

## TIME AND ATTENDANCE/LEAVE GUIDELINES

Guidelines for time and attendance are codified in the Personnel Merit System at Chapter 2-14 of the Broomfield Municipal Code and provided for in the Leave Policy for Full-Time Employees, Leave Policy for Part-Time Employees, and Leave Policy for Temporary Employees. Mandated requirements are found in the Fair Labor Standards Act (29 U.S.C. 201, *et seq*) and in the Workplace Accommodations for Nursing Mothers Act (Colorado Revised Statutes, Article 13.5). The Fair Labor Standards Act (FLSA) is a federal labor law that establishes the minimum wage, overtime pay, recordkeeping, and child labor standards for employers. (Please Note: Special rules apply to state and local government employment involving fire protection and law enforcement activities.) Note that the term "exempt personnel" refers to employees who are not subject to overtime; the term "non-exempt personnel" refers to employees who are subject to overtime. The following provides a summary for supervisors and managers.

**Attendance** – Supervisors and managers are required to maintain accurate daily records of employee attendance, hours of work, and hours of approved leave.

Employees are to be in attendance and on time at their workstation as scheduled by the supervisor in accordance with the "Personnel Merit System" and departmental rules and regulations unless on approved leave. The number of hours worked or on approved leave each day must be accurately recorded on the timesheet. Remember a part-time employee cannot work more than 1,664 hours in a 26-pay period year or 1,728 hours in a 27-pay period year (or proportionately less hours if hired for a period of less than twelve months in the calendar year) without approval of the city manager. Part-time employees must either work or take accrued leave for at least 20 hours per week on a regularly scheduled, year-round basis in order to maintain their eligibility for benefits.

Please note that unauthorized absences from work of three days or longer may be considered job abandonment. If City and County facilities are closed by order of the City and County Manager due to hazardous conditions, those employees designated as "emergency services employees" by their department head are required to work as scheduled. Non-emergency services employees will not work unless they have made arrangements with their supervisor.

An employee who otherwise meets the salary basis requirements of 29 CFR § 541.602, shall not be disqualified from exemption under 29 CFR § 541.100, 541.200, 541.300 or 541.400 on the basis that such employee is paid according to a pay system established pursuant to principles of public accountability, under which the employee accrues annual leave, sick leave and other paid leaves, and which requires the employee's pay to be reduced or such employee to be placed on leave without pay for absences for personal reasons or because of illness or injury of less than one work-day when accrued leave is not used by an employee because:

- 1) Permission for its use has not been sought or has been sought and denied;
- 2) Accrued leave has been exhausted; or
- 3) The employee chooses to use leave without pay.

Deductions from the pay of an employee for absences due to a budget-required furlough shall not disqualify the employee from being paid on a salary basis except in the workweek in which the furlough occurs and for which the employee's pay is accordingly reduced.

**Supervisors and managers must ensure their work schedules are in compliance with the Fair Labor Standards Act and that the Child Labor Provisions noted below are followed.**

FLSA wages are determined by the number of hours an employee actually works, but Broomfield allows compensated hours such as annual leave, sick leave, paid holidays, and the like to be considered as work hours for the purposes of computing overtime. For non-exempt employees other than sworn police employees, the FLSA requires overtime to be paid at a rate of at least one and one-half the employee's regular rate of pay for those hours worked in excess of 40 hours per week. Since special rules apply to local government employment involving law enforcement activities, Broomfield pays overtime for hours worked in excess of 80 in a two-week period for sworn police employees. As a public employer, Broomfield can offer compensatory time in lieu of overtime pay (reference Broomfield Leave Policy for Full Time or Leave Policy for Part Time employees).

**Reasonable overtime may be required of non-exempt employees at the discretion of the department head or other supervisory personnel. Overtime work must be authorized in advance by the employee's department head or his/her designee. It is up to the supervisor or manager to schedule overtime – not the employee.** Any pre-approved hours in excess of 40 in a work week (or 80 in a work period for police officers) are paid as overtime or accrued as compensatory time. Non-exempt employees may not have a balance of more than forty hours of compensatory time at any given time.

*For general employees (other than sworn police employees):*

A workweek is a period of 168 hours during 7 consecutive 24-hour periods for those employees other than Broomfield sworn police employees. Broomfield's workweek for general employees begins on Wednesday of each week and ends the following Tuesday.

*For sworn police employees:*

A special rule allows Broomfield to establish a different "work period" for sworn police employees. Broomfield has chosen a two-week period beginning on Wednesday (the first day of a pay period) and ending on Tuesday (the last day of a pay period) as the work period for these employees.

It is important to note that when calculating "hours worked," this includes all time an employee must be on duty, including any additional time the employee is 'permitted' to work. That is, an employee must be paid appropriately for time spent working before and after the start and end times of his/her scheduled shift to the extent that this was permitted by the employer. Even if the employee indicates he/she does not want the pay, the supervisor or manager must make sure the time is noted on the employee's timesheet for payment. The supervisor or manager should admonish the employee, if necessary, and follow through with corrective or disciplinary action if the employee does not heed the supervisor's or manager's request to adhere to a 40 hour work schedule and continues to work through lunch or before or after regular working hours. It is the supervisor and manager's responsibility (and privilege) to control the work of its employees.

