

Joint Finance/HR Committee Meeting

Thursday, January 30, 2020 – 8 am – Village Hall

- Update Pay Range Ordinance
 - SRV previously adopted and amendments
 - Clemans Nelson recommendations
 - 3% increases
 - Need ranges Zoning Inspector, Building and Zoning Inspector, Adm Asst to Bldg Dept/Board Clerk, Part-time Zoning Inspector
 - Issue with Adm Asst to Bldg Dept/Board Clerk range
- Comparable salary rates other communities
- Street Commissioner
 - Interim (hourly) to Street Commissioner (Exempt)
 - Interim salary or new rate
 - Exempt or non-exempt
 - Current job description exempt – this pay period treated exempt with flex time
 - Payout of approximately 64 comp hours (42.67 at 1.5 of rate when earned \$42.60 OT)
 - Tiered catch up
- Adm Asst/Board Clerk
 - ABR days 11 hours or late arrival (ex; 10-6)
 - 25 hours max or plus meeting time with 2 hour minimum
- Office Move
 - Cross training – Document the process and create book/manual
 - Office hours
 - Expectations
- Job Ads
 - Ads posted - resumes received
 - Pay range
 - Interviews

• In future – make interview question – Are you eligible to be rehired?
– Request – personnel file + discipline

** Finance - Will need to update our credit card policy and review possible changes to purchase order policy in next few months

VILLAGE OF SOUTH RUSSELL
PROPOSED IMPLEMENTATION COST

PLEASE NOTE
RECOMMENDED PAY
RANGES FROM
CLEMANS NELSON

	Position	Department	Minimum	Midpoint	Maximum	Current	Progression
9	Chief of Police	Police	\$33.07	\$40.51	\$46.29	\$45.22	91.88%
9	Street Commissioner	Street / Service	\$33.07	\$40.51	\$46.29	\$41.71	65.38%
9	Fiscal Officer / Tax Administrator ¹	Administration	\$33.07	\$40.51	\$46.29	\$44.15	83.82%
8	Lieutenant	Police	\$29.52	\$36.17	\$42.81	\$41.10	87.14%
7	Sergeant	Police	\$26.36	\$32.29	\$38.22	\$37.50	93.94%
6	Patrol Officer - PT ²	Police	\$24.50	\$30.01	\$35.53	\$32.38	71.43%
5	Building & Zoning Inspector - PT	Building / Zoning	\$22.16	\$27.15	\$32.14	Vacant	
5	Patrol Officer - PT	Police	\$22.16	\$27.15	\$32.14	\$24.14	19.83%
4	Maintenance ³	Street / Service	\$19.79	\$24.24	\$28.69	\$27.18	83.05%
4	Zoning Inspector - PT	Building / Zoning	\$19.79	\$24.24	\$28.69	Vacant	
2	Board Administrative Assistant ⁴	Administration	\$15.75	\$19.29	\$22.84	\$17.51 \$17.51	17.64%
2	Administrative Assistant / Board Clerk - PT	Building / Zoning	\$15.75	\$19.29	\$22.84	\$17.51	24.83%
2	Administrative Assistant	Administration	\$15.75	\$19.29	\$22.84	\$16.98 \$16.98	17.35%
1	Summer Help	Street / Service	\$12.50	\$15.31	\$18.13	\$12.88	6.76%

¹ Combined the annual salaries for Fiscal and Tax Admin. to get the current hourly rate
² Average of three patrol officers to get current hourly rate
³ Average of three maintenance workers to get current hourly rate
⁴ I didn't see the current wage rate listed on updated spreadsheet

WORKSHEET FOR 2020 PAY RANGE ORDINANCE

		MINIMUM		MAXIMUM	
	Mayor	\$ 19,618	per year	\$ 26,828	per year
	Council	\$ 4,635	per year	\$ 5,923	per year
1	Administrative Assistant	\$ 13.74	per hour	\$ 18.59	per hour
2	Board Administrative Assistant	\$ 13.74	per hour	\$ 18.59	per hour
3	Building Inspector	\$ 65,663	per year	\$ 88,838	per year
4	Fire Marshal	\$ 17.77	per hour	\$ 23.95	per hour
5	Fiscal Auditor	\$ 8,034	per year	\$ 11,330	per year
6	Fiscal Officer-Tax Administrator	\$ 75,190	per year	\$ 101,803	per year
7	Lieutenant	\$ 65,920	per year	\$ 88,580	per year
8	Maintenance-Laborer - Service Department	\$ 20.60	per hour	\$ 31.42	per hour
9	Part-time Patrol Officer	\$ 19.57	per hour	\$ 26.78	per hour
10	Patrol Officer	\$ 49,440	per year	\$ 82,556	per year
11	Police Chief	\$ 77,250	per year	\$ 104,030	per year
12	Police Corporal	\$ 19.57	per hour	\$ 26.78	per hour
13	Police Sergeant	\$ 62,624	per year	\$ 84,460	per year
14	Street Commissioner	\$ 71,070	per year	\$ 95,790	per year
15	Summer Help - Service Department	\$ 10.30	per hour	\$ 14.42	per hour
16	Zoning Inspector	\$ 20.39	per hour	\$ 29.55	per hour
17	Zoning Secretary	\$ 13.74	per hour	\$ 18.59	per hour
18	Building and Zoning Inspector	\$ 22.83	per hour	\$ 33.11	per hour
19	Admin Asst to the Bldg Dept & Board Clerk	\$ 16.23	per hour	\$ 23.53	per hour
20	Part-time Zoning Inspector	\$ 20.39	per hour	\$ 29.55	per hour

Per previous SRV adopted legislation increased 3% to update range

Per Clemans Nelson recommendation increased 3% to update range

Based rate of Adm Assistant rate previously adopted with 3% adjustment

PAY RANGE, SALARY AND HOURLY INCREASES

POSITION	Employees	Employees	Employees	Employees	Employees	Employees
	2.25%	2.25%	2.50%	2.50%	3.00%	3.00%
	EFFECTIVE	EFFECTIVE	EFFECTIVE	EFFECTIVE	EFFECTIVE	EFFECTIVE
	JAN - 15	JAN - 16	JAN - 17	JAN - 18	JAN - 19	JAN - 20
	Mayor & Council	Mayor & Council	Mayor & Council	Mayor & Council	Mayor & Council	Mayor & Council
ELECTED OFFICIALS	3.5%	3.5%	3.5%	3.5%	3.5%	3.5%
MAYOR	19,369	22,547	23,336	24,153	24,998	25,873
COUNCIL	4,361	4,514	4,672	4,836	5,005	5,180

