

**AN ORDINANCE AUTHORIZING THE ADOPTION OF AN EMPLOYEE HOURS OF
WORK EXEMPT EMPLOYEE POLICY AND THE ADDITION OF THE POLICY
AS DEFINED TO THE VILLAGE EMPLOYEE HANDBOOK**

WHEREAS, Brewster Village Council desires to adopt an Employee Hours of Work Exempt Employee Policy and to modify the Village Employee Handbook to include an Employee Hours of Work Exempt Employee Policy.

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

SECTION 1: The Village shall adopt an Employee Hours of Work Exempt Employee Policy as defined below and shall add Section 3.03 - Employee Hours of Work Exempt Employee Policy to the Village Employee Handbook as follows:

3.03 HOURS OF WORK: EXEMPT EMPLOYEES

As public employees, it is imperative that records of hours actually worked and other paid time is accurately tracked and accounted for. We are required to maintain records in compliance with the federal FLSA and state regulations that at a minimum document the following information:

- Time of day the employee begins and ends work
- Hours worked by the employee each day
- Total number of hours worked by the employee each work week.

To establish an accurate record of the above, the following rules must be followed:

A. APPLICABILITY

This provision applies only to exempt employees who are NOT eligible for compensation for more than 40 hours worked in a work week pursuant to the federal or state law.

B. COMPENSATION

Exempt employees are compensated on a salary basis.

C. WORK SCHEDULE

1. Employees are required to observe the work schedule(s) established by their Supervisor and/or their Appointing Authority or their designee.
2. The work schedule of each employee is subject to revision at any time. Individual adjustments in work times may be made by their Supervisor and/or their Appointing Authority or their designee in response to varying workloads, priorities, and operations of the departments.
3. If a different work schedule is placed into effect for any employee that differs from these regulations, that work schedule shall apply only to that employee, and will be in writing.

D. WORK WEEK SCHEDULE ADJUSTMENT

The employee's Supervisor and/or their Appointing Authority or their designee **MAY** adjust an employee's work schedule (hours) during a work week/pay period to adjust for either extra hours worked and/or shortages of hours worked so that an employee's hours paid and/or actually worked for that work week/pay period total forty (40) hours.

E. CLOCK-IN & CLOCK-OUT

1. Employees, as directed by their Appointing Authority or their designee, may be required to clock in prior to their scheduled starting time and clock out after their scheduled quitting time.
2. Employees are reminded that an employee who falsifies any reports, report-offs pertaining to absence from work, claims for any benefits provided by the Village, communications or records including personnel and work records, time records, or any other Village records are subject to disciplinary action which may result in dismissal for the first offense. It shall be considered a violation to falsify time records (time sheets), including but not limited to punches in or out for an employee, either for themselves or another employee.

F. WORK TIME

All employees are to be at their desk and ready to work at the beginning of their work day, and work until the end of their scheduled quitting time, unless otherwise approved by their Appointing Authority or their designee.

G. SHORTAGE OF TIME

1. Any employee who is short of their 40 hours during any work week will be charged the appropriate amount of accrued appropriate leave with approval of their Appointing Authority or their designee to make up for the shortage, or in the absence of accrued appropriate leave, the employee will be docked the appropriate amount.

2. The "Shortage of Time" is being applied in accordance with CFR 541.710 and case law as set forth by the Ohio Supreme Court

H. SAFE HARBOR RULE

An employee may retain their exempt, salaried status if the Village makes a good faith effort to comply with the provisions of the Fair Labor Standards Act (FLSA) by:

- having a clearly communicated policy that prohibits improper deductions
- having a complaint mechanism
- reimbursing employees for improper deductions
- making a good faith effort to comply in the future.

Exempt employees who believe that their salaries have been improperly deducted should contact the Clerk-Treasurer, who will review the matter. The Clerk-Treasurer will correct the pay of any employee whose pay is found to have been improperly deducted.

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 December 18, 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