

NON-EXEMPT EMPLOYEE PAY PRACTICES GUIDANCE:
AN OVERVIEW FOR DEPARTMENT CHAIRS

Many faculty have responsibility for supervising non-exempt¹ administrative staff, hourly employees, international scholars and student workers. Chairs should help their faculty colleagues to understand some of the basic requirements relating to compensation for these employees. This guidance is intended to provide a general description of appropriate pay practices. Specific questions or requests for clarification should be directed to the relevant BSC Director.

General:

- Without exception, all non-exempt employees are required to submit accurate record of their time worked, and supervisors must certify accuracy. Supervisors should *never* encourage inaccurate record submission, even if intended to equitably adjust pay.

Overtime and Breaks:

- Non-exempt employees must obtain a supervisor's prior written approval to work in excess of 40 hours per week. However, it is the employer's responsibility to exercise control and see that overtime work is not performed without compensation therefor. Accordingly, if a non-exempt employee works overtime without required prior authorization, UNH must pay them for the time and can only address the infraction with disciplinary action.
- Non-exempt employees must be paid the specified minimum wage, and must be paid overtime for hours worked over 40 in a workweek at a rate not less than time and one-half their regular rates of pay. Compensatory time may be substituted for paid overtime only upon voluntary, written agreement with the employee.
- Averaging of hours over two or more weeks is not permitted.
- Non-exempt employees must take at least a half-hour unpaid break after working five consecutive hours.

Volunteering Time:

- Non-exempt employees generally cannot "volunteer" for duties that are similar to the work for which they are paid.
- Faculty should be cautious about requesting their students or staff to volunteer for work that is of benefit to the faculty member or the institution (rather than the student / staff) or for which UNH would otherwise hire a worker.
- Best practice is to offer all volunteer opportunities through departments or colleges rather than directly from individual faculty members.
- All volunteers must sign a volunteer agreement form, which can be obtained from human resources.

Student Workers:

- Without regard to their non-exempt status, UNH expects that all student work assignments will be limited so as to avoid undue interference with academic pursuits.
- Graduate Assistantships are not generally subject to the non-exempt overtime pay requirements, and there is accordingly some flexibility to "average" work commitments over the course of the semester. Flexible work expectations should always be discussed with students in advance.
- Students receiving financial support directly related to achievement of their advanced degree may desire to commit their own time to the research project for which they are also compensated. While this is legally permissible, faculty should consult with their BSC Director on protocols to (1) document compensated time, (2) communicate expectations to students, and (3) assure that students are not being cajoled into "volunteering" their time.
- International students on assistantships generally may not accept additional appointments while school is in session. OISS should be consulted.

¹¹ Consult your BSC Director if you have questions about the non-exempt status of a particular employee. Some classes of employees (e.g., Graduate Assistants) are subject to different university policies and pay requirements than those described in this memo.