Variable Workweek Policy

An actual policy used by one company, which divided up into “yellow,” “blue,” and “red” schedules to give employees time off on alternating Fridays.

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The following is one policy used to allow employees alternating Fridays off.

A. PURPOSE:
   The purpose of this policy is to establish a guideline for hours worked and payment of overtime.

B. POLICY:

1. Work Schedule

   a. There are three standard work schedules established per Policy #115:

   - The Yellow schedule consists of 7.5 hours of work, Monday through Friday (37.5 hours per week, 75 hours per pay period).

   - The Blue schedule consists of 8.5 hours of work, Monday through Thursday, 7.0 hours on the first Friday and the second Friday off (week one = 41 hours and week two = 34 hours, 75 hours per pay period).

   - The Red schedule consists of 8.5 hours of work, Monday through Thursday, off the first Friday and 7.0 hours on the second Friday (week one = 34 hours and week two = 41 hours, 75 hours per pay period).
i. The normal workday includes an unpaid one-hour lunch period, one fifteen-minute break in the morning and one fifteen-minute break in the afternoon.

b. Flexible starting and ending times are permitted with the Department manager's written approval. The starting and ending times of such schedules must contain a one hour unpaid lunch period, and begin and end within the following schedule:

Beginning time - between 6:30 AM and 9:00 AM
Ending time - between 3:00 PM and 6:00 PM

i. Once hours have been established, they become fixed until changed by the manager and employee.

ii. Hours may be different on different days if there is special need and the manager approves. Any hours established must have the prior approval of the department manager.

2. Business Results, Inc., will pay overtime under the following circumstances:

a. EXEMPT employees, as defined by the Fair Labor Standards Act, will normally not be paid overtime.

i. Supervisors and administrative exempt employees who are scheduled for extended work weeks for a specific project may be granted overtime (at their straight time rate) only as specifically approved by the supervisor's manager. Extended workweek scheduling will be requested by the supervisor or manager only to meet unusual business necessity.

ii. An extended work week meets the following criteria:

   - Is a business necessity (overtime is the only way the task can be completed in an acceptable time period).
- Extended work schedules and actual hours worked are in excess of regularly scheduled hours per week.

- Extended work is scheduled for a period of two or more consecutive weeks, not to exceed four weeks without approval.

iii. All exempt overtime requires advance written approval of the employee's manager.

iv. Exempt overtime will be paid as straight time once weekly hours exceed 42, and above conditions are met.

v. No other overtime payments will be made to exempt employees.

b. NONEXEMPT employees, as defined by the Federal Labor Standards Act, may be required to work overtime based on business necessity. Any non-exempt employee who works overtime will be paid as follows:

i. Hours worked in excess of regularly scheduled hours of work in one day or in one week: one and one-half (1 1/2) times straight time.

ii. Hours worked on a paid company holiday (in addition to holiday pay): one and one-half (1 1/2) times straight time.

iii. Hours worked on the seventh day worked in one week: one and one-half (1 1/2) times straight time for regularly scheduled hours (i.e. Yellow schedule = 7.5, Blue/Red = 8.5).

iv. Hours worked in excess of 12 hours in one day or in excess of regularly scheduled hours on the seventh day worked in one week: Double the regular straight time rate.
v. Personal time off, vacation, personal floating holiday, or sick leave shall not be construed as actual hours worked for purposes of calculating overtime. Holidays will be considered hours worked for these purposes.

3. Payment for hours worked during business travel

a. Whenever possible, NONEXEMPT employees traveling on company business are expected to do so during normal working hours.

b. NONEXEMPT employees who travel on company business will be paid according to the above guidelines for nonexempt overtime. Overtime will be paid only for time actually spent in transit.

c. NONEXEMPT employees traveling on business will not be paid for time between work assignments; e.g., if the employee stays the night in a hotel, pay begins when the employee begins to work, or is in transit.

C. IMPLEMENTATION:

1. Overtime Approval

a. EXEMPT overtime is given only in the event of a special project or extraordinary schedule. It is to be scheduled in advance, in writing by the department manager, with the knowledge of the functional Vice President.

b. NONEXEMPT overtime may be worked on an as-needed basis, but only with prior authorization from the supervisor/manager.

c. It will be the responsibility of the supervisor/manager to know when employees are working overtime and to control its use.
The information contained in this article is intended to provide useful information on the topic covered, but should not be construed as legal advice or a legal opinion. State laws may differ.