




MONTGOMERY COLLEGE
Office of the Chief Human Resources Officer
Office of the Chief Business Officer
Office of the Director of Employee Engagement and Labor Relations

June 22, 2011

MEMORANDUM

To: The College Community

From: Vivian M. Lawyer, Chief Human Resources Officer 
Tom Sheeran, Chief Business Officer 
Sarah Miller Espinosa, Director of Employee Engagement & Labor Relations 

Subject: Guidance Regarding Associate and Support Staff Compensation and Reporting

The purpose of this memorandum is to provide clear and concise information pertaining to compensation and time reporting for associate and support staff. Adherence to these guidelines will not only help ensure accurate reporting and coding of time, but will ensure that all employees receive consistent and equitable treatment. It is important that work hours be discussed by employees and supervisors to ensure a shared understanding regarding expectations. Moreover, employees and supervisors must abide by federal law (Fair Labor Standards Act), College policies and procedures, and, where applicable, the staff collective bargaining agreement. Falsification of time sheets is strictly prohibited.

For non-exempt associate and support staff, regardless of whether bargaining or non-bargaining, time sheets must accurately reflect hours worked on each work day. The information below details the correct methods of reporting based on the College's policies & procedures and collective bargaining agreement. Questions regarding the provisions of the staff collective bargaining agreement or procedures for non-bargaining staff should be directed to the Office of Employee Engagement & Labor Relations, at 240-567-5396 or employee.engagement@montgomerycollege.edu.

DEFINITIONS

Non-Exempt- An employee who is covered by the Fair Labor Standards Act (FLSA) and who is subject to both the minimum wage and overtime requirements of the law. This determination is made by Montgomery College's Office of Human Resources, Classification and Compensation.

Exempt- An employee, who is paid on a salaried basis and because of his/her position duties, is exempt from the overtime provisions of the FLSA. The FLSA classifies exempt positions as Executive, Administrative, Professional, and Outside Sales. This determination is made by Montgomery College's Office of Human Resources, Classification and Compensation.

Bargaining Staff- Certain groups of staff positions at the College are represented by a union. These employees are considered bargaining employees. This determination is made by the Classification staff in conjunction with the Office of Employee Engagement & Labor Relations.

Non-Bargaining Staff- Employees in positions which are not included in the staff bargaining unit are considered non-bargaining employees. This determination is made by the Classification staff in conjunction with the Office of Employee Engagement & Labor Relations.

Questions regarding status should be directed to the Office of Human Resources, Classification and Compensation, at 240-567-5351

TYPES OF PAY

Overtime

Non-Exempt: Employees in non-exempt positions are paid on an hourly basis and must be paid for all actual hours worked in excess of 40 hours during a work week at the rate of 1 ½ times their regular rate of pay. Only those hours actually worked, holiday leave hours, court attendance leave hours, bereavement leave hours, and administrative leave hours authorized solely due to the emergency closing of the College shall be included in computing the 40 hours for overtime pay purposes. **Overtime must be paid even if not approved in advance. Timesheet s must accurately reflect all hours worked.** However, disciplinary action should be taken if the employee did not obtain prior approval.

[Hours worked should be entered on the time sheet in the row entitled "Overtime 1.5"]

Exempt: Employees designated as exempt in accordance with the FLSA shall be compensated for hours worked in excess of 40 hours per week **provided the overtime was approved in advance by the first-line administrator.** Only those hours actually worked, holiday leave hours, court attendance leave hours, bereavement leave hours, and administrative leave hours authorized solely due to the emergency closing of the College shall be included in computing the 40 hours for overtime pay purposes. The rate of pay for overtime worked by an exempt employee shall be the employee's regular rate of pay.

[Hours worked should be entered on the time sheet in the row entitled "Straight Overtime"]

Source: P&P 35001.IV and AFSCME CBA Article 6.3

Flextime

All: An employee may request an alteration of the normally scheduled workday or workweek. If an employee works in excess of the number of normally scheduled hours on a particular day, the employee may, upon prior approval by the supervisor, reduce a workday in consideration of time worked on an hour-for-hour basis **within the same workweek.** The workweek is defined as Saturday through Friday for all staff at Montgomery College.

[Hours worked should be entered on the time sheet in the row entitled "Regular Pay (REG)" and each entry must reflect the actual time worked]

Please Note: Nothing in this section shall be construed to permit compensatory time (excess hours worked carried over as time off from one work week to another). **The practice of compensatory time is strictly prohibited.**

Source: P&P 35001.IV and AFSCME CBA Article 5.6

Holiday Pay

Work on the Holiday:

Non-Exempt: A non-exempt, full-time (40 hours per week) employee who is required to work on an official holiday is to receive his/her regular rate of pay plus a premium of 1.5 times his or her regular rate of pay for each hour of work performed on such holiday, for a total of 2.5 times base hourly rate.

