

<b>ONEIDA TRIBE OF WISCONSIN STANDARD OPERATING PROCEDURE</b>	TITLE: Timekeeping Work Standards and Procedures	ORIGINATION DATE: 03-07-2002 REVISION DATE: 12-02-2011 EFFECTIVE DATE: After last signature
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**1 PURPOSE**

- 1.1 To assure accurate records of employee's working hours to meet requirements of applicable laws and to support and uphold Oneida Tribal Personnel Policies and Procedures.
- 1.2 To provide a system that supports supervisory accountability and flexibility for employee's time.

**2 DEFINITIONS**

- 2.1 Area Manager – the supervisor's supervisor and is a function rather than a title within the organization.
- 2.2 Authorized Designee – A person determined by the supervisor to approve time and attendance in their absence.
- 2.3 Breaks – a rest period provided to employees.
- 2.4 Clock in/out - Recording the start/end of work for non-exempt employees.
- 2.5 Comp Time – Banking of hours worked in excess of 40 hours within a workweek in lieu of paying the employee overtime.
- 2.6 Double dipping - The practice of receiving more than one income from the same employer, such as the employee receiving their hourly wage plus receiving a stipend for attending board, committee or commission meetings within the same time frame.
- 2.7 Exempt Classification - A position which is paid a pre-determined amount or salary and is not eligible for overtime.
- 2.8 Enterprise: For profits departments and may include, but is not limited to, Retail and Gaming Departments
- 2.9 Flex time – Allowing employees to work approved starting and finishing times outside their normal work schedule in the same work week.
- 2.10 Non-Exempt Classification - A position which is paid for work performed by the hour and is eligible for overtime pay when the employee works over 40 hours within a workweek.
- 2.11 Program: departments developed to provide services.
- 2.12 Timekeeping System – The established way to record and track employee's eligible hours to be paid.

**3 WORK STANDARDS**

- 3.1 This work standard and procedure covers all employees of the Oneida Tribe, however, does not cover elected officials, appointed officials or independent contractors.

Work Day:

- 3.2 The regular Tribal workday is from 8:00 am to 4:30 pm with an hour for lunch.
  - 3.2.1 The exception to these hours occurs only if the program/enterprise hours must vary for the purposes of providing service (such as Retail and Gaming Division's hours beyond 4:30 pm). Shifts will be developed as needed and the shift hours will then become the regular work day for the assigned employees for the program or enterprise.
  - 3.2.2 All Program and Enterprise Supervisors may develop an SOP to outline shifts, break times, paid and unpaid breaks, punching in/out.
- 3.3 An employee must work 5.25 hours to be eligible for a 30 minute paid break.

All Employees:

- 3.4 Shall indicate absences due to vacation, personal, or other reasons by submitting Time Off Requests to their immediate the supervisor.
- 3.5 May be allowed flex time with prior approval from supervisor.
  - 3.5.1 Not to result in overtime unless approved by the Area Manager level.
- 3.6 Comp time is not allowed and is not in compliance with legal pay practices. Supervisors must pay hourly employees overtime if they work more than 40 hours within a work week.
- 3.7 May be eligible for paid break times.
- 3.8 May be subject to disciplinary action if they misuse the Timekeeping System or knowingly allow others to do so.
  - 3.8.1 Employees are strictly forbidden from clocking in or out for another employee.

Non-exempt Employees:

- 3.9 Are entitled to overtime pay of one and one-half times their regular rate of pay for hours worked in excess of 40 in any work week.
- 3.10 Are responsible for clocking or recording their hours worked through the Timekeeping System.
  - 3.10.1 Must clock in and out as indicated by internal departmental procedures.
- 3.11 Will not work at any time when not "clocked in."
- 3.12 May be allowed time off with supervisor discretion. Options for time off are including, but not limited to one or a combination of those listed below:
  - 3.12.1 Vacation, personal, or donated time
  - 3.12.2 Flex Time
  - 3.12.3 Time off without pay
- 3.13 Shall be paid for time they worked outside of his or her scheduled time.
- 3.14 Wage-hour regulations allow employers to round off employees' starting or stopping times to the nearest quarter of an hour. However, the regulations permit rounding of employees' working hours only if the rounding averages out over time so employees' are compensated for all time actually worked.

