
TIME KEEPING PROCEDURES & COMPENSATION LAWS



ROBSTOWN INDEPENDENT SCHOOL DISTRICT TIME CLOCK POLICIES & PROCEDURES

Robstown Independent School District (the “District”) uses a biometric time clock verified by a scan of the user’s palm print to capture and record the time records of all non-exempt employees who are paid based on hourly wages. The biometric time clock allows the District to accurately record, track, and report employee work hours. Employees can more efficiently and accurately report their time, and the District can more efficiently and accurately keep records of employee’s work hours and process payroll. The following policies and procedures have been created to ensure accurate recordkeeping and compliance within the District.

1. **Clock Locations**. Time clocks are located throughout the District at every school campus and at the District’s administrative offices. The school secretary at each school campus and the administrative secretary shall oversee employees checking in and checking out.
2. **Daily Clock In/Out Requirements**. All non-exempt District employees must clock in and clock out at the start of their shift, during lunch breaks, and at the end of their shift. When clocking in or out, an employee should place his or her hand on the screen and wait for confirmation that he or she has successfully been clocked in or clocked out. Under certain conditions (such as duties at an off-site location, extracurricular events, etc.) when an employee cannot clock in or clock out at his or her school campus, the employee may clock in or clock out at another school campus or the administrative offices. If use of the time clock is not reasonably possible, the employee may use a time sheet log to report his or her hours to the secretary at his or her school campus. The time sheet log should be used only for legitimate and rare circumstances.
3. **Authorization for Overtime**. Employees are expected to clock in and clock out at their regularly scheduled times. In no event should employees clock in prior to 7:53 a.m. or clock out after 5:07 p.m. without completing a written overtime authorization form with the employee’s supervisor.
4. **Rounding**. The District calculates an employee’s time based on 15-minute increments and shall utilize a 15-minute rounding policy for clocking in or out.
 - a. **Clocking In Examples**. If an employee clocks in at 7:53 a.m. or after, the employee shall be paid starting at 8:00 a.m. If the employee clocks in at 7:52 a.m. or before, the employee shall be paid starting at 7:45 a.m. This policy applies to late punches as well as early punches. For example, if an employee clocks in at 8:07 a.m., the employee shall be paid starting at 8:00 a.m.; however, if the employee clocks in at 8:08 am, the employee shall be paid beginning at 8:15 a.m.
 - b. **Clocking Out Examples**. If an employee’s work day ends at 5:00 p.m. and the employee clocks out at 5:07 p.m. or before, the employee’s time paid shall end at 5:00 p.m.; however, if the employee clocks out at 5:08 p.m. or after, the employee shall be paid until 5:15 p.m. If an employee clocks out at 4:53 p.m., the employee

shall be paid until 5:00 p.m.; however, if the employee clocks out at 4:52 p.m., the employee only shall be paid until 4:45 p.m.

5. **Unreported Hours.** Employees are required to clock in before performing any work and are not permitted to clock out until all work has stopped. Employees who fail to report hours worked accurately, for any reason, are subject to corrective action up to and including termination. Once an employee has clocked in, he or she must start work immediately. When the work day is over, the employee must clock out immediately.
6. **Time Clock Malfunctions.** If an employee is unable to clock in or clock out due to a time clock malfunction, the employee must immediately inform his or her supervisor and the school or administrative secretary and complete a timesheet form so that the employee's time can be adjusted.
7. **Forgetting to Clock In or Out.** If an employee forgets to clock in or clock out, the employee must notify his or her supervisor and the school or administrative secretary as soon as the employee learns of the failure to clock in or clock out. The employee must then complete a timesheet form so that the employee's time can be adjusted accordingly.
8. **Violations and Corrective Actions.** Employees shall be subject to corrective action up to and including termination for any of the following violations:
 - a. Clocking in before starting work;
 - b. Clocking out before stopping all work for the day;
 - c. Failing to use the time clock system when reasonably possible;
 - d. Falsification of information;
 - e. Attempting to clock in or out for another employee;
 - f. Interfering with another employee's use of the time clock;
 - g. Any attempt to tamper with the timekeeping hardware or software;
 - h. Any action which damages the time clock; and
 - i. Unauthorized viewing of another employee's time.