ADMINISTRATION												
PT ADMIN ASSISTANT	13.05		15.69		16.08		16.49		17.51		18.04	
FISCAL AUDITOR	8,913		9,114		9,342		9,576		9,863		10,159	
FISCAL OFFICER	71,341		77,946		79,895		81,892		84,349		86,880	
TAX ADMIN	6,768		6,920		7,093		7,270		7,488		7,713	
FIRE PREVENTION	19.53		19.97		20.47		20.98		21.61		22.26	

94,592
CONTINUED
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BUILDING DEPARTMENT												
B/D ADMINISTRATIVE ASSISTANT/BOARD CLERK	22.80		23.31		16.08		17.00		22.84		23.53	

POLICE DEPARTMENT												
POLICE CHIEF	85,000		86,913		89,086		91,313		94,053		96,874	
LIEUTENANT	72,316		73,943		80,975		82,999		85,489		88,054	
SERGEANT	69,848		70,448		72,209		75,735		78,007		80,347	
PATROLMAN 1ST CLASS	67,296		68,810		70,530		72,293		74,462		76,696	
PATROLMAN 2nd CLASS	60,566		61,929		63,477		65,064		67,016		69,026	
PATROLMAN 3rd CLASS	54,719		55,950		57,349		58,783		60,546		62,363	
P/T PATROLMAN	21.82		22.31		22.87		23.44		24.14		24.86	

STREET DEPT.												
STREET COMMISSIONER	78,413		80,177		82,181		84,236		86,763		89,365	
INTERIM STREET COMMISSIONER									33.07		34.06	
F/T MTC HELPER #1	25.66		26.24		26.89		27.56		28.40		29.25	
F/T MTC HELPER #2	25.25		25.82		26.47		27.13		27.94		28.78	
F/T MTC HELPER #3	22.79		23.30		23.88		24.48		25.21		25.97	
SEASONAL SUMMER HELP					12.50		12.50		12.88		13.26	

SRV ADOPTED PAY RANGE ORD

ORDINANCE NO.: 2015-41

FIRST READING November 23, 2015

INTRODUCED BY: JOHN DISHONG

SECOND READING December 14, 2015

THIRD READING Waived

ORDINANCE AMENDING ORDINANCE No. 2013-8 BY AMENDING PAY RANGES FOR SOUTH RUSSELL VILLAGE EMPLOYEES due to increases over time.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of South Russell, Geauga County, Ohio that:

SECTION 1. The pay schedules for the following officers and employees of the Village of South Russell shall be as follows:

	MINIMUM	MAXIMUM
Mayor	\$ 19,047 per year	\$ 26,047 per year
Council	\$ 4,000 per year	\$ 5,500 per year
Fiscal Auditor	\$ 7,800 per year	\$ 11,000 per year
Tax Administrator	\$ 6,000 per year	\$ 8,000 per year
Fiscal Officer	\$ 67,000 per year	\$ 90,838 per year
Administrative Asst.	\$ 36,000 per year	\$ 49,000 per year
Building Inspector	\$ 54,000 per year	\$ 73,000 per year
Part-Time Board Clerk/Secretary	\$ 13.50 per hour	\$ 18.50 per hour
Police Chief	\$ 75,000 per year	\$ 101,000 per year
Police Lieutenant	\$ 64,000 per year	\$ 86,000 per year
Sergeant	\$ 60,800 per year	\$ 82,000 per year
Patrolman - Agreement	\$ 61,000 per year	\$ 83,000 per year
Patrolman	\$ 59,000 per year	\$ 80,151 per year
Patrolman 2nd Class	\$ 53,300 per year	\$ 72,000 per year
Patrolman 3rd Class	\$ 48,000 per year	\$ 65,000 per year
Part-Time Patrolman	\$ 19.00 per hour	\$ 26.00 per hour
Streets Commissioner	\$ 69,000 per year	\$ 93,000 per year
Full-Time Maintenance - 1	\$ 22.50 per hour	\$ 30.50 per hour
Full-Time Maintenance - 2	\$ 22.00 per hour	\$ 30.00 per hour
Full-Time Maintenance - 3	\$ 20.00 per hour	\$ 27.50 per hour
Fire Prevention Officer	\$ 17.25 per hour	\$ 23.25 per hour

SECTION 2. The date upon which the pay schedules shall be effective immediately.

SECTION 3. Any position and pay range previously adopted which is not in conflict with this Ordinance and in effect as of the date of this Ordinance remains in full force and effect.

SECTION 4. Pay rates for new employees and pay rates for existing employees who change positions will be established by the Mayor within the Pay Schedules in effect at the time. Pay rate adjustments within the Pay Schedules will be established by motion by Council.

SECTION 5. This Ordinance amends Ordinance No. 2013-08.

SECTION 6. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees on or after December 2, 1975, that resulted in formal actions, were in meetings open to the public in compliance with all legal requirements, including Section 121.22, Ohio Revised Code.


SECTION 7. This Ordinance is hereby declared to be an emergency measure for the immediate preservation of the health, welfare and safety of the residents of the Village of South Russell and for the further reason that the pay schedules need to be amended immediately in order to retain experienced personnel in the Village departments.

SECTION 8. This Ordinance shall be effective immediately upon its passage.



Mayor - President of Council

ATTEST:



Fiscal Officer

I certify that Ordinance No. 2015-41 was duly enacted on the 14th day of December 2015, by the Council of the Village of South Russell, and posted in accordance with the Ordinances of the Village.



