



FINANCE AND POLICY COMMITTEE MEETING

MONDAY, NOVEMBER 6, 2023 | 6PM

4th committee meeting

The Committee will meet in Mauldin City Hall at 5 East Butler Road in the Council Chambers at 6 p.m.

The meeting will be available remotely through Zoom. Please visit the City's website at <https://cityofmauldin.org/your-government/meeting-minutes-agendas/> to access the meeting via audio and videoconferencing.
A quorum of Council will be present.

**FINANCE AND POLICY COMMITTEE MEETING
NOVEMBER 6, 2023, 6PM
CITY HALL - COUNCIL CHAMBERS
5 E. BUTLER ROAD**

Committee Members: Michael Reynolds (Chair), Carol King, Diane Kuzniar

- | | |
|---|------------------------------|
| 1. <u>Call to Order</u> | Chairperson Michael Reynolds |
| 2. <u>Public Comment</u> | Chairperson Michael Reynolds |
| 3. <u>Reading and Approval of Minutes</u> | Chairperson Michael Reynolds |
| a. Finance Committee Minutes-October 2, 2023 [Pages 3-4] | |
| 4. <u>Reports or Communications from City Officers</u> | Chairperson Michael Reynolds |
| a. City Administrator Seth Duncan | |
| b. Finance Director Holly Abercrombie | |
| c. HR Director Mark Putnam | |
| 5. <u>Unfinished Business</u> | Chairperson Michael Reynolds |
| There is no unfinished business. | |
| 6. <u>New Business</u> | Chairperson Michael Reynolds |
| a. FLSA Policy Update [Pages 5-30] | |
| b. City Holidays [Pages 31-34] | |
| c. GTA Funding Cost Share [Pages 35-43] | |
| 7. <u>Public Comment</u> | Chairperson Michael Reynolds |
| 8. <u>Committee Concerns</u> | Chairperson Michael Reynolds |
| 9. <u>Adjournment</u> | Chairperson Michael Reynolds |

MINUTES
FINANCE AND POLICY COMMITTEE MEETING
OCTOBER 2, 2023, 6PM
CITY HALL - COUNCIL CHAMBERS 5 E. BUTLER ROAD
1st committee meeting

Committee Members: Michael Reynolds (Chair), Carol King, Diane Kuzniar
Others present: Finance Director Holly Abercrombie, HR Director Mark Putnam, and City Administrator Seth Duncan.

1. Call to Order- Chairman Reynolds

2. Public Comment- None

3. Reading and Approval of Minutes

a. Finance Committee Minutes-September 5, 2023

Motion: Councilwoman King made a motion to approve the minutes with Councilwoman Kuzniar seconding.

Vote: The vote was unanimous (3-0).

4. Reports or Communications from City Officers

a. City Administrator Seth Duncan- The State Accommodations Tax Program Manager spoke with Mr. Duncan and Ms. Abercrombie today on reporting that must be done now. The advisory board will need to be in place by November 2024. The program and procedures will be brought forward to the committee at a later date.

The FLSA policy will come to committee next month.

b. Finance Director Holly Abercrombie- Ms. Abercrombie said the audit started today and is being done remotely. For this year, the financials look as they should.

c. HR Director Mark Putnam- Mr. Putnam reported the evaluation process is about 75% complete. The raises will be seen on the check of October 13th. The fire department did its evaluations as a team effort and had the fairest and most accurate reviews of any department.

Open enrollment for insurance will be November 6-8th.

5. Unfinished Business- There is no unfinished business.

6. New Business

a. FOIA Policy

The current FOIA policy states the City Clerk's Office will compile the information, draft a cover letter listing the information provided, and provide a completed packet to the Legal Department for review. The Legal Department will review the records for any exemptions, make any redactions necessary to the records (or request the department make the redactions), and provide the specific section of the FOIA statute to the City Clerk's Office for inclusion in the response cover letter.

From August 1, 2022, to current, the City has expended \$7,348.50 in FOIA cost legal fees. Staff is asking that the requirement in the current policy to send all FOIA responses to the legal department before release be amended. The majority of FOIA responses are routine police accident and incident reports that can be redacted and released by staff without legal review. If there is a question on document release, staff will contact the City Attorney's office.

Motion: Councilwoman King made a motion to send this item to Council with Councilwoman Kuzniar seconding.

Vote: The vote was unanimous (3-0).

7. Public Comment- None

8. Committee Concerns- None

9. Adjournment- Chairman Reynolds adjourned the meeting at 6:14 p.m.

Respectfully Submitted,
Cindy Miller
Municipal Clerk

FINANCE AND POLICY COMMITTEE

AGENDA ITEM

MEETING DATE: November 6, 2023

AGENDA ITEM: FLSA/Overtime Policy

TO: City Council
FROM: Human Resources Director
ITEM NUMBER: 6a
SUBJECT: FLSA/Overtime Policy

REQUEST

The Council is requested to consider adopting an amended FLSA/Overtime policy which was adopted in May 2011.

