



Time & Leave Keeping Guidelines

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Fair Labor Standards Act (FLSA)

FLSA Regulations are federal law for which employers have extreme legal liability and can suffer huge expense for noncompliance. This federal law requires that all employees know and understand their rights to compensation, and employers enforce policies that protect employees' rights and award overtime compensation (FLSA Comp-time and/or cash overtime) **timely – by the next regular paycheck after employees' earned the overtime awards.**

If employers do not wish to incur overtime expense, they must actively manage and enforce employees' scheduled work hours and minutes to ensure overtime is not worked. Once overtime is worked by FLSA nonexempt employees, one and one-half compensatory time and/or cash overtime must be awarded regardless if the overtime was or was not pre-approved. If overtime is worked, overtime is owed at premium rates.

In particular, employees who are FLSA nonexempt (eligible for overtime compensation) must be informed of their rights. To this end, the U.S. Department of Labor requires informational posters explaining compensation rights to be displayed in common areas at all employer locations. For workplace posters, access the following website: <http://www.dol.gov/esa/whd/flsa/index.htm>.

Furthermore, employer time records and policies/procedures must clearly outline the following (not intended to be all-inclusive):

- Work Period Maximum Hours (e.g., 40 hrs, 147 hrs, or 171 hrs);
- Work cycle start dates and end dates and number of days in the work cycle (e.g., 7 days, 24 days, or 28 days);
- Unchanging official work cycles that continue on or repeat in similar fashion from one time sheet to the next so that FLSA nonexempt employees know at what point in each work cycle they will earn overtime (e.g., 1st week = Monday 12:00 a.m. to Sunday 11:59 p.m. – 7 days with 40-hours maximum, 2nd week = Monday 12:00 a.m. to Sunday 11:59 p.m. – 7 days with 40-hours maximum, etc.);
- Similar official work cycle requirements must be followed for law enforcement work cycles;
- Security shift assignments may be altered for bona fide business needs with in the same work cycles;
- Work cycle changes (e.g., changing from 24-day cycles to 28-day cycles) requires bona fide business need and subsequent careful handling of time records;
- Work cycle changes requires immediate action:
 - Stopping the current time sheet;

- Requiring the affected employee to start a new time sheet for the appropriate work cycle (e.g., stop the 24-day time sheet, begin a new 28-day time sheet);
- Immediately send the stopped, partial time sheet to the Personnel or Business Office for expert calculation;
- Calculate the stopped, partial time sheet in accordance with the federal register containing law enforcement federal maximum work hours ranging from 7 to 28 days;
- Seek assistance with the Office of Human Resources (OHR) for the method of counting total number of days in the cycle and calculating work hours and minutes. Also, seek OHR assistance for shift assignments changes that also include Key changes (e.g., rotation of work and off days).

In all time keeping areas, employees typically will improve on time and leave keeping accuracy and will more readily comply with departmental policies when supervisory or managerial expectations are regularly communicated, thus making managerial oversight easier.

Time Sheets or Time Records

- Regardless of the manner in which employees' work times are recorded and calculated, employee-signed and supervisor-signed and approved **paper copies** of time sheets for **each and every** work cycle must be retained for three full years at the locations where employees earn their paychecks. **Again, by federal law, properly signed and approved paper time sheets must be retained for three full years at employees' work locations.**
- Time sheets must be maintained or completed by **the employee** **daily** to reflect actual time worked started, actual work time ended, and/or approved leave taken;
- Time sheets must be regularly monitored by immediate supervisors. Discrepancies must be discussed and corrected with the applicable employee immediately upon discovery of the discrepancy;
- All employees must begin **each workday** by signing in on their time sheets and end **each workday** by signing out on their time sheets;
- All employees must accurately reflect, by each event, the amount of pre-approved leave used when absent from the workplace;
- Repeated incomplete and/or inaccurate time sheets may subject the employee and possibly the supervisor to disciplinary actions.
- Each employee must, by law, complete his/her own time records or time sheets.
- It is prohibited and a violation federal regulations and departmental policy for any one else to complete or partially complete time worked for an employee.

