




TOWN OF MOORESVILLE ADMINISTRATIVE POLICY

Title: Wage and Hour Administration	Staff Affected: All References: None
Approved By:  <hr/> Town Manager	Approved: December 5, 2022 Effective: December 5, 2022 Rescinds: Policy 2; July 2, 2018 Policy Index #: AP-HR-012

1.0 SUPPLEMENTS

None.

2.0 DEFINITIONS

This purpose is to establish a wage and hour administration policy in compliance with the Fair Labor Standards Act, as amended. This policy shall apply to all persons holding a paid position as an employee of the Town, except the Town Manager, Town Attorney, a member of any appointed or volunteer board or committee, or any others that may be hired or appointed by the Town Board. For this purpose, and subject to the exception set out herein, Town employees shall be defined as those employees in departments and offices for which the Town Board serves as the final budget authority.

Call-back pay – Compensation in addition to normal salary paid to Fair Labor Standards Act (hereinafter “FLSA” or “Act”) non-exempt employees who are required to report to a worksite after his/her normal scheduled workday to complete work or perform remote work if permitted by the Department Director. Call-back pay is applicable to all employees required to report to work after their normal working hours whether off duty or in on-call status.

Exempt Employees – An exempt employee is one who *is not covered* by the overtime provisions under the FLSA.

Hours Worked – The time that the Town requires or permits non-exempt employees to be on duty is considered hours worked. Only actual hours worked will be considered for the purpose of determining overtime for non-exempt employees. All paid leave, including, but not limited to, Holiday, vacation, sick time, and jury duty will not be considered hours worked.

Non-exempt Employees – A non-exempt employee *is covered* by the overtime provisions under the FLSA. Non-exempt employees will be paid overtime or receive compensatory time, per departmental policy, for hours worked in excess of 40 hours per workweek except those fire department and police department employees who are governed by a specific work period as defined herein or where expressly noted.

On-call pay – Compensation in addition to the normal salary paid to FLSA non-exempt employees are required to be in a formal On Call Status during which time they are expected to be available for contact by telephone and are able to report to work when needed. On-call pay is meant to compensate an employee for not having free personal use of time while in an active on-call status.

On Call Status – That period of time in which an employee is expected to return to work if call in and is required to refrain from drinking alcoholic beverages, taking over the counter medications or prescription medications that could impair his/her work ability, and refrain from traveling a distance beyond which he/she could not return to the workplace or worksite within 60 minutes of receiving a call to return to work. If an employee is to be compensated for on-call duty, the above restrictions apply, and the employee is not considered to have free personal use of time.

Pay Period – The time period for which paychecks are issued.

Work Period (Fire Department) – The work period for which the Town calculates overtime hours for non-exempt fire department personnel will be not less than 7 and not more than 28 consecutive days. Eligible employees will receive overtime pay for any hours worked in excess of 212 hours in the 28-day period.

Work Period (Police Department) – The work period for which the Town calculates overtime hours for non-exempt sworn law enforcement personnel is 14 consecutive days. Eligible employees will receive overtime pay for any hours worked in excess of 86 hours in the 14-day period.

Workweek – The workweek normally begins at 12:01 a.m. on Monday and ends at midnight on the following Sunday.

3.0 Policy Provisions

3.1 Overtime – When required for the maintenance of essential Town functions, shall be allocated as uniformly as possible among all eligible employees, and will be paid in accordance with applicable law. Department Directors are responsible for exercising adequate supervision to ensure that employees are complying with established work schedules.

3.1.1 Eligibility – Overtime pay will be given to non-exempt employees for hours worked in excess of 40 hours or in accordance with their particular work period (ex. Fire and Police).

3.1.2 Non-exempt Positions – 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.

3.1.3 Rate – Overtime pay for non-exempt employees shall be at one-and-one-half (1.5) times the employee's base rate of pay.

3.2 Compensatory Time – Compensatory time shall be credited at the rate of one-and-one-half (1.5) hours credit per one hour worked. Official compensatory time records shall reflect the product of *actual hours worked* multiplied by 1.5.

