



ADMINISTRATIVE POLICIES AND PROCEDURES

Policy: Off the Clock Work and Remote Access Device Policy for Non-Exempt Employees

Creation Date: May 30, 2015

Prepared By: HR Department

Approved By: City Manager

Legal Review: Elizabeth Rühmann

POLICY: OFF THE CLOCK WORK AND REMOTE ACCESS DEVICE POLICY FOR NON-EXEMPT EMPLOYEES

The City of El Paso (the "City") prohibits non-exempt employees who are paid on an hourly basis from performing work for the City without being paid for their work, commonly known as working "off-the-clock". The law requires the City to compensate non-exempt employees for any work that they perform for the benefit of the City and the City is committed to honoring its legal obligations to do so.

It is a violation of this policy for any City employee with supervisory authority to explicitly or implicitly instruct any non-exempt employee to perform any work off-the-clock, to suggest to non-exempt employees that performing work for the City without compensation is acceptable, or to adjust any non-exempt employee's time records to deny them compensation for time worked. In addition, it is also a violation of this policy for non-exempt employees to voluntarily work off-the-clock for whatever reason; including lunch breaks. Occasional overtime may be required; however, all overtime requires prior approval by a supervisor. It is never acceptable for a non-exempt employee to work off-the-clock in order to avoid working overtime. It is the duty of anyone in a supervisor or HR capacity who is aware that "off-the-clock" is taking place, to make the employee aware they must either clock in or stop performing work-related tasks. The incident must then be reported to the employee's immediate supervisor to avoid future re-occurrences. Additionally, non-exempt employees generally should not use remote access devices for work-related reasons outside of their regularly scheduled hours. Occasionally, in certain approved circumstances, the use of such devices for work conducted outside of regularly scheduled hours will be permitted. However, non-exempt employees must be paid for all of the time they spend performing work-related tasks, including work performed outside of their regularly scheduled hours.

The term "remote access device" as used in this policy includes cell phones, smart phones, tablets, computers, lap top computers, home computers, or any other devices with which an employee can use to work remotely. "Work" includes, but is not limited to, remotely accessing emails, conducting research, and preparing reports for official City business.

All employees must sign and date the attached Acknowledgement Form.

General Provisions

Non-exempt employees who wish to use a remote access device for any work related reason must obtain the authorization of their Department Head or designee prior to using the device. In addition, supervisors or managers who want any non-exempt employee that they supervise to use a remote access device for work-related reasons must obtain authorization from the Department Head or designee prior to asking any non-exempt employee to use such a device. Failure of the employee or supervisor to obtain the required authorization may result in disciplinary action.

Approved non-exempt employees who use remote access devices for work-related reasons shall limit their usage of such devices to work that either cannot be performed during their regularly schedule hours or that cannot be performed while they are on City premises.

This policy applies to all work that is related in any way to City business performed by a non-exempt employee while using a remote access device, regardless of whether or not the device was issued from the City.

Tracing and Recording Time

Authorized non-exempt employees who use remote access devices outside of their regularly scheduled hours for work-related reasons are responsible for accounting for their time and recording it on the appropriate payroll form so that it can be recorded in Kronos by the next business day after the work is performed, or as soon thereafter as it is practicable in situations where entering time the next day is impossible. Exceptions to this next-business day time entry requirement should be rare.

Non-exempt employees who conduct work remotely without obtaining prior authorization and consent may be subject to discipline up to and including termination.

Complaint Procedure for Off-the-Clock Work Violation

The City's complaint procedure provides for an immediate, thorough, and objective investigation of any claim of conduct in violation of this policy. If any employee believes they have been required to work off-the-clock, they should provide a written or verbal complaint to their immediate supervisor, Department Head, or the Human Resources Department as soon as possible. Once a complaint is received the supervisor or Department Head must promptly notify the Human Resources Department. The complaint should be as detailed as possible, including the names of the individuals involved, the names of any witnesses, and any documentary evidence. Disclosure of the information contained in the employee's complaint will remain confidential as much as reasonably possible.

Applicable laws prohibit retaliation against any employee by another employee or by the City for using this complaint procedure or for filing, testifying, assisting, or participating in any manner in any investigation, proceeding, or hearing conducted by a governmental enforcement agency. Additionally, the City will not knowingly permit any retaliation against any employee who complains of conduct prohibited by this policy or who participates in an investigation.

All incidents of conduct prohibited by this policy that are reported will be investigated. The investigation will be completed and a determination regarding the reported conduct will be made. If the City determines that the conduct in violation of this policy has occurred, it will take effective remedial action commensurate with the circumstances. Appropriate action will also be taken to deter any future misconduct.

Consequences of Policy Violation

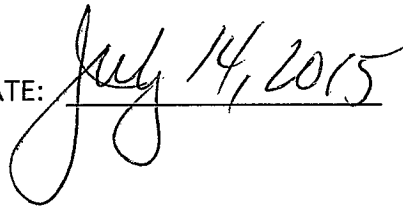
Overtime must be approved by your supervisor in advance. Employees who work overtime with or without authorization must immediately report the hours worked to his supervisor. Working unauthorized overtime hours including working on remote access devices outside of regularly scheduled hours, or failing to report overtime worked, will result in disciplinary action up to and including termination of employment.

Any employee, whether a supervisor, manager or non-exempt employee who is found to have engaged in conduct prohibited by this policy is subject to disciplinary action, up to and including immediate discharge from employment.

APPROVED BY:

FOR 

TOMAS GONZALEZ, City Manager

DATE: 

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ACKNOWLEDGEMENT OF OFF-THE-CLOCK WORK AND REMOTE ACCESS DEVICE POLICY FOR NON-EXEMPT EMPLOYEES

I hereby acknowledge that I have received a copy of the City of El Paso's Off-The-Clock and Remote access Device Policy for Non-Exempt Employees that I have read the Policy and understand it, and that I understand that any questions that I may have about the Policy in the future should be directed to the Human Resources Department.

Signature

Print Name

Date

Last 4 Digits of SSN