

# PERSONNEL COMMITTEE MEETING

July 18, 2017

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## In Attendance:

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**Members Present:** Larry Chapman, David Irvin, Chairman and Mayor Janet Winkler

**Members Absent:** Tony Colvard

**Others Present:** Town Manager, Rebecca Bentley and Town Clerk, Tammy Swanson

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## Call to Order:

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Chairman David Irvin called the meeting to order, and stated that the purpose of the meeting was to discuss possible amendments to the Personnel Policy.

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## Overtime for Town Employees:

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Rebecca stated that she wanted the Committee to review the Town's policy on compensatory (comp) time. Rebecca explained that up until last year, overtime pay was not available for all departments, and some employees accumulated a lot of comp time. Comp time, however, is a liability for the Town, and she would like for employees to use the overtime pay that is available now instead of accumulating so much comp time.

Rebecca stated that currently, our policy allows an employee to carry up to 240 hours of comp time – police can carry 480. Because we have a small staff, being able to use comp time can sometimes be a problem. And sometimes when employees do decide to use it, it can create a scheduling nightmare for Department Heads. Rebecca stated that she is proposing that employees only be allowed to carry 48 hours of comp at one time, with the Department Director (Department Head) having the final authority on how the employee banks their overtime – either comp or paid overtime. The Town Manager would be notified when the 48 hour limit has been reached by an employee.

Janet asked how many employees have over 48 hours of comp time.

Rebecca stated that we do have several employees that are over the limit, and she reviewed the comp time totals for the departments. Rebecca commented that if an employee quits, all the comp time hours they have accumulated at that time have to be paid – regardless of the reason they are leaving. She added that vacation and sick time are kind of like a gift to the employee; however, comp time is actual time work and has to be paid.

Rebecca stated that she contacted both the Caldwell County and the City of Lenoir, and they both require that comp time be used and not accumulate to large amounts.

David stated that in his opinion, there should not be overtime. Employees should be made to use extra time worked in the same week it is earned.

Rebecca stated that this would be the ideal way to handle overtime; however, it does not always work with the daily function of the office.

Larry stated that in his opinion, the Town Manager should be more involved with making sure comp time is not piling up.

Rebecca stated that she signs every time sheet that has overtime involved, which makes her aware that overtime is being earned. These changes should give more control to the Department Head and to her.

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Rebecca presented the following amendments.

(★ Sections Amendment)

**Article III – Pay Plan**

**Section 12. Fair Labor Standards Act and Overtime Pay Provisions**

Employees of the Town can be requested and may be required to work in excess of their regularly scheduled hours as necessitated by the needs of the Town and determined by the department head. Overtime work should normally be approved in advance by the department head, Town Manager or other designee.

To the extent that local government jurisdictions are so required, the Town will comply with the Fair Labor Standards Act (FLSA). The Human Resources Officer shall determine and recommend to the Town Manager which jobs are "non-exempt" and are therefore subject to the Act in areas such as hours of work and work periods, rates of overtime compensation, and other provisions.

**Non-Exempt Employees**

Employees are expected to work during all assigned periods exclusive of breaks or mealtimes. Employees are not to perform work at any time that they are not scheduled to work, unless they receive approval from their department head or supervisor, except in cases of emergency.

**★ *Department Directors have the authority to designate whether the department's non-exempt employees will receive overtime pay, compensatory time, or a combination of both, for overtime worked. The Department Director is the final authority for the compensation method and will take into account the department's overtime budget and operational demands.***

Non-exempt employees will be paid at a straight time rate for hours up to the FLSA established limit for their position (usually 40 hours in a 7-day period; 171 hours for sworn police in a 28 day cycle or 43 hours in a 7- day cycle). Hours worked beyond the FLSA established limit will be compensated in either time or pay at the appropriate overtime rate.

In determining eligibility for overtime in a work period, normally only hours actually worked shall be considered and vacation, sick leave, or holidays will be excluded in the computation of hours worked for FLSA purposes.

Whenever practical, departments will schedule time off on an hour-for-hour basis within the applicable work period for non-exempt employees, instead of paying overtime. When time off within the work period cannot be granted, overtime worked will be compensated in accordance with the FLSA.

In emergency situations, where employees are required to work long and continuous hours, the Town Manager may approve compensation at time and one half for those hours worked and/or grant time off with pay for rest and recuperation to ensure safe working conditions.

**★ *Accumulation – Non-exempt employees shall be allowed to accumulate no more than (forty-eight) 48 hours of compensatory time. Compensatory leave balances may not exceed 240 hours except for public safety employees (sworn police) who may not accrue more than 480 hours. Any overtime worked after such maximum balances must be compensated in pay. The Manager will be notified whenever a compensatory balance exceeds 100 hours reaches 48 hours.***

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★*Use of compensatory time - Employees may take compensatory time off within a reasonable period following their request. Compensatory time off must not unduly disrupt departmental operations and must have prior supervisory approval. In order to reduce the financial impact of compensatory time accruals, all available compensatory time must be taken before vacation or sick leave is used.*

*Non-exempt employees shall be paid for accumulated, unused compensatory time upon leaving their employment with the town, regardless of the reason for leaving such employment.*

**Exempt Employees**

Employees in positions determined to be "exempt" from the FLSA (as Executive, Administrative or Professional staff) are paid on a salary basis and will not receive pay for hours worked in excess of their normal work periods. These employees may be granted occasional compensatory leave by their supervisor where the convenience of the department allows and in accordance with procedures established by the Town Manager. Such compensatory time is not guaranteed to be taken and ends without compensation upon separation from the organization.

In declared disaster or emergency situations requiring long and continuous hours of work, exempt employees may be compensated at a rate of up to time and one half and/or be granted time off with pay for rest and recuperation to ensure safe working conditions for the duration of the emergency period, as authorized by the Town Manager.

Rebecca stated that there may have to be some provisions made to bring the employees with an excessive amount of comp time in line with the amended policy.

**Motion: (Larry Chapman/David Irvin) to recommend approval of the amendments, as presented, to the Personnel Policy concerning comp time. Unanimously approved.**

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Adjournment:

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**Motion: (Larry Chapman/David Irvin) to adjourn the meeting. Unanimously approved.**



Tamra T. Swanson, Town Clerk