Child Labor Provisions - Nonagricultural Jobs – youths 16 and 17 years old may perform any non-hazardous job (may not work under conditions detrimental to their health and well-being) without a limit on the hours. Youths 14 and 15 years old may work outside of

school hours in various non-hazardous jobs under the following conditions: no more than 3 hours on a school day; 18 hours in a school week; 8 hours on a non-school day; or 40 hours in a non-school week. Work may not begin before 7 a.m. or end after 7 p.m. except from June 1 through Labor Day when evening hours are extended to 9 p.m. Generally, minors are not allowed to perform tasks that may be detrimental to their health or physical or mental safety. The rules for non-agricultural positions prohibit work in, or with the following for children under the age of 18:

- Manufacturing and storing of explosives.
- Driving a motor vehicle and being an outside helper on a motor vehicle.
- Coal mining.
- Logging and sawmilling.
- Power-driven woodworking machines.
- Exposure to radioactive substances.
- Power-driven hoisting apparatus.
- Power-driven metal-forming, punching, and shearing machines.
- Mining, other than coal mining.
- Meat packing or processing (including the use of power-driven meat slicing machines).
- Power-driven bakery machines.
- Power-driven paper-product machines.
- Manufacturing brick, tile, and related products.
- Power-driven circular saws, band saws, and guillotine shears.
- Wrecking, demolition, and ship breaking operations.
- Roofing operations.
- Excavation operations.

Information can also be found on the Department of Labor website at: <http://www.dol.gov>

If you have any questions regarding any labor laws, please consult the Human Resources Department or the City and County Attorney's office.

**On-Call Pay** – Under the provisions of the Fair Labor Standards Act, "on-call" or "standby" time counts as hours worked only if the on-call status creates a substantial interference on the employee's ability to use the time for personal purposes. Broomfield has elected to compensate non-exempt employees required to be readily available (as determined by the department head) to return to work as follows: for each hour of on-call duty, the employee is paid one-eighth hour at his or her straight-time rate. On-call pay must be approved by the employee's supervisor in advance.

**Call-Back Pay** – The Fair Labor Standards Act makes no determination as to whether travel to the job and back home by an employee who receives an emergency call outside of his regular hours to report back to his/her regular place of business to do a job is working time. Broomfield has elected to pay any non-exempt employee called to work during his or her nonscheduled working hours a minimum of two hours of pay. The two-hour minimum does not apply where the extra time worked is an extension of normal working hours. The supervisor has the right to assign the employee in this situation work on any project or task for the full duration of time paid. Call-back pay is in addition to any applicable on-call pay. However, an employee cannot be paid on-call pay and call-back pay for the same hours of work.

**Training Time** – Training time is generally compensable for non-exempt employees. However, training time does not have to be compensated if the following four conditions are met:

- Attendance is voluntary;
- Attendance is outside of normal working hours;
- The event is not directly job-related; and
- The employee performs no productive work during this period.

**Travel Time** – Following are general guidelines regarding travel time for non-exempt employees:

1. Travel time to and from work is generally non-compensable with the following exceptions: a) employees driving vehicles that contain essential tools or equipment of the employer from their homes to work sites may be considered to be working while traveling and b) an employee who has gone home after completing his/her day's work and is subsequently called out to travel a substantial distance to an employer's customer and perform an emergency job should be compensated for the time spent on such travel.
2. Employees who travel from one work location to another during the course of a workday are entitled to compensation for travel time.
3. If an employee who normally works at one location is sent out of town on a single-day trip, the time spent traveling is compensable except that time may be deducted for the time it would take to get to the regular duty station. The time spent traveling to and from the airport or other transportation terminal in the morning and evening is the equivalent of the home-to-work commute and is not compensable.
4. Traveling overnight is not considered as work time when the travel is done outside of normal work hours. Any time spent traveling on a weekend will be counted as work time if the travel occurs during hours which the employee would normally work. Any time an employee spends working while traveling must be counted as work time.

**Timesheets - Supervisors and managers must**

- **check timesheets carefully to make sure that the time worked is accurately recorded prior to signing the timesheet and**
- **submit the timesheets to the Payroll Division before the Friday after payday.**

Employees should submit their timesheets to their supervisor on Wednesday (payday).

**Payroll Information** -- Full time employees are paid to date for base pay; part time and temporary employees are paid two weeks in arrears. Please note that adjustments to an employee's pay due to overtime, on-call pay, or call-back pay as well as adjustments to leave accruals (including compensatory time) or usage are always two weeks in arrears.

**Leave Policies** – Policies relating to leave are covered in the:

Leave Policy for Full-time Employees

Leave Policy for Benefited Part-time Employees

Leave Policy for Non-benefited Part-time Employees and Temporary Employees.