HISTORY/BACKGROUND

Pursuant to the Federal FLSA law, the City is required to pay overtime or provide compensation time and designate all job classifications as either Exempt or Nonexempt based on the FLSA statutes. The City adopted the current FLSA Policy in May 2011 which included the accrual of compensation time (comp time) instead of payment of overtime. Council last discussed the FLSA Policy in August 2017 regarding “engaged to wait”, but made no changes. Under the current policy, the City has accumulated a large comp time liability that must be realized. The policy changes proposed will eliminate the comp time liability and begin paying overtime as earned by nonexempt employees.

In addition, MPD currently operates a rotating shift for officers which consists of seven 12-hour shifts in a two-week period for a total of 84 hours. Officers are then compensated with 80 hours of paid time, plus 6 hours of comp time (booked not paid). Officers annual salary is based upon working 2,080 hours per year. As part of the elimination of comp time, MPD officers will be paid 86 hours of straight time (84 worked, plus 2 hours of court time) and will be paid overtime (time and a half) after working 86 hours in a pay period. This change will also affect the total hours worked in a year with the annual salary now being divided by 2,236 hours.

ANALYSIS

The City’s current FLSA/Overtime policy is too extensive with sections that repeat information and several sections that cover subjects not pertinent to FLSA regulations.

The proposed FLSA/Overtime policy covers the FLSA requirements the City is obligated to administer and is easier to interpret. The policy also spells out how Overtime will be paid City wide.

Summary of Changes:

Old Policy:	New Policy:
Allowed for Comp time to be earned instead of Overtime paid.	Eliminates Comp Time.
Contained sections that dealt with: On-Call Time Training Time Travel Time Sleep Time (Firefighters) Meal Periods Rest or Break Time Substitutions	These topics will be included in the next update to the Employee Policy manual.
PD Non-exempt officers were gaining 6 hours of comp time each pay period.	Non-exempt officers receive overtime after 86 hours per pay period.
Exempt vs Non-Exempt position was not listed	Exempt vs Non-Exempt position is listed

FISCAL IMPACT

It is estimated that the elimination of compensation time (comp time), which must be paid out, will cost approximately \$425,000 and which was set aside by Council with FY23 surplus funds.

Changes, if approved, would go into effect on November 21st. Payouts for comp time will be reflected in paychecks received on December 8th.

RECOMMENDATION

Staff recommends approval of the updated FLSA/Overtime Policy as presented.

ATTACHMENTS

Current FLSA/Overtime Policy
Proposed FLSA/Overtime Policy
FLSA Policy Breakdown

THIS DOCUMENT IS NOT A CONTRACT OF EMPLOYMENT. PRIOR DOCUMENTS ON THIS SUBJECT ARE REVOKED. EMPLOYMENT WITH THE CITY OF MAULDIN IS AT-WILL EXCEPT THE CITY ADMINISTRATOR.

CITY OF MAULDIN

DATE:

SUBJECT: Fair Labor Standards Act Compliance and Overtime

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I. Purpose

The purpose of this policy is to ensure compliance with the Fair Labor Standards Act (FLSA) as amended and to establish the City's guidelines for overtime payment and the earning of compensatory time-off from work.

II. Applicability

This policy applies to all employees of the City of Mauldin except the City Administrator.

III. Definitions

- **Compensatory Time Off:** As a public employer, the City of Mauldin has the option to provide compensatory time off in lieu of overtime for nonexempt employees. Compensatory time off may be accrued up to the federal limits established and is earned at the rate of 1.5 hours of banked time for each hour worked over and above an employee's threshold.
- **Exempt Employees:** Pursuant to FLSA, exempt employees do not receive overtime pay or compensatory time off for those hours worked over 40 in a workweek. Exempt employees are expected to work whatever hours are necessary to satisfactorily perform their job duties without regard to the number of hours worked.
- **Fair Labor standards Act (FLSA):** The FLSA of 1938 as amended establishes laws covering minimum wage, overtime, recordkeeping, and child labor standards.
- **Hours Worked (Compensable Work Time):** Hours worked, also referred to as compensable work time, includes all of the time a nonexempt employee is on duty at the City or at a prescribed workplace and time that a nonexempt employee is "suffered or permitted" to work for the employer. An employer "suffers or permits" an employee to work when the employer knows or has reason to know that the employee is working.
- **Non-Covered Employees:** Non-covered employees are not covered by the Fair Labor Standards Act. Positions within the City of Mauldin which would be classified as non-covered include: elected officials, personal staff who are under the direct supervision of an elected official AND have regular contact with the official, and City of Mauldin volunteers.
- **Nonexempt (Civilian) Employee:** Employees classified as nonexempt receive hourly wages. Nonexempt employees must be compensated either overtime or compensatory time for all hours worked over 40 in a workweek.

