

## Minimum Hours/Reporting Pay Frequently Asked Questions

This FAQ will give insight into the minimum hours and reporting pay rules for California, Connecticut, Massachusetts, New Hampshire, New Jersey, Rhode Island, New York, and Washington D.C. which are outlined at the end of this document and in the Multi-State Wage and Hour Reference Chart.

**Q. Do minimum pay/reporting pay hours count towards overtime pay?**

A. No, the additional hours will not count towards overtime pay as they were not actual “hours worked” by the employee.

**Q. A minimum hours requirement applies in the state where my store is located. If I sometimes schedule 1 hour store meetings before the store opens, do I need to adjust my employees’ hours in timekeeping system if they do not work later in the day to meet the minimum hours requirement?**

A. Yes, but only in states where an exception does not apply to exclude shifts/meetings/trainings of shorter duration. In states where an exception does not apply (NH; NY & CT – see below), employees should be paid for the minimum number of hours required in your state, not just the 1 hour they spent at the meeting. (Please see the Multi-State Wage and Hour Reference Chart, Manager’s Guide, and additional guidelines below for additional details on when a state-specific exception may apply).

**Best Practice: Schedule meetings/trainings on a day when all or most of your employees are scheduled to work later in the day.**

Similarly, in states with a reporting pay requirement, you will need to adjust your employees’ hours in timekeeping system if you involuntarily send them home early, and they do not work at all, or at least the portion of their scheduled shift that the law requires.

**Best Practice: Keep the employee at work for at least the minimum amount of time that the law requires to avoid the reporting pay requirements.**

**Q: In cases where I do have to adjust hours to meet the state’s minimum hours/reporting pay requirements, how do I make the manual adjustment in the POS?**

A: Enter the additional amount of time needed to meet the state minimum hour/reporting pay requirement as a manual time entry and code it as **“MIN HOURS USA”** or **“MIN HOURS CAN”**(Tempo/Kronos) or **“Min Hrs Wage”** (EyeNET).

Example: A 3-hour minimum pay requirement applies to stores in Rhode Island. If an employee is scheduled for less than 3 hours (ex. 1 hour mandatory store meeting) and does not work later that day, you will need to enter an additional 2 hours as **“MIN HOURS USA”** (Tempo/Kronos) or **“Min Hrs Wage”** (EyeNET) to increase the employee’s time for that day to 3 hours.

**Best Practice: Track these manual time adjustments using the Time Sheet Correction Form.**

Associate Name: \_\_\_\_\_ Week Ending Date (Saturday's Date): \_\_\_\_\_

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Date							
Punch In		9:00					
Punch Out		10:00					
Punch In							
Punch Out							
Other hours (e.g., PTO)		2					
Reason(s) for correction or associate request to arrive late/leave early		Minimum Hours					
Total Hours		3					

- The purpose of this form is to serve as a communication tool and record of an associate's actual time worked.
- An entry on this form should be made if you need to:

- Q. Do I need to adjust my employee's hours in the timekeeping system to meet the minimum hours and/or reporting pay requirements if he/she voluntarily arrives late or leaves his/her shift early?**
- A. No.** Employees who voluntarily arrive late or leave their scheduled shift early for personal reasons need only be paid the number of hours that they actually work. New Hampshire and Rhode Island employees must document this in writing.

**Best Practice: Have the employee document reason for leaving early on a Timesheet Correction Form.**

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Date							
Punch In		9:00					
Punch Out		11:00					
Punch In							
Punch Out							
Other hours (e.g., PTO)							
Reason(s) for correction or associate request to arrive late/leave early		Left early-child sick					
Total Hours		2					

- The purpose of this form is to serve as a communication tool and record of an associate's actual time worked.
- An entry on this form should be made if you need to:
  - Document a clock-in, clock-out, or missed punch correction in the POS
  - Document reasons (e.g., illness or personal/family emergency) why associate voluntarily arrived late/left early from scheduled shift (Required for NH and RI associates; all other states optional)

**Q: Do I have to pay a full-time New York store manager for 4 hours if he participates in a one-hour weekly conference call that falls on his scheduled day off (performs no other work that day)?**

A: No. You would only need to pay him for the one (1) hour spent on the conference call because the manager works full-time and makes more than minimum wage.

