

 <p><b>ONEIDA</b> ONEIDA NATION STANDARD OPERATING PROCEDURE</p>	<p>TITLE:</p> <p>Timekeeping</p>	<p>ORIGINATION DATE: 03-07-2002 REVISION DATE: 2-24-2021 EFFECTIVE DATE: After last signature</p>
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<p>DEPARTMENT: All</p>	<p>REVIEWED BY: <i>EEO Director</i></p>	<p>DATE: 4/19/21</p>
<p>DIVISION: All</p>	<p>APPROVED BY: <i>HRD Manager</i></p>	<p>DATE: 4/19/21</p>
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## 1.0 PURPOSE

- 1.1 To ensure accurate records of employee's working hours meet the requirements of applicable laws and to support and uphold the Nation's Personnel Policies and Procedures.
- 1.2 To provide rules of compensation for special circumstances:
  - 1.2.1 Insufficient personal or vacation time
  - 1.2.2 Travel time
  - 1.2.3 Training time
  - 1.2.4 Jury duty

## 2.0 DEFINITIONS

- 2.1 Area Manager: An employee's supervisor's supervisor or, in other words, two levels of supervision in the chain of command above the employee, or, an individual designated to be the Area Manager by a General Manager level position.
- 2.2 Authorized Designee: A person determined by the supervisor to perform assigned duties in their absence.
- 2.3 Break: An approved, scheduled recess in regular work duties.
- 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 work week in lieu of paying a non-exempt employee overtime. *(Such as an employee working 50 hours one week, being paid for 40, working 30 hours the next week and being paid for 40. This practice is illegal).*

- 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 Employee: Any individual employed by the Nation but does not include elected or appointed officials, or individual employees by a Tribally chartered corporation.
- 2.8 Enterprise: Profit making departments that may include, but are not limited to, Retail and Gaming divisions.
- 2.9 Exempt Classification: A position which is paid a pre-determined amount or salary and is not eligible for overtime.
- 2.10 Flex Time: A system which allows supervisors the ability to provide employees with flexible work schedules by allowing various starting and finishing times, provided that the employee meets the required number of hours in his or her work week.
- 2.11 Local Travel: Travel within a fifty (50) mile radius from the employee's workplace.
- 2.12 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.
- 2.13 Non-Local Travel: Travel outside of a fifty (50) mile radius from the employee's workplace.
- 2.14 Overtime: Pay of one and one-half times the regular rate of pay for hours worked in excess of forty (40) hours in a workweek
- 2.15 Pay Period: Period in which wages are paid, the Oneida Nation pay period is weekly and aligns with the workweek.
- 2.16 Program: Departments developed to provide services. Includes all activities of the Oneida Nation not expected to create revenue for the Nation or those activities not expected to make a profit at any time.
- 2.17 Time and Attendance System: Any system, manual or automatic, used to record and track employee time.
- 2.18 Work Site: Any location that an employee may be engaged in work.
- 2.19 Work Time: Any time that an employee is engaged to work.
- 2.20 Workweek: The fixed and regularly occurring period of 7 consecutive days. The Oneida Nation workweek begins on Sunday and concludes on Saturday.

### 3.0 WORK STANDARDS AND PROCEDURES

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

#### Workday

- 3.2 The regular workday is from 8:00 am to 4:30 pm. (*Personnel policy IV.A.2*)
- 3.2.1 Programs and Enterprises hours vary for the purposes of providing services (*such as 24/7 operations*).
- 3.2.1.1 Programs and Enterprises shall outline shifts, paid and unpaid breaks, break times and punching in/out.
- 3.2.1.2 Redefined shift hours will then become the regular workday for the assigned employees for the Program or Enterprise.

#### Breaks

- 3.3 The administration of breaks is determined by the Program or Enterprise.
- 3.3.1 It is the responsibility of the supervisor to communicate and inform employees on when, where, and how breaks are taken.
- 3.4 Personnel policy IV.A.2 allows an "hour for lunch".
- 3.4.1 The hour for lunch is interpreted 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.
- 3.5 Unpaid breaks are required to be no less than 30 minutes in length.
- 3.5.1 The employee must not perform any work during that time.
- 3.5.1.1 If work is performed while an employee is on an unpaid break, the employee must be paid for the break.
- 3.5.1.1.1 The supervisor must cancel the lunch deduct.
- 3.6 Paid break periods can be subdivided or kept whole, at the supervisor discretion.
- 3.7 Breaks cannot be taken at the beginning or end of an employee's work shift.
- 3.8 Additional breaks may be provided in departments as deemed necessary by supervisor or legally required.
- 3.8.1 Examples may include but are not limited to.
- 3.8.1.1 Safety (*weather extremes*),
- 3.8.1.2 Concentration (*Table Games*),
- 3.8.1.3 Safety Sensitive (*Commercial Driver License positions*).

