

ARTICLE 7
HOURS OF WORK

7.1 Definitions

A. Full-time Employees

Employees who are scheduled to work forty (40) hours per workweek.

B. Overtime-Eligible Employees

Employees who are covered by the overtime provisions of state and federal law.

C. Overtime-Exempt Employees

Employees who are not covered by the overtime provisions of state and federal law.

D. Part-time Employees

Employees who are scheduled to work less than forty (40) hours per workweek.

E. Work Schedules

Workweeks and work shifts of different numbers of hours may be established by the Employer in order to meet business and customer service needs, as long as the work schedules meet federal and state laws.

F. Work Shift

The hours an employee is scheduled to work each workday in a workweek.

G. Workday

One (1) of seven (7) consecutive, twenty-four (24) hour periods in a workweek.

H. Workweek

A regularly re-occurring period of one hundred sixty-eight (168) hours consisting of seven (7) consecutive twenty-four (24) hour periods.

Workweeks for employees will normally begin at 12:01 am Sunday and end at 12:00 midnight the following Saturday or as otherwise designated by the appointing authority or their designee. If there is a change in their workweek, employees will be given written notification by the appointing authority or their designee.

7.2 Position Designation

In accordance with the Fair Labor Standards Act (FLSA) and state law, the Employer will determine whether a position is overtime-eligible or overtime-exempt. Overtime-eligible and overtime-exempt employees will be informed of their status as such at the time of appointment. If there is a change in the overtime eligibility designation for an employee's position, the Employer will provide the employee with written notification of the change with a copy to the Union.

7.3 Overtime-Eligible Positions-Schedules

A. Regular Work Schedules

The regular work schedule for overtime-eligible employees will not be more than forty (40) hours in a workweek, with two (2) consecutive calendar days off and starting and ending times as determined by the requirements of the position and the Employer.

B. Alternate Work Schedules

Workweeks and work shifts of different numbers of hours may be established for overtime-eligible employees by the Employer in order to meet business and customer service needs, as long as the alternate work schedules meet federal and state requirements. Prior to assigning employees to alternate work schedules, the Employer will seek volunteers with the necessary skills and abilities who are qualified to perform such assignments. If more than one (1) volunteer has the necessary skills and abilities and is qualified to perform such assignments, seniority will be the determining factor in making the assignment.

The Employer will not adjust the workday for the employee's workweek to avoid the payment of overtime or accrual of compensatory time, unless requested by the employee.

C. Temporary Schedule Changes

Employees' workweeks and/or work schedules may be temporarily changed with prior notice from the Employer. A temporary schedule change is defined as a change lasting twenty-one (21) calendar days or less. Overtime-eligible employees will receive seven (7) calendar days' written notice of any temporary schedule change. The day that notification is given is considered the first day of notice. Notice will normally be given to the employee during their scheduled working hours.

D. Permanent Schedule Changes

Employees' workweeks and work schedules may be permanently changed with prior notice from the Employer. Overtime-eligible employees will receive fourteen (14) calendar days' written notice of a permanent schedule change. The day notification is given is considered the first day of notice. Notice will normally be given to the employee during their scheduled working hours.

E. Emergency Schedule Changes

The Employer may adjust an overtime-eligible employee's workweek and work schedule without prior notice in emergencies or unforeseen operational needs. Employees affected by emergency schedule changes will be allowed de minimis time to make necessary arrangements.

F. Employee-Requested Schedule Changes

Overtime-eligible employees' workweeks and work schedules may be changed at the employee's request and with the Employer's approval, provided the Employer's business and customer service needs are met and no overtime expense is incurred.

G. Off-Duty Phone Calls

An off-duty overtime-eligible employee will be compensated in six (6) minute increments for receiving and/or responding to work related phone calls.

7.4 Overtime-Eligible Unpaid Meal Periods

Unpaid meal periods for employees working more than five (5) consecutive hours, if entitled, will be a minimum of thirty (30) minutes and will be scheduled as close to the middle of the work shift as possible, taking into account the Employer's work requirements and the employee's wishes. When an employee's unpaid meal period is interrupted by work duties, the employee will be allowed to resume their unpaid meal period following the interruption, if possible, to complete the unpaid meal period. In the event an employee is unable to complete the unpaid meal period due to operational necessity, the employee will be entitled to compensation, which will be computed based on the actual number of minutes worked within the unpaid meal period. Meal periods may not be used for late arrival or early departure from work and meal and rest periods will not be combined.

