

	<b>MARICOPA COUNTY SHERIFF'S OFFICE POLICY AND PROCEDURES</b>	
	<b>Subject</b>  <b>COMPENSATION AND TELEWORKING PROCEDURES</b>	<b>Policy Number</b> <b>GC-8</b> <b>Effective Date</b> <b>10-31-24</b>
<b>Related Information</b> Arizona Revised Statutes Title 23 Fair Labor Standards Act (FLSA) Maricopa County Policies HR2409, HR2415, HR2418, HR2470, HR2471 and HR2472 Maricopa County Employee Merit System Resolution and Rules	<b>Supersedes</b>  GC-8 (02-17-22)	

## PURPOSE

The purpose of this Office Policy is to establish guidelines and procedures to ensure compliance with federal and state law pertaining to compensation; and for entering and editing hours worked and attendance into the County payroll system. The County payroll system is the official system of record for documenting hours worked and attendance for all Office employees. This policy also establishes guidelines and procedures for employees who are authorized to telework.

## POLICY

It is the policy of the Office to ensure all Office employees are accurately compensated, that employees, timekeepers, and supervisors accurately record all hours worked and attendance in the County payroll system, and that all employees who are authorized to telework meet the conditions and accountability of their *Teleworking Agreement*.

## DEFINITIONS

**Alternative Work Schedule:** A flexible work schedule such as a compressed work week wherein employees work four 10-hour days instead of five eight-hour days, as determined by the employee's supervisor. An alternative work schedule may be included in teleworking options.

**Alternative Worksite:** A designated location approved by the employee's division commander and detailed in an employee's *Teleworking Agreement* where the employee will perform their job functions when teleworking.

**Comment:** A descriptive field in the County payroll system used by employees, timekeepers, supervisors, and Maricopa County Sheriff's Office Payroll personnel to categorize adjustments or corrections made to an employee's timecard.

**County Payroll System:** The system used by Maricopa County to record hours worked, attendance data, and to generate payroll information.

**Employee:** A person currently employed by the Office in a classified, unclassified, contract, or temporary status.

**Exception Time:** Paid leave as described in and permitted by the Maricopa County Employee Leave Policy. Exception time includes, but is not limited to, Vacation Time, Sick Leave, Bereavement Leave, Recognition Leave, and Civic Duty Pay.

**Exempt Employees:** Employees who meet the definition of an executive, administrative, or professional employee as defined in the Fair Labor Standards Act (FLSA). Employees who are designated as exempt are not eligible for overtime pay or shift differential, unless authorized within the County's Board approved premium pay schedule.

**Field Training Officer (FTO) Time:** Hours which an active Field Training Officer (FTO) works specifically on FTO duties. These duties include but are not limited to: entry-level training for Officers in Training (OITs) and on-going and remedial training for current employees, and providing recruiting and Academy personnel with observations and feedback of OIT performance and status.

**Hours Worked:** All time during which employees are permitted to work that does not include unpaid leave or paid leave, such as, but not limited to, exception time.

**Non-Exempt Employees:** Employees who are covered by the provisions of the Fair Labor Standards Act (FLSA) and must be compensated for the overtime hours worked.

**Note:** A freeform field in the County payroll system used by timekeepers, supervisors, and Maricopa County Sheriff's Office Payroll personnel to explain an adjustment or correction in a Comment in greater detail.

**Overtime:** Hours worked over the 40-hour maximum permitted by the Fair Labor Standards Act (FLSA) in a non-exempt employee's established workweek, excluding holidays that are not worked and hours of paid and unpaid leave. Overtime pay shall be calculated at a rate of one and one half the employees' regular rate of pay. Employees who are designated as exempt are not eligible for overtime pay.

**Pay Period:** A biweekly period established in the County payroll system that begins on a Monday and ends on a Sunday during which employee time is recorded.

**Real-Time Collection Method:** A process by which hours worked and attendance are recorded in real-time and integrated with the County payroll system. Additional information regarding real-time collection methods can be found on the Maricopa County Intranet.

1. Time Clocks: Devices that allow an employee to enter start and end times directly using their County employee identification number or by scanning their Office-issued identification card.
2. Time Stamp: An application that allows an employee to clock in and out by logging into the County payroll system through a computer.
3. Workday Application: The County payroll system application that employees can use to enter start and end times using an application downloaded to their office issued/personal cellphone. It is at the division commander's discretion if their employees are authorized to download and use the Workday Application on their Office issued or personal cellphones.

**Shift Differential:** A flat per-hour rate that may be earned by a non-exempt employee assigned to an authorized position and whose hours worked are outside Maricopa County's first shift (6:30 am to 2:30 pm).

**Teleworking:** Working from an alternative worksite.

**Teleworking Agreement:** An agreement approved by the employee's division commander that identifies the responsibilities and working conditions of an employee while teleworking.

