TOWN OF DAVIE
HUMAN RESOURCES DEPARTMENT

HOURS OF WORK
SOP #22-001

July 19, 2019

SUMMARY OF REVISED, DELETED, OR ADDED MATERIAL

This operating procedure shall replace the Personnel Rules and Regulations and Policies enacted prior to the effective date of this Operating Procedure.

Revision	Date	Responsible Department	Description of Change
1	May 6, 2009	Human Resources	Initial Release
2	September 19, 2012	Human Resources	Revision
3	July 19, 2019	Human Resources	Revision

APPROVALS:

Human Resources Director/Grace Garagozzo — Date: 7-19-19

Town Administrator/Richard J. Lemack — Date: 07-19-19

1-1. POLICY.

It is the policy of the Town of Davie to pay employees within the funds available in an equitable manner both internally and externally while complying with all applied laws and regulations.

The pay policy and guidance is developed by the Human Resources Department and approved by the Town Administrator. The pay plan is further approved by Town Council each year during the adoption of the Annual Budget. This policy will be in accordance with the Fair Labor Standards Act, Florida Statutes Chapter 119, and the General Records Schedule for local Government Agencies issued by the State of Florida.

1-2. DEFINITIONS.

a. Exempt - Employees whose positions meet specific criteria established by the FLSA and who are exempt from overtime pay requirements shall be classified as exempt.

b. Fair Labor Standards Act (FLSA) - the federal labor law that covers minimum wage provisions, overtime pay, the Equal Pay Act, child labor laws, and other employment laws.

c. Non-exempt - Employees whose positions do not meet FLSA criteria and who are paid one and one-half their regular rate of pay for hours worked in excess of 40 hours per week. Nothing in this section shall prohibit a supplement to overtime rate of pay pursuant to a collective bargaining agreement.

1-3. SCOPE.

This operating procedure applies to all employees of the Town of Davie (Town) excluding certified/sworn personnel within the Fire and Police Department.

1-4. PROCEDURE.

a. Work Hours and Compensation

1. In order to be compensated for hours worked, employees must report all hours worked.

2. "Normal work hours" are those hours which the employee is regularly scheduled to work.

3. Employees are classified as being part-time when normal work hours are less than 35 hours a work week. Employees are classified as being full-time when normal work hours are 35 hours or greater a work week.

4. All employees may be called out beyond their normal work hours.

5. It is the responsibility of management to notify employees as soon as possible of any permanent scheduling change.

6. As stated in 1-4. g., employees are expected to faithfully observe their working hours, report for work on time and be regular in attendance. Employees shall adhere to their scheduled work shift as approved by the Department Director/Division Manager. Although some punches are rounded, employees shall not utilize the work time rounding rule to alter their work schedule by clocking in or out up to six (6) minutes before or after their scheduled work shift times. Employees doing so may be subject to disciplinary action.

b. Scheduling of Hours

1. The work week will begin at 12AM on Thursday and end at 11:59PM the following Wednesday.

2. Full-time employees must take a one-half hour unpaid break each day, which shall be scheduled by the department. In addition, employees will be allowed two (2) fifteen (15) minute paid breaks to be scheduled by the department, generally one in the morning and one in the afternoon. At the discretion of department directors, employees may be eligible to take a one (1) hour lunch by combining the two 15-minute paid breaks with the thirty (30) minute unpaid break.

3. Part-time employees working between 4 – 6 hours per day are eligible to take one (1) fifteen (15) minute paid break.

4. Part-time employees working greater than 6 hours per day are eligible to take a thirty (30) minute unpaid break and two (2) fifteen (15) minute paid breaks. At the discretion of department directors, employees may be eligible to take a one (1) hour lunch by combining the two 15-minute paid breaks with the thirty (30) minute unpaid break.

5. Unpaid and paid breaks shall not be accumulated, combined or used to cover late arrival or early departure from work unless otherwise approved by the Department Director/Division Manager on a case-by-case basis.

6. Department Directors/Division Managers may authorize the use of flextime. Flextime allows departments to select from a range of starting and ending times for the workday. Flextime must account hour for hour of the normal amount of work hours within the standard 40-hour work week.

7. Department Directors/Division Managers may authorize a compressed work week (for example: four (4) ten-hour days) that includes the normal hours worked in the regularly scheduled work week.

8. Compensatory Time or "Comp-time" is not authorized unless approved in writing by the Town Administrator or designee.

9. The scheduling of work is the responsibility of the department, division, or area in which the employee works.

c. Regular Pay

1. Regular pay is received for scheduled hours worked when an employee actually works those hours. Pursuant to the Fair Labor Standards Act (FLSA), bona fide meal periods are not considered work time.

