



**Valencia County**  
BOARD OF COUNTY COMMISSIONERS  
RESOLUTION № 2017- 19  
TIME AND ATTENDANCE FOR FLSA-NON-EXEMPT EMPLOYEES

**PREAMBLE**

**WHEREAS**, the County of Valencia is a body corporate and politic existing by and under the Constitution and Laws of the State of New Mexico; and,

**WHEREAS**, NMSA 1978, Section 4-38-19 (A) provides that a “board of county commissioners may set the salaries of such employees and deputies as it feels necessary to discharge the functions of the county. . .”; and,

**WHEREAS**, County board of commissioners has authority to enact merit personnel system for hiring, promotion, discharge, and general regulation of county employees, *See, [Board of County Com'rs of County of Bernalillo v. Padilla, 111 N.M. 278, 804 P.2d 1097 \(1990\).](#)*; and,

**NOW THEREFORE, BE IT RESOLVED**, the Valencia County Board of County Commissioners adopts the following Time and Attendance Policy for Fair Labor Standards Act (FLSA) Non-Exempt Employees:

**Section 1. Purpose**

The purpose of this policy is to outline the timekeeping policies of Valencia County. Timely and regular attendance is an expectation of performance for all Valencia County employees. To ensure adequate staffing, positive employee morale, and to meet expected productivity standards throughout the organization, employees will be held accountable for adhering to their workplace schedule. Valencia County must keep an accurate record of time worked to calculate employee pay and benefits. It is the policy of Valencia County to pay employees for all time worked consistent with the FLSA and Audit requirements.

**Section 2. Normal Work Hours** (*Reproduced from Section 12.15 of the Valencia County Personnel Policy Ordinance 2006-05- Resolution 2006-17*)

Normal work hours will be based on a forty (40) hour work week. All County offices shall be open from 8:00 a.m. to 5:00 p.m. Monday through Friday; unless a different forty (40) hour work schedule is approved by the elected official, department director or the County Manager. FLSA

non-exempt employees working eight (8) hours or more per day shall be entitled to two (2) paid breaks per day and FLSA non-exempt employees working less than eight (8) hours per day shall be entitled to one (1) paid break per day. The authorized break may only last for fifteen (15) minutes, and any unauthorized extension of the break is contrary to County rules, will be unpaid, and may result in disciplinary action. Breaks may be limited or delayed if continuous work is required because of an emergency or unusual condition. Unless otherwise authorized by the elected official or department director, or specified by departmental policy, full-time employees are required to take unpaid [one-half (1/2) hour or] one (1) hour lunch breaks as scheduled by their supervisor.

### **Section 3. Absent**

An employee is deemed absent when he or she is unavailable for work as scheduled and such time off was not approved in advance by the employees supervisor. Failure to report for work without "Authorized Leave" will result in the employees being place on "Leave without Pay." Employees on "LWOP" may be subject to disciplinary action up to and including dismissal. Unauthorized Leave for 3 consecutive work shifts shall be considered as abandonment of the position and voluntary resignation.

### **Section 4. Tardy**

An employee is deemed to be tardy when he or she;

- A. Fails to report for work at the scheduled work time. In these instances, supervisors may replace the tardy employee for the full shift
- B. Leaves work prior to the end of the scheduled work time without prior supervisory approval
- C. Takes an extended meal period without approval
- D. Arrives to work past his or her scheduled start time
- E. Takes and extend break without approval

### **Section 5. Time Worked**

Time worked includes all time that an employee is required to be performing duties for Valencia County. Time worked is used to determine overtime pay required for non-exempt employees. The following provisions are included as time worked:

- A. Work away from premises or at home. If approved, work performed off the premises or job site or at home by a non-exempt employee will be counted as time worked. A non-exempt employee will not be permitted to perform work away from the premises, job site or at home unless approved in advance in writing to the department director or elected official with final authorization by the County Manager.
- B. Overtime. Overtime includes clocking in early or late or working through the scheduled lunch period, only when overtime is authorized by the department director or elected official.