Time Keeping Through Electronic Devices

- Electronic time clocks or any other electronic devices are not complete solutions to the intricacies of employee time/leave keeping;
- Usage of time keeping devices does not relieve or lessen Directors or Managers responsibilities for ensuring and directing time and leave keeping compliance;
- Strict enforcement of departmental time/leave keeping policies and procedures is mandated while using electronic time keeping devices due to increased employer liability caused by these devices;
- Employees must closely follow procedures to always “punch in” and “punch out” for applicable activity (e.g., workday start times, unpaid meals breaks, pre-approved personal business during work hours when return to work is expected, workday end times, etc.);
- Local policies and procedures must be implemented and enforced for time keeping mispunches.
- A comprehensive process must be developed, implemented, and enforced to reconcile mispunches as they occur, never to go beyond 24 hours before being corrected;
- Employees who demonstrate patterns of mispunching their workday activities that capture work time may be disciplined;
- The Department’s governing “Rounding” policy for electronic time keeping devices is rounding to the quarter hour – from one minute to 7 minutes in the quarter hour employees’ work time will be rounded down to the nearest quarter hour; from 8 minutes to 15 minutes in the quarter hour employees’ time is rounded up to the nearest quarter hour;
- The Department’s governing “Rounding” policy does not supersede, change, or affect location policies for punctuality in employees reporting to work. This “Rounding” policy will not materially affect or have bearing on employee discipline for violating and/or failing to follow time and leave keeping policies and procedures.

Work Start Times

- The workday begins for all employees with the first act of work (e.g., answering a telephone call, reading a document, supervising or giving youth instructions, picking up mail, picking up keys – if these employees unlock doors, cabinets, or boxes as their first acts of work, etc.);
- Work start times must be recorded daily;
- The first act of work is performed at any particular employee's work station or at shift briefing, whichever is applicable;
- Entering the front gate does not signify the start of the workday unless:
 - a nonexempt employee is issued keys, and he/she is assigned to unlock a door or doors to begin operations for the day and/or shift. He or she must record the start of the workday at the point in time when he or she receives Center keys;
 - a nonexempt employee is issued a radio or other Center equipment and immediately uses the equipment. He or she must record the start of the workday as the point in time when he or she receives equipment;
- No FLSA nonexempt employee will be permitted to report to his or her work station or post assignment, without prior approval of a manager or OIC, until the actual, scheduled start of the workday or shift (no exceptions);
- Any nonexempt employee who arrives early must proceed to the shift briefing area or visitation common area and wait until the start of the workday. No work will be performed while waiting to work. Employees are permitted to read books/newspapers/magazines, snack on foods, privately meditate, etc.

Meal Breaks

- Meals breaks are not mandatory. The Director decides who will be assigned to unpaid meal breaks;
- All employees who are assigned unpaid meal breaks must take their meal breaks. Employees are prohibited from avoiding unpaid meal breaks to shorten their workdays and leave before their regularly-scheduled workdays end;
- Meal break times must be recorded daily;
- All FLSA nonexempt employees who are assigned unpaid meal breaks must:
 - take meal breaks that are 30 minutes or greater in duration;
 - either leave their work stations/post assignments and eat in designated areas for uninterrupted, duty-free meal breaks or leave the Center to eat;
 - immediately notify their immediate supervisors if their duty-free meal break is interrupted by youth or other staff members who require them to perform work under emergency circumstances;
 - never record meal breaks that are fewer than 30 minutes in duration, and instead, work out a plan with immediate supervisors to take meal breaks at other approved times or schedule adjust the extra time incurred from the interruptions before the work cycles end;

Work End Times

- FLSA nonexempt employees must end their workdays as assigned;
- No nonexempt employee is permitted to work over regularly-scheduled workday hours without prior approval from a manager or OIC;
- All employees could potentially be assigned to working over regularly scheduled hours and minutes depending upon workloads. When additional hours are worked, all employees must properly record this additional work on their current time sheets;
- Work end times must be recorded daily;
- Immediate supervisors must monitor and track additional hours and minutes worked by each work cycle. Any schedule adjustments made to employees' actual time worked must occur in the same work cycle (on the same time sheet) as when the additional hours and minutes were worked.