Breaks- All Employees:

- 3.15 Personnel policy IV.A.2 allows an "hour for lunch" and that shifts may be developed as needed. Human Resources has interpreted an "hour for lunch" as employees may be allowed 30 minutes of paid break if they have worked 5.25 or more hours in a shift, and may take 30 minutes of unpaid break per shift.
  - 3.15.1 Employees under the age of 18 require breaks under the Child Labor Laws and specific Department of Transportation jobs such as employees who drive a vehicle to perform snow removal require breaks.

- 3.16 All Program and Enterprise Supervisors have discretion to allow or require breaks.
  - 3.16.1 For Paid Breaks - Employees may be allowed or required a thirty (30) minute break which can be continuous or split into various time combinations if they have worked 5.25 or more hours in a shift.
  - 3.16.2 For Unpaid Breaks – Employee may be allowed or required unpaid breaks in thirty (30) minute increments which must be uninterrupted. If employee is consistently interrupted by work, the break must be paid.
- 3.17 Additional breaks to the 30 minutes paid and 30 minutes unpaid may be provided in departments if it is industry standard such as in Table Games, Groundskeeping (extreme weather - safety), or safety sensitive responsibilities.

Exempt Employees:

- 3.18 Are not eligible for overtime.
- 3.19 Certain salary reductions are permitted for employee absences without jeopardizing an exempt status.
- 3.20 Must receive pay to equal a full weekly salary, with the exceptions of:
  - 3.20.1 Absence for a full day or more for personal reasons
  - 3.20.2 Suspension
  - 3.20.3 Unpaid leave of absences
  - 3.20.4 Working a partial week due to medical restrictions for a serious medical condition.
  - 3.20.5 When the last week the salaried employee works is a partial week.
- 3.21 May be allowed time off with supervisor discretion. Options for time off are including, but not limited to one or a combination of those listed below:
  - 3.21.1 Full-day time off with options including, but not limited to:
    - 3.21.1.1 Vacation time or personal time (Note – if not enough vacation or personal time available, see 3.19)
    - 3.21.1.2 Paid Time off without having to use vacation or personal time
    - 3.21.1.3 Flex Time
    - 3.21.1.4 Time off without pay
  - 3.21.2 Partial-day time off with the options including, but not limited to:
    - 3.21.2.1 Vacation time or personal time (Note – if not enough vacation or personal time available, see 3.19)
    - 3.21.2.2 Paid Time off without having to use vacation or personal time
    - 3.21.2.3 Flex Time
  - 3.21.3 Not enough vacation or personal time - Options for time off are including, but not limited to one or a combination of those listed below:
    - 3.21.3.1 Use all vacation and/or personal time available and fill the remaining time with regular pay.
    - 3.21.3.2 Use all vacation and/or personal time available and require employees to work the remaining time.
    - 3.21.3.3 Use all vacation and/or personal time available and require the use of flex time to fill the remaining time.
    - 3.21.3.4 Allow flex time for all time requested off.
    - 3.21.3.5 Time off without pay.
- 3.22 All Program and Enterprise Supervisors may create customized schedules for exempt employees based on business need.
  - 3.22.1 Examples may include, but are not limited to; consideration of a high volume work week or working a holiday.