Employees also will be subject to disciplinary actions for tardiness or improper use of time.

9. **Disputes Regarding Time Clocked In or Out.** Each employee shall review his or her hours worked for each pay period, and shall sign a written confirmation that the hours reported for that time period are accurate and complete. In the event an employee has a dispute over time that was clocked in or clocked out, the employee shall immediately inform his or her supervisor before confirming the hours worked. The employee and employee's supervisor shall review the employee's time log from the time clock. If the employee and the employee's supervisor are unable to resolve the dispute, the employee shall file a written complaint pursuant to the District's complaints and grievances policy as provided in the District's Employee Handbook.

COMPENSATION LAWS

Fair Labor Standards Act (FLSA)

There are four (4) major provisions of the FLSA: Minimum Wage, Overtime Pay, Child Labor and Recordkeeping. Unless exempt, covered employees must be paid at least the minimum wage and not less than one and one-half times their regular rates of pay for overtime hours worked.

Positions considered exempt for FLSA purposes must meet one of the following exemptions:

- Executive
- Administrative
- Professional*
- Teachers
- Coordinators

*The Department of Labor has determined that substitute teachers whose primary responsibility is teaching the same subjects as the everyday teacher for whom they substitute are exempt under the FLSA.

Positions typically considered non-exempt for the purposes of the FLSA are noted below:

- Paraprofessional staff (clerical, aides and technical staff)
- Auxiliary (custodial, maintenance, food service, transportation, security/police, etc.)
- Substitute staff for paraprofessionals and auxiliary staff

The district has determined the exempt status of each position and recorded the status on a Job Description. Every employee is required to sign a job description each school year. The job description serves the function of notifying the employee of their respective job duties and responsibilities, but also their status under the FLSA.

The FLSA requires employers to:

- pay all covered nonexempt employees, for *all* hours worked, at least the Federal Minimum Wage of \$7.25 per hour effective July 24, 2009;
- pay at least one and one-half times the employees' regular rates of pay for all hours worked over 40 in the workweek;
- comply with the youth employment standards; and
- comply with the recordkeeping requirements

Hours Worked

Covered employees must be paid for *all* hours worked in a workweek. In general, compensable hours worked include all time an employee is on duty or at a prescribed place of work and any time that an employee is suffered or permitted to work. This would generally include work performed at home, travel time, waiting time, training, and probationary periods.

The district has established the following workweek for all non-exempt staff:

Sunday 12:00 am through Saturday midnight

Specific FLSA guidelines include the following [*excerpts from FLSA Fact Sheet #22 are denoted in italics*]:

Suffered or Permitted to Work: *Work not requested but suffered or permitted to be performed is work time that must be paid by the district. For example, an employee may voluntarily continue to work at the end of a shift to finish an assigned task or to correct errors. The reason is immaterial. The hours are work time and are compensable.*

If the supervisor allows or permits the employee to perform the work, the hours are compensable. If the employee is not authorized to work, but performs the work anyway, the employee shall be paid for compensable work hours, but shall be subject to disciplinary action for failure to follow an administrative directive.

Waiting Time: *Whether waiting time is hours worked under the Act depends upon the particular circumstances. The facts may show that the employee was engaged to wait (which is work time) or the facts may show that the employee was waiting to be engaged (which is not work time).*

If an employee is engaged to wait, such as a bus driver at a field trip, the waiting time shall be compensable. The District shall compensate the bus driver at his/her regular rate of pay for all driving and wait time hours.

