

HUMAN RESOURCES
POLICY AND PROCEDURE MANUAL
FOR
MARLBOROUGH HOSPITAL
MARLBOROUGH, MASSACHUSETTS

EFFECTIVE DATE: 03/15/10

POLICY: HR43

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CATEGORY: HUMAN RESOURCES

SUBJECT: WORKING OFF THE CLOCK

I. PURPOSE & POLICY STATEMENT:

Marlborough Hospital established this policy to ensure that its non-exempt employees are compensated in accordance with all applicable state and federal laws.

- A. Marlborough Hospital is committed to compensating every employee for all the work they perform. Marlborough Hospital prohibits all off-the-clock work (performing work that is not reported on an employee's timesheet or in the timekeeping system). Non-exempt employees may not perform any work without compensation. No member of management may request, require, or permit other employees to perform work without compensation.
- B. Every employee must comply with this policy and immediately report any possible violations. Marlborough Hospital will investigate all violations of this policy promptly and thoroughly. Employees who violate this policy will be subject to discipline, up to and including termination.

II. PROCEDURE:

Non-exempt employees must record the exact time they begin working and the exact time they stop working. Time worked is calculated to the closest 15-minute interval.

If an employee's meal period is interrupted or missed for any reason such that the employee does not receive a 30 consecutive minute uninterrupted meal period on each day that the employee works more than six consecutive hours, it is the employee's responsibility to report the missed or interrupted meal period. If the employee records time on a time sheet, it is the employees' responsibility to write in "no lunch" on the time sheet when recording their stop time at the end of work.

III. WORKING "OFF-THE-CLOCK":

Non-exempt employees may not work off-the-clock at any time, even if a manager asks the employee to do so. No one is authorized to instruct any employee to work off-the-clock.

Examples of prohibited off-the-clock work include but are not limited to:

- Performing work before an employee has clocked/signed in or after an employee has clocked/signed out;
- Employees booting up or powering down computers while the employee is not clocked/signed in;

- Performing work during the employee's meal period and not reporting the missed or interrupted meal period;
- Performing work at home and not reporting the time worked; and
- Sending or responding to work-related e-mails at home.

Non-exempt employees who perform work while not clocked/signed in, must keep track of all time worked and immediately report that time to the employee's manager. Marlborough Hospital pays employees for all working time, even if the work performed was not initially reported in the time-keeping system or on a timesheet. Therefore, if an employee determines he or she is not paid for any work that was reported to the employee's manager, he or she must follow the reporting procedure set forth below.

IV. REPORTING PROCEDURES:

It is a violation of policy for anyone to instruct or encourage another employee to work off-the-clock, to incorrectly report hours worked or to alter another employee's time records. If anyone instructs or encourages an employee to incorrectly report hours worked, work off-the-clock, or to alter another employee's time records, or if you are aware of any other possible deviations from this policy, or if you have any questions or concerns about your pay, you should immediately call Human Resources at 508-486-5400.

It is prohibited to take negative action against any employee for reporting a possible violation of this policy or for cooperating in an investigation. Any employee who retaliates against another employee for reporting a possible deviation from this policy or for cooperating in an investigation will be subject to discipline, up to and including termination.

V. INVESTIGATION AND APPROPRIATE ACTION:

Marlborough Hospital will investigate promptly and thoroughly any report of a possible violation of this policy. If it is determined that a violation of this policy has occurred, appropriate remedial action will be taken.

VI. DEFINITIONS:

Non-Exempt - A "Non-Exempt" employee is subject to the minimum wage and overtime provisions of the Federal Fair Labor Standards Act (the "FLSA") and Massachusetts state law.

Work - "Work" means any activity that employees are required, requested, or permitted to perform in the interest of Marlborough Hospital or for Marlborough Hospital's benefit.

Off-The-Clock Work - "Off-the-clock work" means any work performed when a non-exempt employee's time was not recorded, either manually or by an electronic time keeping device, and the employee was not paid for the time worked.

VII. SCOPE:

This policy covers all non-exempt employees. If any conflict exists between this policy and a collective bargaining agreement provision, the language of the applicable collective bargaining agreement prevails for those employees represented for purposes of collective bargaining.

VIII. MONITORING:

Managers, supervisors, and employees, together with the Human Resources department are responsible for complying with this policy.

Rescission: This is a new policy effective 3/15/10
 Reviewed/Revised: 03/10
 Developed by the Human Resources Department.