

TIME AND ATTENDANCE #220

1.0 – PURPOSE: To provide guidance to Davis County employees and supervisors about attendance expectations and work hours.

2.0 – DEFINITIONS: The following definitions are applicable to this policy:

FLSA Exempt - An employee in a position identified as meeting the criteria of a Fair Labor Standards Act (FLSA) exemption. An employee in one of these positions is considered to be paid on a salary basis. An FLSA exempt position is not paid overtime - either in pay or compensatory time.

FLSA Non-exempt - An employee in a position which is not exempt from the Fair Labor Standards Act (FLSA). A non-exempt employee receives pay or compensatory time at the rate of one and one-half (1½) times the number of hours worked for overtime.

Full-Time Employee - A full-time employee (FTE) who is benefit-eligible. An FTE is appropriated as full-time and authorized to work forty (40) hours per week.

Overtime - Any time worked in excess of forty (40) hours in any one work week for FLSA non-exempt employees who are not in a public safety position.

Overtime - DCSO - Any time worked in excess of 81.75 hours in the two-week pay period for FLSA non-exempt correctional employees, and eighty (80) hours for non-exempt law enforcement employees.

3.0 - ATTENDANCE EXPECTATIONS: Employees are expected to be in attendance at work in accordance with this policy and with department expectations. Employees are expected to be on time and working when scheduled. Employees are expected to provide proper notification when they will be absent, tardy, or require any other variation to their approved work schedule. In most circumstances, proper notification is no later than one (1) hour before the beginning of work, unless department rules require an earlier reporting time. Employees are expected to use leave as outlined in County policies or established workplace expectations.

FLSA Non-exempt employees are expected to accurately report actual hours worked. FLSA Exempt employees are expected to accurately report leave usage.

Violations include, but are not limited to, the following:

- A. Repeatedly failing to meet the expectation to be on the job when scheduled to work.
- B. Failure to properly provide notification of absence, tardiness, or when variations are needed.
- C. Excessive unscheduled absences.
- D. Creating a pattern of absenteeism, for example, routinely utilizing unscheduled leave on any specific day or days.

- E. Unpaid absence that is not protected or approved.
- F. Providing false information about the reasons for an unscheduled absence.

4.0 - HOURS OF WORK: The normal work day for full-time employees is eight (8) hours and the normal work week is forty (40) hours, except in certain circumstances when it is considered to be in the best interest of the public and of the County to work shifts of extended hours. Except in unforeseen or unpreventable circumstances, overtime must receive prior approval from the designated supervisor.

For many County departments, business hours will generally begin at 8:00 A.M. and end at 5:00 P.M. However, the business hours within each department will vary depending on its responsibilities and associated staffing requirements. At its discretion, department administration may allow alternate work schedules such as a compressed workweek or flex-time (within the defined workweek.)

5.0 - WORK WEEK: The work week shall comply with the Federal Fair Labor Standards Act (FLSA.) The standard work week for Davis County begins on Friday at 12:00 AM and ends on Thursday at 11:59 PM. Public Safety Departments may define the work cycle based on their needs and with the approval of the Human Resources Director.

6.0 - REST PERIODS AND LUNCH BREAKS: Two (2) paid rest periods are authorized daily for each full-time employee. Each rest period should not exceed fifteen (15) minutes. Supervisors may require employees to work through breaks when needed to cover departmental needs. The decision to take, or not take, a rest period is optional on the part of an employee except in instances of required departmental need. Rest periods cannot be taken at the beginning or ending of a work shift or in conjunction with lunch breaks. Additionally, rest periods cannot be accumulated and used at a later time such as on another day, to extend the lunch hour or as a rationale for leaving work before the end of the shift.

6.1 – LUNCHESES: For the sake of their overall well-being, employees of Davis County are encouraged to take a lunch daily. With the advance permission of the supervisor, employees may take either a 30-minute unpaid lunch break or a 60-minute unpaid lunch break. Lunch breaks should not be taken at the beginning or ending of a work shift.

A supervisor may approve an employee's occasional request to work through the meal period to shorten the work day or workweek. FLSA non-exempt employees may not work through a meal period without prior supervisory approval. If work is performed during a lunch break, FLSA non-exempt employees must report the time as working time.

