

UMass Memorial Medical Center

Policies/Procedures and/or Guidelines Manual

#4086 Working Off-the-Clock Policy

Effective Date: February 5, 2010

I. PURPOSE & POLICY STATEMENT:

UMass Memorial has established this policy to ensure that its non-exempt employees are compensated in accordance with all applicable state and federal laws.

- A. UMass Memorial is committed to compensating every employee for all the work they perform. UMass Memorial prohibits all off-the-clock work (performing work that is not reported on an employee's timesheet or in the Kronos timekeeping system). Non-exempt employees may not perform any work without compensation. No member of management may request, require, or permit other employees to perform work without compensation.
- B. Every employee must comply with this Policy and immediately report any possible violations. UMass Memorial will investigate all violations of this Policy promptly and thoroughly. Employees who violate this Policy will be subject to discipline, up to and including termination.

II. SCOPE:

All non-exempt employees of UMass Memorial, except that if any conflict exists between this policy and a collective bargaining agreement provision or a policy concerning the same subject otherwise applicable to bargaining unit members ("bargaining unit policy"), the applicable provisions of the collective bargaining agreement or the bargaining unit policy will control.

III. DEFINITIONS:

Non-Exempt - A "Non-Exempt" employee is subject to the minimum wage and overtime provisions of the Federal Fair Labor Standards Act (the "FLSA") and Massachusetts state law. A non-exempt employee will be paid overtime if they work over 40 hours in a work week.

Work – "Work" means any activity that employees are required, requested, or permitted to perform in the interest of UMass Memorial or for UMass Memorial's benefit.

Off-The-Clock Work – “Off-the-clock work” means any work performed when a non-exempt employee’s time was not recorded, either manually or by an electronic time keeping device, and the employee was not paid for the time worked.

IV. RESPONSIBILITY:

Employees are responsible for recording all time worked and for not working off the clock.

V. PROCEDURE:

Non-exempt employees must either clock or sign in before beginning work and clock or sign out when no longer performing work.

If an employee’s meal period is interrupted or missed for any reason such that the employee does not receive a 30 minute consecutive uninterrupted meal period on each day that the employee works more than six consecutive hours, it is the employee’s responsibility to report the missed or interrupted meal period. If the employee reports time using the Kronos time recording system, it is the employees’ responsibility to select the “no lunch” option offered on the Kronos time clock after they have clocked out at the end of work. If the employee records time on a time sheet, it is the employees’ responsibility to write in “no lunch” on the time sheet when recording their stop time at the end of work.

WORKING “OFF-THE-CLOCK:”

Non-exempt employees may not work off-the-clock at any time, even if a manager asks the employee to do so. No one is authorized to instruct any employee to work off-the-clock.

Examples of prohibited off-the-clock work include but are not limited to:

- Performing work before an employee has clocked/signed in or after an employee has clocked/signed out;
- Employees booting up or powering down computers while the employee is not clocked/signed in;
- Performing work during the employee’s meal period and not reporting the missed or interrupted meal period;
- Performing work at home and not reporting the time worked; and
- Sending or responding to work-related e-mails at home.

Non-exempt employees who perform work while not clocked/signed in, must keep track of all time worked and immediately report that time to the employee’s manager. UMass Memorial pays employees for all working time, even if the

work performed was not initially reported in the Kronos time keeping system or on a timesheet. Therefore, if an employee determines he or she is not paid for any work that was reported to the employee's manager, he or she must follow the reporting procedure set forth below.

REPORTING PROCEDURES:

It is a violation of UMass Memorial policy for anyone to instruct or encourage another employee to work off-the-clock, to incorrectly report hours worked or to alter another employee's time records. If anyone instructs or encourages an employee to incorrectly report hours worked, work off-the-clock, or to alter another employee's time records, or if you are aware of any other possible deviations from this Policy you should immediately call 508 770-1290. If you have any questions or concerns about your pay, you should immediately call 508-334-8968.

UMass Memorial prohibits taking negative action against any employee for reporting a possible violation of this Policy or for cooperating in an investigation. Any employee who retaliates against another employee for reporting a possible deviation from this Policy or for cooperating in an investigation will be subject to discipline, up to and including termination.

INVESTIGATION AND APPROPRIATE ACTION:

UMass Memorial will investigate promptly and thoroughly any report of a possible violation of this Policy. If UMass Memorial determines that a violation of this Policy has occurred, we will take appropriate remedial action.

VI. MONITORING:

Managers and/or supervisors are primarily responsible for monitoring compliance with this policy. The Human Resources and Payroll Departments are responsible for providing guidance to managers/supervisors regarding potential off the clock work.

VII. RESCISSON:

This is a new Policy and becomes effective upon issuance.

Developed By: Human Resources 508 334-8787

Approved by: Walter Ettinger President 2/5/10
Signature Title Date