#### Minors

- 3.9 Minors age 16 and 17 must:
- 3.9.1 Not be permitted to work during hours of required school attendance.
- 3.9.2 Receive eight (8) hours of rest between the end of one shift and the start of the next shift if the end of one shift occurs after 11:00 pm.
- 3.9.3 Not work more than six (6) consecutive hours without receiving a 30-minute uninterrupted break.



### Training Time

- 3.10 Attendance at job related trainings and similar activities is considered work time.
  - 3.10.1 This includes both mandatory and non-mandatory trainings.
  - 3.10.2 Training time is eligible for overtime.
- 3.11 Training is not considered work time if all four (4) of the following criteria is met:
  - 3.11.1 It is outside normal working hours,
  - 3.11.2 It is voluntary,
  - 3.11.3 It is not job related, and
  - 3.11.4 No other job-related work is performed during the training.

### Travel Time

- 3.12 Travel time that is a part of the responsibilities of an employee's position is considered work time, such as travel from one work site to another work site.
  - 3.12.1 Supervisors are prohibited from requiring a non-exempt employee to punch out of their assigned work site, drive to another work site and punch back in at the second work site.
    - 3.12.1.1 It is also prohibited for employees to volunteer to travel for work and not receive compensation.
  - 3.12.2 If an employee's normal workday is split across two locations, the time spent traveling between them is work time and the employee must be compensated.
  - 3.12.3 All other work standards that apply to employees during travel time remain in effect.
- 3.13 Non-local travel for work in the same day will be considered work time from the time the employee leaves their home to attend the training to the time the employee arrives home from the training. For example:
  - 3.13.1 Employee drives to Milwaukee for a work meeting and returns the same day.
- 3.14 Employees who must travel to a non-local location and stay overnight, only the following time is considered worktime.
  - 3.14.1 Time spent traveling that occurs during the employee's normal working hours and corresponding hours on nonworking days. For example:
    - 3.14.1.1 Employee's normal working hours are 8:00am to 4:30pm Monday through Friday. Employee must travel by plane on Sunday from 9:00am to 2:00pm. The time spent on the plane is considered work time.
  - 3.14.2 Time spent performing work, attending a meeting, participating in training or event in which the employee engages in work activities.

- 3.15 Employees who travel as a passenger on a plane, train, vehicle, etc., the following time is considered work time:
  - 3.15.1 Travel time that occurs during the employee's normal working hours and corresponding hours on nonworking days.
  - 3.15.2 Time in which work is being performed.
- 3.16 Home to-work site travel and work site-to-home travel is not considered work time. Work site may be the employee's regular or a substitute location.
  - 3.16.1 Exceptions provided to employees traveling under an approved "on call" SOP.

#### Meeting Attendance

- 3.17 Employees cannot double dip while attending meetings on work time.
  - 3.17.1 Any stipends or honoraria must be reported to the immediate supervisor. (*Personnel policy IV.D.1*)

#### Jury Duty

- 3.18 The Nation shall pay regular status employees their regular rate of pay for any scheduled work time missed because of jury duty.
  - 3.18.1 Employee must submit a copy of the Employee's Summons for Jury Duty to his/her supervisor prior to serving.
  - 3.18.2 Supervisors must approve time off for employees who are called for jury duty.
  - 3.18.3 Employee must request from the court bailiff a time sheet and provide that to their supervisor.
  - 3.18.4 Employees must submit the check and the check stub of all jury pay received to the central payroll office.
  - 3.18.5 Jury duty is not eligible for overtime.
- 3.19 Second and third shift employees receive the same benefit due to interruption of sleep and safety issues.
- 3.20 The employee has the option of requesting vacation or personal time during the time that jury duty is occurring.
  - 3.20.1 Employee utilizing vacation or personal will not need to complete steps noted in this section and can retain any jury duty pay provided to them by the court.

#### All Employees

- 3.21 Employees may request time off using vacation, personal, flex time, time off without pay, etc. by submitting a time off request to his or her supervisor.
- 3.22 Employees and supervisors are subject to corrective action for misuse of the timekeeping system or falsely reports working hours.
- 3.23 Employees may not be paid for time not worked, including, but not limited to:
  - 3.23.1 Inclement weather,
    - 3.23.1.1 Exception may occur in accordance with the Emergency Closing Compensation SOP.

- 3.23.2 Unforeseen circumstances such as illness (*unable to work*),
- 3.23.3 Meeting attendance resulting in double-dipping,
- 3.23.4 Post-secondary education (*unless considered training or as part of a professional licensing contract*).

