

UMass Memorial Medical Group Policy

4043 Time Reporting for Non-Exempt Employees	
Developed By: Human Resources Department	Effective Date: 10/7/11
	Approved by: Michele Streeter, Executive Director/COO
Applicability: All non-physician UMass Memorial Medical Group employees excluding those covered by a Collective Bargaining Agreement	Rescission: Supersedes policy dated: 2/5/10
Keywords: kronos, non-exempt	

I. Policy:

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

- A. All non-exempt employees are required to use Kronos time and attendance or manual timesheets to record their time for a given standard workweek. Because employees in non-exempt positions must be paid based on all time worked, it is essential that all time worked be accurately and timely recorded and reported for payroll processing.
- B. Non-exempt employees are paid weekly for time worked as reported through the Kronos time reporting system. Non-exempt employees must record the exact time they begin working and the exact time they stop working.
- D. Non-exempt employees who begin working after the start of their scheduled work shift will be considered late, and may be subject to discipline up to and including termination.
- E. Non-exempt employees who leave the facility without manager authorization prior to the end of their scheduled work shift may be subject to discipline up to and including termination.
- F. Non-exempt employees who work more than their scheduled hours of work without pre-authorization shall be subject to discipline up to and including termination.

II. Definitions:

Meal Period - 30 minute consecutive uninterrupted unpaid meal period each work day that an employee works 6 consecutive hours and is free to leave the facility.

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.

Off The Clock Work – Unauthorized work outside of reported hours.

Work Break - 15 minutes or less of paid time during which employees may take time away from work-related activities, which may be given at the discretion of UMass Memorial.

III. General Procedure:

A. Time Reporting

All non-exempt employees are required to accurately report all hours of work using the Kronos time recording system by swiping in immediately before beginning work and swiping out immediately after completing all work.

If an employee's department does not use the Kronos time recording system the employee must accurately report all hours of work by signing in on a time sheet immediately before beginning work and signing out on the timesheet immediately after completing all work, or by utilizing another timekeeping method authorized by their department that accurately captures all hours worked. Non-exempt employees must record their start time contemporaneously with the time they actually start working and record their end time contemporaneously with the time they actually stop working. No employee is authorized to record a start or stop time before beginning or completing work (i.e. pre-filling out a timesheet).

No employee is authorized to swipe the badge of another employee or sign in on behalf of another employee. Any employee who engages in this practice will be subject to serious disciplinary action, up to and including termination.

B. Meal Break

UMass Memorial provides all non-exempt employees with a 30 minute consecutive uninterrupted unpaid meal period each work day that an employee works 6 consecutive hours and is able to leave the facility during their meal periods. The Payroll Department assumes that a 30 minute consecutive uninterrupted meal period has been taken unless the employee records in the Kronos time recording system or on a timesheet that the meal period was missed or interrupted. Therefore, if an employee's meal period is interrupted or missed for any reason such that the employee does not receive a 30 minute consecutive 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 in accordance with the Meal Periods Policy.

C. Reporting Pay or Time Recording Issues

If, after raising the issue with their manager, an employee has any concern regarding the accuracy of their pay or the accuracy of the recording of their working time, the

employee must report this concern immediately by contacting the Confidential Reporting line at 508 770-1290 as described below.

D. Management Responsibility

Managers are responsible for approving all time worked and paid time-off submitted by non-exempt employees.

Managers are also responsible for reviewing and confirming employees' reported hours worked by signing the time sheet(s) or authorizing the hours in the Kronos time recording system, and submitting employees' reported hours to the Payroll Department by 10:00 a.m. on the Monday of the following work week.

E. Violations of Policy

Altering Time Records:

It is a violation of UMass Memorial's policy for anyone to alter an employee's reported time. Any changes to an employee's reported time must be discussed with the employee and documented. If the employee does not agree with the change, the manager must notify the Payroll Manager. Employees must always be paid for all time worked, whether or not authorized, and whether or not the time worked falls within the employee's scheduled shift.