Recording Work While Attending Training

- Employees must list all time worked at training in their time records or time sheets;
- Out of town travel associated with training is generally work time unless other stipulations communicated in advance (see travel guidelines);
- In accordance with State regulations, employees must always work scheduled hours or take leave to cover time shortages (e.g., 40 hours), which includes work time at training;
- Employees must properly list training start times, actual unpaid training meal breaks periods, and training end times (including out of town travel if applicable);
- Any pre-class staff formations, post-class formations, roster calling, or other assignments outside the realm of reasonable homework or study assignments for personal development is work time and must be listed in employees time records or time sheets;
- Employees may be advised to follow training policies related to DJJ Standards of Conduct for public employees. However, it is prohibited to circulate or communicate any non-work time policies that severely restrict employees' duty-free time to the point that they must be deemed as working (consult the Office of Human Resources Director before issuing restrictive orders outside work hours);
- Employees are expected to return to work or be pre-approved to take leave if training time is less than a traditional 8-hour workday (e.g., training is scheduled for 4 hours, 8:00 to 12:00);
- Directors or Managers must notify employees in advance of their full-day training (e.g., 8-hour class) **whether** their workday ends when the training day is over (including out of town return trips) **or** they must return to the work location for continuing to work their regular daily work schedule to conclusion;
- The department has a variety of work schedules requiring employees to work more than the traditional 8-hour workdays. Therefore, the above procedure is critical in scheduling employees for training;
- It is discouraged to charge employees leave for attending full-day training. The department supports and endorses employee development from training, and employees should be encouraged to attend;
- For those DJJ locations using electronic time devices, employee-training time must appear in the final, official work cycle paper record filed and retained for three full years. Therefore, Directors or Managers must establish local procedures to ensure that all training time is properly recorded.

Travel

- Generally, employee travel is for the benefit of the Department as related to job completion and/or employee development and enhanced job performance;
- Travel necessary to perform assignments will be counted as work time for all employees unless the Director stipulates non-work status for certain passengers in advance of the travel events (e.g., employee passengers traveling outside regularly-scheduled work hours);
- Travel time for off-site training or other assignments must be counted in the total work hours and minutes for the workdays. Schedule adjustments to avoid overtime are permissible in the same work cycles as the training occurred. Overtime earned, as a result of travel, that is not adjusted in the same work cycle, must be sent to Personnel for FLSA comp-time awards in PeopleSoft;
- If travel signifies the start of the workday:
 - either employees record the start times when they drive out of the Center parking lot (if they do not report inside) or employees add their regular commute times to actual departure times when they drive away from their residences (e.g., employee leaves home at 06:30 for training in Forsyth, employee normally takes 30 minutes to drive to work each day, this employee's workday starts at 07:00);
- If travel signifies the end of the workday:
 - either employees record the end times when they drive into of the Center parking lot and released from duty (if they do not return inside) or employees subtract their regular commute times to actual arrival times when they drive back their residences (e.g., employee arrives home at 17:30 from training in Forsyth, employee normally takes 30 minutes to drive to work each day, this employee's workday ends at 17:00);
- Travel **outside employees' regularly-scheduled workday start and end times** in which these particular employees are solely passengers with no work being performed (either driving or reading/performing work) does not have to be compensated as long as all other employees in the same travel arrangement and/or present in the same vehicle are likewise not being paid for travel time (i.e., employees from various shift assignments nullify this particular policy);
- Division Directors must exercise extreme care in designating unpaid travel time. The Office of Human Resources Director must be consulted in advance for any circumstances of unpaid travel time;
- All affected employees (FLSA exempt and nonexempt) must be notified in advance of the unpaid travel time designation. Failure to notify affected employees in advance will nullify the unpaid travel time designation.

On Call Time

- When employees are issued paging/communication devices and are free to pursue “life activities” (e.g., home entertainment, home projects, errands, social activities close to home, etc.), these employees are not working until the paging devices activate with business calls;
- Employees count the time spent answering the calls and any other related business (time keeping stops until the next page or call);
- If employees are called back into work, no additional work (from answering the call) is counted until the employee commutes to, enters the work location, and performs the first act of work;
- Extreme care must be given when issuing on-call orders;
- If employees are given any sort of conditions that restrict the use of their personal free time, then the employees are working and must list all on-call time on the official time sheet or time card.