2. The Pay Plan, including regular rate of pay, will be prepared by the Human Resources Department, and approved by the Town Administrator.

d. Fair Labor Standards Act Status

1. Employees in positions that are classified as being exempt according to Fair Labor Standards Act will be compensated on a salary basis and are therefore not entitled to call-out or overtime pay unless under a declared emergency. This does not preclude employees from being called-out.

2. Employees in positions that are classified as being non-exempt according to the Fair Labor Standards Act are compensated on an hourly basis and are therefore subject to call-out and overtime pay. Such pay will be paid in addition to the employee's base wage/pay rate and must be authorized by the Department Director.

e. Call Out Pay

1. Due to the nature of the services provided by the Town of Davie it may be necessary to call-out employees.

2. Types of call-out:

   (i) For non-exempt employees, regular pay will be received for a minimum of three (3) hours or for actual hours worked, whichever is greater, when an employee is called out. Overtime will be applied when hours worked are greater than forty (40) per work week.

(ii) For non-exempt employees called-out to work during an official holiday, pay will be calculated at the rate of time and one-half for the number of hours worked, in addition to their earned holiday pay.

(iii) If an emergency requires an employee to be called into work during a pre-approved leave request (vacation, funeral, FMLA), pay will be calculated at the regular straight time and/or appropriate overtime rate and leave will be adjusted accordingly.

(iv) Call-out pay is not authorized if an employee is not called-out or approved by the proper authority.

f. Shift Assignment/Rotation

Whenever a shift rotation occurs, no employee shall be forced to work a double shift unless, in the sole discretion of the Department Director or designee, it is deemed absolutely necessary. If the employee is forced to work a double shift, compensation shall be at the rate of one and one half (1.5) their base hourly pay rate for all hours in excess of their regularly scheduled work week. Employees rotating from one shift to another shall be entitled to at least eight (8) hours of off duty time before returning to work.

g. Tardiness

Employees are expected to faithfully observe their working hours, report for work on time, and be regular in attendance. However, each employee shall be allowed up to two occurrences of tardiness of no longer than six (6) minutes per occurrence, during a twelve (12) month period with no disciplinary action. On the third (3rd) occurrence, the employee will receive a documented verbal counseling, on the fourth (4th) occurrence, a written reprimand, and on the fifth (5th) occurrence, a one-day suspension. These steps must be met before any other actions of discipline are imposed.

h. Unauthorized Work

No employee shall work prior to or after their scheduled workday hours or during their meal break without authorization from their supervisor. The fact that an employee is compensated for time worked prior to or after their scheduled workday hours does not justify the employee altering their work schedule without obtaining prior authorization. Any employee who works prior to or after their scheduled workday hours without such authorization could be subject to disciplinary action.

i. Inclement Weather Pay - If there is an inclement weather day which interferes with operations of a department/division or unit, the Department Director/Division Manager or Designee will determine if employees:

1. Remain at the work site, reassigned to other duties/functions and receive the appropriate compensation; or

2. Are allowed to go home, utilize vacation leave or other paid leave, and receive the appropriate compensation and adjustment to leave balance; or

3. Are allowed to go home and take leave without pay.

1-5. TIME CLOCK PROCEDURES

a. Use of Equipment

1. Every non-exempt employee is required to clock in and out at the beginning and end of each scheduled workday in order to be compensated for the time worked, unless otherwise approved under limited circumstances by the employee's supervisor (attending an off-site conference/seminar, working at another location).

2. **No employee shall attempt to clock in or out for another employee.**

3. Tampering with, abuse or misuse of time clocks can result in disciplinary action up to and including termination.

4. If equipment is not functioning correctly, the employee shall notify their supervisor immediately. A manual log shall be maintained until the equipment is functioning properly.

b. Work Time Rounding

1. Time clock punches will be calculated as follows:
   - Employees clocking in/out up to 6 minutes before and after the scheduled work shift (beginning and end times) will be rounded to the scheduled work shift hours (beginning and end times).
   - Punches outside of this 6-minute window will be calculated as minute for minute.
   - Meal break punches will be calculated as minute for minute.

2. No employee shall clock in more than six (6) minutes prior to their shift start time or clock out more than six (6) minutes after their scheduled shift end time without the prior authorization of their immediate supervisor. Employees doing so may be subject to disciplinary action.

c. Missed Punches/Adjusting Punches

1. All non-exempt employees are required to clock in and out. Employees who forget to clock in or out should notify their supervisor and/or department timekeeper via

email, memo or other method established at the discretion of the Department Director, of any edits that need to be made to the timecard.

2. Under no circumstance shall timekeepers, supervisors and/or managers adjust their own timecard. Corrections shall be made by the department director, manager/supervisor or the back-up timekeeper.

3. Employees may be subject to disciplinary action for patterns of missing time clock punches.