

AN ORDINANCE AUTHORIZING THE ADOPTION OF AN EMPLOYEE FLEX TIME POLICY AND THE ADDITION OF THE POLICY AS DEFINED TO THE VILLAGE EMPLOYEE HANDBOOK

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

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

SECTION 1: The Village shall adopt an Employee Flex Time Policy as defined below and shall add Section 3.07 - Employee Flex Time Policy to the Village Employee Handbook as follows:

3.07 FLEX TIME POLICY

A. Flex Time Definitions and Purposes

“Flex time”, or “flexing” an employees’ schedule, is altering an employees’ scheduled hours in a way (within the same workweek) so that the total hours for the workweek remains at forty (40) hours.

A common form of flextime is when an employee works through their one half (1/2) hour lunch time and leaves one half (1/2) early to avoid accruing overtime.

Another example of flextime scheduling is assigning an employee to work ten (10) hours on Monday and Tuesday, then assigning the same employee to work eight (8) hours on Wednesday, then just six (6) hours Thursday and Friday for a total of forty (40) hours worked (see chart below).

Day	Monday	Tuesday	Wednesday	Thursday	Friday	Total
Hours	10	10	8	6	6	40

Finally, yet another example of flex time would be to schedule four (4) ten-hour work days in place of five (5) eight hour works days.

1. Flex Time Adjustment Due to Emergency or Extraordinary Circumstances

Flex time allows an employee to take time off during a regular shift in an amount equal to the excess hours worked on a previous shift during the same pay week as a result of either an emergency or extraordinary circumstance or work “excess” hours on a shift in an amount equal to the number of hours taken off a subsequent regular shift during the same pay week. An example would be leaving early to pick up a sick child from school and the next day working the same number of hours “over” in an equal amount to those “missed “ the previous day.

2. One Time or Long Term Schedule Flex Time

Flex time can also be a schedule by which an employee may work an alternate work schedule within specific limits dictated by the needs of the job, and is subject to management review and approval. In such a case, flex time is a work schedule with time of arrival and departure that differs from the standard operating hours by not more than two hours. An example is a typical work schedule Brewster employees arrive at 7:00 am and depart at 3:30 pm. In a flextime arrangement the schedule could be arrival at 9:00 a.m. and departure at 5:30 pm or arrival at 5:00 am and departure at 1:30 pm. This could be a long term arrangement, or could be a task/day specific arrangement. An additional example is a seasonal flex in hours where an employee works four (4) ten (10) hour shifts a week versus five (5) eight (8) hour shifts.

3. Flex Time Use for Overtime Management in Time of Economic Crisis

Flex time is also a method that managers are able to change an employee’s work schedule during the workweek so that overtime **can** be eliminated when an employee works more than eight (8) hours in a work day by “flexing” their work schedule during the same work week so as to keep their total hours worked at forty (40) hours. For example, an employee who is scheduled to work 40 hours in a workweek (Monday through Friday 8:00am to 4:30pm), and who on Monday of the workweek stays/works late to cover a meeting for four (4) hours. Under the old ordinance, the employee would be entitled to overtime for those “extra” four (4) hours worked on Monday.

Under this ordinance, the employee is not entitled to overtime for those “extra” four (4) hours worked on Monday, but only entitled to overtime if they exceed forty (40) hours worked in that same workweek. So, since the manager has the ability to alter the employee’s schedule, the manager could alter the employee’s schedule for later in the week to keep the total number of hours worked at forty (40) hours in that same workweek. In this example, the manager could inform the employee they are to leave four (4)

hours early on another day of the same workweek, thereby “flexing” the employee’s schedule and eliminating potential overtime. In this manner flex time enables respective Appointing Authorities, Superintendents, and managers to maintain an employee’s paid work hours at forty (40) or below in a work week (or reduce overtime) despite the fact that an employee may potentially exceed eight (8) hours of work in a work day.

B. Flextime Limitation to Same Workweek

The appropriate Appointing Authority or their designee is only authorized to assign and use flextime scheduling within the same forty (40) hour calendar week (i.e. if an employee works 45 total hours in week 1, they shall not be authorized to work just 35 hours the following week). Flextime hours may **NOT** be carried over from one work week to the next.

C. Flex Time Use Must Conform to Operational Requirements

1. Flex time shall be administered consistently and equitably within each department, and can only be used and/or approved when staffing remains available to effectively and efficiently meet the operational requirements of the Village and/or the department.
2. Core hours shall be established by the departments with approval of the Village Administrator and/or Mayor during which all employees must be on the job.

D. Flex Time Does Not Eliminate Overtime

1. Employees may be asked to work overtime regardless of a flex time schedule.
2. Flex time is **NOT** intended to be used to eliminate overtime from an after-hours call-out at some point during the week by reducing hours later in the same week.

E. Employee Request for Flex Time

Flex time is not subject to the discretion or consent of the employees. The employee must first discuss possible flex time arrangements with his/her supervisor, and have the arrangements approved. A flex time arrangement may be suspended or cancelled at any time.

F. Approval of Flex Time

1. Flexible time must be approved by the employee’s Department Head and Appointing Authority.
2. One-time flex time arrangements will be approved by Department Heads and Appointing Authorities will approve flex time use on a case-by-case basis.
3. Seasonal or long term flex time arrangements or schedule changes will be approved by Department Heads and Appointing Authorities.
4. In every case:
 - approval is contingent based on staffing needs and/or the ongoing ability to effectively and efficiently meet the operational requirements of the Village and/or the department.
 - the normal work week of 40 hours shall be observed. No flex time schedule shall be approved requiring more than 40 hours of actual work in a workweek.
5. Flex time should be approved, applied, and used consistently.

G. Evaluation of Flex Time Arrangements and Schedules

Flex time schedules must be continually evaluated to assure that the goal of efficiently and effectively delivering services to the residents of Brewster is being met. The Department Head should gather data to evaluate any significant effects resulting from the flex time schedule(s).

H. Management Right to Schedule

The Village of Brewster has the right to schedule employees’ work. The Village of Brewster **MAY** change an employee's starting or leaving time without obtaining the employee's consent with advance notice.

The department management/supervision may, at its discretion, implement, continue, discontinue or modify flex time work schedules. At its discretion, the department's management has the right to return an employee to a standard work schedule.

The appropriate Appointing Authorities or their designee(s) are authorized to utilize, implement, assign and/or direct flexible time (flex time) to employees in an attempt to control the use of overtime and/or to improve

departmental efficiency, provided that absent an “economic crisis” that flex time is **NOT** intended to be used to eliminate overtime from an after-hours call-out at some point during the week by reducing hours later in the same week.

Appointing Authorities or their designee(s) are able to change an employee’s work schedule during the workweek so that “overtime” may be eliminated when an employee works more (or could work more) than eight (8) hours in a work day by “flexing” their work schedule during the same day or work week so as to keep their total hours worked during the week at forty (40) hours.

Flex time may be used either in advance of or after a work day in excess of eight (8) hours is worked.

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 May 1, 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