- **On-Call:** Time spent by employees, usually off the working premises, when an employee must remain available to be called back to work on short notice if the need arises. As with waiting time, the key question is whether the employee is able to effectively use the time for his or her own purposes. If the employee cannot do so, the employee has been “engaged to wait,” and the waiting time is compensable under the FLSA. If the employee is relieved of duty and may use the waiting time for personal purposes, the employee is simply “waiting to be engaged,” and the FLSA does not require payment. Merely requiring an employee to leave word, while off duty, about where he or she may be contacted does not transform the off duty time into time on call. On call employees must be compensated for idle time only when they are unable to use that time effectively for their own purposes.
- **Overtime:** Overtime is time worked by non-exempt employees that exceeds the employee’s normally scheduled workweek. Non-exempt employees are paid for each hour worked on their time sheet. If non-exempt employees work more than 40 hours in their workweek, they must be paid at a rate of 1.5 times their normal hourly rate or accrue compensatory time off at 1.5 hours per hour worked. The fire department is governed by the FLSA based on a 28 day work period and will only receive overtime after they have reached 212 hours.
- **Pay Period:** The two-week pay cycle on which employee payroll is processed. The cycle is a combination of two consecutive workweeks.
- **Regular (Hourly) Rate:** The rate that must be used in computing overtime is referred to as the regular hourly rate. In general, the regular rate of pay is the hourly rate actually paid the employee for the usual, non-overtime workweek or work period, plus other payments to the employee which is included by the FLSA in overtime compensation. The regular rate of pay cannot be less than the minimum wage. The regular rate of pay includes all remuneration for employment except certain payments excluded by the FLSA.

Sworn Nonexempt Fire Employees: Employees holding the rank of Firefighter , Senior Firefighter, Fire Lieutenant, or Fire Captain. Employees classified as Sworn Nonexempt Fire must be compensated either overtime or compensatory time off for all hours worked over 212 hours in a 28- day period.

Sworn *Exempt Fire Employees 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.) This has always been used for the Captains of the fire department because they supervise 2 or more personnel. So they are considered exempt personnel.

- **Sworn Nonexempt Police Employees:** Employees holding the rank of Police Officer or Police Sergeant. Employees classified as Sworn Nonexempt Police must be compensated either overtime or compensatory time off for all hours worked over 80 in a biweekly pay period.
- **Unauthorized work.** Hours worked by an employee without supervisory permission or contrary to supervisory instructions.
- **Waiting time.** Time spent by an employee when no productive work can be performed. If an employee is unable to use waiting time for his or her own purposes, he/she has been "engaged to wait," and the waiting time is compensable under the FLSA. On the other hand, if the employee is relieved of duty and may use the waiting time for personal purposes, the employee is simply "waiting to be engaged," and the FLSA does not require payment.
- **Workday.** In general, workday means the period between the time on any particular day when the employee commences his or her "principal activity" and the time on that day at which he or she ceases such principal activity or activities.
- **Work Period:** For all civilian employees, the work period is one (1) stand-alone workweek. As allowed by the FLSA, the City uses Section 7(k) in setting the work period for sworn fire protection and law enforcement personnel. For Sworn Police employees, the work period is a bi-weekly pay period consisting of 2 consecutive workweeks. . For sworn Fire employees, the work period is 66.73 hours.

IV. Policy

It is the City of Mauldin's policy to comply with the applicable provisions of the FLSA and with State and Federal child labor laws. Therefore, the City of Mauldin administers compensation in compliance with the FLSA, its amendments and regulations. Included in this federal law are regulations concerning the federal minimum wage, employee time, recordkeeping requirements, and jobs where an employee must receive overtime compensation after working 40 hours in a workweek.

Under the FLSA, positions may be classified as either "exempt" or "nonexempt." A position's exempt or nonexempt status is based on specific job duties and salary in accordance with FLSA exemption criteria. Exempt staff positions are not subject to the overtime provisions but may be covered by other provisions of the FLSA. In recognition of the excess number of hours exempt employees are frequently required to work, the City of Mauldin shall grant exempt employees 40 hours of exempt-leave per calendar year (pro-rated during the first year of employment as an Exempt employee).

Nonexempt positions are subject to the overtime provisions of the FLSA. In accordance with the

FLSA, the City of Mauldin reserves the right to either compensate or grant compensatory time-off to all non-exempt employees.

Any overtime work necessary to the continued effective operations of the City should be managed in the most efficient and economical manner possible. Although each Department Head is responsible for the manner in which overtime is authorized, it is equally important to control unauthorized overtime. Each department is responsible for internal controls which will provide a means of reviewing and evaluating the use of overtime.

Overtime by non-exempt employees must be approved in advance, but if worked, it must be compensated, whether approved or not. Unauthorized work shall be counted as hours worked if the supervisor should have stopped it but did not, or if he/she knows or has reason to know of the work. A non-exempt employee is expected to report overtime worked at the time of reporting other hours worked in a work period.

Employees who engage in practices in violation of this policy may be subject to disciplinary action, up to and including termination.

V. Procedures

A. Determination of FLSA Exemption Status

The overtime provisions of the FLSA apply to employees in certain types of jobs. Employees who are not subject to overtime provisions are considered “exempt.” Employees considered “nonexempt” are subject to the overtime provisions of the FLSA. To be exempt from overtime, an employee must meet the criteria of either the “standard test” (29 C.F.R. §541.231) for one of the following exemptions or the “highly compensated test” (29 C.F.R. §541.232) for the Executive exemption. The standard exemption must be used if the employee receives a total annual compensation of less than \$100,000. The allowable exemptions are:

- Executive Exemption,
- Administrative Exemption,
- Professional Exemption (Learned or Creative),
- Computer Employees Exemption,
- Outside Sales Employees Exemption, or
- “White-Collar” exemption of certain Police and Firefighting employees.

Job descriptions for all classified employees are maintained by the Human Resources Department. Human Resources is responsible for assigning the FLSA exemption status for these job titles.

