

Chapter 4: Hours and Attendance

4.01 Working Hours

The City of Toledo's basic workweek runs **Sunday at 12:01 a.m. through Saturday at midnight**. The standard work schedule for most full-time employees is **Monday through Friday, 8:00 a.m. to 4:30 p.m.** A normal workweek for regular full-time employees consists of **forty (40) hours**. Different work schedules and/or workweeks may be established upon the recommendation of the department head and approval of the Mayor.

Each employee's supervisor will advise them of their assigned work schedule.

Breaks and Meal Periods Policy

1. Rest Breaks:

- Non-exempt employees are entitled to **one paid 10-minute rest break** for every **four hours worked**.
- Breaks should be scheduled **as close to the midpoint** of the work period as possible.
- Employees may not **waive** rest breaks to shorten their workday or **combine them** with meal breaks.

2. Meal Breaks:

- Employees working more than **five hours** must take a **minimum 30-minute unpaid meal break**.
- Meal breaks should be **uninterrupted and duty-free**.
- If the total work period is between **five and six hours**, the meal break may be **waived by mutual agreement** between the employer and employee.

3. Break and Meal Scheduling:

- Breaks must be **scheduled to minimize disruption** to City operations and public service.
- Rest breaks may **not be combined** with meal breaks or used to leave work early.

4. Compliance:

- This policy aligns with **RCW 49.12.010** and **WAC 296-126-092**, which regulate employee rest and meal breaks in Washington State.

- **Supervisors are responsible** for ensuring compliance with these break requirements.
-

4.02 Flexible and Alternate Work Schedules

A **flexible work schedule** allows for **adjusted start and end times** while maintaining the required number of work hours. Requests for flexible work schedules **must be approved** by the Clerk and approved by the Mayor.

An approved flexible work schedule may be **revoked at any time without notice** depending on departmental needs.

4.03 Overtime & Compensatory Time

Overtime Policy for Non-Exempt Employees

Policy Statement: The City of Toledo is committed to complying with federal and Washington State laws regarding overtime compensation. This policy outlines the guidelines for compensating non-exempt employees for overtime work.

Definitions:

- **Non-Exempt Employees:** Employees who are entitled to overtime pay under the Fair Labor Standards Act (FLSA) and Washington State law.
- **Workweek:** A fixed and regularly recurring period of 168 hours—seven consecutive 24-hour periods. For the City of Toledo, the workweek begins at 12:00 a.m. on Sunday and ends at 11:59 p.m. on Saturday.

Overtime Eligibility: Non-exempt employees are eligible for overtime compensation for all hours worked over 40 in a seven-day workweek. Overtime is compensated at one and one-half times the employee's regular rate of pay.

Overtime Authorization: All overtime must be authorized in advance by the employee's supervisor. Unauthorized overtime may result in disciplinary action.

Calculation of Overtime: Overtime pay is calculated based on hours actually worked over 40 in a workweek. The following are not considered hours worked for the purpose of calculating overtime:

1. Paid leave, including sick leave, holidays, vacations, bereavement leave, and weather-related emergency days.
2. Jury duty.
3. Meal periods of 30 minutes or longer where the employee is relieved of duties.

4. On-call time where the employee is not required to remain on the employer's premises and is merely required to leave contact information.
5. Sleeping time up to eight hours in tours of duty of 24 hours or longer.
6. Travel time during non-working hours unless work is performed while traveling.
7. Time before, after, or between regular working hours unrelated to principal activities.
8. Normal commuting time between home and work unless duties are performed during commuting.
9. Voluntary training or schooling outside of regular working hours.
10. Non-duty time when residing in employer-provided housing.
11. Scheduled time between split shifts sufficient for personal activities.

Emergency Overtime: In emergency situations requiring work outside normal working hours, the City Administrator may authorize overtime compensation at one and one-half times the regular rate for those hours, regardless of the total hours worked during the week.

Compensatory Time: In lieu of overtime pay, non-exempt employees may receive compensatory time off at a rate of one and one-half hours for each hour of overtime worked, subject to prior agreement and compliance with applicable laws and regulations.

Compliance: This policy is intended to comply with the Fair Labor Standards Act (FLSA) and the Washington Minimum Wage Act (WMWA). Any provisions not explicitly outlined in this policy shall be governed by applicable federal and state laws.

Compensatory Time (Comp Time) Policy

To manage the City's financial liabilities effectively, the following guidelines are established regarding compensatory time (comp time) for non-exempt employees:

1. **Maximum Accrual:** Employees may accrue up to a maximum of 40 hours of comp time. This limit helps prevent the accumulation of excessive unfunded liabilities for the City.
2. **Scheduling and Usage:**
 - Employees are encouraged to schedule the use of accrued comp time within 60 days of earning it. Scheduling should be coordinated with and approved by the employee's supervisor to ensure it aligns with departmental needs.
 - If an employee is unable to use the accrued comp time within the 60-day period, they must seek a written extension from the City Administrator.
3. **Overtime Compensation:**
 - If accrued comp time is not used within the specified 60-day period and no extension has been granted, or if the comp time accrual exceeds the 40-hour maximum, the excess comp time will be paid out as overtime compensation at the employee's current overtime rate.
4. **Annual Review:**
 - The City will conduct an annual review of each employee's comp time accruals at the end of the fiscal year. This review ensures compliance with the accrual limits and assists in budget preparation for the upcoming year.