Rest and Meal Periods: *Rest periods of short duration, usually 20 minutes or less, are common in industry (and promote the efficiency of the employee) and are customarily paid for as working time. These short periods must be counted as hours worked. Unauthorized extensions of authorized work breaks need not be counted as hours worked when the employer has expressly and unambiguously communicated to the employee that the authorized break may only last for a specific length of time, that any extension of the break is contrary to the employer's rules, and any extension of the break will be punished. Bona fide meal periods (typically 30 minutes or more) generally need not be compensated as work time. The employee must be completely relieved from duty for the purpose of eating regular meals. The employee is not relieved if he/she is required to perform any duties, whether active or inactive, while eating.*

If a non-exempt employee is not completely relieved from duty [during a non-paid lunch break], he/she shall be compensated for the meal period. It shall be the employee's responsibility to notify his/her immediate supervisor in the event that a meal has been missed or they were not completely relieved of duty during a meal period. The compensable meal period shall be added to the employee's work hours in the Time Clock Plus timekeeping system.

Travel time: *Attendance at lectures, meetings, training programs and similar activities need not be counted as working time only if four criteria are met, namely: it is outside normal hours, it is voluntary, not job related, and no other work is concurrently performed.*

Travel That is All in a Day's Work: *Time spent by an employee in travel as part of their principal activity, such as travel from job site to job site during the workday, is work time and must be counted as hours worked.*

Travel Away from Home Community: *Travel that keeps an employee away from home overnight is travel away from home. Travel away from home is clearly work time when it cuts across the employee's workday. The time is not only hours worked on regular working days during normal working hours but also during corresponding hours on nonworking days. As an enforcement policy the Division will not consider as work time that time spent in travel away from home outside of regular working hours as a passenger on an airplane, train, boat, bus, or automobile.*

Generally, non-exempt employees shall be compensated for hours at training, workshops, etc. if the training is job-related. An exception shall be for training to maintain a license or certification required to maintain their position, such as bus driver certification.

Hours while traveling away from the home community for training shall be compensable during the employee's normal work schedule (Monday-Friday) and during the same work schedule on Saturday and Sunday, regardless of the mode of transportation. Other hours while traveling shall be compensable if the employee is driving as opposed to a passenger.

FLSA Fact Sheet #22 – Hours Worked

Overtime

Unless specifically exempted, employees covered by the Act must receive overtime pay for hours worked in excess of 40 in a workweek at a rate not less than time and one-half their regular rates of pay. The regular rate of pay includes all remuneration for employment except certain payments excluded by the Act itself.

Nonexempt employees are paid on either an Annualized Salary Method or Direct Hourly Method. All non-exempt employees shall be paid based on the *actual number of hours* worked per workweek. Employees paid on an annualized salary method are generally paid for a 40-hour workweek and do not earn additional pay unless they work more than 40 hours.

Employees paid on an Annualized Salary Method

The total hours worked per workweek will be reviewed to determine if the employee exceeded their normal, annualized work hours. In the event that the employee exceeded their normal, annualized work hours, he/she shall be compensated for the additional hours in compensatory time (default) or paid time, as approved by the immediate supervisor. In the event that the employee did not work their normal, annualized work hours, he/she shall apply paid leave hour or be docked their regular rate of pay for the missed hours.

Employees paid on a Direct Hourly Method

The total hours worked per workweek will be extracted from the automated timekeeping system (Time Clock Plus) and imported to the payroll system (Skyward Finance). The Payroll Supervisor will verify that all hours worked collected through the TC+ system and imported to Skyward Finance match. Employees are encouraged to track their work hours to verify the total hours paid on their paycheck match their actual hours worked.

The FLSA provides that where State or local government employees, solely at their option, work occasionally or sporadically on a part-time basis for the same public agency in a different capacity from their regular employment, the hours worked in the different jobs shall not be combined for the purpose of determining overtime liability under the Act. (CFR 553.30)

The district has *opted* to pay all overtime hours through giving comp-time, regardless of whether they were worked solely at the employee's option on an occasional or sporadic basis, at the employee's overtime rate of pay.

FLSA Fact Sheet #23 - Overtime

Compensatory Time

Employees may be compensated for overtime at time-and-a-half rate with compensatory time off (comp time) or direct pay. **The district has opted to pay compensatory time, unless otherwise approved by the appropriate administrator.** The following applies to all nonexempt employees:

- Employees can accumulate up to 60 hours of comp time.
- Comp time must be used in the duty year that it is earned.
- Use of comp time may be at the employee's request with supervisor approval, as workload permits, or at the supervisor's direction.
- An employee shall be required to use comp time before using available paid leave (e.g., sick, personal, vacation).

