



UNION OF RUTGERS ADMINISTRATORS

AMERICAN FEDERATION OF TEACHERS
57 PATERSON STREET, 2ND FLOOR
NEW BRUNSWICK, NJ 08901
PHONE: 732-745-0300 FAX: 732-745-0403
[HTTP://WWW.URA-AFT.ORG](http://www.ura-aft.org)



Overtime , Compensatory Time and Meal Breaks (NE)

Q: What does it mean to be “non-exempt” (NE)?

A: If your position is classified as non-exempt (NE), you are eligible for overtime pay or compensatory time at time-and-a-half (and double-time-and-a-half on holidays). To verify your classification, look up your “FLSA designation” in the “self-services” app. of *My.Rutgers.edu* or your offer letter.

Q: Who keeps track of overtime? How is it calculated?

A: By law, it is the employer’s responsibility to keep an accurate record of the hours that NE staff actually work. If your department has no precise method for tracking time, you should keep track of your own time and submit your overtime hours to your supervisor at the end of each week.

OT and comp time are based on weekly, not daily hours. If NE staff work more than the standard workweek (37.5 or 40) they must receive OT or comp time calculated at 1.5 times your regular hourly rate for all additional time in that week.

Q: What about breaks for NE staff?

A: Rutgers has established a legally-binding practice of providing unpaid meal breaks to its workers. The law requires breaks for NE staff to be:

1. Uninterrupted
2. Permitted for leaving the workplace
3. At least 30 minutes in length.

An interrupted break must count towards the weekly tally of actual time worked.

Q: How is flex time different than comp time?

A: Flex time is a one-to-one “trade-off” of time within the same work week. For example, you work two extra hours on Monday in exchange for two less hours on Friday. If NE staff do not “flex” extra hours before the end of Friday, it must be reported and compensated as overtime.

Q: How and when will I receive OT pay or comp time?

A: Earned overtime pay or comp time should be paid or available to use at the time-and-a-half rate in the same or the immediate next pay period in which it was earned. The department must use “Time & Labor” in PeopleSoft to submit overtime hours.

Q: Who decides if I get OT pay vs. comp time?

A: Public employers like Rutgers (and its supervisors) may choose overtime pay or comp time at time-and-a-half. However, if staff do not use earned comp time before the first pay period of June, they instead receive a cash payout in the first pay period of June.

Q: Does my overtime count without advanced approval?

A: Yes. The law and union contract do not require pre-authorization. All overtime for NE staff must be compensated or accrued as comp time at time-and-a-half, even if it was not pre-authorized. However, you should try to verify that your supervisor wants you to work extra hours, and stick to your official schedule (including meal breaks).

Overtime , Compensatory Time and Meal Breaks (Exempt, “NL”)

Q: What does it mean to be “exempt (NL)”?

A: Exempt (NL) employees are not entitled to time-and-a-half according to Federal law. NL is a code used by Rutgers.

Federal law defines exempt job duties as:

- a) office or non-manual work, which is...
- b) directly related to management or general business operation and which
- c) involves the exercise of independent judgment and discretion about...
- d) matters of significance.

URA-AFT representatives can research your job duties to determine whether or not you are properly classified. If you suspect you are improperly classified, contact a union representative.

Q: What about schedules & breaks for exempt staff?

A: Rutgers has established a legally-binding practice of providing unpaid meal breaks to staff. *Interrupted* breaks count towards your weekly tally of actual hours worked when considering if your workload is “excessive”.

Q: What rights do exempt (NL) staff have?

A: The URA contract contains the following protections for Exempt (NL) members:

Article 8 (Call-Back Pay) - requires that you receive comp time when directed to work again after a completed workday.

Article 16 (Holidays) - grants you a comp day when you work on a university holiday.

Article 28 (OT/Comp Time Benefits) - states that you will “sometimes” work beyond the standard workweek.

However, if workload becomes “excessive”, Article 28 provides that you can request:

- “Eliminating, reducing or modifying the duties the employee is performing
- Providing logistical assistance or adding additional personnel either on a temporary or permanent basis.
- Providing compensatory time off to the employee which is to be scheduled at a mutually convenient time. “

If you believe that you are working an excessive workload, the first step is to document your hours over several weeks. Contact your union representative to obtain spreadsheets and other templates for tracking your time, and for guidance in preparing a case under Article 28.

Q: What is the standard workweek for exempt staff?

A: To verify your classification, look up your “Workweek” in the “self-services” app. of *My.Rutgers.edu* or your offer letter.

For the full text of the URA-AFT contract, go to:

www.URA-AFT.org /contracts2018