Compensatory Time (Comp Time) Policy

To effectively manage **the City's financial liabilities**, the following **compensatory time** (comp time) guidelines apply:

1. Maximum Accrual:

- Employees **may not accrue more than 40 hours** of comp time.

2. Usage & Scheduling:

- Employees **must schedule comp time use within 60 days** of accrual.
- In lieu of overtime pay, non-exempt employees may receive compensatory time off at a rate of one and one-half hours for each hour of overtime worked, subject to prior agreement and compliance with applicable laws and regulations.
- Scheduling is subject to **supervisor approval** based on departmental needs.
- If an employee **cannot** use comp time within 60 days, they **must request a written extension** from the City Administrator.

3. Overtime Compensation:

- If comp time **exceeds the 40-hour maximum** or is **not used within 60 days**, it will be paid out at **the current overtime rate**.

4. Annual Review:

- **Comp time balances** will be reviewed **at the end of the fiscal year** to ensure compliance and assist in **budget preparation**.

Exempt Employees & Overtime

Exempt employees are **not entitled** to overtime pay under the **FLSA**. They are compensated for fulfilling their job responsibilities, **regardless of hours worked**.

- Exempt employees **do not receive overtime pay**.
- **Absences of less than a full day** for personal reasons, illness, or disability **will not** result in pay deductions.

- **Overtime rules and exemptions** follow Washington State Department of Labor & Industries regulations.
-

4.04 Attendance

Employees are expected to **arrive on time and maintain reliable attendance**.

Reporting Absences:

- If absent, **notify City Treasurer before the shift starts** or **within 15 minutes** of the scheduled start time and request time in payroll software
- For absences extending beyond **one day**, employees **must contact the City Treasurer daily** for updates.
- All time off must be **entered into payroll software** for accurate payroll processing.
- If the supervisor is unavailable, **leave a message** in the payroll system.

Job Abandonment:

Employees absent **without notification for three (3) consecutive days or shifts** will be considered to have abandoned their job and may face **termination**, unless **good cause** is provided.

Disciplinary Action:

Violations may result in discipline **up to and including termination** for:

- Failure to report to work **without notice** or **insufficient notice**.
 - **Excessive absences** or **patterns of absenteeism** (e.g., frequent **Monday/Friday absences**).
 - **Excessive tardiness** or disruptions to City operations.
-

4.05 Unusual Weather Conditions

During inclement weather or natural disasters, employees are **expected to report to work** if safe to do so.

Reporting to Work:

- If unable to report due to severe weather, employees **must notify their supervisor** and use:
 - Vacation leave
 - Floating holiday
 - Comp time
 - Leave without pay
- Non-emergency employees arriving **within two hours** of their scheduled time **will be paid for the full day**.
- If tardy **beyond two hours**, employees must use **comp time or vacation leave**.

City Closures:

If the City **sends employees home early** or **cancels work** due to weather, employees **will be paid their regular wages**.

4.06 Call-Back Policy

- **Employees may be called back** to work in emergencies or as needed for public services.
- **Non-exempt (FLSA-covered) employees** will be paid at their **regular rate**, with **overtime applied as required by FLSA or union contracts**.
- Employees are **expected to respond** when called back to duty.

4.07 Use of Cell phones

Purpose

To establish guidelines for the use of personal cell phones during work hours to ensure productivity, maintain professionalism, and protect the integrity of city operations.

Scope

This policy applies to all employees of the City of Toledo during their scheduled work hours, including those operating city-owned or personal vehicles while on city business.

1. Personal Cell Phone Use During Work Hours

- Employees are expected to refrain from using personal cell phones while on duty.
- Personal cell phones should be stored out of sight during work hours to minimize distractions.

2. Personal Calls and Text Messages

- Personal calls and text messages should be made or responded to during designated break times.
- In case of emergencies, employees may step outside the workplace to make or receive calls or text messages.
- Texting at the desk or workstation while on the clock is prohibited.

3. Use of Personal Devices for Work Purposes

- Employees are discouraged from using personal devices for work-related communications to ensure compliance with public records retention requirements.
- If work-related communication via personal devices is necessary, employees must ensure such communications are properly documented and retained in accordance with the Washington State Public Records Act.

4. Compliance with Public Records Act

- Employees should be aware that work-related texts and voice messages on personal cell phones are public records subject to the Public Records Act. Employees have a duty to maintain such records in accordance with the Washington Local Government Record Retention Schedules.

5. Cell Phone Use While Driving

- Washington State law prohibits the use of handheld wireless devices, such as cell phones, while driving.
- Text messaging and other forms of messaging, such as email, are strictly prohibited while driving.
- Employees operating city-owned or personal vehicles for city business must comply with the Washington State hands-free law.
- Violations of this section may be grounds for discipline as outlined in Chapter 10 of the City Employee Handbook.

6. Disciplinary Actions

- Violations of this policy may result in disciplinary action, up to and including termination of employment.

Responsibility

All employees are responsible for adhering to this policy. Supervisors are responsible for monitoring compliance and addressing any violations appropriately.