that each agency shall write its own policies related to working conditions so long as those policies are not inconsistent with the rules established by DHRM.

Policy:

Each division will comply with the policies and directives established in this policy relative to working hours, alternative work schedules and telecommuting.

1. **Work Period:** The State's standard work week begins Saturday, 12 a.m., and ends the following Friday, 11:59 p.m.
2. **Business Hours.** All Department of Administrative Services divisions will be open and staffed, Monday through Friday from 8 a.m. to 5 p.m.
3. **Lunch and break periods.** Each full time work day shall include a minimum 30 minutes uncompensated lunch period. Each employee is eligible for a 15 minute compensated break for every half day worked. Lunch and break periods shall not be adjusted or accumulated to accommodate a shorter work day or longer lunch period.
4. **Employees are required to be at work on time.** An employee who is late, regardless of the reason including inclement weather, shall make up the lost time by using accrued leave (sick leave, if appropriate), leave without pay, or with management approval, may temporarily adjust their work schedule. Time spent commuting to and from work is not work time.
5. **Alternative Work Schedule:** At the discretion of the Division Director, employees may participate in an alternative work schedule so long as office coverage is accomplished and customer needs are met.
 - a. Normal starting time will be between 7 a.m. and 8 a.m. with an end time between 5 p.m. and 6 p.m., as approved by their supervisor.

- b. Employees desiring to participate in an alternative work schedule must complete a Modified Work Schedule agreement in Utah Performance Management. This agreement shall be reviewed on an annual basis.
 - c. An alternative work schedule is not a right. The supervisor may revoke or modify the schedule any time necessary. Employees who are placed on a corrective action plan, or under disciplinary restrictions, may not work an alternative work schedule while they remain on corrective action.
 - d. An alternative work schedule may not cause a person to earn overtime hours that have not been approved
 - e. Holidays are based on eight hour workdays. Employees who work an alternative schedule need to adjust their schedules of hours worked or leave used to total 32 hours for the week for FLSA non-exempt or 72 hours for the pay period for an FLSA exempt employee. When a holiday falls on the employees' normal day off, employees must adjust their work schedule so as not to accumulate excess hours in the work week or pay period which includes the holiday.
 - f. Agency management shall deny the use of leave time that will result in an employee accruing excess hours. Exceptions must be approved by the Executive Director, DAS or designee.
6. **Overtime:** Employees and supervisors will abide by DHRM Rule, Section R477 8-5, governing overtime. No employee is allowed to work overtime unless specifically pre-approved by their supervisor. An employee who works overtime without such approval is subject to disciplinary action.
- a. FLSA non-exempt employees who are approved for overtime will begin to accrue overtime at time and one-half after actually working 40 hours in one week. Leave taken during a work week will not count toward the 40 hour working requirement to be eligible to earn overtime. FLSA non-exempt employees must sign an overtime compensation election agreement where they elect to receive either compensatory time or payment at one and one-half times their hourly rate.
 - b. FLSA exempt employees who are approved for overtime will begin to accrue straight time, hour for hour compensatory time after actually working 80 hours in a two week pay period. Leave taken during a two week pay period will not count toward the 80 hour working requirement to be eligible to earn overtime. FLSA exempt employees may not accrue more than 80 hours compensatory time. Once an employee exceeds 80 hours compensatory time, any additional overtime will be paid out on the next paycheck. Unused compensatory time lapses at the end of the division's designated overtime year.
7. **On-call time:** To provide adequate service and respond to emergencies, management may assign staff to be "on-call". Only employees directed by agency management to be "on-call" and who have completed an On-Call Agreement in Utah Performance Management are eligible for on-call compensation. This agreement shall be reviewed on an annual basis.

- a. The employee on-call will be compensated one hour for every 12 hours on call. This time will be recorded on the time sheet as "on-call" time and not "hours worked" and will be paid out on the next payroll. On-call time (1 for 12) does NOT count toward the working requirement to be eligible to earn overtime.
- b. An employee who is not formally in an on-call status, but has been called back to work by management, shall be compensated for time worked, but is not eligible for, nor entitled to, on-call time compensation. To be eligible for on-call compensation an employee must have been required by management to be on-call and to complete an On-Call Agreement in Utah Performance Management.
- c. An employee who agrees to be reachable is not considered in an on-call status. This includes an employee who is provided State-issued equipment, such as a pager, cellular phone, and second telephone line or other means of communication. State-issued equipment is provided as a means of communication between the employer and employee and does not constitute on-call status for the employee, or a job requirement to be on-call as a condition of employment.
- d. Each job related telephone call received or initiated by the employee during the on-call period is to be tracked for actual air time. The air time minutes of all telephone calls received or initiated by the employee during the on-call time period are to be totaled and rounded to the nearest fifteen minute increment as "hours worked."
- e. Any time an employee actually works during their authorized "on-call" period shall be totaled at the end of the on-call period and rounded to the nearest fifteen (15) minutes.
- f. Regular time to the job and back home is not work time. However, travel to the job and back home by an employee who receives an emergency call outside of regular hours or during an on-call period to report back to work is working time. Employees are also eligible for mileage reimbursement for the commute to and from work during the on-call period.
- g. Employees who are on-call are required to be fit for duty, and must not be impaired by alcohol, prescription drugs, or illegal drugs. If an employee is not fit for duty, they must inform their supervisor of such, so a replacement can be named. Failure to inform their supervisor of their inability to perform the functions of the job will be grounds for discipline.
- h. An employee may not record on-call hours and actual hours worked for the same period of time. The on-call hours entered onto the timesheet shall be rounded to the nearest two decimals. The hours of on-call pay shall be calculated by subtracting the number of hours worked in the on-call period from the number of hours in the on-call period then dividing the result by 12.

- i. On-call time (1 for 12) is to be recorded on the time sheet on the day the on-call shift begins. Actual hours worked during the on-call period is recorded on the day the work begins.
8. **Telecommuting:** At the discretion of their respective division directors, employees may participate in a telecommuting program. As in the case of flex-time scheduling, this is a privilege that may be offered by division directors and not a universal employee benefit. DAS employees wishing to telecommute will adhere to the Department's Policy on Telecommuting.