EXTINUATING CIRCUMSTANCE

An hourly employee is subject to two (2) hours straight-time if he/she is contacted by their immediate supervisor during a holiday, early morning, evening, etc., to go lock up a campus, open a campus, meet law enforcement, shut off the fire alarm, or any related services.

- Please note that this is regardless of the time it takes to do so.

If the employee works for more than two (2) hours that day, the employee will be subject to time and a half. Proper documentation, such as a timesheet will be required.

*It is imperative that an employee clocks in and clocks out every time an employee comes in to work.

Recordkeeping (Timekeeping System)

Every covered employer must keep certain records for each non-exempt worker. The Act requires no particular form for the records, but does require that the records include certain identifying information about the employee and data about the hours worked and the wages earned. The law requires this information to be accurate.

The district has implemented the Time Clock Plus (TC+) timekeeping system to collect *all* work hours for non-exempt employees (including substitute educational aides) and substitute teachers. **All work hours for the regular job, extra-duty assignments, training, missed lunches, waiting time, etc. shall be entered in the TC+ timekeeping system.**

Non-exempt substitute educational aides

All substitute educational aides shall clock in and out through the AESOP. All hours worked shall be imported to the Skyward Finance payroll system by the Payroll Specialist. While assigned to a work in the absence of an educational aide, the substitute shall use the “AIDE” code to ensure that their work hours are exported to the Skyward Finance payroll system.

Exempt substitute teachers

All substitute teachers shall clock in and out through the AESOP. All days (and half days) worked shall be imported to the Skyward payroll system by the Payroll Supervisor as extra-duty pay. While assigned to work in the absence of a teacher, the substitute shall use the “TEACH” code to ensure that their days (or half days) are exported to the Skyward payroll system. **[Note: All substitute teacher work hours are tracked, not for FLSA purposes as they are exempt, but for Affordable Care Act purposes.]**

The Payroll Specialist shall extract all work hours from the Time Clock Plus system and import to the Skyward payroll system. The overtime option is turned off for the non-exempt employees paid on an annualized salary method (Type 2) since the district has opted to compensate all non-exempt employees for extra work hours with compensatory time. Exceptions to the default option of compensatory time, such as overtime pay, will be manually adjusted in the Skyward system by the Payroll Specialist. Overtime hours for all other non-exempt employee paid on the direct hours method (Type 3) shall be imported from the Time Clock Plus system to the Skyward Finance payroll system.

It shall be an employee’s responsibility to ensure that all work hours are submitted in accordance with district pay cycles through the TC+ timekeeping system.

The appropriate immediate supervisor shall verify and submit all time cards for non-exempt staff assigned to their campus or department according to the established payroll pay periods and deadlines. Refer to Pay Date Schedules.

Automated Timekeeping System

The Time Clock Plus system allows an employee to —clock in and out by scanning hand into the scanner or logging into a computerized time clock terminal. The data is polled by a network server computer and can be edited or corrected by an authorized TC+ operator from a personal computer. Punch detail reports are generated and provided to supervisors for approval and management purposes.

Time Clock Procedures:

The following procedures are to be used by all non-exempt and substitute staff for reporting all work hours through the Time Clock Plus system:

1. An employee may not report or be on a paid status until they scan hand on timeclock terminal.
2. An employee may clock in up to eight (8) minutes prior to the official starting time.
3. An employee may clock in up to eight (8) minutes after the official starting time. This grace period will not be considered an excuse for tardiness.
4. An employee may clock out up to eight (8) minutes after the official departure time.
5. An employee may clock out up to eight (8) minutes prior to the official departure time. This grace period will not be considered a reason for early departure from assigned schedule.
6. An employee must clock out when leaving their assigned work schedule or campus for personal reasons unrelated to assigned tasks.

All time clock corrections shall be submitted by the non-exempt employee on the appropriate form and submitted to their immediate supervisor for approval and entry in the timekeeping system. The Time Clock Plus Correction Form (included in the Appendix) must be used to report all time clock corrections such as missed punches.

