

Supervisor Authorization to Create Working Schedules

- [WKU Policy 4.2000 Employment Authorization and General Working Conditions](#) states that “Supervisors/department heads are authorized to establish working schedules for employees consistent with requirements for efficient operations. Employees shall be expected to work the specific times, hours, and days as required by their employing unit/department, including overtime when requested.”
 - This means that you are authorized to make the employees schedules and specify when they are to work, including requiring scheduled break times.
- [WKU policy 4.2501 Alternative Work Arrangements- Flextime, Flex-place, Compressed Workweek](#) authorizes supervisors to consider and approve alternative work arrangements when requested by employees and when department needs can accommodate such. These agreements may be terminated at any time and are a privilege, not a guaranteed right. Details of the alternative working arrangements must be documented in writing.

Meal and Break Periods

- KY Wage and Hour law states that “You are entitled to a reasonable period for a meal no sooner than the third nor later than the fifth hour of your work shift unless you and your employer have mutually agreed to some other arrangement. A duty-free meal period does not have to be paid.”
- This is reiterated in [WKU Policy 4.8100 Meal and Rest Periods](#).
- This means that the working schedule must allow time for breaks, including meal periods. Meal periods are typically one hour in length and no less than 30 minutes.
- The official workweek for full-time employees is established at 37.5 hours per week. Therefore, employees should be scheduled for 5, 8.5 hour shifts a week to include a 1-hour unpaid lunch break.
- Employees are not to work during their unpaid lunch break. They cannot do any work, including answering the phone or working on the computer. They need to be removed from work completely. If employees cannot sit at their work station without working, then they need to remove themselves from their work station for the unpaid lunch break. The supervisor can designate a lunch break area if necessary.
 - Since the unpaid lunch break is unpaid, non-exempt employees need to clock out for it.
 - Non-exempt employees do not need to clock out for their two allowed 15-minute breaks, as those are paid.
 - Any non-exempt employee who is required to work during a meal period must be paid for the time worked.
 - If dire circumstances require a non-exempt employee to work during their unpaid lunch break, they must be paid for it. This should not be a normal occurrence and all efforts need to be made to not require employees to work on their lunch.
 - If a non-exempt employee is required to work during their unpaid lunch break, they can work with their supervisor to flex their time during the same week in order to avoid overtime. If overtime is not avoidable, it must be paid.

- An example of flexing time would be as follows: A non-exempt employee has to work during their unpaid lunch break on Monday and are therefore PAID for the hour of work. On Tuesday, the employee reports to work an hour later than normally scheduled or leaves an hour earlier than normally scheduled.
- Employees may not use break periods to offset late arrival or early departure from work or to extend the meal period UNLESS an exception is made by mutual agreement between the employee and supervisor. This would be done through the alternative working arrangement agreement described above if it is a reoccurring request. If it is seemingly a one-time or as needed request, permission needs to be received from the supervisor. Employees may not flex their time on their own accord. This is because of department operation needs I.e. ensuring there is always coverage.
 - Examples of possible alternative work arrangement (given department operations allow) are as follows:
 - An employee does not want to take an unpaid lunch break. They could “push” their unpaid lunch break to the end of the day so they could leave earlier.
 - An employee wants to take a 30-minute unpaid lunch break instead of an hour. They would be scheduled for 5, 8 hour shifts a week to allow for this instead of 5, 8.5 hour shifts.