

# Require Early Clock-In? Allow Early Clock-Out, or Pay

Do you require hourly employees to clock in a few minutes before they start their shifts to make sure they're ready to work? If you don't start paying at that time, you'd better allow an early clock-out.

**Recent case:** Donna Gembus answered incoming calls at a MetroHealth System facility, whose attendance policy called for termination once employees reached 20 demerit points for absences or tardiness. Gembus was frequently late, which the company defined as not being at an assigned workstation when shifts began.

Organization-wide tardiness problems led the company to require employees to log in five minutes before the start of their shift. It also allowed them to log out 10 minutes before their shifts ended. The change aimed to make sure employees were actually at their desks, ready to work when their shifts began, with five minutes at the end to tidy their desks.

Gembus was fired when she logged in late three times, bringing her demerit points to more than 20. She sued, alleging the policy violated the Fair Labor Standards Act (FLSA) requirement that employees be paid for all time worked.

The court tossed out her case, but only because the company also had employees clock out before they actually ended their day's work—and paid them for an entire shift. In other words, employees could leave five minutes before the scheduled end of their shift, meaning they were being paid for an entire shift. (*Gembus v. The MetroHealth System*, No. 1:06-CV-00523, ND OH, 2007)

**Final tip:** You must pay for all time actually worked. If MetroHealth hadn't allowed early clock-out and let employees depart five minutes early, they would have violated the FLSA.

## Not so fast!

"Our time clock rounds off every 15 minutes. If they punch in early at 7:50, it will round it off to 8:00. Our employees have been warned about punching in early, and if they do it habitually, they are written up." —**C.J. Ohio**