



Assessing The Risk:

Wage and Hour Tip Of The Week

Walk Your Employees' Walk To The Time Clock

TIP: Consider carefully the placement of and number of time clocks your employees may use to avoid unintended exposure for potential off-the-clock work.

Picture the expansive factory floor, a crowded retail store, or a construction site. Now imagine a single time clock in the very back left corner. How long does it take to walk from the door where employees enter to the time clock where they clock in? What are the chances that your conscientious employees will stop during that walk to pick up trash, help a customer, remove an obstacle? What are the chances that they wait in line to clock in at that one time clock? What about clocking out and the activities they perform as they are leaving for the day?

It is the employer's burden to ensure that employee working time is recorded accurately and fully captures work time and time spent on preliminary and concluding work-related activities. Generally, activities performed before and after an employee's shift that are related to the work they perform must be counted as work time for the purpose of calculating pay. Time spent by employees cleaning their work area (or themselves), helping customers, discussing with supervisors or co-workers on the shift before or after them how the work is progressing, booting up and logging into or logging off and shutting down a computer, donning and doffing protective clothing or gear, or performing any other work-related activities may be considered by the Department of Labor or a court to constitute "work."

A time clock or time recording station that is far from the employees' points of ingress and egress and work and break sites may increase the odds that these and other pre-shift and post-shift work or work-related activities are occurring off the clock as unpaid time. Having only one time clock creates the additional challenge of employees waiting to clock in. Employees who are expected to be at their desk, post, or work site at the start of their shift may need to arrive earlier to work to be able to clock in (and potentially spend several minutes waiting in line to do so) and still be where they are supposed to be at the start of their shift.

To combat these challenges, employers should consider the following best practices:

- Have at least one clock or time keeping station close to the employee entrance / exit.
- If employees appear to be standing in a long line to clock in and out, consider adding additional time clocks in various locations, particularly where work sites and meal break areas are a good distance from points of ingress and egress.
- Implement and enforce a clear policy that no work or work-related activities should be performed before or after an employee's shift (or during meal breaks). The policy should be clearly communicated to employees. Enforcement is absolutely necessary. Supervisors and managers should be the first line of defense in monitoring and ensuring compliance with the policy.

- Notify employees that, if they perform work or work-related activities before they clock in or after they clock out, they should take appropriate steps to ensure it is included in their time. This may include completing “exception sheets,” advising their supervisors, or reporting to payroll.
- If there are long lines at time clocks appropriately located around the facility, consider whether it is possible in your work environment to stagger shift start and end times.

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