MEMO

TO: Members of the Higher Education Officer Series
    Directors, Department Heads

FROM: Liza Larios, Assistant Dean, Human Resources & Labor Relations

DATE: August 6, 2008

ADVISORY MEMORANDUM NO. 5
HEO COMPENSATORY TIME

Whereas, in the past, persons serving in HEO titles were not eligible for compensatory time, an Agreement signed on June 24, 2008 by CUNY and the PSC sets forth guidelines under which compensatory time may be granted for employees in the HEO series who are represented by the PSC.

The following guidelines are derived from the Settlement Agreement between the PSC and CUNY and a July 17, 2008 memorandum from Vice Chancellor Pamela Silverblatt regarding the Implementation of the HEO Compensatory Time Agreement.

Please note the following key factors regarding compensatory time:

- Compensatory time must be assigned by the supervisor and authorized by the Vice President prior to the time worked.

- Compensatory time earned during a quarter (using the “leave year” period of September 1 through August 31) must be used as promptly as possible during the quarter in which it was earned but no later than 30 calendar days after the end of the quarter.

Eligibility Requirements for Overtime and Compensatory Time

In order to be eligible for compensatory time, the employee must be recognized for representation by the PSC pursuant to Article 1 of the Agreement between CUNY and the PSC.

Those employees who are represented by the PSC and are non-exempt under the Fair Labor Standards
Act (FLSA) shall receive compensatory time, hour for hour, for hours assigned by their supervisor between 35 and 40 hours during a normal work week. Employees who are non-exempt under FLSA shall receive payment at the rate of time and one-half for the hours worked in excess of 40 hours in a week.

Those employees who are represented by the PSC and are exempt under FLSA shall receive compensatory time, on an hour for hour basis, for hours assigned by their supervisor in excess of 35 hours in a work week.

**Assigned hours beyond the 35-hour workweek must be authorized in advance in writing by the Vice President, and, if possible, must be assigned with at least 48 hours notice.** Emergency situations may occur in which such notice is not practical; however, prior authorization is still required.

Assigned overtime hours are defined as:

- Hours a HEO series employee is assigned to work in excess of his/her usual 35-hour workweek, as, for example, when a supervisor assigns a HEO series employee to work for three hours on a Saturday in addition to his/her regular Monday to Friday 35-hour workweek.

- Hours a supervisor assigns to a HEO series employee to perform a specific project in addition to his/her usual responsibilities, which, in the opinion of the supervisor, will require the employee to work beyond his/her regularly scheduled 35-hour workweek for a defined period in order to complete the project on time.

**Implementation of Compensatory Time**

The eligible employee must indicate assigned hours beyond 35 hours as well as compensatory time on his/her timesheet.

Compensatory time earned during a quarter must be scheduled to be used as promptly as possible within the quarter but no later than 30 calendar days after the end of the quarter in which the compensatory time was earned. The use of compensatory time shall be scheduled by the supervisor, in consultation with the employee.

For represented HEOs, reports of compensatory time accrued and/or taken will be included with their quarterly statements of accrued annual and temporary sick leave balances.
Hours Assigned Above 35 Weekly Hours Between July 19, 2007 and June 24, 2008

Represented HEOs who were assigned by their supervisors and authorized to work more than 35 weekly hours on assignments that meet the above criteria between July 19, 2007 and June 24, 2008 may submit a claim for compensatory time:

1. Such claims must be submitted to Ms. Ellen Adams, Director of Personnel, Room A-412, by August 24, 2008, AND

2. Such claims must include specific date/time information and be accompanied by documentation or other evidence that the time worked was assigned by the supervisor and authorized.

Approved compensatory time shall be scheduled by the supervisor, in consultation with the employee, within 6 months of the approval of the request.

If the claim is disputed, the employee will receive documentation or other evidence demonstrating that the time was not authorized. Such notification will be made within 10 days of the date that the claim was submitted to the Director of Personnel.