In addition, all leave and absences for non-exempt staff shall be entered in the Time Clock Plus system by the respective campus or department after the absence has been submitted by the employee to through the AESOP system. All absences for non-exempt employees are extracted from the Time Clock Plus system and imported to the Skyward payroll system by the Payroll Specialist. Corrections and/or adjustments shall be posted directly in the Skyward system by the Payroll Specialist.

Rounding Time Chart

According to the FLSA, an employer may disregard working time that is insubstantial or insignificant periods of time beyond the scheduled working hours, which cannot as a practical administrative matter be precisely recorded for payroll purposes. These periods of time are referred to as de minimis. Employers should establish rounding rules. (CFR 785.47)

Minutes rounding rules:

0 – 8 minutes = 0

9 – 22 minutes = .25

23 - 27 minutes = .50

38 – 52 minutes = .75

53 – 60 minutes = 1.00

Sample Timesheet

Every non-exempt employee should become familiar with how to read their timesheet. An Edit Hours Report reflects the following information:

- Employee name
- Time period – workweek
- Date
- Time in – rounded time and actual time
- Time out – rounded time and actual time
- Job Code
- Total hours per day
- Lunch break deducted (employee must notify their immediate supervisor if a scheduled, uninterrupted lunch break was not taken, the supervisor will add the lunch break to working hours)
- Total hours during the workweek

A sample of an Edit Hours report is illustrated below. The sample includes all work hours from Monday through Friday, except for the clock out time on Friday. At any given point in time, the time sheet will reflect the total number of hours worked for the workweek or time period selection.

Edit Hours - 03/01/2015 to 03/07/2015

MI	Not	Edite	B	Time In	Actual In	Time Out	Actual Out	Job Code	Hour	Rat	Brea	Total	Week Tot
00	N			3/2/2015 8:00 A	3/2/2015 7:55 A	3/2/2015 4:30 P	3/2/2015 4:29 P	4161290 - Accounting/Finance Specialist	8:00	0.0	30u	8:00	
00	N			3/3/2015 8:00 A	3/3/2015 7:58 A	3/3/2015 4:30 P	3/3/2015 4:30 P	4161290 - Accounting/Finance Specialist	8:00	0.0	30u	8:00	
00	N			3/4/2015 8:00 A	3/4/2015 7:54 A	3/4/2015 4:30 P	3/4/2015 4:30 P	4161290 - Accounting/Finance Specialist	8:00	0.0	30u	8:00	
00	N			3/5/2015 8:00 A	3/5/2015 8:00 A	3/5/2015 4:30 P	3/5/2015 4:30 P	4161290 - Accounting/Finance Specialist	8:00	0.0	30u	8:00	
00	N			3/6/2015 8:00 A	3/6/2015 7:53 A	3/6/2015 4:30 P	3/6/2015 4:30 P	4161290 - Accounting/Finance Specialist	8:00	0.0	30u	8:00	40:00

1
 2
 3
 4
 5
 6
 7

- 1 - Rounded time in
- 2 - Actual time in
- 3 - Rounded time out
- 4 - Actual time out
- 5 - Total hours worked (based on rounding)
- 6 - Lunch break deducted (if missed must be added to work hours)
- 7 - Total hours worked in the workweek

An employee is responsible for clocking in/out. Employees must report lost badges or temporary misplacement of badges to their immediate supervisor. Failure or non-compliance with the district's timekeeping procedures shall be subject to appropriate disciplinary action.

An employee's due process for violation of the district's timekeeping procedures shall be as follows:

1. Oral warning/discussion
2. Written counseling document
3. Recommendation for suspension
4. Recommendation for termination

Falsifying timekeeping records or directing or coercing others to do is a violation of the *Educator Code of Ethics*. [Refer to Board Policy DH Legal, Local and Exhibit]

An employee who falsifies their timekeeping record or the timekeeping record of another employee shall be subject to immediate termination. Falsifying of time may include, but is not limited to: adjusting clocking or out for another employee.