

PAYROLL AND TIME KEEPING

POLICY NUMBER: CEMS-010

PURPOSE:

The City of Winchester is committed to paying employees accurately and in compliance with all applicable federal and state laws.

POLICY:

This policy establishes standards for recording hours worked, compensating employees, and meeting the requirements of the Fair Labor Standards Act (FLSA). Unless otherwise required by law, this policy also applies to employees of Constitutional Officers who are covered by the City policies.

RECORDING HOURS OF WORK:

1. Rouss City Hall Hours: 8:00 AM-5:00 PM, Monday through Friday.

2. Work Week for Full-Time Employees:

- Employee schedule and break periods will be established and approved by the department head or designee. The City is not obligated to provide specific break periods during the workday as per the Fair Labor Standards Act.
- The City Manager or designee has the authority to establish or alter work hours, schedules, and duty assignments as necessary.

3. Hours Worked:

- Employees must record all the time spent on activities that are controlled or directed by the City as hours worked. This includes, but is not limited to, the following:
 - Actual productive work time, such as desk work, teleworking, or fieldwork
 - Participation in meetings and training when the employee is engaged in activities that directly benefit the City
 - Waiting time on the job, while under the employer's control (e.g., waiting for instructions or for the next task)
 - Time worked outside of the employees' normally scheduled hours
 - Working (including responding to emails and telephone calls) during meal breaks.
- Paid time off, Holidays and Additional Leave are considered hours worked and will be included for calculating overtime.
- Hours in which no work is performed, such as medical leave, military leave, civil leave, injury leave, funeral leave, and on-call/standby are not counted as hours worked for overtime purposes.
- For non-exempt fire protection and law enforcement employees (excluding Detention Specialists), all hours worked and/or all paid leave used are counted as hours worked for the purpose of overtime calculation.

4. Meals:

- A bona fide meal period is defined as at least 30 consecutive minutes during which an employee is relieved of duty and free to use the time as they wish. This period is not considered hours worked or paid time.
- Any meal period of less than 30 consecutive minutes must be paid for as hours worked.

- It is not required that an employee leaves the premises during the meal period. However, if an employee is required or permitted to perform any duties while eating, that time will count as hours worked.
- 5. Call Back:** When a non-exempt employee is physically called back in to work, they will be compensated for the actual time worked or a minimum of two hours, whichever is greater. When activated, the employee is entitled to compensation for all the time necessary to respond, including time spent on the telephone and travel time. Call back counts as hours worked for overtime calculation.
- 6. Off Clock Communications:** Non-exempt employees may be compensated when they are required to respond to a work-related email, text message, or telephone call outside of their scheduled work hours in 15-minute increments at their regular rate of pay when the communication requires an immediate or time-sensitive response. Time spent responding to required off-duty communications counts as hours worked for purposes of calculating overtime.
- 7. Court Time:** Non-exempt employees required to attend court for City business outside of their regular hours will receive a minimum of two hours of pay at their regular rate or actual time worked, whichever is greater. Court time counts as hours worked for overtime calculation.
- 8. Sleep Time:** An employee who is required to be on the job 24 hours or less and sleep is permitted by the department head or designee must record all hours as hours worked. An employee required to be on the job for more than 24 hours may agree with the employer to exclude sleep time from hours worked, provided adequate sleeping facilities are furnished by the employer and the employee has uninterrupted sleep. If the employee doesn't get at least five hours of sleep, then all the sleep time will be recorded as hours worked.
- 9. Training:** Time spent attending required after-hours training to maintain the employees' job must be considered hours worked.
- 10. Travel:** Time spent traveling outside of normal home-to-work travel is considered hours worked. This includes:
 - Traveling to a work site in another city
 - Travel is part of the employee's principal activities during the workday (e.g., traveling between job sites)
 - Travel that requires the employee to be away from home overnight. When employees are away from their home communities, hours worked will be calculated based on typical workday start and end times.

PAYROLL:

- 1. Pay Period, Pay Day, and Pay Week:** The regular pay period for general government employees is a fourteen-day period beginning on Saturday and ending on Friday, two weeks later. Employees are normally paid every other Friday. A pay week is defined as the week in which pay day occurs.
- 2. Payroll Processing:**
 - Payroll Authorization Form (PAF): A person cannot be added to the City's payroll, and an employee's pay and/or job status cannot be changed without completing a PAF. This requirement does not apply to Citywide pay scale or pay rate changes approved by City Council. Change recommendations are submitted via the PAF by the department head and must be approved by the City Manager, or designee.
 - Timesheets: Employees are responsible for submitting accurate timesheets and the department head/designee must approve accurate timesheets.

