

CITY OF WINONA WINONA, MINNESOTA ADMINISTRATIVE PROCEDURE	NUMBER: 104-3	REVISED: 2	PAGE <u>1</u> OF <u>5</u>
	SUBJECT: FAIR LABOR STANDARDS ACT		

1.0 POLICY:

It is the policy of the City of Winona to comply with the Federal Fair Labor Standards Act (FLSA).

2.0 DEPARTMENT AFFECTED:

All departments/divisions.

3.0 EXEMPT EMPLOYEES:

3.1 Designated Exempt Positions per FLSA rules:

1. City Manager
2. Assistant City Manager for Public Works
3. Chief of Police
4. Director of Economic Development
5. Finance Director/Treasurer
6. Fire Chief
7. Recreation Director
8. Community Services Director
9. City Clerk
10. Assistant Fire Chief
11. Deputy Police Chief
12. Human Resources Coordinator

4.0 NON-EXEMPT EMPLOYEES:

4.1 Non-Exempt Law Enforcement Employees

4.1.1 Sworn Police Officers come under the (7K) exemption in the Act.

Employees assigned to work in excess of 43 hours in a seven day work period up to 171 hours in a twenty-eight day work period must be paid overtime in either pay or compensatory

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4.2 Non-Exempt Fire Protection Employees

4.2.1 Fire Protection Employees come under the (7K) exemption in the Act.

Employees assigned to work in excess of 53 hours in a seven day work period up to 212 hours in a twenty-eight day work period must be paid overtime in either pay or compensatory time.

4.3 Non-Exempt Employees Except Fire and Police:

4.3.1 All other non-exempt employees are covered by the Act.

Employees assigned to work in excess of 40 hours in a consecutive seven day work period must be paid overtime in either pay or compensatory time.

5.0 OVERTIME RATE:

5.1 Overtime is one and one-half times an employee's "regular rate of pay" as defined by FLSA.

6.0 COMPENSATORY TIME:

6.1 Compensatory time is allowed in lieu of overtime pay.

6.1.1 Payroll records must reflect the dates that overtime is earned and the dates that the compensatory time was used.

6.1.2 Compensatory time is one and one-half times the overtime hours worked.

7.0 TRADING TIME:

7.1 Trading time Fire and Police Departments is legal.

7.1.1 Trade time must be voluntary on the part of the employees and specifically approved by the City.

7.1.2 Trade is not made for reasons related to the City's business operations.

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7.1.3 The City maintains records of all time traded by employees.

7.1.3.1 Department Head must maintain records and retain for 3 years.

7.1.4 The time traded must be tracked back within a 12 month period.

8.0 EARLY RELIEF:

8.1 Early relief common to Fire and Police employees is legal if not required by the employer.

8.1.1 Required preparation time, roll call, briefing time, etc. before regular working hours, for non-exempt employees, is work time.

9.0 STARTING AND QUITTING TIME:

9.1 Non-exempt employees should be notified officially of the specific time prior to which they may not start work each day and of the departure time beyond which they shall not be permitted to work.

9.1.1 Issuing a written notice is not sufficient. Visual enforcement is also required.

9.1.2 Non-exempt employees shall be required to leave work station during meal period. Travel time to and from meal must be within the unpaid meal period.

10.0 TRAINING TIME:

10.1 Only time spent by employees in employer required classes and training sessions is compensable time. Only time spent in the classes or training sessions that exceeds the maximum hours as mandated by the Act would be compensated at the overtime rate.

10.1.1 Employees voluntarily attending training sessions outside of regular working hours need not be compensated.

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10.1.2 Employees attending academies, even though confined to barracks for 24 hour days, need only be compensated for the time spent in classes.

11.0 TRAVEL TIME:

11.1 Home to work travel time is not compensable.

11.1.1 Employee called back to work after regular hours must be compensated portal to portal.

11.2 Travel time to training sessions, not required by the employer, is not compensable.

11.2.1 For employer required travel time, employees who drive themselves are at work regardless of the time of day unless offered public transportation. This refers to multi-day travel.

11.2.2 Employer required travel time for the drive of a vehicle, for one day, is compensable for all time except meal time. Passengers shall not be compensated for the travel time.

12.0 RECORDS:

12.1 Payroll records must be retained for three years and shall reflect the following:

12.1.1 Employee name and identifying number.

12.1.2 Home address.

12.1.3 Date of birth, if under age 19.

12.1.4 Sex and occupation.

12.1.5 Time and day on which his or her work week or work period begins and length of the work period.

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- 12.1.6 Regular rate of pay for any work week or work period in which overtime is worked.
- 12.1.7 Hours worked each day and each work week or work period.
- 12.1.8 Total daily, weekly, or work period straight-time earnings (includes one time, but not time and one half pay for overtime).
- 12.1.9 Overtime excess compensation (the "half-time" or more extra compensation for overtime).
- 12.1.10 Total additions to or deductions from wages paid each pay period.
- 12.1.11 Total wages paid each pay period.
- 12.1.12 Date of payment and the pay period covered by the payment.

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