

Policy and Administrative Regulations

CHAPTER 5: EMPLOYEE GENERAL POLICIES
TITLE: TIME AND ATTENDANCE POLICY (5.34)
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EFFECTIVE DATE: October 1, 2021

POLICY ORGANIZATION: Department of Finance

APPROVAL _____

I. Purpose

City of Norfolk employees are essential to the delivery of excellent services and leadership to all who live, work and play in Norfolk. Consistent with our organizational values, employees have the responsibility to report to work as scheduled to support efficient, effective, responsive, and customer focused services to the community.

This policy provides guidance and procedures for the accurate reporting and processing of work time and absences.

II. POLICY

It is the policy of the City of Norfolk to compensate employees for time worked in accordance with the Fair Labor Standards Act (FLSA), applicable state law and as defined in the City of Norfolk's Compensation Plan. Therefore, all employees have a duty to comply with the guidelines and procedures with respect to time and attendance.

Employee work time and attendance is recorded in the PeopleSoft Time and Labor and Absence Management modules, which collects actual time entered through various mechanisms (e.g., biometric devices, web clocks, etc.). Some operational departments, such as Police, Fire-Rescue, and Emergency Preparedness and Response, will utilize separate scheduling systems for recording time and attendance.

Non-exempt employees are required to use PeopleSoft, or assigned scheduling system, to record their arrivals and departures from work each workday. Exempt employees are not required to use PeopleSoft to record their arrivals and departures from work. Employees eligible for leave are required to submit any absence request through PeopleSoft or the authorized scheduling system.

Accurate and timely reporting of employee time and attendance is the responsibility of the employee and the employee's immediate supervisor.

Any employee found improperly reporting time and attendance information is subject to disciplinary action in accordance with the Corrective Action Guidelines and Procedures (8.3). Managers/Supervisors are responsible for ensuring that the work and leave time

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are reported accurately and reflect each employee's activity for each pay period and for validating this by approving the employee's timecard by published deadlines.

DEFINITIONS

Standard Workweek

The standard workweek for all employees, except uniformed police and fire-rescue employees, is a fixed and regularly recurring period of 168 hours, or seven (7) consecutive twenty-four (24) hour periods. Unless otherwise authorized and published, the standard workweek begins at 12:00 a.m. Saturday and ends at 11:59:59 p.m. the following Friday. The beginning and ending times of the standard workweek must be used when determining the number of hours worked in the workweek and eligibility for any overtime payments.

Standard Hours of Operation

The standard hours of operation for all employees, except uniformed police and fire-rescue employees, are Monday through Friday, 8:30 a.m. to 5:00 p.m. This includes a thirty (30) minute unpaid meal break. Departments, with appropriate authorization, may establish standard hours of operation due to operational needs that vary the beginning and ending times or to provide twenty-four (24) hours, seven (7) days per week coverage. All schedules should include either a thirty (30) minute or one (1) hour unpaid meal break. Meal breaks are to occur during the workday and should not be scheduled or taken at the beginning or end of the scheduled shift.

Fair Labor Standards Act (FLSA)

The FLSA establishes standards for minimum wage, overtime pay, recordkeeping, and youth employment. The FLSA also mandates equal pay for equal work. The FLSA does not require employers to provide paid vacations, sick days, jury duty leave, holidays, lunch breaks, or coffee breaks.

Nonexempt Employees

Employees who are subject to the minimum wage and overtime provisions of the FLSA.

Exempt Employees

Employees who are not covered by or are exempted from the minimum wage and overtime provisions of the FLSA.

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III. PROCEDURE

Timekeeping Procedures

Employees are responsible for ensuring their actual hours worked and absences are recorded accurately and in a timely manner.

Nonexempt employees must clock in and out at the beginning and end of each scheduled workday and for nonpaid meal breaks to be compensated for time worked. Employees may clock in no more than seven (7) minutes prior to and clock out no later than seven (7) minutes after their scheduled work time. Excessive missed clock entries will be addressed through corrective action.

Employees may only clock in and out for themselves and only from locations approved by their supervisor.

Employees are expected to be ready to engage in work activities as soon as they clock in, and employees are not to engage in work activities after clocking out.

Missed Punches and Adjustments

Employees who miss a punch (clock in or out) should notify their Manager/Supervisor immediately. The Manager/Supervisor must adjust the timecard promptly along with a comment notating the reason for adjustment. Timesheet adjustments must reflect actual time worked. If the exact missed punch time cannot be determined, the duration must be entered in the appropriate field. Generic (non-exact) punch time reporting is prohibited as it misrepresents the timeframes in which the employee worked.

Improper Time Reporting

All employees have a duty to accurately record their time and attendance. Employees who improperly record their time and attendance in order to receive pay for time not actually worked are effectively stealing from the City, in violation of several criminal statutes, and are subject to criminal penalties. Similar criminal penalties apply to false statements or claims made by the employee in furtherance of time and attendance abuse or in an attempt to cover up such abuse. City employees may also be civilly liable for knowingly submitting false claims to the City to be paid for time not actually worked. Further, all employees are responsible for acting in an ethical manner in all aspects of their work. Reporting fraudulent time in a way that makes it appear you are working is theft, commonly referred to as "time theft". Time theft occurs when an employee is paid for work that he/she knowingly did not perform, claiming hours he/she did not work or receiving compensation for which they are not entitled.

