

San Juan County
Ordinance # 2021- 08

AN ORDINANCE AMENDING THE SAN JUAN COUNTY PERSONNEL POLICY SECTION 12, WORK HOURS FOR ATTENDANCE, BREAK PERIOD AND TIMEKEEPING REQUIREMENTS. BY THE ENTITLED BOARD OF SAN JUAN COUNTY COMMISSIONERS.

The Board of San Juan County Commissioners ordains as follows:

Section I. The amendments made herein are designated by making the new/substituted words red. Words being deleted are designated by interlineation

Section II. Section 12 of the San Juan County Personnel Policy, Work Hours is amended to read as follows:

**SECTION TWELVE – ATTENDANCE, WORK HOURS
AND TIMEKEEPING**

This policy does not apply to absences covered by the Family and Medical Leave Act (FMLA) or leave provided as a reasonable accommodation under the Americans with Disabilities Act (ADA). These exceptions are described in separate policies.

A. Attendance:

Punctual and regular attendance is an essential responsibility of each employee of San Juan County. Employees are expected to report to work as scheduled, on time and prepared to start working. Employees also are expected to remain at work for their entire work schedule. Late arrival, early departure or other absences from scheduled hours are disruptive and must be avoided.

1. Normal Work Periods:

~~The county normally pays its employees monthly.~~ Most full-time employees are expected to work eight (8) hours a day, forty (40) hours per week. Each work-week begins at 12:00 a.m. on ~~Saturday~~ **Monday** and ends at 11:59 p.m. on ~~Friday~~ **Sunday**. Due to Road Department and Sheriff's Office shift schedules, variations in the hours worked per week may occur which shall be managed according to the overtime provisions of the Fair Labor Standards Act (FLSA).

- a. Hours of operation in the County Courthouse and Public Safety Building (not including Sheriff's Office operations) are Monday through Friday, 8:00 a.m. to 5:00 p.m. All offices are expected to maintain these core hours to maximize services to the public. Extended hours of operation during certain periods of time are the responsibility of the department head/elected officials.

- b. Hours of operation for the County Road Department are Monday – Thursday 7:00 a.m.– 5:30 p.m. Extended hours of operation may be necessary and are the responsibility of the department head.
- c. Hours of operation for the County Landfill are Monday – Friday 7:00 a.m. – 5:00 pm.
- d. Department Heads and Elected officials, do not have the authority to authorize changes to department hours even on a temporary basis. All changes to open hours of any department, must be pre-approved through the County Commission and be in accordance with UCA 17-16-9.

2. Absence

“Absence” is defined as the failure of an employee to report for work when he or she is scheduled to work. The two types of absences are defined below: Due to full-time hour requirements for benefit eligibility, Employees must take earned leave time for every absence.

- a. *Excused absence* occurs when all the following conditions are met:
 - 1. The employee provides to his or her supervisor sufficient notice at least 48 hours in advance of the absence.
 - 2. The absence request is approved in advance by the employee’s supervisor.
 - 3. The employee has sufficient accrued leave time to cover the absence.
 - 4. Employees are allowed three (3) excused absences, without notice in a year, provided they have sufficient accrued leave time to cover the absence. Employees must state it is one of their three (3) excused absences.
- b. *Unexcused absence* occurs when any of the above conditions are not met.
 - 1. If it is necessary for an employee to be absent from work because of an illness or an emergency, the employee must notify his or her supervisor no later than the employee’s scheduled starting time on that same day. If the employee is unable to call, he or she must have someone make the call.
 - 2. Any response to this notification does not excuse the absence only serves as acknowledgement of the notification
- c. **Extended Absences** -
 - 1. Employees with three or more consecutive days of absences *because of illness or injury* may be required provide San Juan County with proof of physician’s care.

d. Leave without pay

1. Will only be authorized for reasons required by law, medical reasons or extenuating circumstances when acceptance of donated leave is not an option.
2. All Leave Without Pay must be pre-approved by the County Administrator.
3. Any full-time regular employee who falls below full-time hours will no longer be eligible for benefits.

3. Tardiness

Employees are expected to report to work and return from scheduled breaks on time.