6.2 – BREASTFEEDING: For up to one year after the birth of a child, an employee who is breastfeeding will be allowed to take a reasonable unpaid break each time the employee needs to breastfeed or express breast milk. Consistent with federal law, the department will provide a place for the employee to use which is other than a bathroom. The place must be shielded from view, free from intrusion and functional for expressing breast milk in accordance with the *Davis County Employment Modifications & Accommodations Policy #145*.

7.0 – OVERTIME: FLSA non-exempt employees should not work more than forty (40) hours in a work week without prior approval, except in unforeseen or unavoidable circumstances. A FLSA non-exempt employee who works more than forty (40) hours in a work week shall receive overtime pay or compensatory leave time accrual.

Supervisors may adjust schedules within a work week or work cycle to avoid overtime to meet operational needs. Supervisors should organize their department workloads to minimize overtime. When overtime is necessary, compensatory time should be accrued whenever possible to minimize budgetary impact.

7.1 - CALCULATING OVERTIME: Employees whose positions are identified as FLSA eligible (non-exempt) will be paid at the rate of one and one-half (1½) times the regular rate of pay multiplied by the number of overtime hours worked. Compensatory time shall also be accrued at one and one-half (1½) times the regular rate of pay multiplied by the number of overtime hours worked. Only the hours worked in any one work week (Friday 12:00 AM to Thursday 11:59 PM) will be used for determining overtime. Vacation, sick leave, holidays and other similar leaves will not be considered hours worked for calculating overtime.

7.2 – CALCULATING OVERTIME – LAW ENFORCEMENT & CORRECTIONS: Eligible sworn employees in Law Enforcement positions will be paid overtime for hours worked beyond eighty (80) over each two-week pay period. Eligible sworn employees in Corrections Department positions will be paid overtime for hours worked beyond 81.75 over each two-week pay period. Only the hours actually worked in any one pay period for law enforcement and corrections employees will be used in determining overtime. Vacation, sick leave, holidays, and other similar leaves will not be considered hours worked for calculating overtime.

7.3 - COMPENSATORY TIME: The accumulation and use of compensatory time should be managed carefully by the employee and their supervisor to ensure it is used in a timely manner. Comp-time can only be taken with the prior approval of the supervisor. A maximum of one hundred (100) hours of compensatory time may be accrued by an employee at any one time. When an employee moves from a non-exempt position to an exempt position, any remaining compensatory time will be paid to the employee. When an employee terminates employment, they will be paid for any remaining compensatory time.

FLSA exempt employees do not accrue compensatory time. However, if occasional work demands require excessive hours, in a workweek, the employee may make arrangements with their Administrative Officer to flex their time within the same pay period or the pay period which immediately follows. However, the additional hours worked and time-off granted, is not tracked and awarded on an hour for hour basis. The County Commission may authorize more compensatory time credit to accrue for departments or units which experience heavy seasonal workloads or special emergencies.

8.0 – DESIGNATED WORKSITE CLOSURE: When necessary, as the result of an emergent situation which poses a risk for employees, the County Commissioners may elect to send employees home. An emergent situation includes, but is not limited to: inclement weather, power outages, safety issues or threatening facility issues. An employee who is at work and is sent home will receive pay consideration for the hours of missed work.

Only those employees affected by the decision will receive special consideration for hours worked. Employees who are not affected by the decision to close the work site will not receive consideration for hours worked. Examples include, but are not limited to, the following:

- Employees who were not at work
- Employees who were not prevented from working
- Employees who are away from the work site for training or other reasons
- Employees who were scheduled to be off work for any reason, including an employee who is on vacation, sick, comp-time, FML, or any other leave time.
- All other employees not affected by the decision

In the event of a worksite closure, each department is required to determine and maintain the necessary minimum staffing levels.

9.0 - ABSENT FROM WORK WITHOUT APPROVAL: The unauthorized absence of an employee from work may not be compensated and may be grounds for disciplinary action.

10.0 – JOB ABANDONMENT: An employee who is absent for three (3) or more consecutive work days or work shifts without notice or prior permission shall generally be deemed to have resigned. If a supervisor has reason to believe an employee might have abandoned his or her position, the supervisor should contact Human Resources for guidance about how to proceed.