B. Determination of Base Pay

1. Exempt Employees. Exempt employees are paid on a salaried basis, which means that an employee regularly receives a predetermined amount of annual compensation, equally divided among 26 pay periods. Any deductions made from an exempt employee’s salary must be made in compliance with the Fair Labor Standards Act.

2. Nonexempt Civilian and Nonexempt Sworn Police Employees. Nonexempt Civilian and Nonexempt Sworn Police employees are compensated on an hourly basis, which means that an employee receives a predetermined amount of pay for each hour worked. In accordance with the definitions and overtime sections, these employees are compensated at overtime or compensatory time off rates as required by their individual definitions.
3. Nonexempt Sworn Fire Employees. Nonexempt Sworn Fire employees are compensated on a fluctuating workweek salary basis, which means that an employee receives a predetermined amount of annual compensation, equally divided among 26 pay periods. This amount of pay remains the same, regardless of the number of hours worked during an individual work week or pay period.

C. Calculation of Regular Rate

In general, the regular rate of pay is the hourly rate actually paid the employee for the normal, non-overtime workweek or work period for which he/she is employed. It is an hourly rate regardless of the manner in which the employee is compensated (e.g., salary or piece work basis). The regular hourly rate of pay is the rate that must be used in computing overtime. The regular hourly rate must include all remuneration for employment paid to or on behalf of the employee, except for payments excluded by FLSA. Payments that must be included in the hourly rate are salaries and salary increases (including any retro payment) and on-call compensation. Excluded are payments for unworked holidays, and general leave. An employee may have different regular rates for different types of work. Overtime for an employee working in two positions with different rates of pay is paid at the average of the two rates of pay for each position.

D. Hours Worked

Hours worked (compensable work time), as already defined, includes not only the time a nonexempt employee worked at the City's request but also the time the City "suffers or permits" the nonexempt employee to work. The City "suffers or permits" an employee to work when the City knows or has reason to know that the employee is working. If this occurs, the City has accepted the benefits of the employee's work and must pay for that work. The location of the work (i.e., at the job site or away from it) is immaterial.

E. Unauthorized Work

Non-exempt employees shall not, without prior approval of their supervisor, engage in work either at the worksite or away from the work site for the primary benefit of the City at any time other than during their assigned work hours, except in an emergency. Employees are not permitted to unilaterally extend their work hours.

If a supervisor or Administrator knows or has reason to believe that a non-exempt employee is working over 40 hours in a workweek, the employee must be paid overtime, regardless if the overtime was approved or not approved. Administrators and supervisors must be attentive to practices that can incur overtime expense, such as a nonexempt employee who arrives at the work station and begins work 15 minutes before the start of his or her schedule. Hours worked by an employee without the employer's permission or contrary to instructions will be considered as hours worked. The burden will be on the Department Head, Administrator or supervisor to exercise control

of the work. Failure to obtain supervisory approval before working overtime will lead to disciplinary action up to, and including, termination.

F. Reporting Hours Worked

Any activity performed outside of a nonexempt employee's assigned work hours which the nonexempt employee believes constitutes work hours must be reported to the employee's supervisor by the end of the next shift after the activity is performed. Time worked of less than 8 minutes shall be considered "de minimus" and shall not be considered hours worked nor should such time be reported on the employee's timesheet.

Supervisors shall keep track of hours worked in excess of 8 minutes to the nearest minute. Such time shall be recorded on the employees approved timesheet to the nearest quarter hour. Supervisors are required to take the necessary steps to ensure all nonexempt, reported hours worked are accurately recorded and paid in compliance with this policy.

Nonexempt employees are required to accurately and honestly record actual hours worked. Non-exempt employees who fail to correctly record actual work time are subject to disciplinary action up to and including termination.

G. Overtime Compensation

All employees of the City of Mauldin may be required to work overtime from time to time. All overtime must be approved by a Department Head or designee who has been authorized by the Department Head to approve overtime. Department Heads or their designees shall be responsible for assigning overtime as equally as possible among employees in the department. If a nonexempt employee engages in unauthorized overtime, disciplinary action may be taken, up to and including termination.

Calculation of Overtime. For the purposes of computing hours worked, authorized general leave days used, compensatory time off used, funeral leave, jury duty and holiday hours shall be counted as time worked.

Overtime is determined as follows:

- | | |
|---|---|
| • Regular, full-time, <u>non-exempt, civilian employees</u> | Hours worked over forty (40) hours in a Civilian employees' normal work period. |
| • Sworn, <u>non-exempt, Police employees</u> | Hours worked over eighty (80) hours in an employee's normal work period. |
| • Sworn, <u>non-exempt, Fire Employees</u> | Hours worked over two hundred twelve (212) in a twenty-eight (28) day period. |

1. Payment of Overtime. Payment for overtime is computed at 1½ times the regular rate of pay for all hours worked in excess of the normal number of hours required in a normal work

period (see definitions above). Overtime hours that are to be paid must be reported on the employee's time sheet, showing the actual overtime hours worked in the pay period, and verified by the supervisor's signature on the timesheet.