Only FLSA non-exempt employees shall receive overtime pay, and only when overtime work is authorized by the department director or elected official. Failure to obtain authorization for overtime shall result in disciplinary action, up to and including dismissal. The rate shall be one and one-half (1½) times regular pay for each hour of overtime and such payment shall be made only in cases when an FLSA non-exempt employee works over forty (40) “actual hours” in a normal work week. FLSA non-exempt commissioned law enforcement employees, detention officers, and emergency services personnel shall be paid overtime according to FLSA regulations in excess of eighty-six (86) hours per pay period. Holiday, annual, sick and other leave hours shall not be considered actual working hours. (Reproduced from Section 9.3 of the Personnel Policy).

C. Under no circumstances shall an employee not be paid for time worked.

### **Section 6. Time Not Worked**

Per the FLSA, Valencia County does not count the following provisions as time worked:

A. Leave. Approved absences, including sick leave, vacation leave, holiday leave, FMLA leave, military leave, jury duty, Bereavement leave, administrative leave, leave without pay, and voting time off are not counted as time worked.

### **Section 7. Flex Time/Flex Schedule**

- A. Flex Time is only offered to employees of a department at the discretion of the elected official or department director with approval by the county manager.
- B. With authorization described above, employees may work a flexible work schedule as long as it does not diminish operations of the department or create an overtime liability.
- C. It is the employee’s responsibility to fully document all “Flex” Hours on the Flex Time Form. This should be signed by the employee as well as the elected official, department director, or county manager.
- D. The flex time hours must be used within the same pay period as the extra hours worked.
- E. The department director/elected official-with final approval by the county manager-may authorize a Flex Schedule for employees whose start and end time is dynamic or based on work load. The Director shall provide a letter to payroll when the flex schedule is authorized and at the beginning of the year thereafter. Flex schedules will be subject to all FLSA laws and the provisions of this policy. Abuse of this section will be subject to disciplinary action.

### **Section 8. Time Keeping**

A. Methods for reporting time

The terms “clock in” “punch in” and “swipe in” or out all have the same meaning. Non-exempt employees must accurately record the time they begin and end their work, as well as the beginning and ending time of each lunch/dinner period. They must also record the beginning and ending time of any split schedule from work for personal reasons.

It is the employee’s responsibility to sign his or her own time record to certify the accuracy of all time recorded. The timekeeper for the department will review and then initial the time record before submitting it for payroll processing. In the event of an error in reporting time, the employee must immediately report the problem to the department timekeeper. A signature acknowledges the verification of timesheet accuracy.

#### B. Clocking In and Out by Employees

Employees are required to clock in at the start of the workday and clock out at the end of the workday. Employees are expected to arrive and to depart on schedule. An employee is considered tardy when he or she clocks in after his or her starting time. Similarly, an employee leaves early when he or she clocks out prior to the end of the workday without permission from his or her supervisor.

- i. Employees should not clock in more than 5 minutes before their scheduled shift time unless authorized in advanced by the elected official, department director, and/or County Manager.
- ii. Employees clocking in 5 or more minutes after the start of their scheduled shift time will be recorded as tardy, unless the supervisor has approved the late arrival
- iii. Employees clocking out 5 or more minutes before the end of their scheduled shift time shall be recorded leaving early, unless authorized to do so by a supervisor
- iv. Employees should not clock out later than 5 minutes after the end of their work schedule, unless authorized by their supervisor.
- v. Employees leaving work for any reason during the scheduled shift must clock out when leaving the department, and clock in when they return
- vi. Employees assigned to the field, who are unable to clock in due to duty assignments, will notify the Supervisor and call in/out of service to the dispatch center as required. The in/out service dispatch time will then be the clock-in/out time.

#### C. Time Clocks and Failure to Clock in/out

Employees are required to follow established guidelines for recoding their actual hours worked. A missed clock in/out is a violation of this policy and includes:

- i. Failure to clock in/out on their designated time clock at the beginning and/or end of their assigned shift
- ii. Failure to clock in/out on their designated time clock for the meal break
- iii. Failure to accurately and timely report time worked
- iv. Clocking in/out early (or late) of assigned shift without prior supervisory approval

D. Other requirements include:

- i. It shall be each employee's responsibility to ensure that all time cards on their respective shifts/work sites are completed, signed by the employee, signed by the supervisor and all supporting documentation is attached and submitted on time.
- v. Only in extenuating circumstances will time cards be accepted by Administration without an employee's signature.
- vi. Discrepancies shall be followed up with the employee's immediate supervisor or following Chain of Command. Discrepancies shall be addressed and corrected next pay period.

