

ADMINISTRATIVE PROCEDURES



Procedure Number: 22-16

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C. Duellberry
County Administrator

SUBJECT: **TIME WORKED RECORD**

DEPARTMENT RESPONSIBLE: **Finance and Risk Management**

I. STATEMENT

This procedure establishes record keeping requirements in conformance with the Fair Labor Standards Act. The Fair Labor Standards Act was enacted, in part, to ensure that all employees covered under the law are paid for their time worked. The law requires all non-exempt "hourly" employees to accurately record their daily work time. While there is a requirement to pay for all hours worked, there are provisions to account for "de minimis" or insignificant variations in actual time worked.

II. DEFINITIONS

Certification

Signature of an employee and a supervisor attesting to the accuracy of the entries on a Time and Attendance Record.

Exempt

An employee who is not eligible for overtime compensation under the Fair Labor Standards Act and Personnel Policy 7-102.

Flex Time

Flexible scheduling of an employee's time worked within a work week as provided in Personnel Policy 7-102.A.4. to ensure that an employee's scheduled work week is limited to 40 hours per week.

Non-Exempt

An employee who is eligible for overtime compensation under the Fair Labor Standards Act and Personnel Policy 7-102.

Time and Attendance Form (TAF)

A record of an employee's name, Employee Identification Number, Department code, center, payroll period ending date, days worked, time of day worked, type of leave used if not worked (vacation, sick, etc.), signature of the employee and signature of the employee's supervisor.

Time and Attendance Record

Time Cards or other methods for recording actual time worked, not scheduled hours. Time and Attendance Records are required for non-exempt employees only.

Time Worked

The actual hours worked per day recorded by the date and time.

III. PROCEDURE

A. Exempt Employees

Exempt employees are only required to complete, sign and date a Time and Attendance Form if during the payroll period any of the following has occurred:

- Leave time was used, e.g vacation, sick, military leave, jury duty.
- A Holiday was worked.
- A new hire or a terminating employee only worked a partial pay period.
- On Leave of Absence for a partial pay period.
- Cesar Chavez Administrative Leave Day was used.

The Time and Attendance Forms (TAF's) are to be signed and dated by the employee and the employees' immediate supervisor and either keyed into the payroll system or sent to the Department of Finance and Risk Management for validation. If an employee and /or supervisor falsifies a TAF, it is grounds for disciplinary action.

B. Non-Exempt Employees

1. For all non-exempt employees, each Department shall have weekly written Time and Attendance Records. The Time and Attendance Records shall reflect actual hours worked, rather than scheduled hours.
2. On the appropriate form as designated by the Department, non-exempt employees are responsible for accurately recording and calculating their hours worked. At a minimum, each non-exempt employee MUST record the following:
 - Actual daily starting time
 - Daily lunch break beginning and ending time
 - Actual daily ending time

In addition, starting and ending times must be entered for time not worked, such as doctor appointments, interviews, etc. - whether or not they are paid leave time.

3. Employees are NOT allowed to clock in or out for another employee. If an employee clocks another employee in or out, it can be grounds for disciplinary action or termination.

4. While employees are required to report their daily time accurately, County procedures allow for a “rounding procedure” in the calculation of total hours worked. The purpose behind the rounding procedure is to allow flexibility when recording insignificant or “de minimis” variations in actual time worked. The rounding procedure may be applied up to five (5) minutes before or after the daily start or end times. For example, if an employee is scheduled to report for work at 8:00AM and arrives at 8:03AM, the employee is required to record 8:03AM; however, when calculating the daily work time, the County will consider the start time to be 8:00AM. If an employee is scheduled to end work at 5:00PM and leaves at 5:04PM, the employee is required to record the end time as 5:04PM and the County will consider the ending time to be 5:00PM when calculating the daily work time. The rounding procedure applies only up to a total of 10 minutes in a workday. If an employee’s actual time exceeds the five (5) minutes allowed at the start and end of each work day, when calculating the daily work time, the actual start and end times must be utilized. This practice does not apply to unpaid lunch periods and is not intended to avoid paying overtime nor does it relieve an employee’s responsibility to report to work on time and remain at work as scheduled.
5. The employee’s supervisor is responsible for certifying that the time record received from the non-exempt employee is accurate.
6. The employee’s supervisor is responsible for ensuring that the employee works 40 hours per workweek in non-holiday weeks before overtime or compensatory time is authorized.
7. Any intentional overstatement or understatement of time worked by the employee or supervisor may result in disciplinary action up to and including termination.
8. Non-exempt employees are required to complete a Time and Attendance Form if during the payroll period any of the following has occurred:
 - Worked more or less than regularly scheduled hours.
 - Overtime was worked.
 - Leave time was used, e.g. vacation, sick, military leave, jury duty.
 - A Holiday was worked.
 - A new hire or a terminating employee only worked a partial pay period.
 - On Leave of Absence for partial pay period.
 - Cesar Chavez Administrative Leave Day was used.

The Time and Attendance Form is to be signed and dated by the employee and the employee’s immediate supervisor and sent to the Department of Finance and Risk Management for validation.

9. Time and Attendance Records not sent to the Department of Finance and Risk Management are to be maintained in a secure area by the Department for three years.

C. All Employees

The only time an employee may be paid for the same work hours in two different Departments is when the employee reports vacation usage in his/her home Department. The most common occurrence is when an employee from a Department other than Elections is requesting paid time to work the elections. Flexing work schedules or use of sick leave is not allowable. If an individual is paid by two Departments for the same hours, the Department of Finance and Risk Management will prepare the appropriate paperwork to recover any overpayment.