Encouraging Off The Clock Work:

It is a violation of UMass Memorial 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, that employee should report the incident immediately by contacting the Confidential Reporting Line at 508-770-1290. Every report will be fully investigated and corrective action will be taken where appropriate, up to and including termination for any employee(s) who violates this policy. In addition, UMass Memorial will not tolerate any form of retaliation against individuals who report alleged violations of this policy, or who cooperate in the investigation of such reports. Retaliation is unacceptable, and any form of retaliation in violation of this policy will result in disciplinary action, up to and including termination.

IV. Clinical/Departmental Procedures: N/A

V. Supplemental Materials:

Managers Guide to UMMHC Payroll Policies & Procedures for Non-Exempt Staff to be linked

[Policy #1404 Completion & Submission of Time Records](#)

VI. References: N/A

To Be Linked To Policy

Managers Guide to UMMHC Payroll Policies and Procedures for Non-Exempt Staff

(including requirements under federal and state labor and wage laws)

BACKGROUND ON WHAT IT MEANS TO BE A NON-EXEMPT EMPLOYEE

The Definition of a “Non-Exempt” Employee is one that is not exempt from the Federal Fair Labor Standards Act (the “FLSA”). Most critically, a non-exempt employee must be paid overtime if they work over 40 hours in a given workweek.

The U.S. Department of Labor has established criteria for determining whether to classify an employee as an “exempt” employee or as a “non-exempt” (hourly) employee. The determination of whether an employee is exempt or non-exempt will be made the Human Resources compensation staff.

ITEMS SPECIFIC TO UMASS MEMORIAL WORTH NOTING

Creating employee work schedules that ensure that we are able to carry on both our clinical and business operations is complex and time-consuming. Therefore, employees are expected to work their scheduled hours. Managers may not release employees early, or allow employees to modify their hours (e.g., come in late, and make up the time at the end of the day, or come in early and leave early, thereby ensuring that the employee will be paid for a full day, without use of earned time), unless a formal schedule change is implemented.

Our organization typically pays a non-exempt employee for eight hours per shift. The shift length for a non-exempt employee may, however, vary by shift. Day and evening shifts are typically eight-and-a-half hour shifts, while night shifts are typically eight hour shifts. (This may not be universally true, so you are encouraged to seek your human resources business partner for clarification).

The shift length is important because it indicates whether an employee’s half-hour meal period (which by law is required for shifts greater than six hours) is paid or unpaid. An eight-and-a-half hour shift will have an UNPAID half-hour meal period, while an eight hour shift will have a PAID half-hour meal period. In cases where the employee works an eight hour shift and is paid for his/her meal time, under Massachusetts law, the employee must affirmatively waive their right to a meal break. The Kronos clock will be modified to indicate that, when an employee has worked through lunch, the employee has voluntarily waived his or her right to a meal break.

1) Meal Breaks

Massachusetts law requires that any non-exempt employee working a shift of six hours or more be given a 30 minute unpaid meal break. If requested by his or her manager, an employee may *voluntarily* waive his/her right to such a break, but may not be required to do so. If an employee is willing to have his/her unpaid meal break interrupted, or if the employee is asked to and agrees to remain on the premises (not just on the unit) during his/her meal break, the employee **MUST be paid for the meal break.** When an employee feels that they need to work through their meal break and are willing to do so, they should seek management approval prior to waiving their meal break and working through lunch.

When an employee's meal period is unpaid, the entire meal period must be the employee's own and may not be interrupted.

Examples of when meal breaks are considered "interrupted" include the following:

- When an employee performs any work on our behalf.
- When the employee carries a beeper or company cell-phone, and s/he receives a page or call, the meal break is considered interrupted. The best practice is to hand off the phone or beeper during the meal break if at all possible.
- When an employee is restricted to a given area during the meal period, such as when an employee is expected to stay on the unit or on our premises.
- Where monitors in the break room are not shut off, even when employees voluntarily elect to remain in the unit break room.
- When an employee is asked work related questions while on meal break, even when the employee voluntarily elects to remain on the unit.