[Hours worked should be entered on the time sheet in the row entitled "Overtime 1.5," hours granted as holiday should be entered on the time sheet in the row entitled "Holiday"]

When an Official Holiday Falls on a Staff Employee's Regular Day Off

Non-Exempt: When an official holiday falls on an employee's regularly scheduled day off, such employee shall not be paid for that day. However, in those situations where an alternate work schedule serves to reduce a full-time employee's number of paid holidays below the minimum number received by those working a regular work schedule, the employee will be permitted to take a day off during the same pay period or the subsequent pay period, unless the needs of the College require that the day off be taken at a later time.

[Hours on the alternative holiday should be entered on the time sheet in the row entitled "Holiday"]

Exempt: An exempt employee will receive his/her regular rate of pay for hours worked plus a premium equal to his/her regular rate of pay times the number of holiday hours granted for the holiday.

[Hours worked should be entered on the time sheet in the row entitled "Straight Overtime," hours granted as holiday should be entered on the time sheet in the row entitled "Holiday"]

When an Official Holiday Falls on a Staff Employee's Regular Day Off

Exempt: When an official holiday falls on an employee's regularly scheduled day off, such employee shall not be paid for that day. However, in those situations where an alternate work schedule serves to reduce a full-time employee's number of paid holidays below the minimum number received by those working a regular work schedule, the employee will be permitted to take a day off during the same pay period or the subsequent pay period, unless the needs of the College require that the day off be taken at a later time.

[Hours on the alternative holiday should be entered on the time sheet in the row entitled "Holiday"]

Source: P&P 35003.C. and AFSCME CBA Article 8

Call-Back for Bargaining Employees

Non-Exempt: An employee who is called back to work after having left the College's premises at the conclusion of the employee's scheduled work day shall receive a minimum of three (3) hours pay or pay for all hours actually worked prior to the start of the employee's next regular work day, whichever is greater.

[Hours worked in excess of 40 hours should be entered on the time sheet in the row entitled "Overtime 1.5" otherwise time should be entered in the row entitled "Regular Pay(REG)"]

A non-exempt employee called back to work or called in to work for a project deemed an emergency by the Director or Dean in the employee's chain of command shall receive pay at 1.5 times his or her regular rate for the hours actually worked beyond the employee's regular work day. In the event these hours would not otherwise qualify for overtime at 1.5 times pay, the director or dean must submit a memorandum to Payroll in order to authorize this payment.

[Hours worked in excess of 40 hours should be entered on the time sheet in the row entitled "Overtime 1.5," otherwise time should be entered in the row entitled "Regular Pay(REG)"] Call Back Pay must be entered by Payroll and is not listed on the time sheet. Hours should be recorded as overtime 1.5 and Payroll will change to Call Back based on the memo authorizing the pay.

Exempt: Anyone who is called back to work or called into work for a project deemed an emergency by a Director or a Dean, shall be paid at their regular rate of pay for each hour worked.

[Hours worked in excess of 40 hours should be entered on the time sheet in the row entitled "Straight Overtime," otherwise time should be entered in the row entitled "Regular Pay". Payroll will change the code to Call Back Exempt when the memo is received authorizing the pay.]

Questions regarding payroll procedures and authorizing memorandum should be directed to Payroll at, 240-567-5330.

Source: AFSCME CBA Article 6.4

Worked Performed During an Emergency College Closing

Per College Policy & Procedure 58005, a number of positions have been designated as "essential personnel" in the event of an emergency college closing. Individual unit administrators may also require other personnel to report to work when the College is closed for example, to produce a payroll. In addition, all members of the President's Cabinet who are not designated "essential personnel" shall be available by telephone when the College is closed.

Non-Exempt: A non-exempt employee who is designated as Essential Personnel and required to work during an emergency college closing is to receive his/her regular rate of pay plus a premium of 1.5 times his or her regular rate of pay for each hour of work performed, for a total of 2.5 times base hourly rate. [Hours worked during the normal work schedule should be entered on the time sheet in the row entitled "Essential Pay Overtime," hours worked outside the normal work schedule should be entered as "Essential Pay Premium," and hours granted as administrative leave should be entered on the time sheet in the row entitled "Administrative Leave".]

Exempt: An exempt employee who is designated as Essential Personnel and required to work during an emergency college closing is to receive his/her regular rate of pay for hours worked plus a premium equal to his/her regular rate of pay times the number of administrative leave hours granted to non essential employees.