#### Non-exempt Employees

- 3.24 Must report all time worked by using the Oneida Nation's time and attendance system.
  - 3.24.1 Report any additions or changes of work time to immediate supervisor (or designee).
  - 3.24.2 Report any errors as soon as possible to his or her immediate supervisor (or designee).
- 3.25 Are entitled to overtime of one and one-half times their regular rate of pay for hours worked in excess of forty (40) hours in a work week.
  - 3.25.1 Agriculture workers are not eligible to receive overtime pay and will receive straight time pay for hours worked in excess of forty (40) in a pay period.
- 3.26 Overtime must be pre-approved by the Supervisor and Area Manager.
  - 3.26.1 Supervisors must pay hourly employees' overtime if the employee works more than forty (40) hours in a payroll period (*this includes training and meeting times*).
  - 3.26.2 If the overtime was not pre-approved the employee must still be paid the overtime.
- 3.27 May not work when not clocked in.
- 3.28 Comp time is not allowed. Hourly employees must be paid overtime if they work more than forty (40) hours within a pay period.

#### Exempt employees

- 3.29 Are not eligible for overtime.
- 3.30 Exempt employees are paid a salary on a weekly basis and deductions from that salary are allowed only in specific instances.
  - 3.30.1 Reductions that are permitted for employee absences.
    - 3.30.1.1 Absence for a full day or more for personal reasons, other than sickness or disability.
    - 3.30.1.2 Suspension of a full day or more for formal disciplinary action.
    - 3.30.1.3 Unpaid leave of absences
    - 3.30.1.4 Working a partial week due to medical restrictions for a serious medical condition.
    - 3.30.1.5 If the employee works a partial week during the first or last week of employment.
- 3.31 Employees may be allowed time off with supervisor discretion. Options for time off include one or a combination of those listed below:



- 3.31.1 Full-day time off; options include:
  - 3.31.1.1 Vacation time or personal time (Note – insufficient vacation or personal time available, see 3.31.3)
  - 3.31.1.2 Flex Time
  - 3.31.1.3 Time off without pay (Note – time off without pay must be for exceptions identified in 3.30.1)
- 3.31.2 Partial-day time off; options include:
  - 3.31.2.1 Vacation time or personal time (Note – insufficient vacation or personal time available, see 3.31.3)
  - 3.31.2.2 Flex Time
- 3.31.3 Insufficient vacation or personal time – If an employee has insufficient time to cover time off from work.
  - 3.31.3.1 For Partial days, flex time may be utilized if it can be accommodated.
  - 3.31.3.2 All available personal or vacation time shall be utilized.
  - 3.31.3.3 Reductions of salary for partial day absences are not permitted.
- 3.32 All Program and Enterprise Supervisors may create customized schedules for exempt employees based on business need.
  - 3.32.1 Examples may include but are not limited to; consideration of a high-volume work week or working a holiday.

#### Supervisor Procedures

- 3.33 Supervisors (or designee) review, enter and ensure employee's time and attendance information is accurate by verifying each employee's hours on a regular basis.
  - 3.33.1 Supervisors of non-exempt employees are recommended to monitor and verify hours daily.
  - 3.33.2 Supervisors (or designee) shall investigate when an employee reports an error in recorded time and, if appropriate, notify the Time and Attendance Department.
- 3.34 Supervisor (or designee) submits any employee status changes to the Human Resource Department of such as:
  - 3.34.1 Full-time to half-time or part-time or vice versa,
  - 3.34.2 Hour changes for exempt employees such as the employee's hours change from 40 to 36 or 32 or vice versa,
  - 3.34.3 Leave of absences to include education and investigative leaves,
  - 3.34.4 Modified duty,
  - 3.34.5 Terminations and/or other employee separations,
  - 3.34.6 Time off without pay for more than two (2) weeks.
- 3.35 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.

- 3.35.1 When designating down, the designee shall be the highest available level of authority in the chain-of-command.
  - 3.35.1.1 The designee shall not be a person in a support staff position.
- 3.35.2 When designating laterally, the designee must be a supervisor within the chain-of-command.
- 3.35.3 When designating up, the designee may be in a position one level higher within the chain of command.
- 3.36 May not change clock in or out times which results in false reporting of time.
  - 3.36.1 Adjusting the time to match the scheduled work time.
  - 3.36.2 Adjusting the time to avoid overtime.

#### Records

- 3.37 Payroll records, Time Off Requests and any supplementary records that serve as the source documents for other payroll records containing information required by the record keeping regulations must be kept for a minimum of seven (7) years.
  - 3.37.1 Basic employment and earnings records (time and attendance reports),
  - 3.37.2 Work-time schedules (*schedules which establish the hours and days of employment of individual employees or separate work forces*).
  - 3.37.3 Wage Grade Tables
- 3.38 The Oneida Nation reserves the right to access, inspect and/or monitor time and attendance resources for business related purposes.
- 3.39 Release of time and attendance to internal or third parties must be authorized by the Human Resources Department Area Manager or Designee.

#### 4.0 REFERENCES

- 4.1 Personnel Policies and Procedures
- 4.2 Computer Resources Ordinance (OBC 9-29-04-D)
- 4.3 Oneida Travel and Expense Policy (OBC 08-06-08-B)

#### 5.0 FORMS

- 5.1 Time off request form
- 5.2 Jury duty summons
- 5.3 Court time sheet