E. Exceptions for Uniformed Employees

- i. Work schedule assignment is dependent on the needs of the divisions and/or the Department and then set to be a regular schedule for that person. It is and also based on provisions of the contract. Any change of scheduled work period is a negotiated privilege and is to be worked out between Management and/or Union.
- ii. When an on-coming employee is not present at shift change, the off-going employee may be required to remain on-duty until properly relieved. Employees shall, before going off duty, acquaint their reliefs with all pertinent details of their tour of duty, turning over keys and equipment as necessary for the efficiency and benefit of the Department.
- iii. Employees assigned to the field, which are unable to report for work on time for any reason, will notify the Supervisor to indicate the reason for their delay. If the supervisor is unavailable follow the Chain of Command. Employees, who excessively call in "delayed" (tardy), may be subject to disciplinary action.

F. In the event the employee fails to clock in or out at any time during the scheduled shift he or she must complete and sign a Missed Punch Form, and submit it to his or her supervisor. Failure to clock in or out as directed more than once a week or a pattern of failing to clock in and out on a regular basis will be subject to disciplinary action.

G. Employees who do not submit their time by the deadline will not be paid until the following pay period. Partially completed records will only be compensated for the hours shown until the next pay period.

**Section 9. Instructions for Correcting Payroll Errors**

If a mistake is made after reporting time and not realized until after the payroll process has been completed the following procedure will be followed: The employee will write a memo to the department director stating the employee's name, employee number, date of the error and description of the error. The Department Director will then notify Human Resources of the error. Human resources will notify payroll as necessary

**Section 10. Department Notification**

A. Employees are expected to follow departmental procedures if they will be late for work, will not be at work, or are requesting planned time away from work. Employees must

request in advance (within 1 hour) to their supervisor if they wish to arrive early or leave early from a scheduled shift.

- B. At the time of call, the employee must notify their supervisor when an absence is due to documented/approved leave of absence (e.g. Military Leave/FMLA) in order to ensure proper tacking of leave utilization and absenteeism.
- C. An employee who fails to call in and report to work as scheduled for three consecutively scheduled work days will be viewed as having abandoned their position and employment will be considered as having voluntarily resigned their position Per Section 5.5 of the Valencia County Policy and Procedures Manual. The supervisor will consult with the Human Resources Director if this situation occurs.

### **Section 11. Timekeeping Problems**

- A. If an employee is unable to clock in or out due to a machine malfunction, IT IS THE EMPLOYEE'S RESPONSIBILITY TO IMMEDIATELY INFORM HIS OR HER SUPERVISOR IF THE MACHINE MALFUNCTIONS.
- B. The supervisor will manually clock in or out the employee. The supervisor will submit a Missed Punch Form signed by the employee and the supervisor.
- C. The manual punch will then be included with the employee's time keeping record.
- D. If the supervisor cannot be contacted, it is permissible to inform the next Chain of Command.

### **Section 12. Supervisor Responsibilities**

- A. The department head will ensure all employee leave is recorded and that base pay hours are correct (i.e. 80 hours in a two-week period).
- B. It is the responsibility of the department head to ensure that all time sheets are correctly completed by all personnel prior to 9:00 AM on Monday.
- C. All entries in the system must be finalized by 10:00 AM on Monday for payroll processing.
- D. Each department shall submit bi-weekly time records for all employees to the Payroll Department no later than 2:00pm on the Monday following the close of that payroll period.

