

Policy Title: Payroll, Timecards, Overtime, and Breaks

Policy Owner: Director of PTT Policy Originated by: PTT	Date Written: 10/1/13
Applicable Programs: All	Date Reviewed and Approved by PLT: 04/01/14, 04/21/15, 07/21/15, 09/15/15, 10/20/15, 08/01/18, 12/11/19, 12/9/20, 01/10/2024, 5/20/2025
Statutory or Regulatory Citation:	Signature if needed:

Policy

St. David's staff are responsible for filling out and submitting timecards to St. David's as required, and for understanding St. David's pay cycle and adhering to the deadlines for submitting timecards. St. David's complies with all statutes and regulations regarding over time and break periods.

Procedure

I. Work Hours

Program leadership determines scheduled hours for their programs and departments based on the coverage needs of those various areas. Individual employee work schedules, therefore, depend upon the programming and business needs of the organization and are established by the employee's supervisor.

Work schedules for employees working at other St. David's locations or in the community may differ from St. David's office sites.

II. Work Week

For St. David's purposes, a work week begins at 12:00 AM Sunday morning and ends at 11:59 PM Saturday night. A full-time work week is defined as 40 hours of work per week.

III. Time Keeping

- A. All non-exempt employees must accurately record time worked on a timecard for payroll purposes. Employees are required to record their own time at the beginning and end of each work period, including before and after breaks. Filling out another employee's timecard, allowing another employee to fill out your timecard, or altering/falsifying any timecard will be grounds for disciplinary action up to and including termination. Salaried exempt employees also may be required to record their time for organization management and staffing purposes. Any errors on a timecard should be reported immediately to your supervisor, who will attempt to promptly correct legitimate errors.
- B. Center-based, exempt employees must complete entries in the employee portal (Datis) with the dates for any paid or unpaid time off that was taken, and the amount of time in hours. These entries are due no later than the following Monday at 9:00 am.
- C. Non-exempt, and field-based employees must complete and submit a timesheet weekly in the employee portal (Datis). This timecard is to be completed with the times the employee begins and ends work, including any unpaid break times for each day worked during the week. Timecards are due to the employee's supervisor or other designated individual no later than 9:00 am the Monday following the week in which the work was performed.
- D. **Timecards that are received late or without appropriate supporting documentation as determined by the program area will be subject to disciplinary action and delay in pay.** Late timecards may be paid on the next scheduled pay run. Do not delay submitting a timecard due to a lack of parent or caregiver signature. A staff member will still be required to obtain parent or caregiver signature but may have to do so after submitting timesheets.
- E. Work start and end times are to be rounded to the nearest quarter hour.
- F. Below are the ways for staff to submit timecards, depending on the requirements of a particular program or department:
 - i. **Complete an electronic timecard** via the Employee Portal, Datis
 - ii. Therapeutic Recreation DSPs should enter their time in Datis at the end of each shift on a daily basis ensuring the correct date, time and job title is selected.
 - iii. In Home Support DSPs: The 21st Century Cures Act requires DSPs to enter their time into an Electronic Visit Verification system, St. David's uses

Welligent to meet this requirement. All staff must enter their time into the system based on the following criteria:

- iv. Live-in Caregivers must enter their time into the system on the day the service occurs.
- v. Non-live-in Caregivers must enter their start time upon the start of their shift and enter their end time at the end of their shift. To meet the EVV requirement of tracking the location of service delivery, Non-live-in Caregiver staff must enable location tracking while the Welligent app is in use.
- vi. Staff should report system outages/errors or access issues as soon as possible to the IT Department. During system outages, staff should enter their time as soon as the system becomes available. For extended outages, contact your supervisor.

IV. “Off the Clock” Work

- A. No work shall be performed by non-exempt employees prior to “clocking in” at the beginning of their workday, during their lunch break when they are “clocked out,” or after they have “clocked out” at the end of their workday. If work is performed outside of a nonexempt employee’s scheduled work hours, the hours will be counted as work time and therefore paid, however the employee may be subject to disciplinary action up to and including termination. No one at St. David’s has the authority to ask, or encourage, or insinuate that you should work “off the clock.” If at any point you believe you are being pressed to work “off the clock” by anyone within the organization, please notify PTT or the Chief Executive Officer immediately.
- B. Staff who work unauthorized hours will be subject to the St. David’s discipline process, which could lead to termination of employment. Examples of unauthorized hours are: Unapproved overtime, working after a supervisor has informed staff that client services and/or employment are currently suspended, working when a client’s Service Authorization has expired.

V. Pay Cycle and Pay Checks

- A. The pay cycle is every other Thursday. If the pay date falls on a St. David’s holiday, then the pay date will be on the Wednesday before. Please refer to the pay schedule for these dates.