3.2.1 Accumulation – Non-exempt employees shall be allowed to accumulate no more than 72 (seventy-two) hours of compensatory time.

3.2.2 Use of compensatory time -Employees may take compensatory time off within a reasonable period following their request and as soon as administratively feasible. 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 banked holiday leave is used. Sick leave is the only leave accrual that may be taken before compensatory time.

3.2.3 Payment upon leaving employment – 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.

3.2.4 Record-keeping – Department Directors/division managers are responsible for current, accurate compensatory time records for their non-exempt employees. Employees disagreeing with these records may file a grievance in accordance with the employee grievance procedure.

3.2.5 Unauthorized Overtime – Employees working unauthorized overtime may be subject to disciplinary action.

3.3 Exempt Employees

3.3.1 Exempt employees are required to report for their regularly scheduled work period. Unauthorized absences during a shift shall be addressed as a performance issue and may be subject to deductions from appropriate leave banks or be deducted from salary. Exempt employees shall deduct from sick and vacation leave banks for partial and full day absences.

3.3.2 Due to the obligations for exempt employees to attend after hour meetings and work on projects outside of regular work hours, an exempt employee's immediate supervisor has the discretion to approve an exempt employee to use administrative time off.

3.3.3 Exempt employees are not eligible to accrue overtime or receive compensatory pay.

3.4 Meal/Break Periods

3.4.1 A 30-minute to 1-hour meal period is provided to employees scheduled to work 7.5 or more hours in a day. A meal period must consist of at least 30 consecutive minutes during which the employee is completely relieved from work. This meal period is not considered work time if employees are completely relieved of their work duties.

3.4.2 If employees must continue their work duties through the meal or break period, this work time must be supervisor-approved and recorded as work time. Approved break periods of 15 minutes or less will be considered hours worked.

3.5 On-Call Duty

3.5.1 Eligibility – Employees designated by their supervisors as scheduled to serve on-call for a specific period of time.

3.5.2 Pay – Non-exempt employees required to be on-call will receive on-call pay for eight hours of work for each work week of on-call time they serve. Compensation for less than one full week is determined by a ration of hours of pay per one hour of on-call depending on the employee's individual work schedule.

3.5.3 Employees assigned to on-call duty will receive compensation for 0.25 hours of work for answering or responding to telephone calls or messages that when added together require at

least 7 minutes of time. If time spent answering and responding to phone calls is less than 7 minutes, then it will be considered de minimis in nature and not paid. If time spent answering and responding to phone calls exceeds 7 minutes, then actual time spent working will be paid.

3.5.4 Employees assigned to on-call assignment and who are called back to work after their normal work hours will be compensated from the time they arrive at the worksite until the time they leave the worksite or a minimum of one hour, whichever is greater; provided, however, that if the employee is required by the Department Director to drive a Town provided vehicle home while on-call, then the employee will be compensated also for the travel time to and from the worksite. Only travel time spent travelling directly to or from the worksite or on work-related business will be compensable. If an employee drives a Town vehicle as a matter of convenience, rather than requirement, then time spent travelling to or from a worksite will not be compensable. On-call assignments may include remote work where appropriate and approved by the Department Director. An employee will not receive extra compensation for any overlapping calls that begin and end during the same 60-minute period.

3.6 Call Back

3.6.1 Whenever non-exempt employees who are not on-call are called back to work after a shift has ended, employees will be paid for two hours, or the actual time worked, whichever is greater.

3.6.2 Employees who are called back to work after normal work hours will be compensated from the time they arrive at the worksite until the time they leave the worksite. Employees who are called back should make every effort to return to the worksite as quickly as possible, and within no more than 60 minutes during normal traffic conditions.

3.7 Travel Time – Travel to and from work is not compensable unless in accordance with 3.5.4. Travel time relating to the employee’s work or duties during regular work hours is compensable. Travel time which is outside of regular working hours for work-related purposes is also compensable.

4.0 Attachments

None.