7.5 Overtime-Eligible Unpaid Meal Periods Outside of the Normal Workday

Employees working three (3) or more hours longer than a normal workday will be allowed at least one (1) thirty (30) minute meal period.

7.6 Overtime-Eligible Paid Meal Periods for Straight Shift Schedules

The Employer and the Union agree to vary from and supersede the paid meal period requirements of [WAC 296-126-092](#). Employees working straight shifts will not receive a paid meal period, but will be permitted to eat intermittently as time allows during their shifts while remaining on duty.

7.7 Overtime-Eligible Rest Periods

Employees will be allowed rest periods of fifteen (15) minutes for each one-half (1/2) shift of four (4) or more hours worked at or near the middle of each one-half (1/2) shift of four (4) or more hours, taking into account the Employer's work requirements and the employee's wishes. Rest periods do not require relief from

1 duty. Where the nature of the work allows employees to take intermittent rest
2 periods equivalent to fifteen (15) minutes for each one-half (1/2) shift, scheduled
3 rest periods are not required. Rest periods may not be used for late arrival or early
4 departure from work and rest and meal periods will not be combined.

5 **7.8 Overtime-Eligible Employees – Positive Time Reporting**

6 Overtime-eligible employees will accurately report time worked in accordance with
7 a positive time reporting process as determined by each Employer.

8 **7.9 Overtime-Exempt Employees**

9 Overtime-exempt employees are not covered by federal or state overtime laws.
10 Compensation is based on the premise that overtime-exempt employees are
11 expected to work as many hours as necessary to provide the public services for
12 which they were hired. These employees are accountable for their work product,
13 and for meeting the objectives of the institution for which they work. The
14 Employer's practice for all overtime-exempt employees is as follows:

15 A. The Employer determines the products, services, and standards which must
16 be met by overtime-exempt employees.

17 B. Overtime-exempt employees are expected to work as many hours as
18 necessary to accomplish their assignments or fulfill their responsibilities
19 and must respond to directions from management to complete work
20 assignments by specific deadlines. Full-time, overtime-exempt employees
21 are expected to work a minimum of forty (40) hours in a workweek and
22 part-time, overtime-exempt employees are expected to work proportionate
23 hours. Overtime-exempt employees may be required to work specific hours
24 to provide services, when deemed necessary by the Employer.

25 C. The salary paid to overtime-exempt employees is full compensation for all
26 hours worked.

1 D. Overtime-exempt employees are not authorized to receive any form of
2 overtime compensation, formal or informal.

3 E. During workload peaks, impending project deadlines, and other exigent
4 circumstances, overtime-exempt employees who have prior written
5 approval from their supervisor and work in excess of forty-five (45) hours
6 in the workweek may accrue exchange time. ~~The appointing authority or~~
7 ~~their designee may approve overtime-exempt employee absences with pay~~
8 ~~for extraordinary or excessive hours worked, without charging leave.~~
9 Exchange time shall be accrued at straight-time to a maximum of forty (40)
10 hours. Exchange time has no cash value and cannot be transferred between
11 Higher Education Institutions or other State Agencies. Exchange Time
12 must be used in the same Fiscal Year it was accrued.

13 F. If they give prior notice and receive the Employer's concurrence, overtime-
14 exempt employees may alter their work hours. Employees are responsible
15 for keeping management apprised of their schedules and their whereabouts.

16 G. Prior approval from the Employer for the use of paid or unpaid leave for
17 absences of two (2) or more hours is required, except for unanticipated sick
18 leave.

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TENTATIVE AGREEMENT REACHED

An electronic signature to this Agreement shall be given effect as if it were an original signature.

For the Employer

For the Union

Inti Tapia, Labor Negotiator
OFM/SHR Labor Relations &
Compensation Policy Section

 3/11/25

Steve Sloniker,
Director of Contract Administration
WPEA