

Paid family leave timekeeping compliance checklist

New York Paid Family Leave is available to virtually all private employees in the state. Employers must accurately track hours and days worked as well as sick time and leave time to ensure they comply with the law.

Use this checklist to identify timekeeping features needed to properly fulfill employer responsibilities for Paid Family Leave. We also recommend that you consult legal, accounting, payroll and HR experts to ensure you are doing all you can to protect yourself, your company and your employees.

Daily

- 1. Collect clock-in/clock-out data in real time for all employees
- 2. Clock all meal breaks
- 3. Review time-related data the same day
 - a. Hours worked
 - b. Time in/out
 - c. Meal breaks
 - d. Sick time used
 - e. Leave time used
- 4. Obtain employee agreement prior to making any corrections to time data
- 5. Complete timesheets daily
- 6. Review daily reports on staff utilization

Recordkeeping Policy

- 1. Keep paperless, current, accurate, and daily timekeeping records and written policies/procedures
- 2. Document and enforce your recordkeeping policy
- 3. Ensure all employees have convenient access to timekeeping policy and have reviewed it
- 4. Establish timekeeping procedures
 - a. Work schedules (start/end/meals)
 - b. Absent/tardy call-in procedures
 - c. Parties responsible for certifying employee timesheets
 - d. Payroll and certification procedures for employees
 - e. Sick time certification process
 - f. Leave time certification process
 - g. Vacation time certification process
- 5. Establish procedures for employees to challenge improper deductions
- 6. Write up employees who do not comply with rules on punch in, punch out, meal breaks
- 7. Keep records for six years (rules vary by jurisdiction—New York requires six years)

Compliance

- 1. Have a policy in place for:
 - a. New York Paid Family Leave
 - b. New York Workers Compensation
 - c. New York Statutory Disability
- 2. Verify that policies are implemented in practice
- 3. All employees working on company premises should clock in and out for meal breaks
- 4. Establish a formal process for reporting/resolving wage concerns

Data Gathering

- 1. Use a digital timekeeping system
- 2. Use biometric readers to avoid buddy punching and prove compliance
- 3. Lockout employees from the time clock to prevent working early
- 4. Record meal breaks as they happen
- 5. Ensure convenient entry of all hours worked
- 6. Record all hours worked for all employees whether paid or not
- 7. Track time off
 - a. Sick time
 - b. Vacation time
 - c. Leave time
 - d. Compensatory time
- 8. Give employees access to their timesheets
- 9. Retain timesheets and supporting documents for 6 years (or as required by law)

Data Review and Reporting

- 1. Produce reports for insight into staffing and budget
- 2. Produce an eligibility report to determine which employees are eligible for PFL
 - a. Hours worked per week
 - b. Weeks worked (including sick time and vacation)
 - c. Consecutive Weeks 20+
 - d. Days worked
- 3. Produce a leave report to review time taken and time available in 52-week window
- 4. Review time data
 - a. Hours scheduled versus actual
 - b. Overtime requests versus actual
 - c. Leave requests versus actual
 - d. Sick time requests versus actual
 - e. Supporting documents for time off taken (doctor visit, jury duty)
 - f. Signed timesheets
- 5. Require supervisor approve/co-sign on all timesheets
- 6. Record corrections
 - a. Require employee signature for timecard changes
 - b. Document reason for timecard change
 - c. Prevent supervisors from entering or changing timesheets without employee concurrence
 - d. Ensure that timesheets from prior periods cannot be modified after posting or payroll cutoff
- 7. Export electronically to payroll to ensure rapid transfer without rekeying errors
- 8. Ensure that payroll and timekeeping records tie out perfectly

Scheduling

- 1. Use templates for faster and clearer scheduling
- 2. View all available staff at a glance to enable easy fill of open shifts
- 3. Allow shift swapping with supervisor approval
- 4. Set rules for shift swapping based on coverage, budget, overtime limits
- 5. Set notifications for potential overtime situations
- 6. Apply rules to calculate proper compensation based on schedule
- 7. Track certifications and other qualifications to assist supervisors in selecting best candidates to fill open shifts

This checklist is meant to assist in general understanding of the current law. It is not to be regarded as legal advice. Seek advice of counsel for particular questions.