



<b>Policy</b>	
<b>Working Off the Clock</b>	
<b>Effective Date:</b> 6/14/2022	<b>Policy Owner:</b> William Nickerson
<b>Rescission:</b> Supersedes policies: <ul style="list-style-type: none"> <li>• Health Alliance/Clinton policy: HR-60-70 Working Off-the-Clock, dated 11/22/17</li> <li>• Marlborough Hospital policy: HR43 Working off the Clock, dated 3/1/21</li> <li>• Medical Center policy: 4086 - Working Off the Clock dated: 11/1/18</li> </ul>	<b>Approved by:</b> Tod Wiesman, Vice President Interim Chief Human Resources Officer  <b>Approved by:</b> Eric Dickson MD, CEO UMass Memorial Health
<b>Applicability:</b> All non-exempt employees of UMass Memorial Health except that if any conflict exists between this policy and a provision of a collective bargaining agreement, the applicable provision(s) of the collective bargaining agreement will control. Excludes Harrington Hospital	
<b>Keywords:</b> Non-Exempt, Work, Off-the-Clock	

## Policy

UMass Memorial Health (“UMass Memorial”) compensates hourly, non-exempt employees for all hours worked, including overtime when appropriate. To ensure proper recording of hours worked and timely payment of wages, UMass Memorial prohibits all off-the-clock work (performing work that is not reported on a non-exempt employee’s timesheet or in UMass Memorial’s electronic time reporting system). No member of management may request, require, or permit a non-exempt employee to perform work without the employee’s time being properly recorded for wage payment. Similarly, no employee shall be retaliated against for reporting, refusing, or otherwise opposing any non-exempt employee being required to work off-the-clock.

## Definitions

**Employee:** Any individual who is party to a full-time, part-time, temporary or *per diem* employment arrangement with a UMMHC entity, whether on a contractual or at-will basis, in which the person performs services under UMMHC’s direct supervision and control in exchange for compensation.

**Non-Exempt** – An employee compensated on an hourly basis that is subject to the overtime provisions of the Federal Fair Labor Standards Act (the “FLSA”) and Massachusetts state law.

**Off-The-Clock** – Work performed by a non-exempt employee that is not recorded, either manually or using an electronic time keeping device, regardless of whether an employee is subsequently compensated for the time worked.

**Retaliation:** Adverse actions or harassment against an individual as a result of his/her actions in making a good-faith report under this policy, assisting in the investigation of such a report, or opposing violations of this policy generally.

**Work** – Any activity that an employee is required, requested, or permitted to perform in the interest of UMass Memorial or for UMass Memorial's benefit.

### Required Criteria for Procedure

All non-exempt employees and their managers are required to comply with this Policy. A suspected violation (either an employee working off-the-clock or a manager requiring or permitting work off-the-clock) should be reported to Human Resources or Ethics Point at 744-744-9212. All reported violations will be investigated promptly and thoroughly. Any employee found to have violated this Policy will be subject to discipline, up to and including termination.

Non-exempt employees are responsible for recording all time worked and for not working off-the-clock. Non-exempt employees must clock or sign in before beginning work and clock or sign out when no longer performing work.

### **MEAL BREAKS**

If a non-exempt employee's meal period is interrupted or missed for any reason such that the employee does not receive a 30-minute, uninterrupted meal period during a shift where the employee works more than six (6) consecutive hours, it is the employee's responsibility to report the missed or interrupted meal period. A non-exempt employee whose meal period is interrupted or missed, and who did not waive their right to a meal break in writing prior, must notify their manager before the end of their shift. If the non-exempt employee reports time using an electronic time reporting system, the employee should select "no" when prompted "I took a 30-minute uninterrupted meal break" when swiping out on the electronic time clock at the end of work so that the missed meal period can be recorded and compensated properly.

### **WORKING "OFF-THE-CLOCK":**

Non-exempt employees may not work off-the-clock at any time, even if a manager asks the employee to do so. No one is authorized to instruct any non-exempt employee to work off-the-clock, and any manager found to have done so may be subject to discipline, up to and including termination.

Examples of prohibited off-the-clock work by a non-exempt employee include but are not limited to:

- Performing work before the employee has clocked/signed in or after the employee has clocked/signed out;
- Performing work during the employee's meal period where the employee has not waived their right to the meal period and does not report the missed or interrupted meal period;
- Performing work remotely and not reporting the time spent working;
- Sending or responding to work-related e-mails and not recording the time spent doing so; and
- Time spent traveling from one work location or another but not recorded (commuting time does not apply).

If a non-exempt employee performs work while not clocked/signed in, they must keep track of their time worked and immediately report that time in writing to their manager as soon as practical. If a non-exempt employee determines they were not paid for any work that was reported to the employee's manager, they should follow the reporting procedure set forth below.

### **REPORTING OF VIOLATIONS:**

It is a violation of UMass Memorial policy for anyone to instruct or encourage a non-exempt employee to work off-the-clock, to incorrectly report or fail to report hours worked, or to alter an employee's time records. An employee aware of anyone instructing or encouraging others to incorrectly report hours worked, work off-the-clock, or to alter another employee's time records, or aware of any other possible

deviation from this Policy should immediately notify Human Resources, the [payroll office](#), or call the EthicsPoint confidential reporting line at 744-744-9212. General questions or concerns about pay or pay stubs should be directed to the [payroll office](#).

UMass Memorial prohibits taking negative action against any employee who reports in a good faith a possible violation of this Policy or who cooperates in an investigation into possible violation of this Policy. Any employee who retaliates against another employee for reporting in good faith a possible deviation from this Policy or for cooperating in an investigation will be subject to discipline, up to and including termination.

**INVESTIGATION AND APPROPRIATE ACTION:**

UMass Memorial will investigate promptly and thoroughly any report of a possible violation of this Policy. If UMass Memorial determines that a violation of this Policy has occurred, it will take appropriate remedial action.

**No changes to this policy may be made in isolation or independently.**

**Entity/Department Specific Procedures**

N/A

**Supplemental Materials**

[Non-Retaliation/Non-Retribution](#)

**References**

N/A