



<b>Subject:</b>	Employment Practices
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### 511.1 Purpose

To outline certain employment practices of the USTC Office of the Commissioner.

### 511.2 Approval

USTC Board of Trustees approval: April 29, 2010. Revised: June 8, 2016; September 13, 2017.

### 511.3 References

The Fair Labor Standards Act, 29 U.S.C. Section 201 et seq. (the "FLSA")  
Title VII of the Civil Rights Act of 1964, Pub. L. 88-352  
29 CFR 1620, The Equal Pay Act of 1963

### 511.4 Definitions

- 4.1 **Personnel:** Individuals employed by the Office of the USTC Commissioner. This includes administrative staff and other staff members.
- 4.2 **Responsible Officer:** The USTC administrator with a direct supervisory reporting relationship to an employee.
- 4.3 **Exempt Staff:** An employee who is exempt as defined by the Fair Labor Standards Act.
- 4.4 **Nonexempt Staff:** An employee who is nonexempt as defined by the FLSA.
- 4.5 **Overtime:** Time worked in excess of the employee's work period as defined by FLSA.
- 4.6 **Compensatory Time:** Institutionally approved time off in lieu of overtime pay.
- 4.7 **Executive Officers:** Administrative personnel serving in positions involving major administrative responsibilities, including the USTC Commissioner and associate and assistant commissioners.
- 4.8 **At-will Employees:** Executive officers and probationary employees (511.9) are terminable by USTC for any reason or for no reason at all with a minimum of two weeks' advance notice.

### 511.5 Work Hours

The USTC Commissioner establishes standard hours of operation and schedules employees accordingly. Unless an alternate work schedule has been approved by the USTC Commissioner, the standard hours of operation are Monday through Friday, 8:00 AM to 5:00 PM. The workweek begins at 12:01 AM Sunday and ends at midnight the following Saturday.



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The Commissioner's Office shall provide unpaid meal breaks and paid rest periods as appropriate. Meal breaks are unpaid as long as the employee is completely relieved from duty (uninterrupted by work) for a period of at least 30 minutes. Nonexempt employees receive paid rest periods (breaks not to exceed 15 minutes). Rest periods may not be saved for later use, or used to compute additional pay.

### **511.6 Employment Expectations**

Employees are responsible to provide personal transportation to and from the Office of the Commissioner. Employees are also expected to provide appropriate attire for the workplace. Executive officers and other staff members designated by the USTC Commissioner are expected to provide a personal, mobile communications device capable of voice, email, and internet access.

### **511.7 Employee Payroll**

Compensation for employees of the Office of the USTC Commissioner will be processed by one of the USTC colleges as designated by the USTC Commissioner. Exceptions may be approved by the USTC Commissioner. Notwithstanding any such agency agreements, all employees are subject to the policies and procedures of the Office of the Commissioner.

### **511.8 Compensation Policy**

The Office of the USTC Commissioner shall maintain a staff compensation program consistent with Title VII of the Civil Rights Act, the Equal Pay Act, the Fair Labor Standards Act, and other federal and state regulations.

#### **8.1 Fair Labor Standards Act**

- 8.1.1 Exemption Status:** USTC employees are subject to the requirements of the Fair Labor Standards Act. The Office of the USTC Commissioner shall evaluate each job and determine which jobs satisfy the Fair Labor Standards Act exemption tests. The determination of exemption status shall be made based upon the duties and responsibilities of the job.
- 8.1.2 Minimum Wage:** USTC pays at least the current federal minimum wage to all employees.
- 8.1.3 Overtime/Compensatory Time:** USTC may require employees to work overtime. However, supervisors will keep overtime hours to a minimum. USTC provides overtime pay or compensatory time off to nonexempt employees whose work exceeds 40 hours in a workweek. All overtime must be approved in advance by a USTC executive officer. Employees who do not obtain approval prior to working overtime hours may be subject to disciplinary action.



# POLICIES

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## 511.9 Probationary Period

All newly hired employees of the Office of the USTC Commissioner shall serve a probationary period of six months and shall be considered at will employees (511.4.8) during the probationary period.