If any of the above does occur, or anything else which can reasonably suggest that the employee's meal period was not his/her own, the employee must be paid for the time worked. If there are any questions regarding whether or not the meal break was interrupted, the situation should be immediately discussed with a supervisor.

2) Work/Paid Time for Changing Clothes

If an employee is **REQUIRED** to change from street clothes to sterile garb or any other uniform, and vice versa, at the start and end of the workday, the time that it takes the employee to change is considered time worked, and the employee must be paid their regular rate of pay. (Those positions that require changing on site are listed below.) If the addition of changing time results in the employee working in excess of forty hours in a week, the employee must be paid overtime for time worked (including changing time) in excess of that forty hours.

When an employee is required to change clothes before working, such as in the operating room, they must be paid for time spent changing at the start of their shift and at the end of their shift as if they were working. This is for required changing time. Shifts are scheduled in a manner that encompasses changing time.

If an employee merely chooses to change at work for his/her own convenience, this is not time worked and would not be compensated, and therefore the employee should not punch in before changing and/or change before punching out.

Jobs that require employees to change while at work are limited to the following:

- Nurses in the operating room
- Surgical techs in the operating room

3) Time Reporting

Employee time reporting requirements: (Sign-in sheets and Kronos clocks)

- Employees who work in areas where the Kronos system has been implemented are required to swipe their badges at the Kronos clock nearest to their work stations, when they begin work, and to swipe out immediately after they finish work. If a Kronos clock isn't available in the work area, employees should call their supervisors to report time started and/or finished.
 - An employee may not swipe another employee's badge under any circumstance. Employees who do so will be subject to discipline, up to and including termination.
 - Each employee who does not report his/her time using the Kronos system, and reports time worked on timesheets, is required to record on his/her timesheet. Time is recorded to the nearest 15 minute block s/he began working, and to the nearest 15 minute block s/he finished working each day.
 - Each employee who signs in daily on Onestaff reporting sheets must indicate the time s/he started working and the time s/he finished working on the Onestaff reporting sheet, if the employee's start or finish time is different from the employee's scheduled shift time.

4) Adjustments to an Employee's Reported Time

Generally, no one should change or adjust an employee's reported time in any way. Employees must always be paid for all time worked, whether or not authorized, and whether or not the time worked falls within the employee's scheduled shift.

- If an employee works in excess of his or her scheduled hours, even if not authorized, the time must be paid. Supervisors may counsel and discipline employees who repeatedly work in excess of their scheduled hours without authorization, but all time worked must be paid, whether authorized or not.

- The employee's supervisor should (1) discuss with the employee the need to obtain authorization to work in excess of the employee's scheduled hours, (2) document the discussion with the employee, and (3) maintain such documentation in the manager's employee file.
- Some examples of circumstances in which reported time may be adjusted are:
 - a) an employee swipes or signs in on the way into the building, but goes to the cafeteria before reporting to work area, and eats breakfast with some co-workers;
 - b) an employee inadvertently swipes in without realizing that s/he has arrived a half hour early, then proceeds to read the paper until his/her shift begins;
 - c) an employee is socializing with co-workers after s/he has finished working but before s/he has swiped/signed out.
- If the employee did not actually begin working after s/he swiped or signed in, and began working at a later time, the manager may change the employee's recorded time, but the manager must inform the employee that s/he will be adjusting the employee's recorded time, and **the employee must acknowledge the propriety of the change, in writing on the attached form (form is also located online at XXX). Such documentation shall also be kept in the manager's employee file with a copy sent to the respective human resources business partner.** The reason for the change **must** also be documented in the comment section on the employee's time record.