Fiscal Officer

ORDINANCE NO.: 2016 - 33

FIRST READING September 12, 2016

INTRODUCED BY: John Dishong

SECOND READING Waived

THIRD READING Waived

**ORDINANCE AMENDING THE VILLAGE'S PAY RANGE
ORDINANCE BY ESTABLISHING A PAY RANGE FOR
THE PART TIME ADMINISTRATIVE ASSISTANT AND
DECLARING AN EMERGENCY.**

NOW THEREFORE BE IT ORDAINED by the Council of the Village of South Russell, Geauga County, Ohio that:

SECTION 1. The Pay Range for the position of Part Time Administrative Assistant for the Village of South Russell shall be:

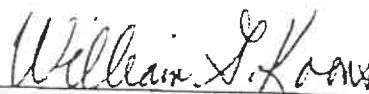
	MINIMUM	MAXIMUM
Part-Time Administrative Assistant	13.34/hr	18.04/hr

SECTION 2. The Pay Ranges established in this Ordinance shall take effect with the effective date of this Ordinance. All other Pay Ranges previously adopted which are not in conflict with this Ordinance remain in full force and effect.

SECTION 3. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees on or after December 2, 1975, that resulted in formal action, were in meetings open to the public in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION 4. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the Municipality and for the reason that the Council may fill the full time administrative assistant position immediately.

SECTION 5. This Ordinance shall be effective immediately upon its passage.



Mayor - President of Council

ORDINANCE NO.: 2017-08

FIRST READING April 10, 2017

INTRODUCED BY: JOHN DISHONG

SECOND READING Waived

THIRD READING Waived

**ORDINANCE AMENDING THE VILLAGE'S PAY RANGE
ORDINANCE BY ESTABLISHING A PAY RANGE FOR
THE PART TIME SEASONAL SUMMER HELP/LABORER
AND DECLARING AN EMERGENCY.**

NOW THEREFORE BE IT ORDAINED by the Council of the Village of South Russell,
Geauga County, Ohio that:

SECTION 1. The Pay Range for the position of Part Time Seasonal Summer
Help/Laborer for the Village of South Russell shall be:

	MINIMUM	MAXIMUM
Part-Time Seasonal	10.00/hr	14.00/hr
Summer Help/Laborer		

SECTION 2. The Pay Ranges established in this Ordinance shall take effect with the
effective date of this Ordinance. All other Pay Ranges previously adopted which are not in conflict
with this Ordinance remain in full force and effect.

SECTION 3. It is hereby found and determined that all formal actions of this Council
concerning and relating to the passage of this ordinance were adopted in an open meeting of this
Council, and that all deliberations of this Council and any of its committees on or after December
2, 1975, that resulted in formal action, were in meetings open to the public in compliance with all
legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION 4. This Ordinance is hereby declared to be an emergency measure necessary for
the immediate preservation of the public peace, health and safety of the Municipality and for the
reason that the Council may fill the full time administrative assistant position immediately.

SECTION 5. This Ordinance shall be effective immediately upon its passage.



Mayor - President of Council

ORDINANCE NO.: 2018-07

FIRST READING February 12, 2018

INTRODUCED BY: MARK PORTER

SECOND READING Waived

THIRD READING Waived

**ORDINANCE AMENDING THE VILLAGE'S PAY RANGE
ORDINANCE BY REVISING THE PAY RANGE FOR THE
BUILDING INSPECTOR AND DECLARING AN
EMERGENCY.**

NOW THEREFORE BE IT ORDAINED by the Council of the Village of South Russell, Geauga County, Ohio that:

SECTION 1. The amended Pay Range for the position of Building Inspector for the Village of South Russell shall be:

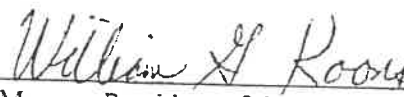
	MINIMUM	MAXIMUM
Building Inspector	63,750	86,250

SECTION 2. The Pay Ranges established in this Ordinance shall take effect with the effective date of this Ordinance. All other Pay Ranges previously adopted which are not in conflict with this Ordinance remain in full force and effect.

SECTION 3. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees on or after December 2, 1975, that resulted in formal action, were in meetings open to the public in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION 4. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the Municipality and for the reason that the Council may fill the full time administrative assistant position immediately.

SECTION 5. This Ordinance shall be effective immediately upon its passage.



Mayor - President of Council

Other Laws & Collective Bargaining Agreements

The FLSA provides minimum standards that may be exceeded, but cannot be waived or reduced. Employers must comply, for example, with any Federal, State or municipal laws, regulations or ordinances establishing a higher minimum wage or lower maximum workweek than those established under the FLSA. Similarly, employers may, on their own initiative or under a collective bargaining agreement, provide a higher wage, shorter workweek, or higher overtime premium than provided under the FLSA. While collective bargaining agreements cannot waive or reduce FLSA protections, nothing in the FLSA or the Part 541 regulation relieves employers from their contractual obligations under such bargaining agreements.

Where to Obtain Additional Information

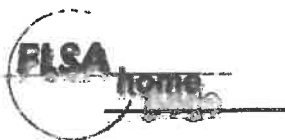
For additional information, visit our Wage and Hour Division Website:
<http://www.wagehour.dol.gov> and/or call our toll-free information and helpline,
available 8 a.m. to 5 p.m. in your time zone, 1-866-4USWAGE (1-866-487-9243).

When state law differs from the federal FLSA, an employer must comply with the standard most protective to employees. Links to your state labor department can be found at www.dol.gov/whd/contacts/state_of.htm.

This publication is for general information and is not to be considered in the same light as official statements of position contained in the regulations.

U.S. Department of Labor
Frances Perkins Building
200 Constitution Avenue, NW
Washington, DC 20210

1-866-4-USWAGE
TTY: 1-866-487-9243
[Contact Us](#)



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FLSA Coverage

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Coverage under the FLSA

Most jobs are governed by the FLSA. Some are not. Some jobs are excluded from FLSA coverage by statute. Other jobs, while governed by the FLSA, are considered "exempt" from the FLSA overtime rules.

Exclusions from FLSA coverage.

Particular jobs may be completely excluded from coverage under the FLSA overtime rules. There are two general types of complete exclusion. Some jobs are specifically excluded in the statute itself. For example, employees of movie theaters and many agricultural workers are not governed by the FLSA overtime rules. Another type of exclusion is for jobs which are governed by some other specific federal labor law. As a general rule, if a job is governed by some other federal labor law, the FLSA does not apply. For example, most railroad workers are governed by the Railway Labor Act, and many truck drivers are governed by the Motor Carriers Act, and not the FLSA. Many of FLSA exclusions are found in §213 of the FLSA.

Exempt or Nonexempt.

