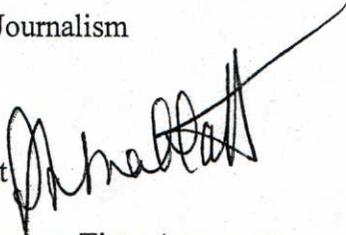


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July 17, 2008

TO: The Presidents of the Colleges
The Dean of the Sophie Davis School of Biomedical Education
The Dean of the CUNY Law School
The Dean of the Graduate School of Journalism
Labor Designees
Directors of Human Resources

FROM: Vice Chancellor Pamela S. Silverblatt 

SUBJECT: Implementation of the HEO Compensatory Time Agreement

Compensatory Time

In order to implement the Decision and Award of Arbitrator Howard Edelman in the matter of PSC v. CUNY (AAA Case No. 13 390 1282 06), CUNY and the PSC recently entered into an agreement (copy attached) setting forth the guidelines for the grant of compensatory time for employees in the HEO series represented by the PSC, who are assigned to work in excess of 35 hours in a week.

- (1) HEO series employees represented by the PSC who are **non-exempt** under the Fair Labor Standards Act (FLSA) and who are assigned by their supervisor to work more than 35 hours during the workweek shall receive compensatory time, on an hour for hour basis, for hours assigned between 35 and 40 hours.

As before, employees who are non-exempt under the FLSA shall receive payment at the rate of time and one-half for the hours worked in excess of 40 hours in a week.

- (2) HEO series employees represented by the PSC who are **exempt** under the FLSA shall receive compensatory time, on an hour for hour basis, for hours assigned by their supervisor in excess of 35 hours in a week.

Eligibility Requirements

In order for a HEO series employee to be eligible for overtime, the following standards apply:

- 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.
- Assigned overtime hours are also 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.
- Assigned hours beyond the 35-hour workweek must be authorized in advance in writing by such administrator(s) as designated by the College President. The employee's time records must reflect the additional hours worked. In situations where it is not practical for the duly authorized administrator to provide such advance written authorization (*i.e.*, an emergency), such authorization shall be put in writing as soon thereafter as practicable by such administrator(s) as designated by the College President.
- To the extent possible, the supervisor shall provide the employee with 48 hours' notice of the assigned overtime in either of the above-described situations defining assigned overtime hours.

Use of Compensatory Time

- Compensatory time earned during a quarter of the contractual HEO "leave year" (September 1 – August 31) shall be scheduled to be used as promptly as possible within the quarter but no later than thirty (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.
- Represented HEOs shall be provided with quarterly statements of compensatory time accrued and/or taken.