



Arkansas Community Correction

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ADMINISTRATIVE DIRECTIVE: AD 17-39 Employee Timekeeping and Compensation

TO: Arkansas Community Correction (ACC) Employees

FROM: Sheila Sharp, Director

SUPERSEDES: AD 17- 26

APPROVED: _____ **Signature on file** _____ **EFFECTIVE:** October 24, 2017

- I. **APPLICABILITY.** This policy applies to all ACC employees.
- II. **POLICY.** All ACC positions are classified as exempt, nonexempt or 207(k) (7K) law enforcement exempt from the Fair Labor Standards Act (FLSA). Supervisors of nonexempt and 7K law enforcement employees are required to hold employees accountable to the established regular workweek standard unless overtime hours of work are necessary and approved to facilitate operations.
- III. **DEFINITIONS.**
 - A. **Banked Time.** Balance of accrued leave (annual, sick, overtime or holiday).
 - B. **Overtime.** Time physically worked in excess of 40 hours in a workweek for nonexempt employees and in excess of 86 hours in a 2-week pay period for 7K exempt employees.
 - C. **Straight Time.** Time physically worked up to 40 hours in a pay period for non-exempt employees and up to 86 hours in a pay period for 7K exempt employees.
 - D. **Promotion.** An employee's change in duty assignment from a position in one classification to a position in another classification of a higher salary grade within the same pay table.
 - E. **Demotion.** An employee's change in duty assignment from a position in one classification to a position in a lower classified position within the same pay table.

- F. **Transfer.** Transferring to another position within the state under the same job classification of title, grade, and pay as their current position or between pay tables.

IV. TIME KEEPING.

- A. **Time Sheets.** All time sheets must reflect the exact time the employee physically worked, any paid leave, and leave without pay.
- B. **Time Entry Requirements.** All employees must have ALL time entered by noon on the second Wednesday of each bi-weekly pay period. Supervisors are to have all leave and time approved by 8:00 a.m. the very next morning (Thursday). It is mandatory for employees to contact their local timekeeper with any time entry questions that would affect payroll after the noon deadline. Timekeepers are to verify time is entered for employees from their area/center and are to contact HRS with any time entry questions that would affect payroll.
- C. **Timekeeping Records.** Non-exempt and all 7K exempt employees must accurately complete and submit time sheets through Empowering Arkansas State Employees (EASE) in sufficient time for the timekeeper to meet the payroll schedule. All employees must complete leave request forms and comply with guidance in this policy.
- D. **Determining FLSA Designation.** FLSA designations for each position classification within the state Classification and Compensation Act are determined and assigned by OPM. If the FLSA designation of the position occupied by the employee is in question, the appropriate Deputy Director must contact the HRS Administrator and request a classification status review. The HRS Administrator will submit the Request for Review to OPM.
- E. **Non-Exempt.** Non-exempt employees are those whose functional job duties and responsibilities do not meet the FLSA exemption test and who are compensated with time on a multiple of their hourly rate of pay for overtime. All time sheets must reflect the exact time the non-exempt employee physically worked. Actual time physically worked above 40 hours in a scheduled workweek is accrued at the rate of time and one-half. The employee will be paid for overtime exceeding 240 hours.
- F. **Exempt.** Employees whose positions meet specific tests established by the FLSA and state law and are exempt from the FLSA overtime provisions requirements. Exempt employees are paid on an annual salary basis.
- G. **7K Law Enforcement (Partially Exempt).** Employees categorized as 7K law enforcement personnel are partially exempt from the FLSA and will record time based on a standard 14-day work period (80 to 86 hours). The partial exemption provides that employees are paid at their regular work schedule rate of pay for the first 80 hours they physically work. Those hours physically worked between 80 and 86 hours will be counted as 7K Exemption Gap and placed in the employee's banked 7K Exemption Gap account. Any time physically worked in excess of 86 in the 14-day work period is

counted at a rate of one and one half times and is banked in the employee's overtime account. The 7K exempt employee will be paid for overtime exceeding 480 hours.