Employees whose jobs are governed by the FLSA are either "exempt" or "nonexempt." Nonexempt employees are entitled to overtime pay. Exempt employees are not. Most employees covered by the FLSA are nonexempt. Some are not.

Some jobs are classified as exempt by definition. For example, "outside sales" employees are exempt ("inside sales" employees are nonexempt). For most employees, however, whether they are exempt or nonexempt depends on (a) how much they are paid, (b) how they are paid, and (c) what kind of work they do.

With few exceptions, to be exempt an employee must (a) be paid at least \$23,600 per year (\$455 per week), and (b) be paid on a salary basis, and also (c) perform exempt job duties. These requirements are outlined in the FLSA Regulations (promulgated by the U.S. Department of Labor). Most employees must meet all three "tests" to be exempt.

Salary level test.

Employees who are paid less than \$23,600 per year (\$455 per week) are nonexempt. (Employees who earn more than \$100,000 per year are almost certainly exempt.)

Salary basis test.

Generally, an employee is paid on a salary basis if s/he has a "guaranteed minimum" amount of money s/he can count on receiving for any work week in which s/he performs "any" work. This amount need not be the entire compensation received, but there must be some amount of pay the employee can count on receiving in any work week in which s/he performs any work. Some "rules of thumb" indicating that an employee is paid on a salary basis include whether an employee's base pay is computed from an annual figure divided by the number of paydays in a year, or whether an employee's actual pay is lower in work periods when s/he works fewer than the normal number of hours. However, whether an employee is paid on a salary basis is a "fact," and thus specific evaluation of particular circumstances is necessary. Whether an employee is paid on a salary basis is not affected by whether pay is expressed in hourly terms (as this is a fairly common requirement of many payroll computer programs), but whether the employee in fact has a "guaranteed minimum" amount of pay s/he can count on.

The FLSA salary basis test applies only to reductions in monetary amounts. Requiring an employee to charge absences from work to leave accruals is not a reduction in "pay," because the monetary amount of the employee's paycheck remains the same. Similarly, paying an employee more than the guaranteed salary amount is not normally inconsistent with salary basis status, because this does not result in any reduction in the base pay.

With some exceptions, the base pay of a salary basis employee may not be reduced based on the "quality or quantity" of work performed (provided that the employee does "some" work in the work period). This usually means that the base pay of a salary basis employee may not be reduced if s/he performs less work than normal, if the reason for that is determined by the employer. For example, a salary basis pay employee's base pay may not be reduced if there is "no work" to be performed (such as for a plant closing or slow period), and a salary basis employee's base pay may not be reduced for partial day absences. However, employers may "dock" the base pay of salary basis employees in full day increments, for disciplinary suspensions, or for personal leave, or for sickness under a bona fide sick leave plan (as for example if the employee has run out of accrued sick leave).

Thus, there can be "permissible" and "impermissible" reductions in salary basis pay. Permissible reductions have no effect on the employee's exempt status. Impermissible reductions may, in that the general rule is that an employee who is subjected to impermissible reductions in salary is

no longer paid on a salary basis, and is therefore nonexempt. However, employers have several avenues by which they can "cure" impermissible reductions in salary basis pay, and as a practical matter these make it unlikely that an otherwise exempt employee would become nonexempt because of salary basis pay problems. The salary basis pay requirement for exempt status does not apply to some jobs (for example, doctors, lawyers and schoolteachers are exempt even if the employees are paid hourly).

The duties tests.

An employee who meets the salary level tests and also the salary basis tests is exempt only if s/he also performs exempt job duties. These FLSA exemptions are limited to employees who perform relatively high-level work. Whether the duties of a particular job qualify as exempt depends on what they are. Job titles or position descriptions are of limited usefulness in this determination. (A secretary is still a secretary even if s/he is called an "administrative assistant," and the chief executive officer is still the CEO even if s/he is called a janitor.) It is the actual job tasks that must be evaluated, along with how the particular job tasks "fit" into the employer's overall operations.

There are three typical categories of exempt job duties, called "executive," "professional," and "administrative."

Exempt executive job duties.

Job duties are exempt executive job duties if the employee

1. regularly supervises two or more other employees, and also
2. has management as the primary duty of the position, and also,
3. has some genuine input into the job status of other employees (such as hiring, firing, promotions, or assignments).

Supervision means what it implies. The supervision must be a regular part of the employee's job, and must be of other employees. Supervision of non-employees does not meet the standard. The "two employees" requirement may be met by supervising two full-time employees or the equivalent number of part-time employees. (Two half-time employees equal one full-time employee.)

"Mere supervision" is not sufficient. In addition, the supervisory employee must have "management" as the "primary duty" of the job. The FLSA Regulations contain a list of typical management duties. These include (in addition to supervision):

- interviewing, selecting, and training employees;
- setting rates of pay and hours of work;
- maintaining production or sales records (beyond the merely clerical);
- appraising productivity; handling employee grievances or complaints, or disciplining employees;
- determining work techniques;
- planning the work;
- apportioning work among employees;
- determining the types of equipment to be used in performing work, or materials needed;
- planning budgets for work;
- monitoring work for legal or regulatory compliance;
- providing for safety and security of the workplace.

Determining whether an employee has management as the primary duty of the position requires case-by-case evaluation. A "rule of thumb" is to determine if the employee is "in charge" of a department or subdivision of the enterprise (such as a shift). One handy clue might be to ask who a telephone inquiry would be directed to if the caller asked for "the boss." Typically, only one employee is "in charge" at any particular time. Thus, for example, if a "sergeant" and a "lieutenant" are each at work at the same time (in the same unit or subunit of the organization), only the lieutenant is "in charge" during that time.

An employee may qualify as performing executive job duties even if s/he performs a variety of "regular" job duties as well. For example, the night manager at a fast-food restaurant may in reality spend most of the shift preparing food and serving customers. S/he is, however, still "the boss" even when not actually engaged in "active" bossing duties. In the event that some "executive" decisions are required, s/he is there to make them, and this is sufficient.

The final requirement for the executive exemption is that the employee have genuine input into personnel matters. This does not require that the employee be the final decision maker on such matters, but rather that the employee's input is given "particular weight." Usually, it will mean that making personnel recommendations is part of the employee's normal job duties, that the employee makes these kinds of recommendations frequently enough to be a "real" part of the job, and that higher management takes the employee's personnel suggestions or recommendations seriously.

