

Timekeeping Tips for Managers

Employee Conversion to Overtime Eligible Position

All hourly employees' must track and account for all time worked and not worked in the Human Resources Management System (HRMS). This includes applicable University compensation-related policies such as: CallIn, On-Call, Shift Differential, etc. Employees will now also be eligible for overtime for hours worked in excess of 40 in a workweek. (*Supervisor note, it is your responsibility to determine the method used to capture time for your department; web clock or badge reader and the location of badge reader if applicable*).

- **Overtime Pay:** Overtime hours are based on work demands and require department heads or authorized representatives to approve overtime **before** overtime work is performed. Employees may not authorize their own overtime. Overtime pay will be paid for all hours worked over 40 hours in the workweek. Overtime pay is one and one-half times the regular hourly rate of pay. All work performed for the University regardless of where it is performed must be accounted for and included in the overtime calculation.
- **Meal Periods:** New York State requires that employees take a minimum 30-minute uninterrupted meal period for shifts over 6 hours. During this meal period employees shall perform no work whatsoever. HRMS automatically deducts the designated amount for a meal period after an employee has worked more than 6 consecutive hours. (*Supervisor note, you must determine and communicate the length of the meal period either 30, 45 or 60 minutes*). In the rare situation a meal period is not taken, the employee must be paid and an override in HRMS is required. If the employee's original meal period was missed or interrupted, it must be documented on the University exception log and the employee must take at least a 30-minute uninterrupted meal period before the end of the scheduled shift. Noting, one should not begin or end the shift with a meal period.
- **Remote Access/Mobile Devices:** It is important that employees do not work outside of their regularly scheduled hours unless approved to do so by their supervisor. In particular, they should not be using a smart phone or computer to perform work-related activities outside of normally scheduled work hours without prior authorization. If employees do perform any work-related activities outside of the normally scheduled work hours, they must record the time and be paid for the time.
- **Unauthorized (Unapproved) Work:** Employees must be compensated for all time worked, regardless of whether or not it was approved. If an employee works overtime without authorization (prior approval), he or she should be counseled on the proper procedure for permission to work overtime. If the employee continues to work overtime without authorization, it then becomes a disciplinary issue.
- **Travel Time:** Whether or not time spent in travel is working time depends upon the type of travel involved.
 - **Home-To-Work Travel — Ordinary Situation:** Travel from home before the regular workday and returning home at the end of the workday is ordinary home-to-work travel and is not compensable working time. However, employees who drive vehicles which contain essential tools or equipment of the employer from their homes to worksites may be working while traveling.
 - **Emergency Situation:** If an employee returns home at the end of the workday and is subsequently called out at night to travel a substantial distance to perform an emergency job for one of the employer's customers, all time spent on such travel is working time.

- **Special One-Day Assignment in ANOTHER CITY:** When an employee normally works at one location and is given a special one-day assignment *requiring travel to another city*, all travel time is compensatory. However, *bona fide* meal and the travel time from the employee's home to the point of departure may be excluded.
 - **Travel All in the Day's Work:** Time spent by an employee in travel as part of the employee's principal activity or in the course of a workday must be counted as hours worked. Examples include travel from job site to job site during the workday or an employee reporting to a company's main site to obtain instructions or to load equipment before traveling to a job site.
 - **Travel Away From Home – OVERNIGHT:** Travel by car, train, or other public transportation that keeps an employee away from home *overnight* is travel away from home.
 - Travel away from home must be counted as time worked when it falls within the employee's normal working hours (e.g., 9:00 a.m. and 5:00 p.m. Monday - Friday). In addition, travel time corresponding to the employee's normal working hours but falling on nonworking days (e.g., travel between 9:00 a.m. and 5:00 p.m. on Saturdays, Sunday or holidays) is considered work time.
 - Bona fide* meal periods may be excluded.
 - Time an employee spends traveling away from home outside of regular working hours as a passenger on an airplane, train, boat, bus or automobile is not considered compensable hours.
 - **Work Performed While Traveling:** The time spent on work an employee is required to perform while traveling must be counted as hours worked. An employee who drives or is required to ride as an assistant or helper in a truck, bus, automobile, boat or airplane is working while riding or driving, except during *bona fide* meal periods or when he is permitted to sleep in adequate facilities furnished by the employer.
 - **Custom Practice or Contract:** Any pre- or post-workday time spent in "walking, riding, or traveling to and from" the job location is excluded from work time unless otherwise provided by contract, custom or practice. *Supervisor note: If you allow compensable pre- or post-workday travel by custom or practice, it may set an unintentional standard or expectation for employee(s). Please contact your Human Resources Business Partner for any travel time questions.*
- **Training and Seminars:** Training programs and similar activities are counted as working time except in certain limited circumstances (ALL 4 MUST BE MET TO BE DEEMED UNPAID TIME):
 - (1) Attendance is outside the employee's regular working hours
 - (2) Attendance is in fact voluntary
 - (3) The course, lecture, or meeting is not directly related to the employee's job
 - (4) The employee does not perform any productive work during the meeting or training

REFERENCE UNIVERSITY POLICIES

<http://www.rochester.edu/working/hr/policies/>

Policy #172 – Work Schedules – Meal and Rest Periods

Policy #214 – Call-In Pay

Policy #220 – On Call Pay
Policy #223 – Overtime Pay
Policy #226 - Shift Differential
Policy #330 - Holidays
Policy #339 – Sick Leave Plan for Short-Term Disability
Policy #340 – Paid Time Off (PTO) Plan
Policy #345 – Vacation
Policy #413 – Time Management & Attendance Records

Failure to comply with these policies may result in disciplinary action.

ADDITIONAL RESOURCES

- For more information on policies or other questions related to compensation of non-exempt employees you may contact your HR Business Partner https://www.rochester.edu/working/hr/contact/contact_list.html or attend HR Compliance Training [HR Compliance Training](#) and/or Time & Labor Training Class [HRMS: Time and Labor Training](#).
- Visit <http://www.rochester.edu/working/hr/compliance/> for more information regarding compliance.