H. Compensatory Time

In accordance with the FLSA, non-exempt employees may be awarded time off, known as Comp Time, for overtime hours worked in lieu of overtime payment. Comp Time is calculated at 1 ½ hours for each overtime hour worked. When overtime hours are worked, and are to be accrued as Comp Time in lieu of overtime pay, the time sheet should reflect the correct hours and pay codes and have appropriate approval. The number of actual hours worked will be shown on the time sheets. All comp time earned and used must be reflected on employee timesheets. Willful deviations from this section of the policy may result in disciplinary action for both the employee and supervisor.

1. Maximum Comp Time Accrual. Non-exempt regular employees may not accrue Comp Time in excess of 240 hours (160 overtime hours worked). Public safety sworn fire and police employees may not accrue Comp Time in excess of 480 hours (320 overtime hours worked). Overtime hours worked beyond the maximum for Comp Time accrual must be paid to the employee.
2. Use of Accrued Comp Time. Use of accrued Comp Time hours must be pre-approved by the employee's supervisor and all hours used must be noted on the time sheet submitted to Payroll in the pay period they are used. If applicable, employee must also submit appropriate forms (request to use compensatory time off form, time off request form, etc.) and receive all required signatures. Comp-time hours may be used to fill in for hours not worked to bring compensated hours up to the maximum scheduled hours for the work week in which the Comp Time is used.

The City may require nonexempt employees to take Comp Time before using general leave unless doing so would reasonably result in the loss of general leave. The employee may discharge accrued Comp Time before using general leave.

An employee who has requested the use of earned Comp Time shall be permitted to use such time within a reasonable period after making the request if the use of the Comp Time does not unduly disrupt City operations.

3. Transfers. If an employee transfers from an FLSA nonexempt position to an FLSA exempt position on or after the effective date of this policy and before taking accrued Comp Time, it shall be paid in the employee's next pay check
4. Disposition of Accrued Comp Time at Termination. Any Comp Time accrued at termination will be paid as follows: The higher of (1) the average regular rate of the employee during the last three (3) years of employment; or, (2) the final regular rate of the employee.

I. On-Call Time

Time spent by an employee who is required to remain on-call on the employer's premises or so close,

thereto, that the employee cannot use the time for his/her own purposes, is considered working time. There are two categories of on-call time, “engaged to wait” and “waiting to be engaged”. If the employee is restricted and cannot use the time effectively for his or her purposes, the employee has been “engaged to wait,” and the waiting time is compensable under the FLSA. If the employee is relieved of duty and may use the waiting time for personal purposes, the employee is simply “waiting to be engaged,” and the FLSA does not require payment. Merely requiring an employee to leave work, while off duty, about where he or she may be contacted does not transform the off duty time into time on call. On call employees must be compensated for idle time only when they are unable to use that time effectively for their own purposes.

1. On-Call Categories and General Practices. The following categories shall be used to ensure the fair and uniform practices among all departments for compensating employees who are holding “engaged to wait” on-call duty. The City of Mauldin, to ensure fairness to all employees, hereby establishes a uniform policy to govern compensation for employees who are on call for emergency or non-routine response and who are called back to duty.

a) Category 1 (Engaged to Wait)

Applicability: Employees who are required to carry communication devices and whose freedom to travel is limited by a requirement to be able to return to work for emergency response within 45 minutes. Category 1 employees are those who are on call for seven (7) consecutive days at a time. The designation of Category 1 employees must be approved by the City Administrator, or his/her designee, upon the recommendation of a Department Head. In emergency situations, Department Heads have the ability to place employees on full or partial-week on-call status. In the event of an employee being placed on partial-week on-call status for this situation, the hours of comp time earned/hours paid will be pro-rated based on the number of days for the emergency call-in status. Examples of emergency situations may include, but are not limited to, approaching ice storms, wind events, and/or other approaching weather emergencies/natural disasters.

General Practice: Category 1 employees shall receive six (6) hours of compensatory time or six (6) hours of pay at their regular hourly rate, at the Department’s discretion, for every week (7- consecutive days) they are on call. If they do actually report to duty, their service shall be compensated from the time of their arrival at their City work location at their regular hourly rate of pay unless the call to work results in overtime during the workweek. If the call to work results in overtime, the service shall be compensated at the rate of 1-1/2 hours for every hour worked (overtime or compensatory time off), with a minimum of two (2) hours time for each occurrence for which they are required to report for purposes of calculating compensation. If the call to work occurs on a recognized City holiday, the employee called back shall receive holiday pay in addition to any other compensation earned.

b) Category 2 (Waiting to be engaged)

Applicability: Employees who carry communication devices and are subject to call-back for non-routine situations, but whose freedom to travel within a radius of the City of

Mauldin is not restricted by a time requirement for return to work. Designation of a Category 2 employee will be made by the Department Head upon recommendation of the employee's supervisor.

General Practice: Category 2 employees shall receive no compensation unless they actually report to duty. If they do actually report to duty, the callback shall result in a minimum of two (2) hours time for each occurrence for which they are required to report for purposes of calculating compensation.

When employees are called back to work, they shall receive their regular hourly rate of pay from the time of the call unless the call to work results in overtime during the pay period. Then, the employee shall receive compensatory time at the rate of 1-1/2 hours for every hour worked (overtime or compensatory time off). In addition, if the callback occurs on a recognized City holiday, the employee will receive holiday pay in addition to any other compensation earned. Any employee who is called into work who does not have a take-home City vehicle will receive mileage expense at the adopted rate to work from their home and return.