H. Leave Records. Supervisors and timekeepers must ensure timekeeping records are forwarded to the new supervisor and timekeeper when an employee transfers, promotes or demotes to another position within the ACC. When an employee leaves the agency, leave records are to be maintained by the timekeeper under the records retention policy. All records are electronic after April 22, 2017.

I. Use of Banked Holidays, Straight Time, 7K Exemption Gap, and Overtime.

Overtime may only be worked with the approval of an Assistant Area Manager, Assistant Center Supervisor, staff supervisor, or higher. "Authorization to Work Overtime" form must be used to request overtime. Employees are required to use banked leave in the following sequence: holiday, overtime, 7K Exemption Gap, straight time, annual leave, and leave without pay (LWOP) unless an exception is permitted in this policy. If an employee requests annual leave, the timekeeper must check leave balances and charge leave in the same sequence. The timekeeper will correct the employee's time sheet. An employee who requests to use banked holidays, 7K Exemption Gap, straight time, overtime or annual leave may be permitted to do so within a reasonable period after making the request as long as it does not affect critical operations of the agency. The minimum amount of banked holiday, 7K Exemption Gap, straight time or overtime that can be requested is fifteen (15) minutes. If an employee is in danger of losing annual leave at the end of the year, a supervisor may allow the employee to use annual leave before using banked holiday, straight time, and overtime.

J. Leave Time. Benefit vs. Entitlement. Benefits consist of holidays, annual and sick leave. Entitlements are overtime, 7K Exemption Gap, and straight time. Under no circumstance must a benefit be converted into an entitlement by counting it toward the hours the employee physically works. For example, a non-exempt employee uses 8 hours sick leave on Monday, then physically works 10 hours on Tuesday, 9 hours on Wednesday, 8 hours on Thursday and 8 hours on Friday. The employee would have a total of 35 hours physically worked and 8 hours of sick leave for a total of 43 hours. Forty (40) hours is all that is required for the pay week; therefore, the number of sick leave hours charged must be reduced from 8 to 5. Timekeepers should inform the supervisor and employee of the necessary corrections and then make the appropriate changes to AASIS. Under no circumstance will 3 hours be added to the employee's banked straight time account.

V. COMPENSATION.

A. Upon Hire. The ACC will not transfer holidays, 7K Exemption Gap, straight time, or overtime from other State agencies.

B. Promotion. An employee who is promoted shall receive the maximum annual salary for which he or she is eligible as follows:

1. For a promotion to a position of a higher grade on the same pay table, the employee's maximum rate of pay shall be increased up to ten percent (10%).

2. An employee who upon promotion is receiving a rate of pay below the lowest entrance pay level established for the new grade will be adjusted to that lowest entrance pay level for that grade; however, an employee's rate of pay upon promotion cannot exceed the maximum pay level of the grade assigned to the classification.
3. When an employee promotes to a different agency or institution, the originating agency or institution must pay all accumulated compensatory time and overtime to the employee at the time of transfer.
4. Non-exempt employees promoting to an exempt classification must have all accumulated compensatory time and overtime paid at the time of transfer. Payment will be at the rate prior to promotion.

C. Job Series Promotions.

1. Correctional Officer (Residential Supervisors).

Only a CO I may become eligible to be promoted to a Corporal. This promotion will be processed following Human Resources' (HR) receipt of a Promotion Recommendation Form with authorized signatures. The authorized signatures verify that the CO I have met the following criteria:

- completed the one year probationary period
- completed the RSBT Training Academy within the first 9 months of employment with ACC
- successfully completed the Security Officer Training Program
- obtained an overall a "satisfactory" in the most current performance evaluation rating,
- is free from disciplinary action greater than a verbal warning.

