

Employee Time and Attendance

Objective:	To establish time and attendance expectations for Tompkins County employees.	Policy/Procedure Number:	04-03
Reference: (All applicable federal, state, and local laws)	Agreements between the County of Tompkins and Collective Bargaining Units; U.S. Department of Labor, Fair Labor Standards Act (FLSA); New York State Labor Laws, Breastfeeding in the Workplace Accommodation Law (2007)	Effective Date:	January 12, 1981
Legislative Policy Statement:	The Fair Labor Standards Act (FLSA) requires that employers keep detailed records of all hours worked and leave taken during each payroll reporting period. These time reports must accurately reflect all regular and extra duty hours worked, and time and leave accrued and used, including personal, vacation, sick, holiday, compensatory, etc.	Responsible Department:	Human Resources
General Information:		Modified Date (s):	April 8, 2009; September 15, 2020
		Resolution No.:	09-152; 81-002; 2020-160
		Next Scheduled Review:	September 2025

I. Definitions:

Absence - Time taken off from work by an employee. This includes planned (anticipated) or unplanned (unanticipated) time away that may be paid or unpaid.

Employee - All paid staff filling positions of any rank within County government, including elected or appointed officials.

Lateness - Coming in or remaining after the due, usual, or proper time computed from the normal starting time for each employee's regularly scheduled shift.

Meal Period - Unpaid time during which an employee must be completely relieved from their duties without interruptions for a period of at least thirty (30) minutes.

Paid Leave - Time allowed away from work during which an employee receives paid time off. Depending on the employee's position or union contract this may include but is not limited to any of the following: sick, disability, personal, vacation, holiday, floating holiday, compensatory, and bereavement.

Rest Period - Paid "break" time of twenty (20) minutes or less. Rest periods are subject to County and departmental rules and the provisions of collective bargaining agreements and are not required by law.

II. Policy:

A. To maintain a safe and productive work environment, Tompkins County expects employees to be punctual and reliable in reporting for scheduled work. Employees are hired to fulfill specific needs of the County. Attendance will be carefully monitored. When absent or tardy, it disrupts the work in the department. Therefore, absence from work will not be excused under circumstances that can reasonably be avoided.

B. Tompkins County will maintain accurate time, attendance, paid leave, unpaid leave, and payment records, and will efficiently administer compensation and payroll practices in compliance with all applicable Federal, State, and Local laws.

- C. All Tompkins County employees are expected to fulfill conditions of employment by being on time, working their full scheduled shifts.
- D. Tompkins County will utilize a designated time tracking system(s) to capture and record all County employee time, attendance, and leave records. The data recorded in the time recording systems shall be considered the "official record", and any disputes over actual hours worked, attendance, or paid leave accruals and balances will be resolved by referring to the time recording system records. To the extent possible, this system shall be consistent with the provisions of each collective bargaining agreement with respect to pay practices, work time, schedules and shifts, leaves, and any other applicable articles therein.
- E. Department Heads shall have the latitude to establish specific practices within their department that govern the manner in which the provisions of this policy are followed and enforced.
- F. Employees may be subject to disciplinary action, up to and including termination, for violation of this policy in accordance with applicable Civil Service laws, employment laws, and collective bargaining agreements.
- G. Tompkins County will make this policy available to all employees via the County website and upon request.

III. Procedure:

A. Attendance

- 1. Employees are expected to be ready to begin work at the start of their scheduled shift and remain on the job, performing work until the end of their shift unless excused from work consistent with this policy or other applicable County leave policies. Lateness is not condoned.
- 2. Any work performed by an employee pre-shift or post-shift must have prior authorization from the employee's Supervisor in accordance with departmental policies. Overtime procedures will be determined at the department level and in accordance with applicable laws and provisions of each respective collective bargaining agreement.
- 3. County employees are expected to abide by the hours established and approved for their position and may not alter their own designated work schedule without prior approval from their Supervisor.
- 4. Department Heads reserve the right to alter the employees work schedule in order to allow the employee to work their standard number of work hours for the week.