Employees who report to work at their normal scheduled time, who are sent home with no work available (not having been notified in advance not to report for work), will be paid two (2) hours of straight-time pay to reimburse time and travel for needlessly reporting to work.

J. Special Situations Regarding Nonexempt Employees

1. Training Time: In general, when the City requires or permits a non-exempt employee to attend training during the employee's regular work hours, the time is compensable. Nonexempt employee training time is typically paid unless all four of the following criteria are met:

- Attendance occurs outside the employee's regular work hours; *and*
- Attendance is in fact voluntary; *and*
- The employee does not perform any other work while attending the training; *and*
- The course, lecture, or meeting is not directly related to the employee's job.

With regards to the 4th requirement (directly related to the employee's job), if the training is for purposes of preparing for advancement through upgrading one's skills, the training is *not* considered directly related to the employee's current job, even if the training incidentally improves his or her skill in doing his regular job.

2. Travel Time: Whether travel time is considered as hours worked depends on the circumstances. Travel time must be treated as work time if it is integral to performing the employee job. When travel time is merely a normal incident of employment, it is not considered hours worked.
 - a) Home to Work Travel. Normal commuting time to and from home to the work site is not work time and, therefore, not compensable. This applies to any scheduled hours, whether regular hours or overtime hours.

- b) Emergency Call-Outs. There may be instances when travel from home to work is compensable. In the event that an on-call Category 1 employee is called back to work and reports to a City facility or work site, the employee's work time begins when they reach the City facility or work site. In the unlikely event that an on-call Category 1 employee is required to report for emergency call-in more than once in a work day, the employee will be compensated for travel time from home to work site beginning with the second request for emergency call-in. When an emergency call makes it necessary for the employee to travel a substantial distance from home to a place other than the employee's normal worksite, the travel is time worked.
 - c) Normal Travel during the Work Day. Travel time as part of the workday is generally compensable. Employees who are required to travel between work sites, attend meetings, and/or pick up materials or supplies at other locations should be compensated for this time. If the travel occurs at the end of the employee's scheduled work day, the employee's home to work travel period begins when they leave the last working location, even if it is not their normal work location.
 - d) One-Day Business Trip. If an employee is required to travel outside the limits of Mauldin for a one-day trip, the employee's time is compensable minus the amount of time the employee would normally spend commuting from home to work. Components of travel time that could be regarded as ordinary travel between home and work (e.g., traveling from home to the airport) is not counted as work time.
 - e) Travel Away from Home Community. If an employee is required to travel overnight for City business, the travel time is compensable if the travel occurs during the employee's regular working hours, even if it is on a non-working day. For example, if an employee normally works 8a-5p, M-F and is required to travel on Sunday, any time spent traveling between 8a-5p on Sunday would be compensable. Furthermore, if the employee is working while traveling (working includes driving or performing productive work as a passenger), the employee must be compensated for all time spent traveling. However, time the employee spends in travel away from home outside of regular working hours as a passenger on an airplane, train, bus, automobile, boat and is free to relax is not considered compensable time.
 - f) Travel in a Private Vehicle. If an employee is offered public transportation, but requests to drive his or her own car instead, the City is required to count only those hours worked during working hours that would have occurred had the employee used the public conveyance.
3. Sleeping Time. All City of Mauldin work schedules/shifts are 24 hours or less. Therefore, if an employee is permitted to sleep during their shift, they are still on duty and must work when required; thus, the time is still compensable.

K. Meal Period

Any regularly scheduled work day of 8 hours or more for nonexempt civilian employees should provide the employee with at least a thirty (30) minute unpaid meal break each day. If there is a bona fide business need, Department Heads, in coordination with HR, have the discretion to create work

schedules that do not provide meal breaks. The meal break varies by department from one-half (1/2) to one (1) hour. A bona fide meal period is a span of at least 30 consecutive minutes (never less) during which an employee is completely relieved of duty and free to use the time for his/her own purpose. Such time is not counted as hours worked or paid time. Any “meal period” of less than 30 consecutive minutes must be paid as hours worked. It is not necessary that an employee be permitted to leave the premises during the meal period. However, the time will have to be counted as time worked if the employee is required or permitted to perform any duties while eating. Employees are expected to strictly adhere to the periods allotted for lunch. Under extenuating circumstances and with Department Head approval, employees may be allowed to use their meal period only to cover absences at the start or end of a day.

L. Rest or Break Periods

The FLSA and state law do not require an employer to provide breaks. The decision to provide employees with breaks is at the discretion of the Department Head. Any approved breaks should be no longer than fifteen (15) minutes. There should be no more than 2 breaks per day (a morning and an afternoon break). Breaks are counted as hours worked and therefore must be paid.

M. Substitutions

Employees, at their own option, but with the approval of management, may substitute during scheduled hours for other employees in the same capacity. In the case of such substitutions, the hours involved are credited to the scheduled employee and not the substitute employee. The City is not required to maintain a record that substitutions have taken place.

N. Exempt Leave

Exempt employees do not accrue overtime hours regardless of the number of hours worked in the performance of their normal job duties.

