

AN ORDINANCE AUTHORIZING THE ADOPTION OF AN EMPLOYEE EMPLOYMENT CATEGORIES POLICY AND THE ADDITION OF THE POLICY AS DEFINED TO THE VILLAGE EMPLOYEE HANDBOOK

WHEREAS, Brewster Village Council desires to adopt an Employee Employment Categories Policy and to modify the Village Employee Handbook to include an Employee Employment Categories Policy.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF BREWSTER, THAT:

SECTION 1: The Village shall adopt an Employee -- Policy as defined below and shall add Section 3.01 - Employee Employment Categories Policy to the Village Employee Handbook as follows:

3.01 Employment Categories

It is the intent of the Village of Brewster to clarify employment classifications so that employees understand their classification and benefits eligibility. These classifications do not guarantee employment for any specified period of time; accordingly, the right to terminate the employment relationship at any time is retained by the both the employee and the Village for any reason that does not contradict the law.

A. General Categories

All employees of the Village of Brewster shall be classified as follows:

1. Full-Time Employee – An employee who:

- Has successfully completed their probationary period; and
- Is certified or appointed to a position duly authorized by Council; and
- Is certified or appointed to a position for an unrestricted period of time; and
- Regularly scheduled to work thirty (30) or more hours per week (1,560 hours per year).

Full-time employees are eligible for Village of Brewster fringe benefits package in accordance with their position and length of employment.

2. Regular Part-Time Employee – An employee who:

- Has successfully completed their probationary period; and
- Is certified or appointed to a position duly authorized by Council; and
- Is certified or appointed to a position for an unrestricted period of time; and
- Regularly works less than a thirty (30) hour work week, as determined by the average number of hours worked per week in each year.

Part-time employees are not eligible for Village of Brewster fringe benefits package.

3. Seasonal Employee – An employee who:

- Is hired to perform a specific job; and
- Performs services that are required only during a certain period(s) of each year; and
- Is hired for a specified period of time which is less than one year.

Seasonal employees are not eligible for Village of Brewster fringe benefits package.

4. Temporary Employee – An employee who:

- Works full-time or part-time for the Village for a specified period of time, and/or for a specific assignment such as replacing a regular employee on leave, an interim replacement, temporarily supplement the work force, or assist in the completion of a specific project; and
- Is hired for a limited period of time, fixed by the Appointing Authority.

Temporary employees are not eligible for Village of Brewster fringe benefits package.

5. Intermittent, Casual, or Per Diem Employee – An employee who:

- Does not work regularly scheduled hours, but is called in to work on an as-needed basis.
- Works on an irregular schedule, which is determined by the fluctuating demands of the work and is generally not predictable.
- Casual or Per Diem employees are not eligible for Village of Brewster fringe benefits package.

6. **Intern** – A person who:

- Is an employee of the school, institution, or program that provides the intern to the Village of Brewster; and
- May be paid or unpaid by the Village of Brewster.

Interns are not eligible for any benefits from the Village of Brewster, as they are not employees of the Village.

7. **Unpaid Volunteer** – A person who:

- Volunteers their services to the Village of Brewster; and
- Does not receive any compensation for their service to the Village of Brewster.

Unpaid volunteers are not eligible for any benefits from the Village of Brewster, as they are not employees of the Village.

8. **Employee of Temporary Staffing Agency** – A person who:

- Is not an employee of the Village of Brewster, but of the Temporary Staffing Agency that provides said individual to the Village of Brewster; and
- Is contracted for based on the specific needs of the Village.

Employees of temporary staffing agencies are not eligible for any benefits from the Village of Brewster, as they are not employees of the Village.

9. **Contractual Employees and /or Rehired Annuitants** – A person who:

- Is hired pursuant to a contract; and
- Is hired when authorized by appropriate enactments of Council; and
- Is an employee of the Village of Brewster, and
- Has their benefits determined by Village Council through lawfully enacted legislation

Note: Statutory benefits are mandated by federal, state or local law and include a government employee retirement system, Workers' Compensation insurance and unemployment compensation insurance. All **employee** categories are eligible for statutory benefits.

B. Fair Labor Standards Classification of Employees: Exempt or Non-Exempt

In addition to the preceding, employees are also categorized as "exempt" or "non-exempt," which pertains to whether they are entitled to overtime or not.

1. **"Non-Exempt Employees"** are employees who are covered by the minimum wage and overtime provisions of the Fair Labor Standards Act (FLSA). "Non-Exempt Employees," pursuant to the Fair Labor Standards Act (FLSA) and applicable state laws, are entitled to overtime pay for all hours worked in excess of 40 hours per week.
2. **"Exempt Employees"** are employees who are not covered by the minimum wage and overtime provisions of the Fair Labor Standards Act (FLSA). "Exempt Employees" are those who perform administrative, professional, supervisory or managerial responsibilities. Pursuant to the Fair Labor Standards Act (FLSA) and applicable state laws, "Exempt employees" are not entitled to overtime pay.

C. Notification Upon Hire

Upon hire, the supervisor will notify employees of their employment classification as a "classified" or "unclassified" employee, as well as "exempt" or "non-exempt" employee, and/or the employee will be provided with a copy of their job description, which will designate whether the employee is a "classified" or "unclassified" and "exempt" or "non-exempt" employee.

SECTION 2: The above policy replaces any previous version of this policy and supersedes any current policy which may be in conflict with this policy.

SECTION 3: This ordinance shall be in full force and effect at the earliest date provided by law.

Mayor Michael E. Schwab

ATTEST:

Village Clerk Treasurer K. Kris King

CERTIFICATE

I, K. Kris King, hereby certify that the above is a true copy of an ordinance passed at a regular meeting of the Brewster Village Council held on April 3, 2017

Clerk K. Kris King

I, K. Kris King, Clerk of the Council of the Village of Brewster, State of Ohio, do hereby certify that there is no newspaper printed in said municipality and that publication of the foregoing ordinance was duly made by posting true copies thereof at five of the most public places in said corporation as determined by Council as follows: Office of Brewster Utilities, Belloni's IGA, Brewster Federal Credit Union, Post Office and Brewster Laundromat.

Clerk K. Kris King