Promotion will result in an increase of one salary grade; however, the promotion will not go into effect until the Promotion Recommendation Form is received in HR. The documentation provided to HR will be placed in the employee's personnel file.

If an employee cannot attend the required RSBT Academy within the first 9 months of employment due to extenuating circumstances, the Deputy Director of Residential Services must approve a requested extension. If approved, the employee will not receive a promotion to a Corporal until completion of the required RSBT Academy and previously stated eligibility criteria.

2. Parole/Probation Officer.

a. Promotion from PPO I to PPO II

Only a PPO I may become eligible to be promoted to a PPO II. This promotion will be processed following Human Resources' (HR) receipt of a copy of the signed F7 (Application for Award of Law Enforcement Officer Certificate) submitted to the Commission on Law Enforcement Standards and Training

(CLEST) authorized signatures. The authorized signatures verify that the PPO I have met the following criteria:

- completed the one year probationary period
- successfully completed ACC basic PPO Training Academy, as well as Firearms Qualification
- successfully completed the Field Training Officer Program
- obtained an overall “satisfactory” in the most current performance evaluation rating,
- is free of disciplinary action greater than a verbal warning.

Promotion will result in an increase of one salary grade; however, the promotion will not go into effect until the official certification is received in HR from CLEST. The documentation provided to HR will be placed in the employee’s personnel file.

If an employee cannot attend the required PPO Academy within the first 9 months of employment due to extenuating circumstances, the Deputy Director of Parole/Probation Services must approve a requested extension. If approved, the employee will not receive a promotion to a PPO II until completion of the required PPO Academy and previously stated eligibility criteria.

b. Promotion from PPO II to an Agent

Only ACC employees in PPO II positions (excluding those assigned to institutions) may voluntarily apply for promotion to a Parole/Probation Agent (Agent). The PPO II must meet the following criteria for the promotion:

- served in a PPO II position for two consecutive years immediately prior to application for Agent
- be current on firearms requalification prior to his/her scheduled Promotion Board interview
- obtained an overall satisfactory for the past 2 years as a PPO II, with no disciplinary action (excluding verbal warnings) during the same period
- be current on defensive tactics refresher course prior to his/her scheduled PB interview
- passed the PPA written examination with a minimum of 80%. If an employee fails the written examination, that employee will have an additional opportunity to take and pass the examination with a minimum score of 80%. If the employee fails the examination the second time, the employee must wait a period of six months to retake the examination and must pass with a minimum score of 80%; and
- successfully complete ACC’s Leadership Course before scheduled Promotion Board interview
- must have current First Aid/CPR certifications
- received a favorable promotion recommendation by the Promotion Board.

If a PPO II receives a disciplinary of a written warning or greater, the employee's two consecutive years will start over.

Promotions will result in an increase of one salary grade; however, the promotion will not go into effect until the completed Parole–Probation Recommendation Summary form is received in HR. The documentation provided to HR will be placed in the employee's personnel file.

D. Demotion. When an employee is demoted for cause or voluntarily solicits a demotion, his or her rate of pay shall be:

1. For a demotion to a position of a lower grade on the same pay table, the employee's maximum rate of pay shall be decreased up to ten percent (10%).
2. If the employee's salary falls below the entry pay level of the new grade upon demotion, his/her salary will be adjusted to entry level for that grade.
3. An employee's rate of pay upon a demotion cannot exceed the amount provided by the maximum pay level of the grade assigned to the classification.
4. An employee returning within 12 months after a promotion to a position or classification that they previously occupied is eligible for a rate of pay not greater than that for which the employee would have been eligible had they remained in the lower-graded classification.

E. Transfer. An employee transferring positions from one pay table, either within the same agency or a different agency, may receive a change in pay if one of the following occurs:

1. The employee's salary falls below the entry pay level of the new grade then the employee's salary will be adjusted to the entry pay level.
2. The rate of pay must not exceed the maximum pay level.
3. When an employee transfers to another agency, the originating agency must pay the employee for all accumulated compensatory time and overtime accrued at the time of transfer.