**Timecard:** An electronic record maintained in the County payroll system that displays hours worked and attendance for each pay period.

**Timekeeper:** An employee designated in the County payroll system to assist other employees in recording hours worked and attendance.

**PROCEDURES**

1. **Compensation:** The Office establishes compensation for all employees under the provisions of the Fair Labor Standards Act (FLSA) Arizona Revised Statutes (ARS), Maricopa County Employee Merit System Resolution and Rules, applicable resolutions of the Maricopa County Board of Supervisors and Maricopa County Internal Policies HR2415, HR2418, HR2470, HR2471 and HR2472.
  - A. **Non-Exempt Employees:** Non-exempt employees are covered by the provisions of the FLSA and shall be paid for all hours worked and must be compensated for overtime hours worked.
    1. A non-exempt employee’s personal waiting time prior to or after work shall not be compensated if the employee is not required to perform any work-related functions or authorized to work by a supervisor.
    2. Non-exempt employees who attend court proceedings outside their scheduled work hours to represent the Office on matters that arise from work-related events shall clock into the County payroll system by telephone upon arrival at court. This does not apply to court proceedings for, or related to, personal business.
      - a. Non-exempt employees shall be compensated for a minimum of two hours.
      - b. Non-exempt employees shall be compensated for any time worked over the two-hour minimum until released by the court.
      - c. Non-exempt employees shall clock out from the County payroll system by phone once the two-hour minimum is reached or when released by the court, whichever is later.
    3. A non-exempt employee contacted by a supervisor for unanticipated work outside their regular work schedule shall be compensated for hours worked. All time, to include commute time from and to the employee’s residence, is considered hours worked. Commute time shall not be compensated if the work was scheduled in advance.
    4. A non-exempt employee who holds a position that has been authorized to receive shift differential shall automatically be paid the differential based on the employee’s in and out times recorded in the County payroll system.
    5. Overtime pay computation is based on the number of hours worked and does not include holidays that are not worked, exception time, or any other time that is not actually worked. No paid or unpaid time off can be used to credit an employee with more than 40-hours of pay per week. This includes weeks with a paid holiday in them.
      - a. Unauthorized overtime hours worked are still hours worked and shall be compensated; however, disciplinary action, up to and including dismissal from employment, may be taken against an employee who works unauthorized overtime.
      - b. All overtime worked shall have the prior authorization of the supervisor, except in emergency situations.

- B. Exempt Employees: Exempt employees may be required to work beyond their normal work hours of 40 hours per week and shall not receive overtime pay for those hours.
  - 1. In general, full-time exempt employees are expected to work or account for at least 40 hours per week, or for those on an alternative work schedule, their normal scheduled hours for that week. An exception may be granted by the division commander or their designee when an employee works an excessive amount of time over their normal work hours in which the employee's accountable hours may be managed over the duration of the pay period. This is neither a right nor a guarantee for the employee.
  - 2. Exempt employees who are eligible for paid leave shall not be paid for hours they do not work or use paid leave. All exempt employees shall account for and record in the County payroll system at least the hours for which they are paid by either working or using applicable accrued leave.
  - 3. Exempt employees or their supervisors who misrepresent or fail to account for and record the hours for which employees are paid may be subject to disciplinary action, up to and including dismissal from employment.
  
- C. Time Entries in the County Payroll System: Employees are required to record their hours worked and attendance in the system. Employees should be mindful of the system's seven-minute rounding rule when punching in and out for their shift and should begin and end their shift as close to their scheduled start and end time as possible.
  - 1. When entering hours worked and attendance in the County payroll system, employees, supervisors, and timekeepers shall use the applicable pay code. The drop-down list of authorized pay codes can be found in Workday.
  - 2. Non-exempt employees shall record hours worked daily through a real-time collection method or as otherwise directed by their supervisor; and may only enter their time or perform any work-related function in the County payroll system while they are in an hours worked status. Non-exempt employees are not permitted to perform work-related functions without making sure the time worked is recorded in the system.
  - 3. All full-time exempt employees are required to have their schedule entered in the County payroll system which shall be used to auto-populate their timecard. Exempt employees shall manually enter all exception time, as defined in this Office Policy, using applicable pay codes for each pay period. Exception time should be entered in quarter-hour increments.
  - 4. At no time shall an employee permit anyone other than supervisors or timekeepers to enter their time in the County payroll system. This includes, but is not limited to, an employee allowing another person to:
    - a. Log into the County payroll system using the employee's username and password;
    - b. Punch a time clock using the employee's Office-issued identification card/employee ID or employee's County identification number; or
    - c. Use the Workday Application to enter another employee's time.
  