- **Mobile App Disclaimer:** Use of the Timesheet mobile app outside of assigned work hours is entirely voluntary. The City of Winchester does not require employees to use the app to perform any job-related tasks outside of the employees' scheduled work hours. If a manager requires an employee to perform tasks outside of their assigned work hours without compensation, please report the issue to Human Resources.
- **Mandatory Direct Deposit:** Employees are required to submit their bank account information to the Human Resources Department for automatic paycheck deposits.

3. Prior Period Adjustments: If there is a need to adjust an employee's timesheet for a prior period, it must be submitted to Finance for entry into the time and attendance system. These changes will be entered into the system for the current pay period and will be reflected in the next pay date. Supervisors can send the request for the adjustment via email to the Finance Department.

4. Timekeeping Requirements: Actual hours worked are recorded in the City's time-keeping system. All employee time and attendance records, leave usage reports, and payroll records will be retained in accordance with applicable federal, state, and records retention requirements, and are maintained by the Finance Department.

OVERTIME:

It is the City's policy that any overtime work necessary for the continued, effective government operation shall be managed in the most efficient and economical manner possible.

- 1. Overtime Approval:** Overtime work shall be authorized only to cover emergencies, necessary seasonal activity, weather conditions, and unusual working requirements, and must be authorized only by department heads prior to the work being performed. It is the responsibility of each department head to determine that overtime pay is administered in the best interest of the City and to assure that adequate funds are available for the payment of overtime. In addition, it is equally important for the department head to control unauthorized overtime. No employee should start work before the appointed time, work through lunch, or work past the appointed time without prior authorization from their department head or designee. Unauthorized overtime must be counted as hours worked, and failure to stop unauthorized work after notification may result in disciplinary action.
- 2. Exempt and Non-Exempt Employees:** Under the Fair Labor Standards Act (FLSA), the two basic categories of jobs are Exempt (E) and Non-exempt (NE).
 - Exempt employees are not covered by the Act. Exempt positions are those that meet one or more exemptions established under the FLSA.
 - Non-exempt employees are covered by the Act.

FLSA requirements apply to positions and employees' qualifications. The City's job descriptions serve as a general guide in determining whether individual positions are exempt or non-exempt from the provisions of the FLSA. All City positions will be identified as exempt or non-exempt and this designation shall be placed in the City's Position Classification and Pay Plan.

3. Definitions:

- **Fire protection employee:** An employee, including a firefighter, paramedic, emergency medical technician, rescue worker, ambulance personnel, or hazardous materials worker, who is (1) trained in fire suppression, has the legal authority and responsibility to engage in fire suppression, and is employed by the City, and (2) engaged in the prevention, control, and extinguishment of fires or response to emergency situations where life, property, or the environment is at risk.
- **Law enforcement employee:** An employee who (1) is a police officer, Sheriff's deputy, or other uniformed or plain-clothed member of a body of officers and subordinates who are

empowered by State statute or local ordinance to enforce laws designed to maintain public peace and order and to protect both life and property from accidental or willful injury, and to prevent and detect crimes; (2) has the power to arrest; (3) is presently undergoing, has undergone, or will undergo on-the-job training and/or a court of instruction and study which typically includes physical training, self-defense, firearm proficiency, criminal and civil law principles, investigative and law enforcement techniques, community relations, medical aid and ethics; or (4) is an adult facility corrections officer who has the responsibility for controlling and maintaining custody of inmates and of safeguarding them from other inmates or for supervising such functions.

4. Overtime Eligibility: Department Heads establish the department overtime pay policy in accordance with these provisions and determine eligibility considering budgetary restrictions. Departmental policies shall be submitted to the City Manager, or designee for approval. No deviations from the established policy may be made except through written requests approved by the City Manager, or designee.

