

**STATE OF MARYLAND
JUDICIARY**

Policy on Positive Time Reporting

I. PURPOSE

The purpose of this policy is to establish procedures for the accurate accounting of hours worked by employees, employee leave, and completion of the employee Time and Attendance Report.

II. DEFINITIONS

- A. Bi-weekly Time and Attendance Report** – The time sheet on which regular employees and Masters record time worked and leave taken, and submitted to the supervisor and time record coordinator or unit director on a bi-weekly basis.
- B. Contractual Employee** – Any person whose condition of employment and compensation are specified in a personal services contract.
- C. Contractual Time Report** – The record on which contractual employees and/or on-call commissioners enter time worked and that is submitted to the supervisor and time record coordinator or unit director on a bi-weekly basis.
- D. Exempt Employee** – An employee exempt from the overtime provisions of the Fair Labor Standards Act.
- E. Leave** – An absence from work, with a minimum use rate of 0.1 hour (at least six minutes).
- F. Non-Exempt Employee** – An employee covered by the overtime provisions of the Fair Labor Standards Act.
- G. Overtime** – Hours worked in excess of 40 hours in a workweek. Generally, credit for hours worked includes paid leave. To get credit for hours worked in excess of an employee's normal work day on a day when leave is taken for any part of the day, the employee's excess hours must exceed the amount of leave taken. *Commissioners may be excluded from*

earning overtime in some cases and should consult with the Administrative Commissioner or the Coordinator of Commissioner Activity for clarification of overtime provisions for Commissioners.

- H. **Regular Employee** – Any person holding a position funded under an approved budget and having an assigned Position Identification Number (PIN), not including contractual and temporary positions, and those held by Judges, Masters, and Law Clerks.
- I. **Temporary Employee** – Any person whose condition of employment is short-term (less than one year), whose compensation is not specifically budgeted, and is not governed by a personal services contract.
- J. **Temporary Time Report** – The record on which temporary employees enter time worked and that is submitted to the supervisor and time report coordinator or unit director on a bi-weekly basis.
- K. **Time Report Coordinator** – The unit director or a designated person selected by the unit director who serves as the point of contact for the Payroll/Leave Accounting Unit (**PLU**) of the Human Resources Department.

III. SCOPE

This policy applies to all regular, contractual, and temporary employees of the Maryland Judiciary, except Law Clerks.

IV. POLICY STATEMENT

The reporting of time worked and time-off is regulated by this policy. Regular, contractual, and temporary employees are required to report time worked, time earned (e.g. overtime, compensatory time) and time-off.

V. HOURS OF WORK

An employee's supervisor and/or Administrative Official have the authority to set the employee's work hours. Those hours are subject to change at any time at the discretion of the supervisor and/or Administrative Official. The employee will be given notice of at least five working days of any such change. The five-day notice is not required, however, if the change is being made as a result of a disciplinary action or due to the immediate business interests of the employee's unit.

The normal payroll workweek is 12:01 a.m. Wednesday through midnight on Tuesday. Bi-Weekly Time and Attendance Reports and Contractual Time Reports must reflect a combination of a minimum of 8.0 hours worked per day or leave taken for a minimum of 40.0 hours for the respective workweek. If the employee works part-time or an alternative work schedule, the time report should accurately reflect those hours.

If an employee is working an approved alternative work schedule and the employee's regularly scheduled non-work day falls on a holiday, the employee will earn compensatory leave for that day. (Please refer to the *Policy on Alternative Work Schedules* for more information.)

Time spent traveling to and from training sessions or other approved events counts as hours worked when occurring outside normal work hours, and should be compensated accordingly. For example, if an employee is to attend a training session or other approved event starting on Monday morning, and the employee, with authorization, leaves for that event on Sunday, the employee will be credited with hours worked for the time spent traveling to the event. Non-Exempt employees are to be compensated in cash (Calculated at the rate of time and one-half) for all hours worked in excess of 40 hours in a work week unless otherwise determined in advance by the Administrative Official, the respective Chief Judge, or the State Court Administrator, whomever is appropriate. Exempt employees are to be compensated with compensatory leave in accordance with Section V, E of the *Policy on Leave*.

