



Brainerd City Council Agenda Request

Requested Meeting Date:

Title of Item:

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| <input type="checkbox"/> INFORMATION ONLY <input type="checkbox"/> CONSENT AGENDA <input type="checkbox"/> P&F COMMITTEE <input type="checkbox"/> SPW COMMITTEE <input type="checkbox"/> MAIN AGENDA | Action Requested: <input type="checkbox"/> Approve/Deny Motion <input type="checkbox"/> Adopt Resolution (attach draft) *provide copy of published hearing notice <input type="checkbox"/> Direction Requested <input type="checkbox"/> Discussion Item <input type="checkbox"/> Hold Public Hearing* <input type="checkbox"/> Ordinance 1 st Reading |
| Submitted by: | Department: |
| Presenter (Name & Title): | Estimated Time Needed: |
| Summary of Issue: | |
| Alternatives, Options, Effects on Others/Comments: | |
| Recommended Action/Motion: | |
| Financial Impact: Is there a cost associated with this request: <input type="checkbox"/> Yes <input type="checkbox"/> No What is the total cost, with tax and shipping \$ _____ Is this budgeted? <input type="checkbox"/> Yes <input type="checkbox"/> No <u>Please Explain:</u> | |

PROPOSED REVISED EMPLOYEE POLICY MANUAL LANGUAGE:

SECTION 9. OVERTIME HOURS

Subdivision 1. General

Overtime pay for employees will be in conformance with State and federal law, including Minnesota Statutes, section 177.25 (as amended) and the Federal Fair Labor Standards Act, 29 United States Code, section 201 et seq., ("FLSA") as amended, and all applicable State and federal rules and regulations implementing Section 177.25 and/or the FLSA.

1. For purposes of computing overtime, work weeks shall begin as follows:
 - a. For City of Brainerd employees: 12:00 a.m. on Sunday.
 - b. For Brainerd Public Utilities employees: 12:00 am on Monday
2. Hours worked by non-exempt, non-union employees in excess of forty (40) per week shall be compensated at one and one-half (1 ½) times their hourly wage rate unless a different rate is established by an employment contract.
3. Holiday hours are calculated as time worked in the computation of overtime pay. For the purposes of computing overtime compensation, overtime hours worked shall not be pyramided, compounded, or paid twice for the same hours worked.
4. No employee may work overtime without the prior approval of his or her Department Head.
5. Exempt, non-union employees shall not be eligible for overtime compensation or compensatory time, except as provided in Subdivision 4 of this Policy.

Subdivision 2. Payment

Department heads are responsible to schedule the work in their departments to minimize overtime. Overtime shall be calculated in 1/4 hour (fifteen minute) increments.

Subdivision 3. Compensatory Time

Upon request, non-exempt, non-union employees will be allowed to take compensatory time off in lieu of receiving overtime compensation. In no event, shall accrued compensatory time off exceed the limitations provided in the FLSA. Once an employee has accrued reached maximum accrual, compensation for additional hours must be paid in cash, rather than accrued as compensatory time off. Compensatory time shall be determined at the rate of one and one-half (1½) hours off for every hour of overtime worked.

The City reserves the right to pay out any compensatory time off in excess of 80 hours, as it deems necessary. Accrued compensatory time off may be used with prior approval from the employee's Department Head, which shall be granted unless use of compensatory time off would unduly disrupt the operations of the City. Upon separation from the City's employment, employees shall be paid for their accrued, but unused compensatory time off in accordance with the FLSA and other applicable law.

Subdivision 4. Overtime for Exempt Employees

Notwithstanding the above, exempt employees may receive overtime compensation to the extent provided in an intergovernmental agreement or other contract between the City and another entity, if the contract requires the other entity to pay the cost of overtime hours.

EXCERPT FROM CURRENT EMPLOYEE POLICY MANUAL

SECTION 9. OVERTIME HOURS

Subdivision 1. Payment

Department heads or supervisory employees are responsible to schedule the work in their departments so as to minimize overtime. All work performed by non-union hourly employees in excess of forty (40) hours per week shall be considered overtime and compensated at one and one-half (1½) times the regular hourly rate. Overtime shall be calculated in 1/4 hour increments, shall be offered as equally as possible within departments and shall receive prior authorization by the Department Head. Holiday hours are calculated as time worked in the computation of overtime pay in a forty (40) hour work week for non-union employees.

Subdivision 2. Compensatory Time

It shall be the normal practice to pay for overtime. However, at the request of an employee, the department head may approve compensatory time in lieu of overtime payment. Compensatory time, however, will not be allowed to accrue to such an extent, that in the judgment of the department head, such accrual could compromise the service responsibilities of the City. In no event, shall accrual be allowed in excess of the limitations set forth in the Fair Labor Standards Act as amended. Compensatory time shall be determined at the rate of one and one-half (1½) hours off for every hour of overtime worked.

Subdivision 3. Executive, Administrative & Professional Personnel

Executive, Administrative and Professional employees, as defined by the rules and regulations of the Minnesota Department of Labor and Industry, (defined in the City of Brainerd as City Administrator, department heads and non-union supervisors) are exempt from minimum wage and overtime provisions and are, therefore, not eligible for overtime pay or compensatory time accrual for hours worked in excess of the normal 8 hour work day and forty (40) hour work week. However, it is recognized that the nature of local government and its many functions requires the devotion of a great deal of time in excess of normal work hours. To that end, and since payment for such excess work hours is not allowed, employees covered by this subdivision may be allowed to maintain limited flexibility in their work schedule from the normal work day to the extent that job performance and service responsibilities of the City to the public remains satisfactory and at the approval of the employee's supervisor.