STAFF SENATE NEWS

August 2016

Nominations for Employee of the 3rd Quarter Close September 9

Nominations for the UW Staff Employee of the 3rd Quarter close on **Friday, September 9, at 5:00 p.m.**

The award recognizes deserving staff members for their efforts toward excellence in the workplace. Winners receive a variety of prizes and qualify for the Employee of the Year award.

Nomination forms and instructions can be found on the Staff Senate website.

Points to Ponder: Time Reporting for Exempt Employees and Shared Business Centers

Time Reporting for Exempt Employees

Staff Senate has been working with Human Resources to clarify the updated timekeeping rules for exempt employees that were outlined in a memo in May 2016. According to Mark Bercheni, Interim Director of Human Resources, the requirement to report all vacation and sick leave applies to leave that would take the employee below the standard 40 hour workweek. The memo was not intended to apply to exempt employees who are working more than 40 hours within the week. However, the memo is intended to ensure that each employee is coordinating their schedule with their supervisor on an ongoing basis.

Shared Business Centers

Staff Senate has received numerous questions regarding changes to staff positions in the move to shared business centers that is occurring in many units on campus. Employees who have questions or concerns can contact Human Resources for assistance with the transition. In situations where the employee's PDQ cannot be updated immediately, the employee can ask for a written statement of what their general duties are, who their supervisor is, and what percentage of their time will be committed to each department. Human Resources recommends that employees track their work in preparation for updating their PDQ, and Staff Senate has provided a template for a daily work log that employees can use for this purpose. The log can be found here.

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STAFF SENATE

UNIVERSITY OF WYOMING

Contact Us

Staff Senate
Department 3413
1000 E. University Ave.
Laramie, WY 82071

Room 102, Merica Hall
Phone: (307) 766-5300
E-mail: staffsen@uwyo.edu
Web: uwyo.edu/staffsenate

Find us on Facebook

9/7 Meeting Agenda

I. Roll call
II. Approve August minutes
III. Approve September agenda
IV. Administration reports
  A.Div. of Admin.
  B. Human Resources
V. Officer Reports
VI. Old Business
VII. New Business
VIII. Liaison Reports
IX. Committee Reports
X. Open forum

Dates to Remember

August 29, 2016
Fall semester begins

August 31, 2016
President's Welcome Back Picnic

September 5
Labor Day holiday

September 7
Full Staff Senate Meeting

UW Strategic Planning Process to Begin in September

An inclusive, transparent process to develop an integrated, comprehensive strategic plan to guide the University of Wyoming for the next five years will begin in September.

UW's Board of Trustees have approved the process proposed by President Laurie Nichols. It includes appointment of a Strategic Planning Leadership Council; campuswide dialogue and listening sessions; departmental and unit discussions; statewide meetings; input on the draft from the campus community and UW stakeholders; and approval through UW's governance structures.

A strategic planning kickoff event is scheduled Friday, Sept. 23, with special guest F. King Alexander, president of Louisiana State University (details on that event will be announced later). The timeline calls for UW's Board of Trustees to review and approve the final plan document in May.

The Strategic Planning Leadership Council will be appointed by the president, following consultation with campus constituency groups, to provide overarching leadership for development of the strategic plan.

The council will be chaired by Provost Kate Miller, with voting members as follows:

- Two deans,
- One director,
- One department head,
- Four faculty members,
- One athletics representative,
- One undergraduate student,
- One graduate student,
- Two staff members,
- One trustee,
- One UW foundation board member and
- One UW alumni association Board member.

Nichols is accepting nominations for the council, which she will appoint in September. Those wishing to submit names for her consideration are asked to do so by emailing **uwpres@uwyo.edu** by Friday, Sept. 9.

Know Your Senator: Renee Ballard

Renee Ballard is Office Associate, Sr., in Residence Life and Dining Services. She previously was the colorguard advisor for the Western Thunder Marching Band and was an office assistant for the Game and Fish Research Lab many years ago. Renee has lived in Laramie for 22 years. She graduated from UW with a bachelors in Psychology and a minor in music in 1999. She still continues to enjoy music and can be found playing flute and piccolo in both the Municipal Band and City Band. Renee's husband, Jesse also graduated from UW in 1998 and has worked for Information Technology at UW for over 20 years. In 2007 , Renee and Jesse adopted their son. He keeps them busy attending football, basketball and baseball games. The entire family loves animals and share their home with a dachshund, an English Springer Spaniel, and a leopard gecko.

