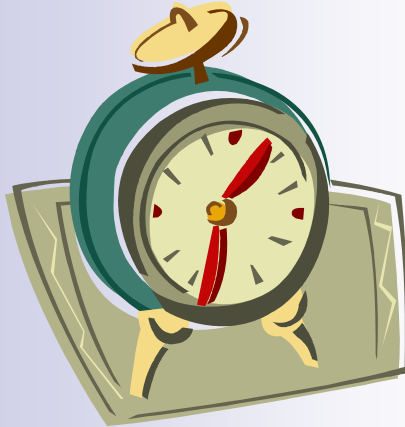


# The Legal Aspect of Timekeeping



Administrative Rule 6.10.009  
and Fair Labor Standards Act



# Overview

- This workshop is to give an overview of the College's policies and regulations on e-time and Fair Labor Standards Act (FSLA) .

# Fair Labor Standards Act (FLSA)

- Information on the Fair Labor Standards Act can be found on the U.S. Department of Labor website at <http://www.dol.gov/esa/whd/flsa/>

# Timesheet

- All employees are required to submit a timesheet, even if no leave is taken (Exempt and Non-Exempt).
- Supervisors are required to approve the timesheet.
- For additional information on timesheet training visit the payroll website at <http://www.austincc.edu/hr/payroll/etime.php>.

# Work Week...

- For ACC, work week starts Sunday ends Saturday.





# Eligibility for Overtime

- Nonexempt employees (classified, monthly non-exempt, hourly, work-study) will earn time and one-half for hours physically worked in excess of 40 hours a week.
- Hours can not be averaged over a two week period, the hours must be in the same week. (Sunday thru Saturday)

# Leave During Overtime Week

- Paid time which is not worked--such as vacation, sick leave, holidays, and inclement weather (as designated by the President)--does not count as work time for the purpose of determining overtime.
- An employee must actually work over 40 hours in a week in order to earn overtime.
- Example: If an employee took sick leave on Monday, and then worked overtime on Wednesday, this does not constitute overtime.

# Authorized Overtime

- Overtime needs to be preapproved by supervisor.
- Unauthorized overtime will be paid by ACC because of FLSA regulations.



# Types of Overtime

- There are two types of Overtime that an employee can earn.
- OT1 is straight time
  - The employee receives regular hourly rate.
- OT2 is one and a half
  - The employee receives time and a half per hour worked over excess of 40 hours.

# Meal and Breaks

- Full-time employees receive two (2) fifteen minute breaks and one (1) fifteen minute break for half-time employees.
- Breaks can not be combined with the meal period or with other breaks.





# Required Training

- Professional Leave is available for training that is required to be completed during regular work hours.

# Legal Aspect of Record Keeping





# Recordkeeping Requirements

- FLSA has 14 basic records that an employer has to maintain.
- ACC's timesheets and Datatel covers all the 14 basic records that need to be maintained.
- A few examples of these records include:
  - Hours worked each day,
  - Time and day of the week the employee worked,
  - Total of hours worked per week, and
  - Total hours of overtime.



# Record Retention Period

- ACC is required to keep timesheet records for at least three (3) years according to the FLSA.

# Importance of Accurate Record Keeping

- If ACC is not in accordance in the Labor Laws, lawsuits and penalties might occur.
  - Willful violations of the recordkeeping requirement can bring a criminal penalty of up to \$10,000 and/or imprisonment for up to 6 months. Willful violations for example, not paying overtime, incorrect wages, incorrect timekeeping, etc.



# Common Mistakes

- Approving timesheet without reviewing it.
- Not submitting timesheet.
- Not approving timesheet on time.





# Automated Timekeeping

- E-time software simplifies compliance with FLSA recordkeeping requirements by keeping an electronic record of each employee's time.

# Questions?



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