- D. Approval of Recorded Time in the County Payroll System: Employees are required to approve their hours worked and attendance in the system. At no time shall an employee or supervisor approve

time worked and attendance before the end of the pay period, unless all time to be worked by the employee has been worked and recorded in the system. Employees will not be paid in a timely manner unless all approvals are recorded in the system before payroll is processed. The payroll deadline, unless otherwise informed, is 0600 hours the Thursday after the pay period ends.

1. Employee Responsibilities:
  - a. All employees shall ensure their attendance and hours worked, as entered in the system, are accurate and free from errors before approving the timecard.
  - b. Employees who regularly fail to approve their timecard in the system may be subject to disciplinary action, up to and including dismissal from employment.
2. Supervisor Responsibilities:
  - a. Supervisors shall approve the timecards of those employees reporting to them after the employee has approved their own time. When an employee is unavailable to approve their own timecard, supervisors may do so, as an exception, without the employee's prior approval. The supervisor shall also enter a note in the system indicating the employee was unavailable and why. For this purpose, unavailable includes, but is not limited to, times when the employee may not be able to log into the County payroll system.
  - b. When a supervisor is unavailable to approve the timecard in the County payroll system, the supervisor shall designate an alternate supervisor or timekeeper to approve the timecard.
    - (1) For this purpose, unavailable includes, but is not limited to, times when the supervisor may not be able to log into the system because it is unavailable. Unavailable does not include times when the supervisor is too busy.
    - (2) Using an alternate supervisor or timekeeper to approve timecards in the system will be limited to a specific pay period.
    - (3) Supervisors who regularly fail to approve their employee's timecards in the system may be subject to disciplinary action, up to and including dismissal from employment.
3. Timekeeper Responsibilities: The timekeeper may, as an exception, approve timecards for those employees designated to their area of responsibility.

E. Adjustments and Corrections to Time Recorded in the County Payroll System: When an adjustment or correction is made to an employee's timecard in the County payroll system, the employee, supervisor, or timekeeper shall make a comment on the timecard along with a specific note explaining the change.

1. When a non-exempt employee misses an entry in the system, the employee shall notify their supervisor or timekeeper within 24 hours, where possible. Supervisors shall make the necessary adjustments and notations to the employee's timecard. Employees who regularly miss an entry in the system, or who regularly enter unapproved early or late entries, may be subject to disciplinary action, up to and including dismissal from employment.

2. Supervisors and timekeepers are prohibited from editing or altering any hours worked and attendance of another employee without notifying the employee or their supervisor.
    - a. For all edits or time alterations, written approval and/or notification is preferred. E-mail notification is appropriate.
    - b. At no time shall a supervisor or timekeeper alter an employee's time to avoid paying overtime, or as discipline or retaliation.
    - c. Upon notification, supervisors or timekeepers may make edits to unapproved early or late entries or errors by an employee where no work-related function was performed.
  3. In the event a correction to an employee's approved time needs to be made in the County payroll system, the employee's direct supervisor is required to make that change. When the direct supervisor is unavailable and the entry is time critical, the correction may be done by the timekeeper or another supervisor.
  4. When adjustments are needed in the County payroll system, after the pay period has closed and the timecard can no longer be changed by the supervisor, the employee shall send an e-mail to their supervisor requesting the change.
    - a. The supervisor shall forward the e-mail to MCSO Payroll personnel, and an adjustment request shall be sent to Maricopa County Payroll. It may take Maricopa County Payroll several pay periods to resolve incorrect entries and process adjustments in the system.
    - b. If employees are missing pay for eight hours or more of their base pay, a manual warrant may be requested and processed by Maricopa County Payroll as soon as possible, or the employee can choose to have the additional time added to their next paycheck.
  5. When an employee believes their reported hours were falsified or inappropriately altered in the system after their approval, they shall report the identified discrepancy through their chain of command by email and carbon copy MCSO Payroll.
    - a. MCSO Payroll personnel shall review reported errors and coordinate any changes. If MCSO Payroll personnel agree the changes were made inappropriately or unnecessarily, they shall report it to Maricopa County Payroll immediately, and an entry in Blue Team, as an Internal Complaint, may be required.
    - b. Maricopa County or MCSO Human Resources may audit employee time and attendance at any time.
- F. Commute Time: Time spent by an employee commuting to and from an assigned work location shall not be compensated if the employee is not required to perform any work-related functions or authorized to work. Once an employee has arrived at their assigned work location and is on-duty, any travel to a new work location for the needs of the Office shall be considered compensated time.
- G. Employee Breaks: Breaks are neither required nor a right of an employee and are given at the discretion of the employee's supervisor. An employee who takes unauthorized breaks or who extends a break without the approval of their supervisor may be subject to disciplinary action.

Reasonable breaks for nursing mothers to express breast milk shall be provided for up to one year after the birth of a child if providing such breaks does not unduly disrupt operations.