Exempt professional job duties.

The job duties of the traditional "learned professions" are exempt. These include lawyers, doctors, dentists, teachers, architects, clergy. Also included are registered nurses (but not LPNs), accountants (but not bookkeepers), engineers (who have engineering degrees or the equivalent and perform work of the sort usually performed by licensed professional engineers), actuaries,

scientists (but not technicians), pharmacists, and other employees who perform work requiring "advanced knowledge" similar to that historically associated with the traditional learned professions.

Professionally exempt work means work which is predominantly intellectual, requires specialized education, and involves the exercise of discretion and judgment. Professionally exempt workers must have education beyond high school, and usually beyond college, in fields that are distinguished from (more "academic" than) the mechanical arts or skilled trades. Advanced degrees are the most common measure of this, but are not absolutely necessary if an employee has attained a similar level of advanced education through other means (and perform essentially the same kind of work as similar employees who do have advanced degrees).

Some employees may also perform "creative professional" job duties which are exempt. This classification applies to jobs such as actors, musicians, composers, writers, cartoonists, and some journalists. It is meant to cover employees in these kinds of jobs whose work requires invention, imagination, originality or talent; who contribute a unique interpretation or analysis.

Identifying most professionally exempt employees is usually pretty straightforward and uncontroversial, but this is not always the case. Whether a journalist is professionally exempt, for example, or a commercial artist, will likely require careful analysis of just what the employee actually does.

Exempt Administrative job duties.

The most elusive and imprecise of the definitions of exempt job duties is for exempt "administrative" job duties.

The Regulatory definition provides that exempt administrative job duties are

- (a) office or nonmanual work, which is
- (b) directly related to management or general business operations of the employer or the employer's customers, and
- (c) a primary component of which involves the exercise of independent judgment and discretion about
- (d) matters of significance.

The administrative exemption is designed for relatively high-level employees whose main job is to "keep the business running." A useful rule of thumb is to distinguish administrative employees from "operational" or "production" employees. Employees who make what the business sells are not administrative employees. Administrative employees provide "support" to the operational or production employees. They are "staff" rather than "line" employees. Examples of administrative functions include labor relations and personnel (human resources employees), payroll and finance (including budgeting and benefits management), records maintenance, accounting and tax, marketing and advertising (as differentiated from direct sales), quality control, public relations (including shareholder or investment relations, and government relations), legal and regulatory compliance, and some computer-related jobs (such as network, internet and database administration). (See [Computer employees](#).)

To be exempt under the administrative exemption, the "staff" or "support" work must be office or nonmanual, and must be for matters of significance. Clerical employees perform office or nonmanual support work but are not administratively exempt. Nor is administrative work exempt just because it is financially important, in the sense that the employer would experience financial losses if the employee fails to perform competently. Administratively exempt work typically involves the exercise of discretion and judgment, with the authority to make independent decisions on matters which affect the business as a whole or a significant part of it.

Questions to ask might include whether the employee has the authority to formulate or interpret company policies; how major the employee's assignments are in relation to the overall business operations of the enterprise (buying paper clips versus buying a fleet of delivery vehicles, for example); whether the employee has the authority to commit the employer in matters which have significant financial impact; whether the employee has the authority to deviate from company policy without prior approval.

An example of administratively exempt work could be the buyer for a department store. S/he performs office or nonmanual work and is not engaged in production or sales. The job involves work which is necessary to the overall operation of the store -- selecting merchandise to be ordered as inventory. It is important work, since having the right inventory (and the right amount of inventory) is crucial to the overall well-being of the store's business. It involves the exercise of a good deal of important judgment and discretion, since it is up to the buyer to select items which will sell in sufficient quantity and at sufficient margins to be profitable. Other examples of administratively exempt employees might be planners and true administrative assistants (as differentiated from secretaries with fancy titles). Bookkeepers, "gal Fridays," and most employees who operate machines are not administratively exempt.

Merely clerical work may be administrative, but it is not exempt. Most secretaries, for example, may accurately be said to be performing administrative work, but their jobs are not usually exempt. Similarly, filing, filling out forms and preparing routine reports, answering telephones, making travel arrangements, working on customer "help desks," and similar jobs are not likely to be high-level enough to be administratively exempt. Many clerical workers do in fact exercise some discretion and judgment in their jobs. However, to "count" the exercise of judgment and discretion must be about matters of considerable importance to the operation of the enterprise as a whole.

Routinely ordering supplies (and even selecting which vendor to buy supplies from) is not likely to be considered high- enough to qualify the employee for administratively exempt status. There is no "bright line." Some secretaries may indeed be high-level, administratively exempt employees (for example, the secretary to the CEO who really does "run his life"), while some employees with fancy titles (e.g., "administrative assistant") may really be performing nonexempt clerical duties.

Rights of exempt employees.

An exempt employee has virtually "no rights at all" under the FLSA overtime rules. About all an exempt employee is entitled to under the FLSA is to receive the full amount of the base salary in any work period during which s/he performs any work (less any permissible deductions). Nothing in the FLSA prohibits an employer from requiring exempt employees to "punch a clock," or work a particular schedule, or "make up" time lost due to absences. Nor does the FLSA limit the amount of work time an employer may require or expect from any employee, on any schedule. ("Mandatory overtime" is not restricted by the FLSA.)

Keep in mind that this discussion is limited to rights under the FLSA. Exempt employees may have rights under other laws or by way of employment policies or contracts.

Rights of nonexempt employees.

Nonexempt employees are entitled under the FLSA to time and one-half their "regular rate" of pay for each hour they actually work over the applicable FLSA overtime threshold in the applicable FLSA work period. (See, "[FLSA Overtime](#)")

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Policies on Compensatory Time for Exempt Employees

by Wilhelm Schnotz, studioD



FLSA-exempt workers draw their salary even when work isn't available.

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Employers who hire workers in positions that are exempt from Fair Labor Standards Act overtime provisions -- usually known as exempt employees -- agree to pay their employees the same weekly salary no matter how much work or time on the job they put in. While compensatory time is frequently provided to hourly employees in qualifying circumstances rather than paying overtime wages, the FLSA allows employers a wide amount of flexibility in determining their policies for compensatory time for salaried workers.

