

**RESOLUTION NO. 2018-12**

**RESOLUTION AUTHORIZING THE ADOPTION OF AN UPDATED FAIR LABOR STANDARDS ACT (FLSA) POLICY FOR THE VILLAGE OF CALEDONIA**

**WHEREAS**, the Village of Caledonia is subject to Federal FLSA requirements; and

**WHEREAS**, the FLSA is a complex Act which requires appropriate guidance for Village staff and management; and

**WHEREAS**, the Village's Labor Attorney has recommended the adoption of this updated policy.

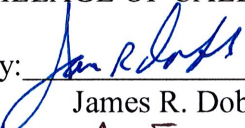
**NOW, THEREFORE, BE IT RESOLVED** by the Caledonia Village Board that the Village of Caledonia Fair Labor Standards Act dated February 2, 2018, which is attached hereto as Exhibit A and incorporated herein, is hereby adopted.

**BE IT FURTHER RESOLVED THAT** the adopted Village of Caledonia Fair Labor Standards Act Policy dated February 2, 2018, supersedes any and all previous Fair Labor Standards Act Policies previously adopted by the Village.

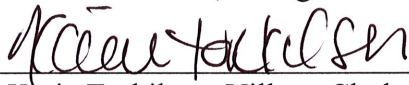
Adopted by the Village Board of the Village of Caledonia, Racine County, Wisconsin, this 5<sup>th</sup> day of February, 2018.

VILLAGE OF CALEDONIA

By: \_\_\_\_\_

  
James R. Dobbs, Village President

Attest: \_\_\_\_\_

  
Karie Torkilsen, Village Clerk

## EXHIBIT A

### FLSA non-exempt (Hourly) employees overtime pay policy

This policy applies to all Village hourly employees with exception of Police and Fire Union Employees.

From the Village Personnel Manual:

Non-Exempt (Hourly): Employees who must be paid in according to the minimum wage and overtime provisions of the Fair Labor Standards Act or under Wisconsin law are described as non-exempt employees. These employees are normally paid on an hourly basis and receive overtime premium pay when working over 40 hours in a workweek.

Definition of hours not worked per FLSA:

The FLSA does not require the payment of premium overtime pay based on “hours not worked.” For example, where an employee takes paid or unpaid leave, the time the employee is out on leave is not counted toward the hours worked in a workweek for the purposes of calculating overtime pay. Even if leave hours are counted as hours worked for some other purpose, such as retirement or for pay computations under other employment agreements, leave time is not counted toward hours worked under the FLSA.

Time not worked includes paid leave time of any type including sick leave, funeral leave, comp time, holidays, vacation, etc.

For example if an employee works the following during the standard pay week of Friday to Thursday:

- Friday: 10 hours worked
- Monday: 8 hours worked
- Tuesday: 8 hours worked
- Wednesday: 8 hours worked
- Thursday: 8 hours vacation

The employee would be paid 34 hours straight time and 8 hours vacation. There would be no overtime paid for this week as the vacation time constitutes hours not worked.

Overtime Compensation- Exceptions:

Non-exempt Highway Department Employees- Non-exempt Highway Department employees who are **working snow removal operations** will receive time-and-a-half overtime pay (or compensatory time) for hours worked in excess of 8 hours per day, or in excess of 40 hours per week or time otherwise worked outside of the regular assigned hours of 6:30AM to 2:30PM.

Non-exempt Utility Department Employees- Non-exempt Utility Department employees who are working between November 1<sup>st</sup> and April 30<sup>th</sup> will receive time-and-a-half overtime pay (or compensatory time) for hours worked in excess of 8 hours per day, or in excess of 40 hours per week or time otherwise worked outside of the regular assigned hours of 6:30AM to 2:30PM.

Updated February 2, 2018