F. Retirement. Employees are permitted to defer to the State 457 Deferred Compensation Plan for all, or a portion, of their final lump sum monies (comprised of unused sick or vacation leave) provided the employee follows the requirements of the program. For more information on Deferred Compensation please click this link [Arkansas Diamond Deferred Compensation Plan information](#). Employees should discuss this option with HRS before their termination due to retirement.

G. Termination. Upon termination from employment, the employee shall receive payment for any unused annual leave, birthdays, and holidays, not to exceed 240 hours, and straight time and overtime at the employee's final regular rate of pay. 7K Exempt employees will receive all unused holidays. Time will be paid the first full pay period

after the termination.

H. Pay Periods. Biweekly pay periods run from Sunday of one week through Saturday of the following week. Employees are paid every other Friday for time worked through the preceding payroll cycle. The time sheet is used to record hours worked by non-exempt and all 7K exempt employees during the pay period. A pay period schedule is retained in HRS.

I. Meal, Rest and Fitness Breaks. Generally, non-exempt employees assigned to posts or workstations requiring constant staffing are allowed a 15-minute paid rest break in the morning and in the afternoon, at times approved by the supervisor. They must be completely relieved of their duties and free to leave the post during this time. Although other employees may be allowed the same, it is not a right, but a privilege at the discretion of the supervisor. When rest breaks are authorized, they may be combined for the purpose of participating in fitness activities and may not exceed 30 minutes.

All employees are allowed a 30 to 60 minute unpaid lunch break, depending on their approved work schedule. This break may not be combined with rest breaks, nor taken to leave work early or arrive late. When an employee does not take a break during the day the benefit is lost. Aside from the breaks described above, there are no other authorized breaks (e.g., smoking, etc.).

J. On-Call Time. Time spent on-call, under circumstances where the time can be used effectively for personal purposes, is not compensable. Generally, an employee who is not required to remain on ACC premises but is merely required to leave word with ACC officials where he/she may be reached or carry a cell phone while “on-call.” To be considered as compensable on-call time, an employee must be restricted from using the time for his or her personal pursuits. Should an employee be called in while on-call, pay begins when the employee receives the call. The employee must report immediately and no later than 1 hour after receiving the call. An employee who reports later than 1 hour will be paid beginning upon arrival. Should the employee be released before the end of the shift or the end of their regular work schedule, on-call pay will be stopped when the employee leaves the premises.

I. Workers Compensation. Employees who are absent from work due to a temporary occupational injury or illness and who are entitled to Workers’ Compensation benefits may use their accrued leave as a supplement to such benefits not to exceed the employee’s regular salary rate of pay per pay period. Contact the ACC Agency Human Resources Manager in Human Resources for more information.

J. Over-payments. Employees are responsible for monitoring personal bank account direct deposits from ACC to ensure accurate compensation. In the event of an overpayment, the employee must contact his/her supervisor and Human Resources Section immediately for corrective action. Employees will be held accountable for refunding all overpayments back to the agency. An employee’s lack of cooperation in refunding the agency can lead to disciplinary action up to termination.

K. Compensable Time for Training/Travel. If an ACC employee is required to attend training or a meeting on a weekend or regular day off, the time must be counted as time worked. It must be counted toward the pay period. Any time worked over these scheduled hours may be counted as straight or over time, whichever applies. Travel to and from training is also compensable as time worked. Travel time for training begins from the employee's physical place of employment and ends upon return to the employee's work location. If unforeseeable events prevent an employee from arriving at their destination in a timely manner, the supervisor must be notified immediately. Specific questions regarding whether training time is compensable should be directed to the HRS Administrator. Employees must receive approval before attending training. Hours in preparation for a license or certification exam cannot be counted toward compensated time.

VI. FORMS LIST.

Authorization to Work Overtime
Application for Promotion to Agent
Promotion Recommendation Form