B. Time Off with Pay

- 1. Paid time off eligibility and accruals will be based on an employee's position and applicable collective bargaining agreements.
- 2. Paid leave time may not be used prior to accrual.
- 3. *Planned Absence*
 - a. Leave requests must be submitted in compliance with the departmental request requirements, but at all times at least forty-eight (48) hours in advance and/or consistent with the applicable

collective bargaining agreement.

- b. Use of leave time without forty-eight (48) hours prior notice may be considered an unplanned absence and must be approved by the Department Head or designee in limited circumstances.
- c. Department Heads reserve the right to deny an employee's request for time off in the event the employee does not have available paid leave time.

4. *Unplanned Absence*

- a. Certain circumstances may result in an employee reporting late to work, leaving early, or needing to be absent for a full shift . In such event(s), the time must be accounted for by the employee utilizing their available paid leave benefits. The employee's timecard must show actual arrival time, departure time, and/or paid leave time used. If an employee does not have any available paid leave time, they will not be compensated for the time absent.
- b. An employee who is late, has the need to leave early, or who cannot work their scheduled shift must notify their Supervisor as soon as feasible, so that arrival, leave, or absence time is known and if needed, arrangements for coverage can be made.
- c. An employee who cannot make their shift entirely shall give at minimum, a sixty (60) minute notice to their Supervisor. If, because of an emergency, the employee is unable to notify their Supervisor, the employee should have someone contact the Supervisor on their behalf.
- d. For those employees who are entitled to paid sick leave, this time may only be used if the employee, or an employee's immediate family member, has an illness or injury or if the employee has a need to extend bereavement leave, medical appointments, or as otherwise defined by the applicable collective bargaining agreement.
- e. If an employee shows a pattern of unexplained or unapproved absences or lateness, Department Heads may elect to take disciplinary action as appropriate and as specified through the appropriate collective bargaining agreement.
- f. An employee who meets any of the following criteria may be required to provide documentation substantiating the employee's unplanned use of paid leave time:
 - i. Whenever there is a pattern of unplanned leave usage, such as absenteeism that starts before or after weekends, holidays, vacations or around scheduled time off, and/or repeated usage on the same day of the week.

- ii. An employee who has used more than three (3) consecutive days/shifts of unplanned leave must provide medical documentation to their Supervisor and the Department of Human Resources to substantiate the absence and documentation regarding the employee's fitness to return to work. If the employee remains unable to return to work then they will be required to provide a completed "*Medical Leave of Absence*" form consistent with the Family Medical Leave Act (FMLA), and failure to do so may result in continued use of paid leave being denied. Nothing in this section shall prevent the County from requiring or an employee from providing a leave form prior to the employee being absent three (3) consecutive days/shifts. Only employees who meet the eligibility requirements for FMLA leave will be eligible for FMLA leave. Employees should contact the Department of Human Resources for further FMLA information.

- iii. If an employee has requested the use of vacation, compensatory, or personal time and that request was denied by their Supervisor and then the employee utilizes unplanned leave by calling in for their scheduled shift on the day(s) for which the employee's request for vacation, compensatory, or personal time was denied, the employee must provide documentation substantiating their use of unplanned leave on that day(s).

- iv. An employee, who has ten (10) instances of unplanned absenteeism in the prior twelve (12) month period, may be required to submit documentation in response to any additional use of unexpected leave. An employee who is required to submit documentation under this paragraph must continue to submit documentation until such time as their unplanned leave usage in the prior completed twelve (12) month period falls below ten (10) instances. An instance is defined as an unplanned absence of one (1) or less than one (1) full work shift or two (2) occasions of being late to shift.

Note: All leave authorized under FMLA, Military Leave, approve paid leave time, jury duty, other leave types covered by law, or if valid medical documentation was provided, will not be counted toward the ten (10) instances.