[Hours worked should be entered on the time sheet in the row entitled "Essential Pay Straight," hours granted as administrative leave should be entered on the time sheet in the row entitled "Administrative Leave"]

For those not designated as essential personnel or not otherwise required to work, administrative leave shall be granted for the hours which the college is closed. Any other *scheduled leave* taken when administrative leave is granted will result in administrative leave. The memorandum issued by the Office of Human Resources following each emergency closing will provide the official times for which the college was closed and the administrative leave granted to employees. A time sheet correction should be sent to Payroll to have the hours restored if the time has already been processed as leave.

The following example is provided to illustrate the correct method of reporting time during an emergency college closing.

Mr. Blue is a **non-exempt** bargaining employee who has been designated as essential. He normally works 7:00 a.m. – 3:30 p.m. His unpaid lunch is from 11:00 a.m. to 11:30 a.m. It is snowing and the College closes at noon. Mr. Blue stays for snow removal until 7:00 p.m. His time sheet should reflect the following:

- 4.5 hours Regular
- 3.5 hrs Administrative
- 3.5 hrs of Essential Pay Overtime
- 3.5 Essential Personnel Pay.

The next day the College closes the entire day and Mr. Blue worked for a total of 12 hours. His time sheet should reflect:

- 8 hours Administrative
- 8 hours Essential Pay Overtime
- 4 hours Essential Personnel Pay

The third day the College opens at 12:00 p.m., but Mr. Blue is directed to report at 10:00 a.m. and works through his unpaid lunch. His time sheet should reflect:

- 4.5 hours Administrative
- 2 hours Essential Pay Overtime
- 3.5 hours Regular

Ms. Yellow is an **exempt**, non-bargaining staff and is designated as essential. She has the same working hours as Mr. Blue, 7:00 a.m. to 3:30 p.m. with an unpaid lunch from 11:00 a.m. to 11:30 a.m. Ms. Yellow's time sheet for the first day should show:

- 4.5 hours Regular
- 3.5 Administrative
- 3.5 hours Essential Pay Straight

The next day the College closes the entire day and Ms. Yellow worked for a total of 12 hours:

- 8 Administrative
- 12 Essential Pay Straight.

The third day the College opens at 12:00 p.m., but Ms. Yellow is directed to report at 10:00 a.m. works through her unpaid lunch:

4.5 Administrative
2 Essential Pay Straight
3.5 Regular

Please Note: Emergency College Closings include the following times:

- **The College is closed.** Classes are cancelled. Staff members designated as "essential personnel" may be required to report to work at the normal time. *All other employees will be granted administrative leave, this includes employees who would otherwise utilize sick or annual leave.*
- **The College will close at a specified time.** Essential personnel may be required to remain or report to work. *All other employees will be granted administrative leave, this includes employees who would otherwise utilize sick or annual leave.*
- **The College will delay opening until a specified time or the College is closed and will reopen at a specified time.** Essential personnel may be required to report to work at the normal time. *All other employees will be granted administrative leave for the hours that the College is closed (this includes employees who would otherwise utilize approved sick or annual leave), and will report to work at the designated time of opening unless utilizing approved leave.*
- **A specific campus or locations is closed or delayed.** Essential personnel may be required to report to work at the normal time. *All other employees at the closed location will be granted administrative leave for the hours that the location is closed unless instructed to report to an alternate location (this includes employees who would otherwise utilize approved paid leave) and will report to work at the designated time of re-opening unless utilizing approved leave.*

Source: P&P 35001.IV, 35003, and 58005 and AFSCME CBA Article 8.4

TYPES OF LEAVE

Enrichment Leave

All: Beginning July 1, 2011, MC will pilot an enrichment leave program, which will provide employees with 8 hours of enrichment leave to utilize each fiscal year. Enrichment leave will allow staff to participate in some of the unique opportunities available on campus, like attending a guest lecture, joining a Jefferson café, or listening to a panel discussion. Enrichment leave is only available to attend Montgomery College sponsored events and no reimbursement is available for local travel.

Requests for enrichment leave must be made at least a week in advance and must be approved by the supervisor. Request for enrichment leave should be made on the short-term leave request form and must indicate the title and location of the enrichment event.

[Hours should be entered on the time sheet in the row entitled "Enrichment Leave"]

Source: 2011 Employee Engagement Recommendation #8, as adopted by the President on March 4, 2011.

ADDITIONAL INFORMATION

Time Recording for Overnight Shifts

All: For employees working overnight, hours worked should be recorded on the date the shift begins. For example, an employee's shift which begins on Thursday night at 11:00 pm and ends at 7:00 am Friday, morning should be recorded on the timesheet for Thursday. Likewise, for the purpose of calculating holidays, an employee's work day is determined by the date on which the shift begins.

SME:jts