DEPARTMENT OF CORRECTIONS

Policy Number:	**103.030**
Title:	**Designation of the Work Week**
Effective Date:	**6/16/20**

PURPOSE: To designate a standard work period for all non-exempt employees in accordance with the Federal Fair Labor Standards Act (FLSA), and ensure any changes to the days or hours of work or length of the work day comply with the terms of the applicable labor agreement or plan.

APPLICABILITY: All non-exempt employees

DEFINITIONS:
Non-exempt employees – all employees who work in positions covered by the minimum wage, overtime payment, record keeping, and child labor provisions of the Fair Labor Standards Act (FLSA).

7(k) law enforcement exemption of FLSA – a partial overtime pay exemption that applies to some DOC employees, including corrections officers and fugitive specialists, which allows greater flexibility for designating the work period from seven to 28 consecutive days in length.

Standard work period – Wednesday through Tuesday of the following week, unless otherwise designated in writing by the appointing authority.

PROCEDURE:

A. Human resources (HR) staff send all new employees employment offer letters that notify them of their Fair Labor Standards Act (FLSA) designation (exempt or non-exempt) and their standard work period. HR staff retain copies of the offer letters in their personnel files. Employees work the standard work period unless notified in writing of a different work period.

B. The appointing authority may make changes to the standard work period in accordance with the FLSA and applicable labor agreement or plan, and in consultation with HR to ensure compliance.

C. Non-exempt employees may request to adjust their work time within the designated work period consistent with collective bargaining unit language and with prior approval from their supervisors.

D. Some non-exempt employees working under the 7(k) law enforcement exemption may have a designated work period that is longer than the standard work period.

E. The supervisor or designee must communicate in writing to the affected employee any change to the standard work period, using the FLSA Work Period form (attached).
   1. The supervisor or designee must send copies of the FLSA work period form and any attachments to HR and to payroll in financial services.

   2. HR retains a copy in the affected employee's personnel file.

   3. The appointing authority notifies corrections officers who bid position-to-position of the bid results electronically through iShare. Records must be retained for 21 calendar days in HR.

4. Electronic notices are retained for 21 calendar days in HR.

INTERNAL CONTROLS:

A. Changes to the designated FLSA work period and work schedule notifications are in writing and copies are retained in the employee's personnel file.

B. Corrections officers who bid position-to- position are notified of bid results electronically by iShare, and the electronic notices are retained in HR for 21 days.

ACA STANDARDS: 1-ABC-1C-02 (BP 16); 4-4048 (BP 5); 4-JCF-6D-10 (BP 2); 4-JCF-6D-01 (BP15); 4-APPFS-3E-02 (BP 6)

REFERENCES: Collective bargaining agreements

REPLACES: Policy 103.030, "Designation of the Work Week," 7/1/19.
All facility policies, memos, or other communications whether verbal, written, or transmitted by electronic means regarding this topic.

ATTACHMENTS: FLSA Work Period Form (on HR iShare forms site)

APPROVED BY:
Deputy Commissioner, Community Services
Deputy Commissioner, Facility Services
Assistant Commissioner, Operations Support
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