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 Human Resources’ wage and hour training. 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 on-line or contact your HR Business Partner- contact information found at: https://www.rochester.edu/working/hr/contact/contact_list.html.

You may also contact:

HR (ASK-URHR) 275-8747
Compensation Division 275-9115

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.** Contact your HR Business Partner 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 which must be donned at work; shift changes (report); 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, meal period, 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 30 minute uninterrupted meal period after working more than six (6) hours, which will be automatically deducted from time worked. 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.
* If no uninterrupted 30 minute meal period is taken, the employee must make the appropriate notation on the exception log, so that the time deduction for the meal period can be cancelled. Any manager with knowledge of a missed meal period that is not recorded by the employee must ensure that it is recorded and paid.
* Employees beginning work before 11 a.m. and continuing past 7 p.m. must be provided an additional paid, uninterrupted 20 minute meal period.

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 formally put “on-call” consistent with Policy, 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 (REV 8/08, REV 2/15)