VI. TIME AND LEAVE REPORTING PROCEDURES

A. Regular Employees – Bi-weekly Time and Attendance Report

Regular employees and Masters shall record all time worked and time off on a pre-printed Bi-weekly Time and Attendance Report on a daily basis. Each employee is responsible for accurately completing the report, which depicts hours worked, leave earned, and leave taken. It should be completed legibly using a ball point pen. The employee signs and dates the report, attaches appropriate documentation (doctor's notes, etc.), and submits it to the supervisor, time report coordinator, or unit director (whichever is appropriate for the respective office) on or before the deadline as prescribed for that office. The supervisor, time report coordinator, or unit director should retain this documentation for his/her file.

All time should be designated in terms of decimal hours (e.g., $\frac{1}{2}$ hour = .5 hours, $1\frac{1}{2}$ hours = 1.5 hours). Any correction made to the report after it

has been submitted to the supervisor, time report coordinator, or unit director should be initialed by the employee.

Failure to comply with the procedure may result in pay errors, as well as pay or leave delays.

B. Contractual Employees – Judiciary Contractual Time Report

Unless otherwise stipulated by the personal services contract, contractual employees are expected to work a minimum of 8.0 hours per day for a minimum of 40 hours per week. Each employee is expected to complete a Judiciary Contractual Time Report, which depicts hours worked.

All time should be designated in terms of decimal hours (e.g., $\frac{1}{2}$ hour = .5 hours, $1 \frac{1}{2}$ hours = 1.5 hours). The employee signs the report and submits it to the supervisor, time report coordinator, or unit director (whichever is appropriate for the respective office) on or before the deadline as prescribed for that office. **Supervisors must indicate on the contractual time report the employee's eligibility for holiday pay and/or paid time off for that pay period.** (Please refer to the *Policy on Leave* and the *Policy on Contractual Positions* for eligibility standards.) Any correction made to the report after it has been submitted to the supervisor, time report coordinator, or unit director should be initialed by the employee.

Exempt and non-exempt contractual employees are paid for hours worked and do not earn leave. Eligible contractual employees may be granted up to five days of paid time off during a leave year. (Please refer to the *Policy on Contractual Positions*.)

Failure to comply with the procedure may result in pay errors as well as pay delays.

C. On-Call Commissioners

On-call commissioners should record their availability for work, shift differential, and overtime on a Judiciary Contractual Time Report as instructed by the Administrative or Managing Commissioner.

D. Temporary Employees – Judiciary Temporary Time Card

Unless otherwise stipulated, temporary employees are expected to work a minimum of 8.0 hours per day for a minimum of 40 hours per week. Each

employee is expected to complete a Judiciary Temporary Time Report, which depicts hours worked.

All time should be designated in terms of decimal hours (e.g., $\frac{1}{2}$ hour = .5 hours, $1 \frac{1}{2}$ hours = 1.5 hours). The employee signs the report and submits it to the supervisor, time report coordinator, or unit director (whichever is appropriate for the respective office) on or before the deadline as prescribed for that office. Any correction made to the report after it has been submitted to the supervisor, time report coordinator, or unit director should be initialed by the employee.

Failure to comply with the procedure may result in pay errors as well as pay delays.

VII. APPROVAL OF TIME WORKED

All hours worked in excess of the employee's normal workday must be approved by the supervisor and/or unit director in advance. However, unusual circumstances may arise when an employee must exercise sound judgment in working excess hours without approval. To ensure supervisory control, the unit director should establish operational procedures to address out-of-the-norm situations.

Discretion should be exercised by the supervisor or unit director when approving time worked beyond the employee's normal workday. Consideration should be given to alternative methods, such as support from another unit during business hours and/or the temporary reassignment of internal staff. Factors affecting the decision include: reasons for working the excess hours, office needs vs. employee needs, and work priorities.

Permission to work excess hours is not granted automatically to employees upon request, but is granted based on the supervisor's or unit director's identification of actual operational needs. Monitoring of excess hours to ensure that end results are being met is a must.

Note: To get credit for hours worked in excess of an employee's normal workday on a day when leave is taken for any part of the day, the employee's excess hours must exceed the amount of leave taken.

VIII. APPROVAL OF LEAVE USAGE FOR REGULAR EMPLOYEES AND PAID TIME-OFF FOR CONTRACTUAL EMPLOYEES

The supervisor or unit director has the authority to control when leave or time-off

is taken by regular and contractual employees, based on the operational needs of the office. While supervisors or unit directors are encouraged to grant leave or time-off when requested, the needs of the office and, more specifically, the department, must be a key factor in the decision. Prior to granting such requests, the supervisor or unit director should take into account available staff for sufficient coverage and work priorities.

Monitoring leave usage and time-off to identify trends which may lead to abuse is the responsibility of the immediate supervisor. The employee's activity depicted on the Time and Attendance Report or Contractual Time Report is the key source for tracking leave, absences, and/or tardiness.

IX. TIME REPORT SUBMISSION

A. Regular Employees

The Bi-weekly Time and Attendance Report shall be submitted to the PLU no later than 12:00 p.m. on the Wednesday immediately following the last day of the pay period. Local submission and approval procedures must be in place that will ensure submission to the PLU in a timely manner._

B. Contractual Employees

Contractual Time Reports shall be submitted to the PLU no later than 12:00 p.m. on the Wednesday immediately following the last day of the pay period. Local submission and approval procedures must be in place that will ensure submission to the PLU in a timely manner._

C. On-Call Commissioners

Time reports should be submitted as instructed by the Administrative or Managing Commissioner.

D. Temporary Employees

Temporary Time Reports shall be submitted to the PLU no later than 12:00 p.m. on the Wednesday immediately following the last day of the pay period. Local submission and approval procedures must be in place that will ensure submission to the PLU in a timely manner.

Note: When a holiday falls within a pay period, the PLU will notify each office regarding early time report submission.

X. Lunch

Lunch breaks are considered time not worked and, therefore, time not paid. Commissioners do not get lunch breaks.

It is discretionary on the part of each office to grant either a ½-hour or a 1-hour lunch break. All employees, regardless of the length of the lunch break, must work 8.0 hours, unless the employee works part-time or an alternative work schedule. A lunch break is not to be considered a viable leave option, and employees are expected to take their allotted lunch breaks, unless otherwise authorized by the supervisor.

XI. REQUIRED DOCUMENTATION

All regular employees are required to attach attendance related documentation to their time reports. The supervisor or unit director shall retain all documentation relevant to attendance, such as doctor's notes, jury duty verification, military orders, etc., for at least three years. For purposes of confidentiality, such documentation should not be forwarded to the PLU. Also, leave approval slips should not be forwarded.

XII. LEAVE DISPUTES

The Bi-Weekly Time and Attendance Report will reflect a regular employee's leave history. This information is pre-printed on the report and is generated by the PLU. Contractual and temporary employees do not earn paid leave and, therefore, the respective time reports do not include this information.

Disputes and questions pertaining to the leave activity reflected on the time report should be submitted in writing to the supervisor or unit director by the end of the new report period whenever possible. The inquiry should include: the pay period in question, the category being disputed, the reason for the dispute or question, and documentation to support the claim.

The supervisor or unit director will coordinate efforts, if necessary, with the PLU to resolve all such disputes.

XIII. CORRECTING ERRORS – PREVIOUS PAY PERIODS

To correct an error on a Bi-Weekly Time and Attendance Report, a Contractual Time Report, or a Temporary Time Report previously submitted to the PLU, please complete the adjustment section of a subsequent report indicating the information to be changed.

Problems and questions pertaining to the time reports or leave matters shall be

addressed with the supervisor, time report coordinator, or unit director who then, if necessary, will contact the PLU for assistance.

XIV. HUMAN RESOURCES RESPONSIBILITY

The PLU shall maintain the time reports and leave information.

On a bi-weekly basis, leave reports will be generated for regular employees. These reports, to be maintained by the PLU, will depict such information as:

- Employee leave history
- Leave activity, by employee
- Time report edits
- Adjustments
- Sick occurrences

XV. INTERPRETIVE AUTHORITY

The Judiciary Human Resources Department, in consultation with other parties as appropriate, is responsible for the interpretation of this policy.