- a. If employees cannot report to work as scheduled, they must notify their supervisor no later than their regular starting time.
- b. This notification does not excuse the tardiness but simply notifies the supervisor that a schedule change may be necessary.
- c. Any response to this notification does not excuse the tardiness only serves as acknowledgement of the notification

4. Excessive absenteeism:

1. (3) or more unexcused absences or tardies in a one (1) year period may result in disciplinary action.

5. Authorized Break Periods:

- a. Lunch Break: Non-paid lunch breaks are to be provided no longer than five (5) hours after the beginning of the work day and are not to be less than thirty (30) minutes or longer than one (1) hour in length.
 1. for those offices working from 8:00 a.m. to 5:00 p.m., a one (1) hour lunch break is authorized. It is intended that full time employees in these offices will work an eight (8) hour day.
 2. For County ~~Road Department~~ employees working from 7:00 A.M. to 5:30 p.m., a thirty (30) minute lunch break is authorized. It is intended that the ~~those~~ employees in the ~~Road Department~~ will work a ten (10) hour work day.
- b. Rest Periods:
 1. Two (2) daily, compensable fifteen (15) minute rest periods are granted by the county. One (1) rest period may be used in the middle of the ~~first four (4) hour block~~ half of the work day and one (1) may be used in the middle of the second ~~four (4) hour block~~ half of the work day. Unused rest periods may not be used to lengthen a lunch hour or shorten the work day.
- c. Break Time for Nursing Mothers.
 1. The county will comply with the requirements of the Patient Protection and Affordability Care Act ("PPACA") and the Fair Labor Standards Act ("FLSA") by providing break times

during the work day for nursing mothers to express breast milk for her nursing child. Break time and a designated location shall be available to employee nursing mothers for one (1) year following the child's birth. Employees shall not be compensated for breaks taken for the purpose of expressing breast milk, although nothing herein shall prevent employee mothers from expressing during their normal employee break times and being compensated in the same way that other employees are compensated for the same break times.

2. Consistent with the requirements of the PPACA and FLSA, the county will provide a designated location other than a bathroom, wherein employee mothers can express breast milk in a space that is sufficiently sized, shielded from view, and free from intrusion from co-workers and the public.

B. Timekeeping:

1. Requirements:

- a. Nonexempt employees must accurately record the time they begin and end their work as well as the beginning and ending time of each lunch break
- b. Employees must sign/approve their time record to certify the accuracy of time recorded.
- c. Department head must review and approve time prior to submitting to payroll
- d. Any errors on the time record must immediately be reported to department head.
 1. Any changes to time record must be pre-approved by department head.

2. Altering Falsifying, tampering with our time records or recording time on another employee's time record will result in disciplinary action. This is a form of fraud and could also result in criminal charges.

C. Unforeseen Work Interruptions:

It is the policy of the County that on those days when there is an interruption of work for causes outside the control of the County (i.e. snow day) employees shall be compensated for the entire day of the occurrence, regardless of the time released from work. This is to be determined by ~~elected officials/department heads~~ the County Administrator.

1. On the day immediately following the occurrence, employees shall be expected to report to work at his/her regularly scheduled start time, unless otherwise notified by the department head/elected official/supervisor.
2. Such notification shall be initiated no later than one (1) hour prior to the regular start time. Reasonable diligence to make contact is the

responsibility of both the department head/elected official/supervisor and employee.

D. Job Abandonment:

Any employee who fails to report for work or notify their supervisor prior to their scheduled start time for a period of three days or more will be considered to have abandoned the job and voluntarily terminated the employment relationship


1. Notification must be made prior to scheduled start time

E. Overtime/After hours:

The County understands that for some departments overtime is unavoidable; However, every effort should be made to keep the accumulation of overtime hour to a minimum.

1. For nonexempt employees all hours over 40 worked in one (1) week are considered overtime.
2. All overtime must be pre-approved by department head.
3. Reading and sending emails or text messages, responding to phone calls and related duties are compensable time and thus should be performed when the employee is at work on County time. **Convenience of technology is not an excuse to work outside of your regularly scheduled hours.**
4. Any correspondence that is greater than 10 minutes and cannot wait until regular scheduled work hours must be reported
5. Unapproved overtime could result in disciplinary action.


ATTEST:


Lyman W. Duncan
Clerk/Auditor

BOARD OF SAN JUAN COUNTY COMMISSIONERS


Willie Grayeyes, Chair

APPROVED AS TO FORM:


Kendall Laws
San Juan County Attorney