As a senator, Renee would like to see Staff Senate help unify the campus here at the University of Wyoming. During difficult times such as these, it becomes very easy to be concerned with yourself or your department at the expense of others. Hopefully Staff Senate can help faculty, staff, administration, and students to all work together to survive the budget cuts and see the University of Wyoming become stronger and self-sustaining.

You can reach Renee at **Renee.Ballard@uwyo.edu**.

Ask A Question: Use of Compensatory Time

Got a question of about the University of Wyoming or your employment here? Ask away at: **staffsen@uwyo.edu**.

QUESTION: I have been told that any comp time I earn as a non-exempt employee must be used in the week following the one in which it is earned and cannot be taken between the hours of 9:00 a.m. and 3:30 p.m. Can my employer impose these restrictions?"

ANSWER: Code of Federal Regulations (C.F.R.) Title 29 U.S.C. 207(o)(2) specifies that a public agency (such as UW) may award compensatory time, as opposed to overtime pay, only if it first secures an "agreement or understanding" with an employee, which can take various forms, including a condition of employment or a notice to the employee to grant comp time in lieu of overtime. The employee's agreement cannot be coerced.

According to C.F.R. Title 29 §553.21(5), an employee who asks to use accrued compensatory time *"shall be permitted by the employee's employer to use such time within a reasonable period after making the request."*

C.F.R. Title 29 §552.25 states: *"When an employer receives a request for compensatory time off, it shall be honored unless to do so would be 'unduly disruptive' to the agency's operations.*

But what constitutes a *"reasonable period"* or an absence that is *"unduly disruptive"*? Several court cases have argued that the requisite voluntary agreement of employees to receive comp time in lieu of overtime pay indicates that employees' compensatory time is generally theirs to use as they like, just as their overtime pay would have been theirs to spend as they liked had they refused compensatory time altogether.

Circuit court decisions on this are complex and somewhat mixed, and the Tenth Circuit, under which Wyoming falls,

has not heard a case on this matter. The DOL has taken the following position: *"The Department believes that the better reading of section 7(o)(5) is that it requires employers to grant compensatory time on the specific date requested unless doing so would unduly disrupt the agency."*

Also, C.F.R. Title 29 §552.25 further states: *Mere inconvenience to the employer is an insufficient basis for denial of a request for compensatory time off. For an agency to turn down a request from an employee for compensatory time off requires that it should reasonably and in good faith anticipate that it would impose an unreasonable burden on the agency's ability to provide services of acceptable quality and quantity for the public during the time requested without the use of the employee's services."*

Some examples of this on the UW campus might include athletic events (for employees of athletic departments), routine major maintenance events (for UW Operations employees in affected departments), and advising week (for academic advisors).

Title 29 also clearly states that an employee "*must not be coerced to accept more compensatory time than an employer can realistically and in good faith expect to be able to grant within a reasonable period of his or her making a request for use of such time."*

Given the restrictions outlined in the question, it seems that an employee would not be able to use his/her comp time within a reasonable period, especially if the employee works more than eight hours of overtime in a particular week. Also, it would be difficult for UW to establish that an employee using comp time between the hours of 9:00 a.m. and 3:30 p.m. will always "unduly disrupt" the agency's ability to provide services.

The DOL does allow a required-use comp time policy to be established by employers with the express and uncoerced consent of its employees; generally such policies require employees with significant comp time to use it before they exceed the maximum accrual. In any case, the policy must predate the comp time accrual; these types of restrictions are not acceptable for comp time that has already been already accrued.

In the event that scheduling restrictions will not allow for the use of comp time within a reasonable period, the employee cannot be required to work a schedule that results in the accrual of additional comp time. If this is not possible, the employee must be paid overtime wages for extra time worked.

For additional information on comp time usage, please see the **Department of Labor Fact Sheet #7**.

Recognition Committee Invites New Members

The UW Staff Senate Recognition Committee invites all UW staff to take part in planning for this year's event; you do not need to be a member of UW Staff Senate to participate on the committee.

The Committee is currently seeking:

- Enthusiastic new members to help with the signature event for the Senate! (SRD is currently schedule for early April.)
- An MC for the 2017 Staff Recognition Day festivities. Applications will be accepted from all interested classified staff, and a brief tryout/meeting will be scheduled for those who wish to serve.
- Ideas for theme/concepts for the 2017 Staff Recognition Day.

Please contact Shelby Bull at **sbull@uwyo.edu** for more information or to apply for the MC position.

Employee of the Year Cathy Shuster at 2016 Staff Recognition Day