Policy 4.49
Pay For Non-Exempt Employees (Meetings, Training, Travel and Use of Electronic Communication Devices)

This policy version was not current at the time of printing. Please see http://policies.emory.edu/4.49 for the current version.

Responsible Official: VP for Human Resources
Administering Division/Department: Compensation
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Policy Details

Attendance at meetings, training programs and similar activities are not considered worked time if the following four criteria are met.

- it is outside of normal work hours
- it is voluntary
- it is not directly job related
- no other work is concurrently performed

If any of these four criteria are not met, the time is considered worked time and must be paid.

TRAVEL
On occasion, non-exempt employees may be required to travel on Emory related business. Emory pays employees when travel time is considered "worktime" and therefore must be paid. Listed below are examples.

Time that is considered worktime includes:

- Traveling during normal work hours on a work day.
- Traveling during normal work hours on a non-working day (i.e. Saturday, Sunday or a holiday) for business related reasons.
- Traveling from job site to job site during the workday.
- Waiting for a flight that has been delayed to/from a business destination, or layovers that do not include sleeping accommodations.
- Transporting or delivering materials or equipment to a job site prior to the start of the workday; returning materials or equipment after the end of the workday.
- Transporting employees to work sites, the office, or to their homes, either before or after the paid workday, at management's request or directive.
- Participating in any business related activities at a conference or seminar.
- Participating in social activities that an employer requires the employee to attend.
Time that is not considered worktime includes:

- Participating in social activities that the employee is not required to attend.
- Sleeping.
- Non-business related meal breaks.
- Traveling from home to a local airport, bus depot or train station or vice versa.
- Traveling from home to a regular designated worksite or vice versa.

Use of Electronic Communications Devices by Non-Exempt Employees

Hourly-paid (nonexempt) staff may perform job duties using a variety of electronic communications depending upon the nature of the work and responsibilities involved. Some of the communication media may include cellular/mobile telephones, text messaging devices, computers, and handheld computers such as Personal Digital Assistants or Smart Phones such as iPhones, iPads or Blackberries. Although Emory appreciates the dedication of hourly-paid employees, there are nevertheless wage and hour implications when nonexempt employees perform work outside of their regularly scheduled work day.

As with other types of authorized work, all time spent by nonexempt employees utilizing electronic communications for work purposes will be considered hours worked, is compensable and will count toward overtime eligibility as required by law. Therefore, in order to avoid incurring unexpected overtime expense and to minimize our risks of unintentional violations of wage and hour laws, electronic communications should not be used outside of regularly scheduled work hours unless required by and specifically approved by management. The immediate supervisor is advised to document the terms and conditions of this approval. This includes all types of work-related communication.

Therefore, some key points to remember are:

- Nonexempt staff should not check for, read, send or respond to work-related e-mails outside of the normal work schedule without prior approval from management to do so. The staff must be compensated for this time.
- Employees who routinely use electronic communications for work-related correspondence without authorization may be subject to disciplinary action for violating this policy.
- When it is determined that a non-exempt employee has performed work outside of the normal work schedule, the employee must be compensated. If the employee works more than 40 hours in a workweek, the employee must be paid at the overtime rate, or one and one half times the regular hourly rate for all hours exceeding 40 hours. It is the responsibility of the employee’s supervisor to assure that appropriate pay is made.
- Any work to be performed after normal work hours should be authorized and approved in advance by the non-exempt employee’s supervisor.
- At no time should employees be encouraged, allowed, or persuaded to work “off the clock,” or should it be assumed that casual use of the devices noted in paragraph one is an expectation of the supervisor. Any supervisor who requires or allows a non-exempt employee to perform work “off the clock” will be subject to disciplinary action, including termination of employment.

Work Time Outside of the United States

If all work is performed outside the United States in a work week (Sunday-Saturday), there is no requirement to track hours worked during that work week. Employees are paid for the work week based on their Full Time Equivalent status (FTE) and are not eligible for overtime. However, if any work time occurs in the United States during the work week, all hours must be tracked and overtime is paid if the employee works more than 40 hours in the week.

Related Links

- Current Version of This Policy: http://policies.emory.edu/4.49

Revision History

Emory University policies are subject to change at any time. If you are reading this policy in paper or PDF format, you are strongly encouraged to visit policies.emory.edu to ensure that you are relying on the current version.