- g. If an employee is absent without notification and/or just cause, they will be considered as a "no-show" and will be subject to disciplinary action, up to and including termination.

C. Time Off without Pay

- 1. An employee desiring any time off without pay must make a request in writing to their Department Head and the Commissioner of Human

Resources, allowing sufficient time for the request to be considered. The Department Head will notify the employee as to whether the request is granted or denied as soon as feasible.

- a. Up to one (1) Full Work Week in Duration: Occasionally, an employee will need to take time off for personal reasons and will have used up all available paid leave time. Department Heads are authorized to grant employees up to the equivalent of one (1) full work week (35, 37.5 or 40 hours) as time off without pay.
- b. In Excess of one (1) Full Work Week in Duration: Time off without pay exceeding one (1) full work week may not be taken without an official Unpaid Leave of Absence (see *Administrative Policy 03-16: Unpaid Leave of Absence* and the employee's applicable collective bargaining agreement).

D. Meal and Rest Periods

1. Employees who work more than six (6) hours during a shift are entitled to a thirty (30) minute unpaid meal period.
2. All employees shall be allowed a twenty (20) minute rest period during each full shift they work. Subject to the terms of an employee's collective bargaining agreement, and with supervisory approval, employees may take two (2) 10-minute rest periods.
3. Meal and/or rest periods cannot be used to report late or leave work early.
4. Employees may be subject to disciplinary action for extending a meal or rest period(s) beyond the permitted time for such meal or rest period.
5. Should a meeting preempt the designated meal period, another time period of equal length must be substituted during the same day, as close to the midpoint of the shift as possible. Employees must not intentionally plan to work through their meal period to enable them to leave work early or arrive late.
6. An employee who needs to express breast milk for a nursing child shall be allowed a reasonable unpaid break time for up to three (3) years after the birth of a child. The employee should also be afforded a space to do so that is not a bathroom, is shielded from view, and is free from intrusion from co-workers and the public. Break time for nursing mothers shall be allowed in addition to other provided breaks. Break time for nursing mothers shall not be used to alter the employee's scheduled arrival or departure time.
7. Department Heads or designee are responsible for ensuring that meal and/or break periods are scheduled to allow for needed shift coverage, and that employees take their meal periods as required.

E. Time Recording Requirements

1. Employees are required to record all hours worked and any used paid leave time daily utilizing the designated time recording system.

Procedures may vary depending on department and position type (e.g. non-exempt, exempt, salaried).

2. Employees are responsible for the accuracy of their time entries. By virtue of entering their own time and leave records in the designated time recording system, each employee certifies the information entered is true and correct.
3. Any employee, who submits a false record pertaining to their time or attendance, misrepresents time worked, works beyond their work schedule without authorization, may be subject to disciplinary action, up to and including termination.
4. Department Heads or designee shall have the overall responsibility of approving the accuracy of all time, attendance, and leave entries every pay period. Department time records shall be submitted by the employee and approved by a Supervisor no later than the Friday prior the last day of the pay period (By 10 a.m. for paper timecards and by end of the business day for electronic timecards).
5. Once time records are approved and submitted, no further adjustments shall be made, with limited exceptions from the Payroll department.
6. If an employee is unable to record their time because of a time recording system malfunction, accidental oversight, missed entries, or other reason, it is the employee's responsibility to immediately correct the error, if possible, and inform their Supervisor in accordance with County and departmental practices.
7. Department Heads reserve the right to make adjustments as necessary when time entries do not accurately reflect periods during which employees are performing work. Such changes may be necessary as a result of missed punches, incorrect entries, utilization of paid leave, or other similar circumstances.
8. It is expected that all employees will review their pay document promptly each time compensation is received and report any perceived error to their Supervisor and Payroll Coordinator immediately.
9. All employees' time records are subject to review and audit at any time by the Department of Finance or the Department of Human Resources.