O. Additional Compensation in Special Situations for Exempt Employees.

Although not required by FLSA, the City reserves the right to provide exempt employees with additional compensation in special situations, such as special events. In these situations, the City may choose to compensate such exempt employees per hour or at a flat-fee per event or hour worked.

P. Volunteers

A volunteer is generally defined as an individual who performs hours of services for the City for civic, charitable or humanitarian reasons. A volunteer performs these services without promise, expectations or receipt of compensation for services rendered. Individuals who volunteer their services to the City and receive no compensation are excluded from the definitions of employee and

are thus excluded from coverage. An individual shall not be considered a volunteer if the individual is otherwise employed by the City to perform similar or identical services as those for which the individual proposes to volunteer. In other words, an employee of the City may not volunteer for the City when the volunteer provides the same type of service which the individual is employed to perform for compensation.

Q. Recordkeeping Requirements

The City is required to keep certain records for non-exempt employees. The records must include accurate information about the employee and data about the hours worked and wages earned. The following is a listing of the basic records the City must maintain:

- Employee's full name and social security number
- Address, including zip code
- Birth date if younger than 19
- Sex and occupation
- Time and day of week when employee's workweek and/or work period begins and ends
- Hours worked each day and total hours worked each workweek/work period
- The basis on which the employee's wages are paid
- Regular hourly pay rate
- Total daily or weekly straight-time earnings
- Total overtime earnings for the workweek
- All additions to or deductions from the employee's wages
- Total wages paid each pay period
- Date of payment and the pay period covered by the payment.

Payroll records shall be maintained for a minimum of three (3) years.

R. Roles and Responsibilities

Department Heads/Supervisors:

- Ensure existing job descriptions are detailed and current.
- Ensure all employees have been trained in all applicable employee time recordkeeping and overtime requirements in accordance with City policy.
- Maintain accurate recordkeeping of hours worked, Comp Time earned, any general leave and/or Comp Time used.
- Implement internal controls for purposes of reviewing and evaluating the use of overtime.

Employees:

- Comply with all applicable employee time record keeping requirements.
- Maintain accurate recordkeeping of hours worked, comp time earned, any general leave and/or comp time used.

- All nonexempt employees must comply with the City's/Departments overtime policy.

Human Resources Department

- Maintain updated classified job descriptions.
- Ensure all employees are properly categorized as exempt or non-exempt.
- Ensure compliance with this policy.

Exhibit A: Compensatory Time-Off Agreement

Overtime is accrued by City of Mauldin non-exempt employees for time worked related to the performance of normal or emergency duties directly related to their jobs. Non-exempt employees do not accrue overtime hours for voluntary attendance at lectures, training programs, meetings or conferences which are outside regular work hours, and are not directly related to the job, and during which productive work is not performed, nor for travel time to such meetings whether by automobile or commercial carrier. The City Administrator will determine, upon request, the compensable nature of any such activity. The Fair Labor Standards Act (FLSA) ([29 USC §207\(o\)](#)) authorizes state and local governments to provide compensatory time (comp time) off in lieu of monetary overtime compensation, at a rate of not less than one and one-half hours of compensatory time for each hour of overtime worked. Therefore, non-exempt employees may be awarded time off, known as Comp Time, for overtime hours worked in lieu of overtime payment. Non-exempt regular employees may not accrue Comp Time in excess of 240 hours (160 overtime hours worked) and public safety sworn fire and police employees may not accrue Comp Time in excess of 480 hours (320 overtime hours worked).

I understand and agree that under the City's Human Resource Policy, I may be awarded Comp Time for overtime hours worked in lieu of overtime payment.

Signature

Date

NOTHING IN THIS DOCUMENT CREATES AN EXPRESSED OR IMPLIED CONTRACT. THE CITY RESERVES THE RIGHT TO CHANGE OR MODIFY THIS POLICY AT ANY POINT. EMPLOYMENT WITH THE CITY OF MAULDIN IS AT-WILL EXCEPT THE CITY ADMINISTRATOR.

CITY OF MAULDIN

DATE:

SUBJECT: Fair Labor Standards Act Compliance and Overtime

CONTENTS

- I.** Purpose
- II.** Applicability
- III.** Definitions
- IV.** Policy
- V.** Procedures
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 - B. Determination of Base Pay
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 - D. Hours Worked
 - E. Unauthorized Work
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 - G. Overtime Compensation
 - H. Recordkeeping Requirements
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I. Purpose

The purpose of this policy is to ensure compliance with the Fair Labor Standards Act (FLSA) as amended and to establish the City's guidelines for overtime payment.

II. Applicability

This policy applies to all employees of the City of Mauldin.

