

City of Mission Viejo Personnel Policy

Subject: HOURS OF WORK - Non-Exempt Employees

Purpose:

To establish work hours, breaks and meal periods.

Related Policies:

Attendance - Non-Exempt Employees

Overtime

Standby

Time Worked

Policy:

1. Breaks not to exceed ten (10) minutes may be taken in approximately the middle of each four (4) hours of scheduled work.
 - a. An employee may not accumulate breaks to be taken at a later time.
 - b. Unused breaks may not be used to make up tardiness or to shorten the workday of an employee.
2. Meal periods are provided for non-exempt employees scheduled to work at least six (6) hours in a day. Non-exempt employees working a minimum of six (6) hours per day will be scheduled for a minimum thirty (30) minute unpaid meal period. Non-exempt employees working eight (8) hours per day will be scheduled for a one (1) hour unpaid meal period. Department heads may, at their discretion, schedule meal periods for non-exempt employees working less than six (6) hours per day. Scheduling of meal periods shall take into consideration the employees work schedule and shall not result in unauthorized overtime work. Employees who are eligible for meal periods are expected to take them.

As an exception to the Meal Period provision of this policy, a department head, or designee, may schedule a non-exempt employee to work hours that does not include a meal period. In this situation, the non-exempt employee will be required to remain on City premises and take all breaks and/or meal periods on the work site, while remaining available to the public.

3. Workweek Defined: The workweek for a non-exempt employee shall consist of seven (7) consecutive days beginning at 12:00 a.m. on Saturday and ending at 11:59 p.m. on Friday.
4. The usual work schedule for non-exempt employees is Monday through Friday from 8:00 a.m. to 5:00 p.m. A department head, or a designee, may establish

alternative work hours for an organizational unit or individual employees to meet the service needs of the public, with the approval of the City Manager or a designee.

5. If a non-exempt employee responds to a City matter by telephone after his/her normal work schedule the following shall apply:
 - a. If the employee is able to respond to the matter by telephone and does not physically respond to a City work location, the employee shall receive a minimum of 15 minutes of compensation for the first call received during any off-duty period. Subsequent calls occurring after the initial 15 minutes during the same off-duty period will be compensated based upon the actual time spent on the calls. Further telephone calls occurring within that same 15 minutes shall be considered part of the continuous working time included in the first 15 minutes.
 - b. It is the employee's responsibility to document the time spent on such calls. This documentation shall consist of the date and time of the call(s); the person spoken with and the company or organization; the purpose or nature of the call; and the amount of time spent on the telephone call(s). This documentation shall be approved by the employee's supervisor.
 - c. Time spent answering and responding to telephone calls as described under this policy will be considered actual hours worked for purposes of calculating overtime.
 - d. If the time spent on telephone calls results in overtime pay, the employee may request to convert this time to Compensatory Time Off. The employee's department head shall have the authority to approve or deny the conversion request.
 - e. Compensation earned under this section shall be in addition to any other compensation, including On-Call Duty and Callback Pay, to which the employee is otherwise entitled.
6. If a non-exempt employee accesses the City's email system or performs any other City work via the computer after his/her normal work schedule, the following shall apply:
 - a. The employee shall be compensated either a minimum of 15 minutes or the actual amount of time spent performing this work, whichever is greater, for the first time the City's email system or the internet is accessed for City business during any off-duty period. Subsequent e-mail or internet access occurring after the initial 15 minutes during the same off-duty period will be compensated based upon the actual time spent on the access. Further access occurring within that same 15 minutes shall be considered part of the

continuous working time included in the first 15 minutes.

- b. The employee must obtain his/her department head's approval prior to accessing the City's e-mail system or performing any other work via the internet after his/her normal work schedule.
 - c. It is the employee's responsibility to document the time spent on these tasks and to properly report this on their time card. This documentation shall consist of the date and time of the access to either e-mail or the internet; the reason for accessing either e-mail or the internet; and the amount of time spent on these tasks. This documentation shall be approved by the employee's supervisor.
 - d. Time spent accessing the City's e-mail system or performing other City tasks via the internet as described under this policy will be considered actual hours worked for purposes of calculating overtime.
 - e. Compensation earned under this section shall be in addition to any other compensation, including On-Call Duty and Callback Pay, to which the employee is otherwise entitled.
7. Abuse of breaks and meal periods may be cause for disciplinary action up to and including termination.
8. A department head may establish a flextime work schedule for his/her employees. Flextime allows an employee to vary his/her work hours within a specified period of time each day, provided that a specified period of hours is worked each day. A proposed flextime schedule must be in writing and approved by the City Manager, or a designee, before it is implemented.

Approved: By City Manager – December 8, 1989.

Revised: By City Manager – July 17, 2000.

Revised: By City Manager – October 3, 2007