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FLSA Exempt Employees and Compensatory Time

By definition of their exempt status, an exempt employee may work any number of hours in a single workweek and not receive overtime pay. Because of this, many employers don't extend compensatory time to exempt workers when they work unusual amounts during a workweek -- their job description is created to avoid overtime or compensatory time. Employers who provide compensatory time to exempt employees as a reward for extended hours don't place employees' exempt status at risk, as 29 C.F.R. §553.28 allows employers to provide exempt workers with additional benefits beyond FLSA-mandated salaries without altering their FLSA status.

Non-FLSA Mandated Compensatory Time

The FLSA requires that employers must provide hourly workers compensatory time equal to 1.5 times the amount of overtime they work but doesn't address compensatory time for exempt employees. Because of this, employers can provide exempt workers with comp time at any ratio they choose, just as they can opt not to provide compensatory time at all to those employees. Unlike hourly employees, who must be paid for unused compensatory time when they leave their position, exempt employees aren't entitled to receive compensation for unused time, according to 29 C.F.R. §553.28(e). However, employers may choose to pay for unused comp time.

"Docking" Exempt Employees' Compensatory Time

Some employers enact policies that allow salaried employees who receive compensatory time to place that time in a bank to be used at will, similar to personal leave. While this policy doesn't violate regulations for FLSA-exempt employees, employers must allow workers to use the compensatory time as needed. Employers who "dock" salaried employees' accrued compensatory time for hours not worked during a normal work week may risk losing their FLSA exemptions. Because exempt employees must receive a consistent salary regardless of the time spent at work each week to maintain their exempt status, punitively using accrued compensatory time for absences violates FLSA exemption rules.

Bonus Hourly Compensation

Rather than providing exempt employees with paid time off as compensation, some employers provide cash compensation for overtime hours worked. This compensation must be paid in addition to the employee's standard salary and is considered additional compensation that doesn't threaten an employee's exempt status, according to 29 C.F.R. §541.604(a) and positions advanced by the Department of Labor. However, some circuit courts disagree with the Department of Labor's stance on the matter, claiming that additional compensation violates the spirit of a salary agreement, according to the Texas Workforce Commission.

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Wilhelm Schnotz has worked as a freelance writer since 1998, covering arts and entertainment, culture and financial stories for a variety of consumer publications. His work has appeared in dozens of print titles, including "TV Guide" and "The Dallas Observer." Schnotz holds a Bachelor of Arts in journalism from Colorado State University.

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Can Exempt Employees Be Required to Work Overtime?

by Miranda Morley, studioD



Compensating exempt employees with a bonus is legal and can help you get better employees.

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Even in small businesses, certain jobs lend themselves more to overtime than others. From journalists to plumbers, workers whose job depends on circumstances they cannot control may work long hours one week and short hours the next. As an employer, paying these employees overtime can be costly; however, employers are not required to pay overtime to exempt employees, those who work certain jobs or make a certain amount of money. The law also allows employers to require mandatory overtime from exempt employees in most cases.

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Fair Labor Standards Act

According to the Fair Labor Standards Act (FLSA), an exempt employee is one who is paid on a salary basis of at least \$455 per week, performs duties that are classified as exempt or is covered by another labor law. The FLSA does not place any restriction on the amount of hours that exempt employees can work; it only mandates that they be given their regular salary. Thus, under the FLSA, an employer can require that an exempt employee work over 40 hours per week. However, the law does allow exempt employees to lose their exempt status if an employer begins to make deductions from the employee's salary. Certain deductions, like those for personal absences of more than a day or suspension without pay, are allowed.

Federal Acquisitions Regulations

The Federal Acquisitions Regulations do not bar an employer from requiring that an exempt employee work more than 40 hours per week. However, they do recommend that the employee be paid for her time. According to BTLG Attorneys at Law, the Federal Acquisition Regulations do not require federal agencies to pay exempt employees for overtime. The regulating body does, however, suggest that federal agencies pay contractors for their work over 40 hours a week when the contracts are "based on time and materials."

State Laws

Labor laws differ from state to state, and some states may place restrictions on the amount of overtime employers can require from exempt employees. For example, in 2008, Pennsylvania passed the Prohibition of Excessive Overtime in Health Care Act, which mandates that health-care organizations not work employees more than their contracted amount unless an emergency arises. Thus, in this state, employers are not allowed to require nurses, who may be considered exempt under the "professional job duties" test, to work overtime.

Child Labor Laws

Employers with teenage exempt employees may not be allowed to require overtime. Although most teenagers work in nonexempt positions, it is illegal for employers to require 14- or 15-year-olds to work mandatory overtime. In fact, teens in this age group are prohibited by law from working more than 18 hours in a school week or 40 hours in a non-school week. These teenagers are also permitted to work only three hours on a school day and eight hours on a non-school day. Thus, even teenagers who qualify as exempt under FLSA may not be made to work overtime. For example, if you pay a 14- or 15-year-old a salary of \$25,000 a year to be the "face" of your teen magazine on social networks, you still cannot require her to work mandatory overtime, even though she qualifies as exempt because of her salary.

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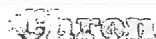
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Miranda Morley is an educator, business consultant and owner of a copywriting/social-media management company. Her work has been featured in the "Boston Literary Magazine," "Subversify Magazine" and "American Builder's Quarterly." Morley has a B.A. in English, political science and international relations. She is completing her M.A. in rhetoric and composition from Purdue University Calumet.

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**Finance and Human Resource Committee Meeting
January 30, 2020– 8:00 a.m. at Village Hall**

Present: Berger, Carroll, Nairn, Porter, Romanowski

Porter called the meeting to order at 8:00 a.m. The Fiscal Officer addressed the Village's Pay Range Ordinance. She explained the purpose of the ordinance was to allow the Village to pay employees. It was updated in 2015. Since that time, positions had been added and modified, and the ordinance was amended. The committee was provided with these ordinances. Through discussion with the Solicitor, the Fiscal Officer advised that it was necessary to put the information into one ordinance which would include new positions. The issue had been discussed the previous year with the HR Committee, to include increasing the old maximums 3% for cost of living for all employees. However, there were new positions that only had recommended pay ranges that had not been approved by Council. She provided the recommendations to the committees. Carroll explained that Clemans Nelson developed these pay ranges through study of similar communities so that the Village had a fair representation of what it should pay. The Fiscal Officer concurred. She advised that an ordinance would have to be adopted and should be made retroactive.

