

UMass Memorial Medical Center Policy

4086 Working Off the Clock	
Developed By: Human Resources Policy Owner: William Nickerson	Effective Date: 11/1/2018 Approved by: Michael L. Gustafson, MD, MBA President, UMass Memorial Medical Center
Applicability: All non-exempt employees of UMass Memorial Medical Center except that if any conflict exists between this policy and a provision of a collective bargaining agreement, the applicable provision(s) of the collective bargaining agreement will control.	Rescission: Supersedes policy dated: 7/2/15
Keywords: Non-Exempt, Work, Off-the-Clock	

I. Policy:

UMass Memorial is committed to compensating non-exempt employees for all the work they perform. UMass Memorial prohibits all off-the-clock work (performing work that is not reported on a non-exempt employee's timesheet or in the electronic time reporting system). Non-exempt employees may not perform any work without compensation. No member of management may request, require, or permit non-exempt employees to perform work without pay.

II. 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.

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.

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.

III. General Procedure:

Every non-exempt employee must comply with this Policy and immediately report any possible violations. UMass Memorial will investigate all violations of this Policy promptly and thoroughly. Non-exempt employees who violate this Policy will be subject to discipline, up to and including termination.

Non-exempt employees are responsible for recording all time worked and for not working off the clock.

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

If a non-exempt 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 a non-exempt employee's meal period is interrupted or missed, every effort should be made to tell the supervisor before the end of shift. If the non-exempt employee reports time using an electronic time reporting system, it is the employees' responsibility to select "no" when prompted "I took a 30-minute uninterrupted meal break" when swiping out on the electronic time clock 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 non-exempt employee to work off-the-clock.

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

- Performing work before a non-exempt employee has clocked/signed in or after an employee has clocked/signed out;
- Non-exempt employees booting up or powering down computers while the employee is not clocked/signed in;
- Performing work during the non-exempt employee's meal period and not reporting the missed or interrupted meal period;
- Performing work at home and not reporting the time worked;
- Sending or responding to work-related e-mails when not working; and
- Travel time as defined under the Fair Labor Standards Act (the "FLSA").

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 non-exempt employees for all working time, even if the work performed was not initially reported in the electronic time reporting system or on a timesheet. Therefore, if a non-exempt 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 a non-exempt employee to work off-the-clock, to incorrectly report hours worked or to alter another non-exempt employee's time records. If anyone instructs or encourages a non-

exempt employee to incorrectly report hours worked, work off-the-clock, or to alter another non-exempt employee's time records, or if you are aware of any other possible deviations from this Policy you should immediately call the [Compliance Confidential Reporting Line](#). If you have any questions or concerns about your pay, you should immediately call the [payroll office](#).

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 in good faith 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, it will take appropriate remedial action.

Non-exempt employees are responsible for not working off the clock, but if they do they are responsible for reporting the time worked to their supervisor. 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.

IV. Clinical/Departmental Procedure: N/A

V. Supplemental Procedures: N/A

VI. References: N/A