Such changes/adjustments should be made very infrequently and must always be documented. In addition, for discrepancies of five to ten minutes, supervisors should discuss with the employee the need to record time accurately, rather than adjust the time reported, unless there is a significant pattern of such discrepancies. Counseling and other discipline, rather than adjustments to reported time, should be used by supervisors to manage the employee's behavior.

5) **Payment For All Time Worked**

Employees must be paid for all time actually worked. Employees cannot begin work before swiping in or continue work after swiping out. Managers and supervisors cannot allow an employee to perform any work that benefits the organization without ensuring that the employee is paid for that work.

It is the manager's responsibility to ensure that employees are being paid for all hours worked. Managers should provide frequent reminders to staff who may knowingly or unknowingly perform work before swiping in or after swiping out.

For these reasons, Non-Exempt staff should not have computer access from home.

6) **Mandatory Training Time Must be Paid as Time Worked**

Employees who are required to attend education courses or inservice training must be paid for that time as time worked, including overtime pay, if applicable.

7) **Rounding Rules**

All time recorded is rounded to the nearest quarter hour. When an employee signs a time sheet, s/he reports the time to the nearest quarter hour. In addition, the Kronos clocks are programmed to round all swipes to the nearest quarter-hour. (For example, an employee who swipes in between 6:53 and 7:07 will be paid as if s/he had swiped in at 7:00, whereas if the employee swiped in between 7:08 and 7:22, his/her time will be rounded to 7:15, and s/he will be paid as if s/he swiped in at 7:15.)

Rounding rules are meant for pay purposes only, and do not excuse an employee who arrives late or leaves early. This means that if the employee is scheduled to work from 7:00 to 3:30, that is the time that the employee should be working. The rounding for pay purposes does not mean that an employee can report to work at 7:07 each day and leave at 3:23.

For attendance purposes, *in* punches and *out* punches must be considered separately. For example, if an employee punches in late, the employee is not permitted to stay late to make up the time, without manager approval. Managers should approve such making up of time only rarely, in order to encourage employees to report to work in a timely manner. In addition, any variation to an employee's schedule, whether on the start or end times or both, must be approved.

8) Requiring Authorization for Overtime

While employees are required to receive approval from their managers before working overtime, an employee's failure to secure such approval cannot serve as justification to deny the employee payment for any overtime actually worked. If a manager or supervisor has concerns related to an employee working overtime without proper authorization, the manager or supervisor should discuss his/her concerns with the employee and may elect to impose progressive discipline for an employee's repeated failure to obtain authorization for overtime, in accordance with Medical Center policies and, with respect to union employees, in accordance with the provisions of the applicable collective bargaining agreement. The manager or supervisor cannot refuse to pay the employee overtime for time worked on the basis that the overtime was not authorized. Managers and supervisors should document in the comments section of the Kronos system whether or not the overtime was authorized.

9) No Compensatory Time for Hourly Employees vs. Flexible Schedules

The term "compensatory time" is used to describe hours that are not paid at the time they are worked, but instead are held as a credit to be used at a future date.

Federal and State law do not allow the use or accumulation of compensatory time for hourly employees. Employees must be paid for all time worked, even if including such time in the hours worked by the employee during that week will result in the payment of overtime to the employee.

Managers and supervisors may, subject to operating needs and union contracts, allow an employee to adjust his/her schedule within the same workweek, but no one is allowed to accumulate any compensatory time for use later.

For example, an employee is scheduled to work 40 hours per week, eight hours per day, from Monday through Friday. If that employee, with the approval of his or her manager, works ten hours on Monday, the employee and manager can agree that Friday will be a six-hour

day, and the employee will be paid 40 regular hours for that week. However, in no case can an agreement be made that the employee work ten hours on Monday, then eight hours on each day for the rest of the week, with the additional two hours counted as “comp” time that the employee could take off at a later time. In this case, the employee would need to be paid 40 hours of regular time and two hours of overtime for that week.

For more information, see policy nos. 4023, 4043, 4044.