

CITY OF CHESAPEAKE, VIRGINIA

NUMBER: 2.57

ADMINISTRATIVE REGULATION

EFFECTIVE DATE: 07/19/10

**SUBJECT: DEPARTMENT OF HUMAN RESOURCES
OPERATING HOURS AND STANDARD WORK POLICIES**

I. PURPOSE

This administrative regulation establishes policies and procedures to ensure compliance with the Fair Labor Standards Act (FLSA). In addition, this regulation defines the city's policy regarding employees who are covered and those who are not covered by the FLSA. The Department of Labor is the federal agency charged with oversight and promulgation of the overtime provisions of the FLSA.

II. DEFINITIONS

- A. Standard City Work Schedule – The standard city workweek begins on 12:00 a.m. Monday through 11:59 p.m. Sunday for employees. Certain employees (police, fire and corrections) are permitted to have a work period from 7 to 28 days, as provided by the FLSA.
- B. Regular Operating Hours – The regular operating hours of the city are 8:00 a.m. to 5:00 p.m. Work hours are established from 7:00 a.m. to 6:00 p.m. Monday through Friday. Flexible work schedules may be permitted if the schedule does not negatively affect customer service and if the schedule is approved by the department director and the Director of Human Resources or designee. Public safety and some other operations provide 24-hour services to citizens and customers and may have varied schedules.
- C. Start Time and End Time – The start time and end times for an employee's schedule must begin at the top of the hour or on the half hour.
- D. Meal Period – A meal period of a span of at least 30 consecutive minutes during which an employee is completely relieved of duty.

III. HOURS WORKED

All time during which an employee is required or permitted to work is considered as to be hours worked.

- A. Breaks –Breaks are within the discretion of the department director or designee. Breaks of less than thirty minutes are counted as time worked. However, the Fair Labor Standards Act states that reasonable breaks must be provided to nursing mothers to express milk for their infants for up to one year after the child's birth. The employees must be provided a private location, other than a bathroom, where they may express milk.

Meal Periods – Department directors or designees may establish meal periods at either 30 minutes or one hour in duration. Any “meal period” of less than 30 consecutive minutes shall be included as time worked. Meal periods of 30 minutes or more are not counted as hours worked. Meal periods should not be regularly scheduled for the first two hours after the regular start time or the two hours prior to the end of the regular work time. Employees may not regularly work through their meal breaks to accumulate overtime pay or leave or to arrive early or leave late.

- C. Training – Training is not considered compensable working time if all of the following criteria are met:
1. Attendance is outside the employee’s regular work hours;
 2. Attendance is voluntary;
 3. The employee does no productive work while attending the training; and
 4. The training is not directly related to the employee’s job.

Training attended by an employee at the direction of the city or upon the employee being led to believe that non-attendance would adversely affect the employee’s employment is counted as hours worked. All personal free time while attending such training, is not counted as hours worked.

D. Travel

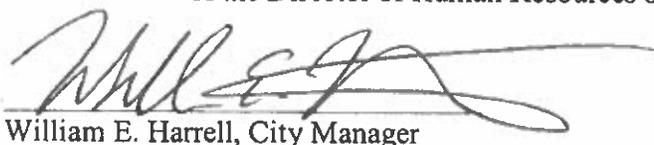
1. Home to Work- Normal commuting to and from work is not included in compensable hours. This is true if the employee works at a fixed location or at different locations within the City. However, if an employee must report to a central location before traveling to one or more work sites, compensable work time starts at the central location.
2. Home to Work on Assignment Outside of the City for One Day– When an employee who regularly works inside the city is given an assignment outside the city for a day, travel time from home to that assignment must be included as compensable time. The usual time required to and from work will be deducted from actual travel time to the location outside the City when determining the amount of compensable time. If an employee is required to drive to a business event, then the time spent driving is considered hours worked. Other employees who may be passengers in the vehicle, are also considered working.
3. Overnight Travel – Travel time by an employee who leaves the Hampton Roads metropolitan area on city business overnight is counted as hours worked if such travel occurs during the employee’s normally scheduled work hours. Travel time outside of normal work hours is not considered hours worked unless the employee is required to drive during such hours. Time spent as a passenger in a car or on a common carrier outside of normal work hours is not compensable work time if the employee is free to relax. However, any time spent performing productive

work is compensable work time. Overnight travel is counted as hours worked on non-scheduled workdays during regularly scheduled work hours. Regular meal periods are not counted as hours worked.

- E. Early Relief- An employee who is required to report early for the purpose of relieving employees on the previous shift prior to the scheduled starting time will be considered as working and that time would be included in the calculation of compensable hours.
- F. Dual Positions – Employees are prohibited from holding two or more city positions either full and/or part-time. Employees may be utilized by the Registrar’s Office to assist at polling places on Election Day. These employees will receive the standard pay for those hours.

E. RESPONSIBILITIES OF THE DIRECTOR OF HUMAN RESOURCES

- A. The Director of Human Resources or designee is responsible for the official interpretation of this Policy.
- B. The designation of employees as exempt, non-exempt or non-covered is the responsibility of the Director of Human Resources or designee.


William E. Harrell, City Manager

7/17/10
Date

Related policies and documents include
Administrative Regulation 2.08 Overtime Policy
Administrative Regulation 2.06 On Call Policy
Administrative Regulation 2.55 Alternative Work Arrangement