The Fiscal Officer explained that the raises granted by Council for most of the job descriptions fit within the pay range. However, she was unsure whether the committee was comfortable with the suggested Clemans Nelson pay ranges for the Zoning Inspector and Zoning Secretary. She further explained that the Zoning Secretary position was essentially the same as the Building Department Administrative Assistant and should be the same range. However, a different job description was adopted, and she wanted to reflect it on the pay range ordinance.

Nairn asked why one entry said Building and Zoning. The Fiscal Officer explained that Council adopted this. She stated that the Village had a Building Inspector and a Building and Zoning Inspector. This could be one person or two. Carroll stated that just because it was listed as a job description did not mean the job had to be filled. The Fiscal Officer explained that what she distributed to the committee was a list of all job descriptions, which would all require pay ranges. Porter stated that historically, the Building Inspector had always done Zoning. He further stated that Dave Hovevar was the Village's Zoning Inspector.

Carroll stated the Clemans Nelson suggestions seemed reasonable. Porter clarified that there was a job description for a full-time and part-time Zoning Inspector. The Fiscal Officer clarified it was the same pay range. Although she was unsure whether Clemans Nelson included a pay range for Zoning Inspector only, she included data from Russell, Bainbridge and Newbury on what their Zoning Inspectors are paid. She pointed out that they are townships and not a village. Nairn asked if there was a difference in expected pay between the two, and the Fiscal Officer explained that townships must answer to the State Code for some pay ranges. Porter added that pay can also be based on the volume of work in a municipality.

Porter felt that the ranges were reasonable and compatible with the other municipalities. Berger stated that what was not included was a consideration of benefits. He advised that if the

employee was full-time, the employee received benefits on top of his/her salary. In terms of a total cost to the Village, it was not only adding the hours, but adding the benefits package as well. He used an example of paying a part-time employee \$22.00 per hour but paying a full-time employee \$18.00 per hour but adding health care and other benefits on top of it. He stated that it was not truly reflective of the total cost of the employee to the Village. This was a significant increase in cost to the Village. Berger said the compensation package should be recognized.

Berger said that absent additional comparative information, the pay ranges were acceptable.

The committee agreed that the Fiscal Officer could prepare the ordinance accordingly.

The Fiscal Officer addressed the pay of the Street Commissioner. She advised that this position is an exempt position, which means Alder no longer gets overtime. Carroll said that the Street Committee should explain this to the Street Commissioner. Porter added that the Street Commissioner receives flex time. The Fiscal Officer stated that the Street Commissioner has some comp time for which he would like to receive a payout. This would occur at the rate he was receiving when he put in the time. Berger asked what other positions were exempt, and the Fiscal Officer replied that it was Police Chief, Lieutenant, Street Commissioner, and Fiscal Officer. The Fiscal Officer asked the committee if the Street Commissioner's rate of pay would be what it was when he was the Interim Street Commissioner, which was \$34.07. Porter stated that the pay range states \$71,070 up to \$95,790. The Fiscal Officer stated that the Street Commissioner's current rate would bring him in at \$70,865 per year, which is slightly below the range for Street Commissioner. Carroll asked what Darrell Johnson made before he left. The Fiscal Officer stated he was paid \$86,763. Porter asked if the current Street Commissioner should be paid at least the minimum range, and the Fiscal Officer said he must at least meet the minimum of the range, whatever they decide the range should be. Carroll agreed and said he would support more than the minimum. The Fiscal Officer cautioned promising future pay raises. Carroll emphasized that employees cannot be promised pay increases and added that it gets the Village into trouble. He added that over the past five years, there had been trouble with people being given promises that could not be met. Porter stated that these promises should not be made at all.

The Fiscal Officer relayed to the committee that the move/administrative consolidation to the Building Department went well. Regarding the Building Department Administrative Assistant/Board Clerk, the Fiscal Officer asked for clarification about hours. She reminded the committees that when the Building Department Administrative Assistant/Board Clerk was hired, she was given 25 hours per week, but then there was a question of two hour minimum for coming to the Board meetings. On ABR days, she had been coming in at the regular time and would stay until the end of the meeting, which made for an 11-hour day. This would mean that on Thursday of that week, she would leave early. The Fiscal Officer asked the committee for guidance on the expectations for the Building Department Administrative Assistant/Board Clerk. Porter stated an 11-hour day is a long day and suggested having her come in later on those days. The Fiscal Officer agreed and further explained that in the Employee Handbook it said overtime after 8 hours. Carroll did not think this was necessary for part-time employees. Carroll deferred to the Fiscal Officer to make the best recommendation. Nairn asked what time the Building Department Administrative Assistant/Board Clerk would come in on these days, and the Fiscal

officer said it would be 10:00 a.m. to 6:00 p.m. instead of 8:00 a.m. to 6:00 p.m. Porter stated that if she were to come in late, it would not be a case that the office would be empty. Porter doubted that the requirement to pay overtime applied to part-time personnel. Nairn did not think the Village was putting itself in a good position when not compensating for extra hours regardless of whether the policy pertained to full or part-time.

The Fiscal Officer verified that the Building Department Administrative Assistant/Board Clerk would normally have 25 hours, but if there were a Board meeting, she would be allowed 27 hours or however long the meeting lasted. The committee agreed. Nairn asked how many meetings the Building Department Administrative Assistant/Board Clerk attended per month, and the Fiscal Officer explained it could be up to four.

The Fiscal Officer reiterated that she and the Administrative Assistant had moved spaces the previous day. She said she would like to have some cross training so that there was enough knowledge to help residents in the event the Building Department Administrative Assistant/Board Clerk were unavailable. The committee agreed this was a good idea. Berger suggested writing the process down in a handbook, so that in the future the procedure would be available. The Fiscal Officer agreed.