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Employees are expected to be ready to engage in work activities as soon as they clock in, and employees are not to engage in work activities after clocking out. For example, if someone were to take a nap in his or her workplace during work, it violates the City's Time and Attendance Policy.

There are other actions that are considered time theft and not allowed by this policy.

- Recording time as worked when you did not work.
- Manipulating time records to increase overtime hours and/or other compensation.
- Improperly recording paid time off, like recording vacation leave as sick leave.
- Intentionally clocking out early and/or late to be paid hours you are not actually working.
- Buddy punching - when one employee (employee A) clocks in for another employee (employee B) who is not actually at work.
- Excessive use of personal time on the job after clocking in for work.
- Intentionally clocking in or out to avoid reduction in actual hours worked.
- Failure to report when you receive hours and other compensation that you are not entitled.

The City recognizes that breaks and minor diversions from work are important for employees' health and a productive work environment. This policy is not meant to prohibit these activities. If you have questions about what is allowed, you can check with your department's management.

If you have received compensation that you were not entitled to, or if you are aware of instances of improper reporting of time occurring in your department notify your supervisor and departmental Payroll Liaison immediately. Payroll Liaisons will work with the Department of Finance-Payroll division to review and assess the circumstances of the overpayment. The Department of Finance will determine appropriate action to resolve the case, including recommending corrective action up to and including termination in accordance with City policy.

Department supervisors are essential to preventing and reporting time theft. Supervisors are responsible for the timely review of time reporting and the correction of timesheet errors. If a supervisor is aware of the improper time reporting they must work with their payroll liaison to report this to the Department of Finance-Payroll. Failure to exercise proper oversight and review of employee timekeeping may result in a recommendation of corrective action in accordance with City policy.

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Attendance

Employees are responsible for reporting to work in accordance with their approved work schedule. Supervisors are responsible for managing employee attendance.

Absence Request

All absence requests must be submitted in accordance with the Leave Policy (4.1), as well as any departmental policies, procedures and/or practices.

Scheduled Absence

A scheduled absence occurs when an employee requests and obtains approval for time off prior to the absence.

Unscheduled Absence

An unscheduled absence occurs when an employee is unable to report to work as scheduled. Employees are responsible for reporting any unscheduled absence, including tardiness, to their immediate supervisor. The time of the employee's call or notification, the reason for the absence and anticipated date and time of return must be reported to the immediate supervisor, or designee, as defined by department policies, procedures and/or practices. A call or communication from another person on the employee's behalf is unacceptable and unauthorized unless the employee is incapacitated and/or physically unable to call. Employees are required to communicate with their supervisor every day of the absence unless otherwise arranged. Failure to comply with reporting procedures may be considered an unauthorized absence.

When an employee calls out on a day or days for which leave was previously requested and denied, documentation to substantiate the absence may be required. Unsubstantiated absences may result in an unauthorized absence and leave without pay.

Unscheduled absences, late arrivals and early departures, and clock-in/out violations interfere with business operations and the effective delivery of services to the community and must be kept to a minimum.

IV. RESPONSIBILITY

Employees:

Employees are responsible for:

- Reporting to work as scheduled
- Recording actual hours worked timely and accurately

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- Submitting absence requests or making absence notifications in accordance with policies, procedures and/or practices
- Adhering to the guidelines established within City and department policies

Department Heads/Managers/Supervisors:

Department heads, managers and supervisors are responsible for:

- Ensuring employees are trained on the timekeeping device the employee will utilize to record time and attendance
- Reviewing, approving, and reporting all hours worked and any absences for assigned employees
- Recordkeeping of employee work hours and ensuring that employees are paid for hours worked in accordance with City overtime policies
- Managing employee attendance
- Adhering to the guidelines established within City and departmental policies

The Department of Finance Payroll Division

The Department of Finance Payroll Division is responsible for:

- Providing policy oversight, administration and guidance
- Responsible for administering the Time & Labor, Absence Management, and Payroll

The Department of Human Resources

- Processing personnel actions related to Time & Labor

V. HISTORY

This policy replaces Policy and Administrative Regulation 5.34 Time and Attendance Policy dated December 24, 2016.

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VI. AUTHORITY

This policy has been established by the City Manager. In the event of any conflicts between this policy and state or federal law or regulations, the latter takes precedence. The following regulations and sources are provided for reference:

- Fair Labor Standards Act
- Virginia Code, Section 9.1-701
- City of Norfolk Code, Section 2-47
- City of Norfolk Compensation Plan

VII. REGULATION UPDATE

Modifications of this policy shall be the responsibility of the Department of Finance and Human Resources under the advisement of the City Manager

APPROVED AS TO CONTENT:

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