### **Section 13. Falsification and Tampering**

The following are considered serious offenses. Due to the severity of these infractions, all employees involved will be subject to immediate disciplinary action, up to and including termination:

- A. Working prior to clocking in or working after clocking out without prior approvals

- B. Attempting to clock in or out for another employee and/or requesting that someone else clock in or out for you (“Buddy Punching”)
- C. Interfering with the timekeeping machine
- D. Attempting to damage or destroy the timekeeping machine
- E. Interfering with another employees use of the timekeeping machine
- F. Altering timekeeping data without authorization
- G. Being in possession of another employees card at any time

**Section 14. Disciplinary Process**

- A. Supervisors shall monitor their employee’s attendance on a regular basis and address unsatisfactory attendance in a timely and consistent manner. If supervisors notice a pattern of unscheduled usage of accrued time off, they should discuss the concern with the employee and Human Resources.
- B. All discipline must be administered pursuant to the County’s Personnel Policy or the applicable Collective Bargaining Agreement.

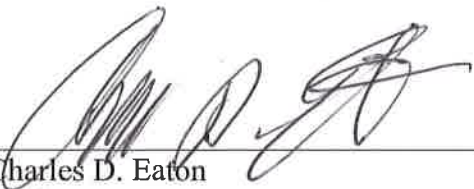
**Section 15. Controlling Policy**

In the event this policy contradicts the County’s Personnel Policy or an applicable Collective Bargaining (“CBA”) agreement the CBA will control.

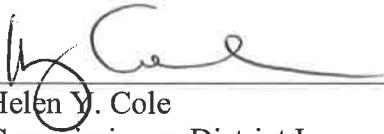
**Section 16. Effective Date**


The effective date of this policy shall be upon the implementation of the Time and Attendance Software Program. The County Manager shall provide notice of the effective date to all employees.

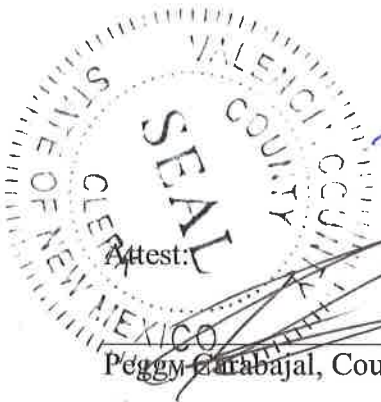
**APPROVED, ADOPTED, AND PASSED** on this 1st day of March, 2017.


  
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Charles D. Eaton  
Chairman, District IV

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Jhonathan Aragon  
Vice-Chair, District V

  
\_\_\_\_\_  
Helen Y. Cole  
Commissioner, District I

  
\_\_\_\_\_  
Billy Ray Martinez  
Commissioner, District II



  
\_\_\_\_\_  
David A. Hyder  
Commissioner, District III

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Peggy Garabaja, County Clerk



# TIME CLOCK MISSED PUNCH REQUEST FORM

Procedure: Employee will complete and obtain approval from immediate supervisor

**Employee Name:**

(please print)

**Date of Missed Punch:**

**Reason for Missed Punch:**

## Time of Missed Punch

**Type of Missed Punch:**

(Check one or list on line below)

Initial Clock in for the Day

Text

Clock out for Lunch

Text

Clock back in from Lunch

Text

Clock out End of Day

Text

**Other - Please List**

Text

**Explanations:**

\*If missed punch causes employee to miss the next punch time please list both missed punches

Approval from the employee's immediate supervisor shall be obtained prior to Tlme Clock Manager editing time.

Employee's Signature

Date Signed

Work Location

Supervisor's Signature

Date Signed

**\*Time Clock Manager must send Missed Punch Request Forms over each pay period with Time Sheets**



**FLEX TIME FORM**

Employee Name: \_\_\_\_\_ Date: \_\_\_\_\_

Department: \_\_\_\_\_ Position: \_\_\_\_\_

Below, note the day you are taking the flex time and the amount. Flex time may be taken only within the same pay period.

Hour of Arrival: \_\_\_\_\_

Hour of Departure: \_\_\_\_\_

Beginning Date for Flextime: \_\_\_\_\_

Beginning and End Hour for Flextime: \_\_\_\_\_

I have read and understand the Time and Attendance Policy regarding Flextime. If this flextime arrangement is suspended or cancelled, I will return to a standard work schedule.

Signature of Employee: \_\_\_\_\_

Date: \_\_\_\_\_

Approval of Supervisor: \_\_\_\_\_

Signature

Name: \_\_\_\_\_ Date: \_\_\_\_\_