Law Enforcement Time Keeping

- Sworn Officers directly involved in security, investigations, transportation, or any other related law enforcement activities will keep their work time in department-approved work cycles typically greater than 7 days (e.g., 24 days, 28 days, or any other cycle approved and assigned by management);
- These time records must display work period maximums (e.g., 24-days = 147 hours, 28 days = 171 hours, etc.);

Travel For Training New Security Cadets

- The exception to the above policy is new security cadets before and leading up to basic training;
- **Before attending Juvenile Correctional Officer Basic training (BJCOT)**, new security cadets must maintain 7-day time sheets or time records clearly displaying 43-hour maximums (law enforcement standard only). Accordingly, new cadets' work time must be managed closely. There are few to no reasons why new cadets would work over 43 hours in each 7-day cycle. The 7-day, 43-hour time sheet makes it easier to change to the 28-day, 171-hour time sheet at the appropriate time;
- **The Sunday in which Cadets are sent for initial reporting to Basic training**, new security cadets must begin a new 28-day time sheet. This sheet will serve as the official time record covering the full extent of their training, and they will list this Sunday work time and all subsequent work time on this new sheet;
- Supervisors and/or managers must coach and advise new security cadets that no Training Instructor and/or DJJ training facility tracks and documents their work time;
- Electronic time keeping devices are prohibited for new cadets to use while attending Basic training;
- Security Cadets must be issued department-approved 28-day paper time sheets.

Travel For Security Staff Training

- New security cadets and all other security staff members must promptly turn in their time keeping records upon completion of training;
- Time keeping for law enforcement staff members' travel time must be properly discussed and determined prior to each training event. From one training event to another, it must never be assumed that staff know or should have known travel policies and procedures;
- Failure to appropriately brief security staff on travel policies and procedures may result in disciplinary actions;

Law Enforcement Time Record Maintenance and Monitoring

- Security Officers and all other law enforcement staff members must maintain their time records daily and in accordance with departmental and location policies and procedures;
- Officers must clearly document any work outside of schedule work hours and maintain levels of communication with supervisors to let these supervisors know of the increasing extra work hours;
- Officers must clearly document the day or partial day they are or were absent from work;
- Officers must clearly document the type of pre-approved leave used to be absent;
- When Officers are pre-approved work outside of scheduled hours and minutes on days before or after the day in which these Officers are approved to use leave, this extra work must be used to reduce down the amount of leave charges (e.g., an Officer is approved to use 8 hours 15 minutes of Sick Leave on Monday, and he/she works 9 hours 15 minutes on Tuesday and 9 hours 15 minutes on Wednesday (all in the same work cycle). As a result, this Officer's sick leave requirement has been reduced down to 6 hours 15 minutes);
- Officers' leave is reduced down with work outside scheduled hours and minutes because, inherently, Officers are called upon to work extra to maintain levels of security;
- At the conclusion of all work cycles, the Personnel or Business Office, as applicable, must timely calculate and reconcile all security time sheets or records to ensure that Officers (including security supervisors/managers) work and/or take leave to meet work cycle minimum hours and minutes and to ensure that FLSA nonexempt Officers are promptly paid overtime awards (FLSA Comp-time and/or cash overtime) if overtime was worked;
- At the present time, minimum work hours (including pre-shift briefings) are: 132 hours for the 24-day work cycles and 165 hours for the 28-day work cycles. Minimum work hours may vary by assignments. Consult OHR FLSA advisors should you have questions;
- Officers whose time sheets end with more work hours and minutes than the established minimum hours but fewer than the federal maximum hours do not get back or receive any future time schedule adjustments or overtime;
- Maximum work hours for law enforcement staff members are established by FLSA and are available in OHR. All applicable locations must ensure they have copies of the federal maximum work hours table.

Delineation of Time and Leave Keeping Responsibilities

- Each employee must maintain and be held accountable for his/her time sheet or time records and clearly identify quantity and type of leave approved and taken;
- Supervisors and managers must regularly monitor and enforce compliance to time and leave keeping procedures;
- Supervisors and managers must initiate and maintain communication with Personnel or Business Office staff members assigned to reconciling time and leave records to keep these individuals informed of time and leave keeping activities among the employees whom they supervise;
- Certain staff members in Personnel and Business Offices must be assigned to verifying work time and leave calculations and subsequently reconcile all employees' time and leave records at their particular locations;
- Failure to promptly verify and reconcile time and leave records and in accordance with departmental policies and procedures may result in disciplinary action;
- Directors and Office Managers set local policies in accordance with departmental policies and procedures. They direct and monitor time and leave keeping compliance at the assigned location;
- Directors, Office Managers, Personnel staff, and/or Business Office staff must jointly track and monitor the work time and leave usage of employees who have relatively low Sick and Annual leave balances (i.e., 40 hours);
- The joint tracking of low leave balances is to guard against and ensure that there are no payroll exceptions when employees exhaust all leave and are still receive their full paychecks;
- Directors and Office Managers must establish procedures for monitoring low leave balances to completely prevent the serious matter of payroll exceptions and employees earning state wages for which they did not work or cover with paid leave.