Berger addressed the pay issue of overtime after 8 hours, and read that overtime was based on hours worked in a day and not hours paid. He did not know what this meant. The Fiscal Officer explained that full-time employees receive sick and vacation time. On occasion, an individual on vacation could be asked to work. The employee would be paid for working the shift and not receive overtime as if it were above his 8 hours of vacation. Porter further clarified that if a full-time employee worked over 8 hours, the employee would receive overtime. Berger stated that the handbook did not say this. Nairn advised the verbiage needed to be clarified. The committee concurred.

The Fiscal Officer reported that she posted the job ads for part-time Zoning Inspector and Fire Inspector in the Chagrin Valley Times and Indeed.com. The resumes received thus far were provided to the HR Committee.

Porter asked if there were any pressing fire inspections of Village businesses that were required. Carroll stated that the daycare facilities have a yearly State requirement. He added that he had not heard back from the Solicitor to determine whether he could, without pay, cover emergency inspections. Carroll understood the concern with the perception of undue influence of an elected official. Carroll offered, with the committees' approval, to stop by the daycare center in question to determine how urgent the inspection need was. He could then provide this to the Solicitor. The Fiscal Officer advised that efforts to reach the former Fire Marshall had been unsuccessful.

Berger asked about the Village's process in hiring, and the committee explained it to him. Porter stated that typically it was the committee for the department for which the individual would be working. Carroll stated that in the past year, the HR committee had also been involved in the process and both he and Porter agreed this was beneficial. Berger asked which department the Fire Marshall worked under, and Carroll stated that the Fire Marshall works for the Mayor and is independent. However, in the past, the Fire Marshall had worked with the Building Inspector.

The first interviews for Fire Marshall would be conducted by the Building Committee and Carroll, because of his experience in the field.

Regarding the part-time Zoning Inspector, Porter stated that the interviews would be conducted by the Building Committee, Fiscal Officer, and Dave Hocevar. Carroll questioned why Hocevar, a contractor, would be involved. Porter said he would be involved because he is a subject matter expert. Carroll said this was true, but there were issues experienced the last time he was involved in the interviews, and he was concerned about a conflict of interest. Berger agreed. The Fiscal Officer relayed that the Solicitor also questioned Hocevar's involvement. Carroll advised that he has nothing to gain in his involvement with hiring a Fire Marshall, where a contractor conducting interviews and background is problematic. The interviews, he felt, should be conducted by the Building and HR committees. Porter said this might be the way to go as part of a screening process, but the interviews are done by Building Committee, HR Committee, and the Mayor. He added that the Mayor appoints subject to Council's confirmation. Berger asked for the job description of the Fire Marshall, and the Fiscal Officer said she would provide this.

Carroll raised the issue of the inconsistencies of background investigations of prospective employees. With some, the Village had gone back 20 years, and some were just a phone call. Carroll suggested the committee should ask the applicant the question, "would you be eligible to be rehired by your former employer." He reiterated requesting previous personnel files. Porter said this would be easier to do with public sector jobs than private sector.

The Mayor interjected in the meeting that there was another request for an inspection, and so a decision was required quickly. He asked if the committee members were available for a Special Council Meeting if the decision had to be made Saturday morning. Carroll asked who made the new request, and the Mayor stated Gurney daycare. The Mayor added that the Chagrin Early Learning Center also needed one by the following Thursday. Carroll said he spoke to the Solicitor about covering the emergency inspections and she was going to investigate the matter. He added that these were probably both State required inspections and he could do those but would confirm with the Solicitor. The Mayor stated he just spoke to her and she said that it was not a good idea to have an elected official conducting the fire inspections. Porter asked if the Village wanted to rush to hire a Fire Marshall because of a deadline. The Mayor clarified he was asking if Council wanted to hire someone to do the two pending inspections. Nairn asked if the Mayor was saying Chagrin should be called. The Mayor said there were other people who could be called, but Chagrin had three or four people who could do the fire inspections. Nairn stated that Chagrin was very pricey. The Mayor said he did not know if or how they can moonlight. Carroll advised that the Mayor could call Bainbridge or Russell and have an independent contractor conduct the inspections. The Mayor reiterated that someone needed to be hired quickly. Carroll concurred with Porter that he did not want to see the Village rush into hiring a Fire Marshall. Porter stated that despite the Solicitor's reservations, he supported Carroll doing the inspections. The Mayor suggested Carroll call to confirm.

Porter departed the meeting at 8:45 a.m.

The Fiscal Officer explained that the credit card policy needed to be updated again per the State Auditors. The purchase order policy also needed to be updated because the State did not like blanket purchase orders. Carroll asked what the issue was with the credit card policy, and the Fiscal Officer explained that with the general credit card, the cards cannot be carried and must be signed out. The log would be checked against every receipt. The Fiscal Officer advised that she checks everyone's receipts against the bills, and the Fiscal Auditor checks the Fiscal Officer's charges and double checks all other employees. The Fiscal Officer advised that the State is making things more and more strict but did not have auditors to do the audits. As a result, the Village still did not have the State report. She added that the auditors would also be checking the Sunshine notices.

Carroll asked if the process of monies taken in by the Building Department would change with the consolidation. The Fiscal Officer thought it would. Berger stated the cash taken and held by the Building Department was discussed at the Building Committee meeting. Berger said that he was told the cash was turned over to the Fiscal Officer at the end of the week. The Fiscal Officer said it should be done daily. She added that the Department did not get cash often. Berger advised that there was no safe place to keep the cash and that a locked file cabinet was being used. He agreed that the process was not right and should be fixed. He added that a fireproof safe should be acquired.

Scheduling Finance Committee meetings was discussed. The Fiscal Officer stated she would email the two job descriptions to the committees.

There was further discuss of the general obligations of the Human Resource Committee.

Carroll stated that the Mayor had forwarded him information about NOPEC grants to consider from a Finance perspective. The Fiscal Officer had gotten quotes for the roof, which may have been cosmetic, but she also knew that the generator at the Police Department needed to be replaced. Carroll said there was \$14,000 in grant funds to be used for energy efficient projects. The Fiscal Officer said this was the last year the funds would be available.

Berger suggested coordinating committee efforts so that they don't work at cross purposes. Nairn and Carroll agreed.

Carroll made a motion to adjourn, seconded by Nairn. Voice vote – ayes, all. Motion carried.

Meeting adjourned at 9:08 a.m.



Michael Carroll, Chair of Finance Committee



Mark Porter, Chair of HR Committee

Prepared by: Leslie Galicki