



ASE H.R. Policy 8006.04

NONEXEMPT EMPLOYEES

WORKING HOURS

&

OVERTIME

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1.0 INTRODUCTION

This policy supersedes ASE HR Policy 8006.03.

This document explains the Company rules about working hours, overtime, and travel time for nonexempt employees. The intent of this policy is to help the company efficiently manage its labor costs and to comply with the rules established by the Fair Labor Standards Act (FLSA).

2.0 DEFINITIONS

Nonexempt Employee. With respect to the FLSA, there are exempt employees and nonexempt employees. The provisions of the FLSA apply only to nonexempt employees. Throughout this document, the words “you” and “employee” will mean nonexempt employee.

Workweek. A workweek consists of seven consecutive 24-hour periods. At ASE the workweek begins at 0001 hours on Monday and ends at 2400 hours on Sunday. An employee normally works 40 hours in a workweek.

Work time. Time during which you are doing company work. (Note that travel time is not work time, but see more about this below. Vacation time, holiday time, sick time and comp time are not work time.)

Overtime. Time actually worked in excess of 40 hours work time in a workweek.

Comp Time. This is time for which you are compensated but is not work time.

3.0 WORKING HOURS

The established working hours for nonexempt employees are 7:30am to 4:00pm.

Employees must adhere to the established working hours. Employees who arrive late or are not in place and performing their assigned duties on time, or who leave early, will be subject to disciplinary action or possible termination.

Not only are you expected to work 8 hours per day, but you are expected not to work more than 8 hours. Only if you are authorized by your supervisor, in advance, can you record more than 8 hours of work in a day on your time sheet. If you arrive at work 15 minutes early, and go right to work and then work a full normal day, you will not record the extra 15 minutes on your time sheet unless you are authorized to do so by your supervisor prior to your actually working the extra 15 minutes.

You are provided with a ½ hour unpaid lunch break each day. Lunch breaks should be coordinated with other employees and your immediate supervisor in order to not disrupt our

business. Sometimes, business requirements may dictate that lunch breaks be delayed. Unless directed otherwise by a supervisor, the lunch break is from 11:30 am to 12:00 pm.

You are afforded two paid breaks during each 8-hour work shift. It is intended that one break will be taken in the morning and the other in the afternoon and that each will not exceed 10 minutes in duration. Personal activities such as telephone calls, eating, or using the company computers for personal purposes must take place outside of working hours or during the lunch period or breaks.

You are expected to work 8 hours for 8 hours pay. If you come in late, make up the time at the end of the day. If you must do an errand during working hours, tell your supervisor and make up the time at the end of the day. Your time sheet must reflect hours worked. If you are absent and cannot make up the time at the end of the day, then record on your time sheet only the number of hours you actually worked.

Remember that there is no such thing as paid “personal time off.” The only kinds of time for which you will be paid are: Work Time, Vacation, Company Holiday, Sick Time, Comp Time, and some kinds of travel time.

You must submit weekly time sheets electronically by 4:00 PM on Fridays.

4.0 OVERTIME

Your normal hourly rate is your “straight time” rate. The overtime rate is 1.5 times the straight time rate. There are no pay rates other than straight time and overtime.

There is no overtime unless it is specifically authorized by your supervisor in advance of the overtime worked. If you come to work one half hour early and go right to work and wind up working 8.5 hours that day, you have not earned one half hour of overtime. Only if the extra time is authorized in advance as overtime, will you be paid overtime.

You will be compensated at the overtime rate for hours worked in excess of 40 hours work time in a workweek. You will not be paid overtime unless you work more than 40 hours in a workweek. It doesn’t matter which days you work. That is, if the company needs you to work on Saturday, you can be “sent home” on Thursday. As long as the hours worked in the workweek do not exceed 40 hours, you will not be compensated for any hours at the overtime rate.

Comp Time under normal circumstances must be taken within 14 days following the work week in which the Comp Time was earned. The Company may elect to delay the Comp Time or pay you for the Overtime as project schedules dictate.

5.0 TRAVEL TIME

This is a difficult issue, and even the FLSA is not completely clear about it. ASE's intent is to be fair about it, but not to go overboard in favor of either the employee or the company. So these are the guidelines we will follow.

As a general rule, "home to work" and "work to home" travel time (this includes travel from hotel to and from work site.) is not work time and this is true even if the commute is longer than normal or to or from a different work site than normal. Even if it takes eight hours to get to a work site, the travel time is not work time, in a technical sense. Occasional travel away from the local area is part of the job. However, ASE will not take advantage of you by exaggerated use of this technicality. You will be compensated for some travel time.

ASE will attempt to schedule travel close to normal working hours. That is, we will try to schedule flights so that you must arrive at the airport no earlier than 5:30 am (arrival one hour prior to flight time). And that you arrive at your home airport no later than 6:30 pm. If you must arrive at the airport earlier than 5:30 am or you arrive at the home airport later than 6:30 pm, you will be given comp time at the end of the trip, normally the next morning. It is your duty to make sure your supervisor knows what you are doing, though. If your airplane arrives at Tampa at 7:30 pm you may arrive for work one hour late the next morning. You should make every effort to let your supervisor know that you will be in late. Leave a message on his company line or send an email.

If you arrive at a destination at such a time that you can go directly to the work site and work until the end of the normal work day, you are expected to do that. You are not expected to "check into the hotel" on the way to the work site.

In no case will you be compensated for more than 8 hours on a travel day. Compensation for travel time will be either with pay or with comp time.

If the travel time exceeds 7 hours, then the day will be considered a full day, even if you don't report to the work site. In this case, travel time is the time elapsed between one hour prior to flight time until one hour after actual flight arrival time.

In no case is travel time, whether you are compensated for it or not, considered work time.

Let's use a few examples:

You must go to Cincinnati to work on a simulator. Your flight leaves Tampa at 2pm and arrives in Cincinnati at 7:30 pm. You should come to work at the normal time and leave work in time to be at the airport at 1pm. You take lunch from 12:00 to 12:30 pm. You leave work at 12:30 pm. You will be paid for 8 hours for the day. You are being paid for 4.5 hours of work time and 3.5 hours of travel time.

Use the same example, but say your plane does not arrive at Cincinnati until 9:30 pm. This does not change the compensation.

You are in Cincinnati and are finished with the work. Your plane leaves the next morning at 6:30 am and arrives at Tampa at 12:30 pm. You should come to work and finish out the normal work day, until 5:00 pm. You will be paid for about 3 hours of work time and 5 hours of travel time.

In the last example, you decide not to come to work at all. You will be paid for 5 hours of travel time and no hours of work time.