- B. St. David's offers Direct Deposit of pay checks to employees' bank account(s) at any and all financial institutions that accept electronic funds transfer, are members of the Federal Reserve, and in the United States. The funds are credited to the account(s) each payday, and the employee may view their statement online via the Employee Portal showing gross pay, net pay, all deductions and the same information that is attached to paper checks.
- C. Pay does not continue to go to a closed account. St. David's will receive a #secure# email from the bank regarding the closed account (Notification of Pay Return – ACH Transaction). A copy of the pay voucher associated with the closed account is then printed and submitted with a check request to Accounts Payable department. A live check is generated to the employee for the net amount. The closed bank account is removed from the employee's direct deposit screen. Payroll communicates this to the employee and a new direct deposit account will need to be added to the employee's payroll information in Datis.
- D. If an employee closes an account which has been authorized for Direct Deposit purposes, the employee must notify Payroll in advance of doing so. Any other changes will also necessitate notifying Payroll.
- E. St. David's also offers Direct Deposit of pay checks to a pay card. The funds are credited to the pay card each payday, and the employee may view their statement online, via the Employee Portal. This shows gross pay, net pay, and all deductions.

VI. Services when Clients are Hospitalized

Staff **CANNOT** provide services when a client is hospitalized or in out-of-home placement due to state regulations for Medical Assistance services. If a client is in the hospital, please contact a supervisor for further instruction.

VII. Overtime

- A. Overtime is defined by the Federal Fair Labor Standards Act (FLSA) for non-exempt employees, as any time worked in excess of 40 hours in one work week. Overtime is compensated at the rate of one and one-half times the normal hourly rate for all non-exempt employees. For employees who may incur overtime while working at multiple hourly rates, the overtime pay rate will be determined based on an average of the pay rates. Please consult PTT for additional information.

- B. Overtime must be approved in advance by the employee's supervisor. Employees who work overtime without approval will be subject to disciplinary action, up to and including involuntary termination.
- C. According to the FLSA regulations, employees in exempt positions are not eligible for overtime pay.

VIII. Break Periods

- A. St. David's recognizes the need for breaks during the workday to allow employees brief time away from their workstations. The scheduling of breaks is determined by the supervisor to maintain appropriate staffing levels dependent upon program needs.
- B. Breaks may not be exchanged for late arrival, early departure or extended lunches.
- C. Breaks of less than 20 minutes are considered paid breaks. Breaks of 20 minutes or more are considered unpaid breaks.
- D. When Center-based employees are scheduled to work at least 8 consecutive hours in a day, they are allowed 30 to 60 minutes for a lunch break without pay. Length and scheduling of lunch breaks is determined by the employee's supervisor to assure proper coverage within the department.
- E. Exempt, Center-based Break Periods
 - vii. Exempt, center-based employees may schedule their break periods including lunch around their responsibilities with supervisory approval to maintain appropriate staffing levels as determined by program need.
 - viii. Non-exempt, center-based employees may take daily breaks as determined by their supervisor.
- F. Non-exempt, Center-based Break Periods.
- G. Field-based Break Periods
 - i. Field-based employees are often the only adults available to provide services to a program participant and thus must schedule their own restroom and meal breaks accordingly.

In compliance with Minnesota law, Employees should be aware of their rights under Minnesota Statute 181.172, which provides that St. David's shall not:

- A. Require nondisclosure by an employee of wages as a condition of employment;

- B. Require an employee to sign a waiver or other document which purports to deny an employee the right to disclose the employee's wages; or
- C. Take any adverse employment action against an employee for disclosing the employee's own wages or discussing another employee's wages which have been disclosed voluntarily.
- D. Retaliate against an employee for asserting rights or remedies under Minnesota Statute 181.172 and this Wage Disclosure Protection policy.

Although employees have these rights under Minnesota law, that does not mean that an employee is obligated to discuss their wages with any other person or business. Also, all policies and agreements restricting employees from disclosing confidential and/or proprietary information (e.g., trade secrets, client data, restricted financial data, etc.) to third parties (outside of the St. David's) are in effect and not limited by this law.

To be clear, you are:

- A. Not obligated to disclose your wages to any other person or business;
- B. Restricted from communicating proprietary, confidential, trade secret or information that is otherwise subject to a legal privilege or protected by law; and
- C. Restricted from disclosing wage information of other employees at St. David's to one of our competitors.

An employee may bring a civil action against the Company for any violation of (1) through (4) above. If a court finds that St. David's has violated any of (1) through (4), the court may order reinstatement, back pay, restoration of lost service credit, if appropriate, and the expungement of any related adverse records of an employee who was the subject of the violation.

If you have any questions regarding your rights or obligations under this policy, please direct your questions to the Policy, Training and Talent department.

Violation of this Policy or Procedure

No or only partial adherence to this policy or procedure may result in noncompliance with current regulatory requirements and subsequent penalties to St. David's. Remediation for violators will include, but not be limited to, disciplinary action up to and including termination depending on the circumstances of the situation at the time.

Reference or Attachment: