

NEW CASTLE COUNTY

PERSONNEL POLICY

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SUBJECT: FAIR LABOR STANDARDS ACT (FLSA)
WORKDAY AND WORKWEEK

APPROVED:



OBJECTIVE: To document in accordance with the Fair Labor Standards Act (FLSA) the workday and workweek for non-exempt employees who are eligible for overtime compensation for hours worked over 40.

STATEMENT: The workday and workweek for non-exempt employees shall exist in accordance with Section 26-142 (h) of the New Castle County Code for non-union employees and the appropriate collective bargaining agreement for union employees. The workday shall consist of either seven or eight hours which constitute either a 35-hour or 40-hour workweek. Workdays of more than eight hours or workweeks other than Monday through Friday may exist in accordance with the appropriate collective bargaining agreement or by authority of the County Executive under the New Castle County Code. The designated supervisor shall be responsible for ensuring that non-exempt employees may not start work before the appointed time, work through lunches, or work past the appointed time without prior authorization.

Procedure: For a period of two years, each department must maintain the following information:

1. A record of the time of day and day of week on which an employee's workweek begins should be maintained for each employee or group of employees. If a group of employees has the same workweek beginning at the same time on the same day, a single notation of that schedule may be made.
2. A record of the hours worked each workday and total hours worked each workweek must be maintained. For employees working on fixed schedules, a check mark, statement, or other method of recording hours worked will suffice. In weeks in which more or less than the scheduled hours are worked, the exact number of hours worked each day and each week must be recorded.
3. Each employee's regular hourly rate of pay for any workweek, the rate of pay, and its calculation when overtime is worked must be recorded. Overtime excess compensation is due during the work period and must also be recorded.
4. Time cards which are clocked in will be sufficient evidence of starting and stopping times. Time sheets for all other employees which specify the starting and stopping times will be completed by the individual employee in order to comply with the FLSA requirements.
5. Non-exempt employees are required to accurately reflect the hours worked by indicating the starting and quitting time on the time card or time sheet provided. The time card or time sheet shall be signed by the employee.
6. Supervisors are responsible for monitoring the hours worked by each employee under their authority and are responsible for enforcing the hours of work rule.

REQUIRED ACTION: The Office of Human Resources, department general managers, and row officers are responsible for the implementation of and compliance with this policy.

Established: 07/14/87
Revised: 01/01/96
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