5. Work Periods:

- Non-Exempt Employees (excluding law enforcement officers and fire protection employees): The work period for purposes of overtime eligibility and compliance with the Fair Labor Standards Act shall be seven consecutive days commencing with 00:01 a.m. Saturday through midnight Friday. This seven-day work period will correspond to the reporting period on the employees' time and attendance sheets. Overtime pay for non-exempt employees must be given for all hours in excess of 40 hours in a seven-day work period. However, department heads are required, to the extent possible, to reduce or eliminate overtime hours worked within the work period in which they are earned. Overtime pay must always be calculated based on a seven-day work period and may never be averaged over a two-week pay period.
- Non-Exempt Law Enforcement Employees: In accordance with the overtime exemption provided in Section 7(k) of the Fair Labor Standards Act, 29 C.F.R. §553.230, the work period for non-exempt law enforcement employees for purposes of overtime eligibility shall be 14 consecutive days commencing with 00:01 a.m. Saturday through midnight Friday two weeks after. This 14-day work period will correspond to the reporting period on the employee's time and attendance record. Overtime pay for non-exempt law enforcement employees must be given for all hours in excess of 80 hours in a 14-day work period. However, the department head is required, to the extent possible, to reduce or eliminate overtime hours worked within the work period in which they are earned. Overtime pay must always be calculated based on a 14-day work period.
- Non-Exempt Fire Protection Employees: In accordance with the overtime exemption provided in Section 7(k) of the Fair Labor Standards Act, 29 C.F.R. §553.230, the work period for non-exempt fire protection for purposes of overtime calculations shall be 21 consecutive days commencing with 00:01 a.m. Saturday through midnight Friday three weeks after. This 21-day work period will correspond to the reporting period on the employee's time and attendance record. Overtime pay for non-exempt fire protection employees must be given for all hours in excess of 144 hours in a 21-day work period. However, the department head is required, to the extent possible, to reduce or eliminate overtime hours worked within the work period in which they are earned. Overtime pay must always be calculated based on a 21-day work period.

6. Overtime Pay Calculation: It is the policy of the City that non-exempt personnel be compensated with overtime pay for hours worked over the established work period as defined above.

- Hours worked over the established work period will be paid at the rate of one and one-half times the annual hourly equivalent of the employee's salary and will be paid in the first feasible pay period after it is earned.

- Non-exempt employees (excluding law enforcement and fire protection employees) will be paid overtime for hours worked over 40 in a seven-day work period
- Non-exempt law enforcement employees will be paid overtime for all hours worked over 80 in a 14-day work period
- Non-exempt fire protection employees will be paid overtime for all hours worked over 144 in a 21-day work period

ON CALL PAY:

On call pay is compensation for eligible non-exempt employees who are designated by the department head as "on call" and required to be available when needed to handle emergency situations occurring outside standard working hours. An employee is considered "on call" if they are required to be available for contact outside of normal working hours but are not required to remain on City premises. If required to stay on premises, they are working. On-call compensation is separate from compensation for time actually worked.

An employee who is designated as "on call" shall receive compensation for weeknights, weekends, and holidays. Rates are established and approved by the City Manager, or designee. This compensation shall be in addition to the two-hour minimum that a non-exempt employee receives when called back in physically to work and time spent beyond the two-hour minimum.

If an employee is on call and is not available or cannot be reached within a reasonable period as predetermined by the department head or designee, they will not be entitled to on-call pay and may be subject to the City's Discipline Policy.

FIELD TRAINING OFFICER PAY:

Employees designated as Field Training Officers (FTOs), as approved by the Department Head, will receive additional compensation equivalent to one hour of regular pay for each shift worked. FTO compensation is provided while training new hires or while providing training to existing employees as part of an approved training or development program. This additional hour of compensation is not considered overtime and is not included in the total hours worked.

ACTING PAY:

A full-time employee who is temporarily assigned, with approval, to perform the duties of a higher-level supervisory position or duties outside the normal scope of their position may be eligible for acting pay, as recommended by the Department Head. The Department Head must approve the temporary assignment before the employee assumes the higher-level duties. Requests for acting pay must be approved by the City Manager or designee.

STIPENDS:

A full-time employee who is permanently assigned, with approval, to perform the duties or assignments outside of the normal scope of their position are eligible for annual stipends. The Department Head must approve the permanent assignment before the employee assumes the responsibilities. Requests for stipends must be approved by the City Manager or designee.

SHIFT DIFFERENTIAL:

Shift differentials may be paid to employees in qualifying positions who work eligible shifts. Qualifying positions, eligible shifts, and the hourly differential amount will be established and approved by the City Manager or designee.

VOLUNTEERS:

- 1. Non-Employee Volunteers:** Individuals who volunteer or donate their services for public service, religious, or humanitarian objectives and not at the request of or for the benefit of the City are not considered employees of the City during these hours.
- 2. Employee Volunteers:** An employee may perform volunteer services for the City as long as the services are not the same type of services the person is employed to perform, and the service is approved by their department head. If an employee performs the duties of his position while off duty, the time he puts in shall be considered hours worked for the purpose of calculating overtime pay. An employee who believes they are entitled to overtime pay shall submit a claim to the supervisor within 15 working days of the event. Nothing herein shall prohibit an employee from serving as a member of a volunteer organization provided this service does not conflict with employment requirements.