- H. Work Out Time: Employees may work out before or after work, or during **non-compensated** breaks from work. Employees shall **not** be compensated for time spent working out while on duty, with the exception of those employees assigned to SWAT/High Risk Responses, Aviation Services Division (sworn and flight personnel only), recruits attending academies, and Training Division personnel who are filling the role of Recruit Training Officer (RTO) or Class Sergeant.

- 2. **Teleworking Procedures:** Teleworking is a management tool used to meet the goals and mission of the Office and may be revoked at any time. Eligible Office employees may be authorized to telework by their division commander.

- A. Teleworking Agreement: Employees who telework on a regular basis shall complete and sign a *Teleworking Agreement* which shall identify the duration, employee working conditions, and responsibilities. Division commanders or their designee shall review and approve all *Teleworking Agreement* requests.

- 1. If approved, a copy of the *Teleworking Agreement* shall be placed in the employee's division file.
- 2. Employees who telework are subject to the requirements, procedures, and working conditions outlined in the *Teleworking Agreement*.
- 3. Due to varying state tax and labor laws, employees are not allowed to telework outside of the State of Arizona. It is up to the discretion of the Sheriff or designee to approve exceptions to this Office Policy to fill critical and difficult-to-fill positions.
- 4. Terms and conditions of employment do not change as a result of a *Teleworking Agreement*. No *Telework Agreement* shall include any improvements or additions to an employee's owned or leased assets, including their residence, computer, vehicle, or any other property.
- 5. Employees who do not telework regularly are not expected to sign a *Teleworking Agreement* unless required by their division commander.

- B. Teleworking Conditions:

- 1. Both teleworking hours and hours worked shall be recorded in the County payroll system by the employee. These hours shall be reviewed by the supervisor for approval.
- 2. While teleworking, employees must be reachable by phone and as agreed upon by their supervisor. Employees may be required to check their Office desk phone messages from their alternate worksite throughout their working hours.
- 3. Overtime while teleworking for non-exempt employees shall be preapproved by their supervisor.
- 4. Teleworkers who are unable to work for more than one hour due to issues with their personal internet/Office software and/or equipment, shall contact their supervisor to determine if they are to report to their designated work site, are authorized to make up the time, or are authorized to use exception time.
- 5. Any change to a schedule or alternative worksite shall normally be approved by the

supervisor in advance. Teleworkers are subject to audit and computer monitoring. Misuse of teleworking may result in disciplinary action, up to and including dismissal from employment.

6. Teleworking is not a substitute for dependent care; teleworkers must make prior arrangements for dependent care during the time of approved telework hours.
  7. Teleworking should have a seamless impact on service to members of the public who should not be subject to delays in service due to teleworking.
  8. Supervisors and employees may be assigned training regarding teleworking responsibilities.
  9. When available, it is recommended that teleworkers use cameras and microphones to participate in virtual meetings.
  10. Out of office messages must be used when a teleworker is unavailable for an extended period.
  11. Employees are responsible for securing all data, paper or electronic, subject to the confidentiality and security policies of the Office and Maricopa County. Restricted-access materials shall not be taken to the alternative worksite or accessed unless approved in advance by a supervisor.
  12. The Office does not assume liability for loss, damage, or wear of employee-owned equipment used at an alternative worksite.
  13. The Office is not responsible for costs for personal internet service or utilities related to teleworking.
- C. **Teleworking Equipment:** Division commanders shall ensure employees are provided with the necessary Office-issued equipment for teleworking.
- D. **Teleworking Job-Related Accidents:** An employee's alternative worksite is an extension of the division's workspace. The Office is only liable for job-related accidents if they occur during the approved work schedule and in the approved work location designated in the *Teleworking Agreement*.
- E. **Teleworking Log:** Employees may be required to account for their daily work activity to their supervisors, at the end of the workday, workweek, or pay period, using a teleworking log or other means of documentation as determined by their supervisor. Documentation shall include hours worked and tasks completed. Supervisors shall review the logs and retain for records retention.
- F. **Technology Restrictions:** Teleworkers should not purchase equipment and/or install software specific to Office issued equipment without the approval of the Technology Bureau. Office issued software shall not be duplicated.
3. **Use of Temporary Workspace:** If an Office employee authorized to telework finds that their designated workspace is unavailable, they may need to work from a shared or alternate location provided by the Office.
- A. In such cases, if the division has set up a shared workspace, the teleworking employee must follow the division's established procedures to access a temporary, shared, or alternate workspace.



- B. These workspaces may have limited availability and may not always be accessible on certain dates and times. Scheduling in advance is highly recommended.
- C. While using these temporary, shared, or alternate spaces, employees are expected to act professionally, courteously, and respectfully toward others.
- D. Adherence to all guidelines regarding the use of assigned equipment shall be followed.
- E. Employees are expected to ensure that the shared workspace is sanitized before and after each use.