



**STATE OF MONTANA
DEPARTMENT OF CORRECTIONS
POLICY DIRECTIVE**

Policy No. DOC 1.3.8	Subject: EMPLOYEE TIME MANAGEMENT
Chapter 1: ADMINISTRATION AND MANAGEMENT	Page 1 of 3 and Attachment
Section 3: Human Resources	Effective Date: March 1, 1997
Signature: /s/ Mike Batista, Director	Revised: 07/27/2015

I. POLICY

The Department of Corrections follows uniform procedures for administering leave, overtime compensation, and nonexempt compensatory time, and complies with the Fair Labor Standards Act (FLSA), Montana's Wage and Hour Laws, and applicable Montana Operations Manual standards, administrative rules, and state statutes.

II. APPLICABILITY

All divisions, facilities, and programs Department-owned and contracted, as specified in contract.

III. DEFINITIONS

Overtime – Hours worked by a nonexempt employee which exceed forty (40) hours within the established workweek beginning at 12:01 a.m. Saturday and ending at midnight Friday and subject to a premium rate which is one and one-half (1-1/2) times the employee's regular hourly rate of compensation.

IV. DEPARTMENT DIRECTIVES

A. General Timekeeping Requirements

1. All employees are required to record time worked on the MINE system after the last shift of the pay period, employees without access to the MINE system will record time on a time sheet issued by the payroll office.
2. Supervisors are responsible for the following:
 - a. submit time records based on the supervisor's knowledge of hours worked, if an employee fails to submit a time record, the employee is responsible for notifying the agency of necessary corrections after submission;
 - b. verify employee's hours worked prior to approving time records; and
 - c. approve or deny requests for leave in writing; e-mail responses are acceptable.
3. Department employees who wish to apply for any type of leave must request it from their immediate supervisors in advance, according to the practice established by the supervisor.

B. Types of Leave

1. Leave will be accrued and administered in compliance with Montana Operations Manual (MOM) policies according to the following:
 - a. annual vacation leave in compliance with *MOM Annual Vacation Leave Policy*;

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- b. sick leave in compliance with *MOM Sick Leave Policy* including the following requirements:
 - 1) employees required to provide medical documentation/release associated with the use of sick leave must provide documentation to substantiate the use of sick leave;
 - 2) supervisors will approve sick leave requests for physician/licensed practitioner appointments 24-48 hours in advance, unless the appointment is of an emergency nature, with amount of sick leave approved based on type of appointment and geographical location; and
 - 3) employees who fail to request sick leave as required by this will be denied the use of paid leave for the day(s) in question and will be subject to progressive disciplinary action unless the failure to request leave is attributable to circumstances beyond the employee's control;
- c. maternity and parental leave in compliance with *MOM Maternity and Parental Leave Policy*;
- d. disability leave;
- e. disaster and emergency leave in compliance with *MOM Disaster and Emergency Leave Policy*;
- f. military leave in compliance with MOM, FMLA, USSERRA, MTSERA and the *Department of Administration (DOA) Paid Military Leave in Montana Guide* including the provision of weekend training drills, whenever possible, military reserve employees must provide the annual schedule of drills to the appropriate supervisor;
- g. jury duty and witness leave in accordance with *MOM Jury Duty and Witness Leave Policy*;
- h. holidays, holiday benefits, and holiday pay in compliance with *MOM Holiday Policy*;
- i. leave of absence without pay in compliance *MOM Leave of Absence Without Pay Policy* including the following requirements:
 - 1) may be granted for good and sufficient reason, such as extended illness, family emergency, or continuing education of benefit to the Department and after all other appropriate earned leave has been exhausted; and
 - 2) an employee may not be required to use annual leave or FLSA compensatory time for an illness; and
- j. Family Medical Leave Act (FMLA) leave in compliance with *MOM Family and Medical Leave Policy* and *DOA Family and Medical Leave Act Guide*.

C. Overtime and Nonexempt Compensatory Time

- 1. Supervisors must consider the following prior to approving overtime/compensatory time:
 - a. the employee's exempt or nonexempt classification under the FLSA;
 - b. the first 40 hours of paid time in any workweek between 12:01 a.m. Saturday and midnight Friday are regular hours; and
 - c. a supervisor may, according to *MOM Overtime and Nonexempt Compensatory Time Policy*, adjust an employee's work schedule or require an employee to take time off without pay to maintain a 40-hour week.
- 2. Due to unfunded liability, employees are limited to 60 hours of accrued nonexempt compensatory time. If an employee will exceed accrual limits in a payroll period,

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- overtime is paid unless the supervisor and employee have agreed upon larger accrual limits in a written and signed agreement submitted to the Business Management Services Division, Payroll Section, the agreement must include the following:
- a. justification for accrual beyond 60 hours;
 - b. the maximum limit of accrual approved is 120 hours;
 - c. the balance will be reduced to or below 60 hours within the current biennium; and
 - d. language allowing the Department to pay out the accrued balance or modify the agreement at any time.
3. Employees will request and obtain approval for any hours worked outside the regularly scheduled shift in advance.
 4. Prior to an employee transferring or promoting to a FLSA exempt position all non-exempt compensatory time will be paid out at the employee's current rate of pay.
 5. A supervisor will administer FLSA exempt and non-exempt compensatory time in accordance with *MOM Overtime and Nonexempt Compensatory Time Policy*.

V. CLOSING

Provisions of this policy not required by statute will be followed unless the provisions conflict with negotiated labor contracts, which will take precedence to the extent applicable.

Questions concerning this policy should be directed to a payroll specialist or to the Office of Human Resources.

VI. REFERENCES

- A. *The Fair Labor Standards Act of 1938, Title 29 U.S.C, Chapter 8, Sections 201-219, as amended*
- B. *Montana Operations Manual (MOM)*
- C. *Department of Administration, State Human Resource Division Guides: Paid Military Leave in Montana Guide and Family and Medical Leave Act Guide*
- D. *FMLA, USSERRA, MTSERRA and the State of Montana Military Leave Guide FMLA Federal Regulations Part 825*

VII. ATTACHMENT

[Directions to Support the Electronic Time Sheet](#)