Program and Enterprise Supervisors or Authorized Designee:

- 3.23 Instruct employees on how to record hours worked and time off, and other compensable time.
- 3.24 Reviewing, entering, and assuring accurate records of time and attendance including: mathematical

- accuracy, discrepancies with actual hours worked, suspensions, discrepancies with leave, etc.
- 3.25 Must identify names of all designees and report them to the Time and Attendance Department and HRD Equal Employment Opportunity (EEO) Department in writing, prior to authorization to process any of the above.
- 3.25.1 When designating down, the designee shall be the highest available level of authority in the chain-of-command.
- 3.22.1.1 The designee shall not be a person in a support staff position.
- 3.25.2 When designating laterally, the designee must be a supervisor within the chain-of-command.
- 3.25.3 When designating up, the designee may be in a position one level higher within the chain-of-command.
- 3.26 May not change actual clock in or out times which results in false reporting of time. For example, but not limited to:
- 3.26.1 Adjusting the time to match the scheduled work time.
- 3.26.2 Adjusting the time to avoid overtime.
- 3.27 May take corrective action for employees who mis-punch or work unapproved hours.
- 3.28 May not authorize or process own attendance information.

General

- 3.29 The computerized time and attendance system is governed by these Timekeeping Work Standards and Procedures and the Computer Resources Ordinance (09-29-04-B).

**3**

**PROCEDURES**

- 4.1 Non-exempt employees must report all time worked by using the Oneida Tribe's Timekeeping System.
- 4.1.1 Ability to use the Timekeeping System will be provided to all non-exempt employees (refer to internal departmental procedure).
- 4.2 All employees shall request time off to immediate supervisor (or designee) as outlined in Personnel Policies and Procedures, Section IV, and internal departmental procedures.
- 4.2.1 Supervisor may request written documentation, such as an e-mail or Time Off Request Form or they shall document the request themselves.
- 4.2.2 Supervisor shall make a note in the Timekeeping System their employee is taking time off without pay.
- 4.3 All employees report additions or changes of recorded work time to immediate supervisor (or designee).
- 4.4 All employees report compensation errors as soon as possible to their immediate supervisor (or designee).
- 4.5 Supervisors (or designee) shall investigate when an employee reports an error in compensation and, if appropriate, notify the Time and Attendance department to fix the error within five (5) working days.
- 4.6 Time and Attendance shall investigate when a supervisor reports an error in hours or time worked and, if appropriate, fix the error.
- 4.7 Supervisors (or designee) review, enter and ensure employees time and attendance information is accurate by verifying each employee's hours on a regular basis.
- 4.7.1 Supervisors of non-exempt employees are recommended to monitor and verify hours daily.
- 4.8 Supervisor (or designee) submits proper documentation to the Human Resource Department of any changes in employee status such as:
- 4.8.1 Full-time to half-time or part-time or vice versa,
- 4.8.2 Hour changes for exempt employees such as the employee's hours change from 40 to 36 or 32 or vice versa,
- 4.8.3 Leave of absences to include education and investigative leaves,

- 4.8.4 Modified duty,
- 4.8.5 Terminations and/or other employee separations,
- 4.8.6 Time off without pay for more than two (2) weeks.
- 4.9 Supervisors must maintain time off request forms for seven (7) years.

NOTE: The Oneida Law Office is responsible for any amendments for settlements, back pay, or other forms of grievance matters.

NOTE: Human Resource is responsible for pay rate or status changes or errors.

NOTE: Payroll is responsible for deductions, personal/vacation time or direct deposit errors.

#### **4 REFERENCES**

- 5.1 Personnel Policies and Procedures
- 5.2 Time Off Request Form
- 5.3 Computer Resource Ordinance

#### **6 RECORDS**

- 6.1 Payroll and other records containing information required by the record keeping regulations and which are basic rather than supplementary must be kept for a minimum of seven (7) years.
- 6.2 Supplementary records that serve as the source documents for other payroll records maintained by an employer must be preserved for at least seven (7) years including:
  - 6.2.1 Basic employment and earnings records (time and attendance reports)
  - 6.2.2 Wage rate tables
  - 6.2.3 Work-time schedules (schedules which establish the hours and days of employment of individual employees or separate work forces.
- 6.3 The Oneida Tribe reserves the right to access, inspect, and/or monitor time and attendance resources for business related purposes.
  - 6.3.1 Release of time and attendance data must be authorized by the appropriate chain of command.
- 6.4 Release of time and attendance data to third parties must be requested to the Time and Attendance Department.