**Note:** Timekeeping system is set to automatically pay employees based on their status and pay:

- If employee makes >\$15/hr and FT = pay only for hours worked
- If employee makes <\$15 /hr and FT = 4 hours
- All PT employees = 4 hours

\* System pay rate is based on NY minimum wage rates; pay rates may increase as NY minimum wage increases.

**Q: A New York store holds a 1-hour training session for all employees on the first Monday of every month before the store opens. Does the store have to pay each employee for 4 hours, or just the 1 hour spent at the training session?**

A: It depends. The store would still have to pay all Part Time employees (Part Time, Casual Part time, and Seasonal Part Time) and any Full Time employees that do not make more than minimum wage rate, for a minimum of 4 hours for the training **IF** the employee does not work again that day for a combined total of 4 or more hours. Full Time employees making above minimum wage rate, however, could be paid only for the 1 hour spent in the training.

**Q: My Connecticut employees signed the waiver that allows me to schedule them for less than 4 hours. Will I need to make any POS adjustments?**

A: No. Because employees must still be paid a minimum of 2 hours, even if they sign the waiver, the payroll system has been programmed to automatically pay all Connecticut employees for at least 2 hours each time that they work (ex. if employee works 1.5 hours, payroll will automatically “bump” hours up to 2). As a result, no manual adjustments need to be made in the POS to meet the 2 hour minimum.

Additionally, if an employee does not sign the waiver, you will not need to make an adjustment to meet the 4 hour minimum. The payroll system has been programmed to automatically pay any Connecticut employees that do not sign the waiver for at least 4 hours each time that they work (ex. if employee works 3 hours, payroll will automatically “bump” hours up to 4).

**Best Practice: Review pre-boarding system to see who has signed the waiver to use for later reference when scheduling and completing payroll. If employee signed the waiver, schedule for at least 2 hours; if no waiver, try to schedule for at least 4 hours.**

	Minimum Hours/ Reporting Pay	State Requirements at a Glance
CA	Half of the scheduled shift; no less than 2 hours and no more than 4 hours	There is no minimum hours requirement, but employees who report to work for a scheduled shift but are <b>involuntarily sent home</b> after working less than half of their scheduled shift must be paid for half the scheduled shift, but in no event for less than 2 hours nor more than 4 hours at the employee's regular rate of pay.  If an employee is required to report to work a second time in a single workday and is provided less than two hours of work on the second reporting, the employee must be paid for 2 hours at their regular rate of pay.
CT	4 Hours	Employees who report to work must be paid for a minimum of 4 hours. <b><i>Does not apply if employees agree to be regularly scheduled for less than 4 hours, but no less than 2 hours, by signing a written waiver.</i></b>
D.C.	4 Hours	Employees who report for a scheduled shift and are not given work, or are given less than 4 hours of work must be paid for a minimum of 4 hours. <b><i>Does not apply to employees regularly scheduled for less than 4 hours of work per day.</i></b>
MA	3 Hours	Employees who report for a scheduled shift of at least 3 hours and are not given work, or are given less than 3 hours of work, must be paid for a minimum of 3 hours. <b><i>Does not apply if the employee is scheduled for a shift of less than 3 hours.</i></b>
NH	2 Hours	Employees who report for a scheduled shift must be paid for at least 2 hours of work. <b><i>Does not apply if employee arrives late/leaves work early for personal reasons and documents this in writing.</i></b>
NJ	1 Hour	Employees who report for a scheduled shift must be paid for at least 1 hour of work. <b><i>Does not apply if mutually agreed that scheduled shift would be less than 1 hour.</i></b>
NY	4 Hours	Employees who report for a scheduled shift must be paid for at least 4 hours of work, or the number of hours in the regularly scheduled shift, whichever is less. <b><i>Does not apply if: (1) the employee works FT and makes more than minimum wage.</i></b>
RI	3/4 Hours	As of August 2019, there is no minimum hours requirement for non-holidays and Sundays, but employees who report to work for a scheduled shift but are <b>involuntarily sent home</b> after working less than 3 hours, or no work at all, must be paid for 3 hours of work. Employees working on Sundays and holidays must be paid a minimum of 4 hours per shift, at the overtime rate. <b><i>Does not apply if employee is prevented from working a normal shift by reason of events beyond the employer's control or by acts of God.</i></b>