Adjusted Work Schedules

- An employee may be excused, at the discretion of the Director or Office Manager or his/her designees, for a work day or portion of a work day as strategy for preventing overtime in a work cycle;
- The Adjusted Work Schedule (AWS) can be used to keep the non-exempt employee from earning overtime by working fewer or equal hours (as applicable) in a work cycle than the established federal maximum hours;
- The Adjusted Work Schedule must not be used to avoid awarding overtime when an employee's work cycle ends and he/she has worked more than the established work cycle federal maximum hours;
- The Adjusted Work Schedule is permitted only within the current, approved work cycle (both FLSA exempt and nonexempt employees). Carrying forward hours and/or minutes from one work period to the next is not permitted and is a violation of FLSA Regulations;
- Supervisors are responsible for monitoring the total work hours and minutes of all employees they supervise, especially as the employees near the end of the work cycles;
- If an employee has a surplus of time worked over the established work cycle minimum, the supervisor may choose to adjust the schedule as an alternative to approving leave requests;
- If an employee has performed enough additional work making it certain that he/she will soon earn overtime before the work cycle ends, the supervisor must alert managers of this overtime situation;
- In situations where employee overtime earnings are about to occur, supervisors and managers must determine if approval can be granted for this employee to leave work early, report to work late, or be excused from work to avoid overtime before this particular work cycle ends. Again, schedule adjustments are prohibited if this work cycle ends prior to the schedule adjustment;
- If schedule adjustments cannot be made before the work cycle ends, then FLSA compensatory time is awarded by submitting the overtime to the local Business or Personnel Office and in turn this overtime is submitted to Central Office for entry into PeopleSoft leave programs.

Compensatory Time Awards and Cash Overtime

- FLSA Compensatory time is the primary form of overtime compensation for FLSA nonexempt employees in DJJ;
- FLSA Compensatory time must be promptly awarded to FLSA nonexempt employees who work overtime;
- **All earned FLSA Comp-time must be entered into PeopleSoft FLSA Comp-time programs;**
- Time/leave keepers must submit requests to their assigned OHR Personnel Technician to enter this earned FLSA Comp-time into employees' PeopleSoft FLSA Comp-time programs;
- Overtime is calculated only after work cycles end for FLSA nonexempt employees. Any other arrangement must be pre-approved by the Office of Human Resources Director;
- Cash Overtime requires written request in advance to the Office of Human Resources Director;
- Cash Overtime must be pre-approved by the Deputy Commissioner for the Division of Fiscal and Administrative Services and the Office of Human Resources Director;
- Cash Overtime is approved to maintain adequate staffing levels during recruitment and retention difficulties or for special assignments;
- Holiday Comp-time must be awarded to holiday-eligible employees who either work on a state-declared and observed holiday or whose regularly-scheduled off day falls on the state holiday;
- Holiday Comp-time is awarded minute-for-minute and hour-for-hour to holiday-eligible employees who work or have their regularly-scheduled off day fall on the holiday up to a maximum of 8 hours (e.g., if employee A works 2 hours on a holiday, he/she receives 2 hours of Holiday Comp-time; if employee B is regularly scheduled to work 10 hours per day, 4 days per week and the holiday falls on the regular off day, this employee receives 8 hours of Holiday Comp-time to use at a later date);
- State Personnel Board Rules state that Holiday Comp-time must not be awarded to employees whose assigned work schedules permit them to have 116 or more off days in a year;
- Earned Holiday Comp-time must be taken by the employee within 120 days after the holiday for which he/she worked;
- Holiday Comp-time must not be awarded before the day the state holiday is declared and observed;
- If Holiday Comp-time cannot be taken within one week after the comp-time is earned, time/leave keepers must submit requests to their assigned OHR Personnel Technician to enter this earned Holiday Comp-time into employees' PeopleSoft Holiday Comp-time programs;