

Protocol for Non-Exempt employees traveling with faculty-directed study abroad programs

All staff that are taking time away from their regular staff job duties should have a position description approved for their work in country to support faculty-directed programs. These staff are considered the second lead for the program and will be required to participate in all student programmatic activities. These activities as well as expectations and requirements should be discussed between the staff person and the faculty director prior to their departure.

FLSA and Compensable time¹:

1. Hours Worked

- a. Hours worked includes all time an employee is required to be on duty or on the employer's premises or at a prescribed work place for the employer and all time during which the employee is working or permitted to work for the employer. Hours worked in excess of 40 in a given workweek are compensable in the form of wages.
- b. Time spent in leave status is not considered hours worked.
- c. Rest periods, meal periods, or breaks are not required by the FLSA; however, when breaks are given, breaks of short duration from 5-15 minutes must be counted as time worked. Breaks may not be used to allow an employee to come in late, to leave early, or to extend the lunch period.
- d. A bona fide meal period of 30 minutes or more that occurs during the scheduled workday is not hours worked if the employee is completely relieved from duty during the entire 30 minutes.
- e. Department chairs and authorized supervisors may change the employee's regular schedule in order that the hours worked in a given workweek will not exceed 40.

On-call:

It is possible that in support of the study abroad students and faculty director, that a staff member will be required to be "on-call" in the event of an emergency on site. For the purposes of the study abroad program we consider this *waiting to be engaged*². Defined as the following:

1. A nonexempt employee who is in on-call status but is essentially free to use the time for his or her own purposes is *waiting to be engaged*. Such time is not counted as hours worked for the purpose of determining compensation or overtime.

Application to the study abroad program:

1. Compensable Time

- a. Staff normal work hours are between 8:00 – 4:30, Sunday – Saturday
 - i. If the travel to the study abroad program and travel during the study abroad program occurs during the normal work hours it is compensable time.

¹ Overtime and Compensable Time Policy, October 18, 2016, <https://hr.app.clemson.edu/poly-proc/index.php>

² OHR Glossary of Terms:

http://media.clemson.edu/humanres/policies_procedures/On_Call_and_Call_Back_Pay_Policy.pdf

- ii. If the staff member did not travel during normal work hours and the travel does not include performing work (i.e. a *passive passenger*), this time would not be counted as compensable time.
 1. If the employee is directed by the supervisor to work during this time (while they are a *passive passenger*) then this is compensable time.
2. Staff are expected to work between 40-50 hours per week in support of the study abroad program.
 - a. Any work outside of 50 hours per week must be approved by the faculty director in writing with reasoning for why the staff person was asked to work overtime.
3. Overtime is calculated at time and a half, and is paid by the study abroad program
4. Staff will complete paper time sheets, with signatures from the faculty director on-site. These sheets will be combined with their regular 37.5 workday entered by the supervisor and reassessed upon return from the program to calculate overtime pay.
5. If any portion of the compensable time on the trip is being supported by the home department the home department supervisor must communicate to the faculty director and staff the max rate they are willing to cover.