



TIMEKEEPING RULES SUMMARY* FOR NON-EXEMPT (HOURLY) EMPLOYEES

***This document provides a summary only and is not intended as a substitute for University Policies or the wage and hour training provided by Human Resources. Individuals represented by a collective bargaining agreement should refer to the applicable agreement for more specific information.**

For additional and complete information, consult relevant University Policies online or call any of the following contact numbers:

**HR (ASK-URHR) 275-8747
Compensation 267-4088**

**Med Center HR 275-2513
River Campus HR 273-4320**

Compensation issues are governed by federal and state law for which compliance is mandatory. Non-compliance by management exposes the University to legal liability and monetary penalties, while non-compliance by employees may subject them to discipline, up to and including termination.

“Non-exempt” Classification: Employees are either “exempt” (i.e., salaried) or “non-exempt” (i.e., hourly), as determined by federal and state law. **Rules below pertain to non-exempt.** Call phone numbers above with classification questions.

“Minute-to-minute” timekeeping required: Non-exempt employees must be paid for every minute worked:

- * “Clock-in time” is the minute employee begins work.
- * “Clock-out time” is the minute employee finishes working.
- * Every minute worked must be on-the-clock, recorded, and paid.
- * Employees who perform work outside normal clock-in/clock-out time must record and report the time for manual entry.

“Work” means: Any time spent for employer’s benefit. **Examples:** Usual shift; changing into required work clothes; shift changes; preparing for shift; all work-related work done at home (i.e., prep for a meeting; answering work emails, etc.).

- * Cannot accept employee’s offer to work for free whether during regular shift, overtime, from home, or anywhere else. If employee performs work outside normal clock-in/clock-out time, s/he **must** record and report the time in accordance with department procedures.
- All work time must be paid even if the work was not authorized by supervisor or if employee was instructed not to do the work.

Overtime (University Policy #223): Employee must be paid at 1½ times “regular rate” for all time worked over 40 hours in a work week. Call phone numbers above to determine how to calculate the “regular rate.”

Meal Periods (University Policy # 172): All employees must be provided an unpaid, uninterrupted 30-minute meal period after working more than six (6) straight hours. DO NOT INTERRUPT AN EMPLOYEE DURING A MEAL PERIOD.

- * “Uninterrupted” means no interruptions for any work reason.
- * The 30 minute meal period is normally unpaid, **but** if employee does any work during that time (i.e. answers phone/page/questions, takes work to do, etc.), the **entire** 30 minutes must be paid.
- * If meal period is interrupted, employee **must** take uninterrupted 30 minute meal period at next opportunity available within the shift.
- * Employees beginning work before 11 a.m. and continuing past 7 p.m. must be provided a second, uninterrupted meal period of at least 20 minutes between 5 p.m. and 7 p.m. This second meal period must be paid under NYS law since it is less than 30 minutes.

Rest Periods (University Policy # 172): Not required by law. If you provide 15-minute rest breaks, they count as paid work time.

Call-In Pay (University Policy # 214): Employees who are **not** on call, but who are called into work must be paid at least four (4) hours straight time pay even if less time is actually worked. And, if the additional time worked is overtime (i.e., puts employee over 40 hours), employee must be paid at overtime rate.

On-Call (University Policy # 220): Employees who are required to remain on or so close to premises that they cannot use the time for their own purposes, are considered “on-call” and must be paid. Per Policy, the employee must be readily available to come to work within 30 minutes

- * Employees who are required to carry a cell phone or pager as part of employment need not be compensated for carrying one. But, they must be compensated if formally on-call (as defined above) or if they are called or paged and they engage in work.

Training Programs/Seminars: Considered work time unless **all** below are true:

- (1) Attendance is voluntary;
- (2) Attendance is outside normal work hours;
- (3) Program is not directly related to employee’s job; and
- (4) Employee does not perform “work” during seminar.

Dated: July 31, 2008