III. Definitions

- **Exempt Employees:** Pursuant to FLSA, exempt employees do not receive overtime pay for those hours worked over 40 in a workweek. Exempt employees are expected to work whatever hours are necessary to satisfactorily perform their job duties without regard to the number of hours worked.
- **Fair Labor standards Act (FLSA):** The FLSA of 1938 as amended establishes laws covering minimum wage, overtime, recordkeeping, and child labor standards.
- **Hours Worked (Compensable Work Time):** Hours worked, also referred to as compensable work time, includes all of the time a nonexempt employee is on duty at the City or at a prescribed workplace and time that a nonexempt employee is "suffered or permitted" to work for the employer. An employer "suffers or permits" an employee to work when the employer knows or has reason to know that the employee is working.
- **Non-Covered Employees:** Non-covered employees are not covered by the Fair Labor Standards Act. Positions within the City of Mauldin which would be classified as non-covered include: elected officials, personal staff who are under the direct supervision of an elected official AND have regular contact with the official, and City of Mauldin volunteers.
- **Nonexempt (Civilian) Employee:** Employees classified as nonexempt receive hourly wages. Nonexempt employees must be compensated with overtime for all hours worked over 40 in a workweek.
- **Overtime:** Overtime is time worked by non-exempt employees that exceeds the employee's normally scheduled workweek. Non-exempt employees are paid for each hour worked on their time sheet. If non-exempt employees work more than 40 hours in their workweek, they must be paid at a rate of 1.5 times their normal hourly rate. The police and fire departments are governed by the FLSA based on different criteria which will be covered below.
- **Pay Period:** The two-week pay cycle on which employee payroll is processed. The cycle is a combination of two consecutive workweeks.
- **Regular (Hourly) Rate:** The rate that must be used in computing overtime is referred to as the regular hourly rate. In general, the regular rate of pay is the hourly rate actually paid the employee for the usual, non-overtime workweek or work period, plus other payments to the employee which is included by the FLSA in overtime compensation. The regular rate of pay cannot be less than the minimum wage. The regular rate of pay includes all remuneration for

employment except certain payments excluded by the FLSA.

- **Sworn Nonexempt Police and Fire Employees:** Employees holding the rank of Police Officer, Police Corporal, Police Sargent, Firefighter, Senior Firefighter and Fire Engineers are consider Nonexempt employees and will be compensated overtime as follows: Police Nonexempt employees will be compensated overtime for all hours worked over 86 in a two week pay period. Nonexempt Fire must be compensated for overtime for all hours worked over 212 hours in a 28- day period.
- **Sworn Exempt Police and Fire Employees** job duties.

Job duties are exempt 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 that 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.)

- **Unauthorized work.** Hours worked by an employee without supervisory permission or contrary to supervisory instructions.
- **Workday.** In general, workday means the period between the time on any particular day when the employee commences his or her "principal activity" and the time on that day at which he or she ceases such principal activity or activities.
- **Work Period:** For all civilian employees, the work period is one (1) stand-alone workweek. As allowed by the FLSA, the City uses Section 7(k) in setting the work period for sworn fire protection and law enforcement personnel. For Sworn Police employees, the work period is a bi-weekly pay period consisting of 2 consecutive workweeks. For sworn Fire employees, the work period is 66.73 hours.

IV. Policy

It is the City of Mauldin's policy to comply with the applicable provisions of the FLSA and with State and Federal child labor laws. Therefore, the City of Mauldin administers compensation in compliance with the FLSA, its amendments and regulations.

Overtime by non-exempt employees must be approved in advance, when possible, but if worked, it must be compensated, whether approved or not. Unauthorized work shall be counted as hours worked if the supervisor should have stopped it but did not, or if he/she knows or has reason to know about the work. A non-exempt employee is expected to report overtime worked at the time of reporting

other hours worked in a work period.

Employees who engage in practices in violation of this policy may be subject to disciplinary action, up to and including termination.

V. Procedures

A. Determination of FLSA Exemption Status

The overtime provisions of the FLSA apply to employees in certain types of jobs. Employees who are not subject to overtime provisions are considered “exempt.” Employees considered “nonexempt” are subject to the overtime provisions of the FLSA. To be exempt from overtime, an employee must meet the criteria of either the “standard test” (29 C.F.R. §541.231) for one of the following exemptions or the “highly compensated test” (29 C.F.R. §541.232) for the Executive exemption. The standard exemption must be used if the employee receives a total annual compensation of less than \$100,000. The allowable exemptions are:

- Executive Exemption,
- Administrative Exemption,
- Professional Exemption (Learned or Creative),
- Computer Employees Exemption,
- “White-Collar” exemption of certain Police and Firefighting employees.

Job descriptions for all classified employees are maintained by the Human Resources Department. Human Resources is responsible for assigning the FLSA exemption status for these job titles.

B. Determination of Base Pay

1. Exempt Employees. Exempt employees are paid on a salaried basis, which means that an employee regularly receives a predetermined amount of annual compensation, equally divided among 26 pay periods. Any deductions made from an exempt employee’s salary must be made in compliance with the Fair Labor Standards Act.
2. Nonexempt Civilian and Nonexempt Sworn Police Employees. Nonexempt Civilian and Nonexempt Sworn Police employees are compensated on an hourly basis, which means that an employee receives a predetermined amount of pay for each hour worked. In accordance with the definitions and overtime sections, these employees are compensated at overtime rates as required by their individual definitions.
3. Nonexempt Sworn Fire Employees. Nonexempt Sworn Fire employees are compensated on a fluctuating workweek salary basis, which means that an employee receives a predetermined amount of annual compensation, equally divided among 26 pay periods. This amount of pay remains the same, regardless of the number of hours worked during an individual work week or pay period.

C. Calculation of Regular Rate

In general, the regular rate of pay is the hourly rate actually paid the employee for the normal, non-

overtime workweek or work period for which he/she is employed. It is an hourly rate regardless of the manner in which the employee is compensated (e.g., salary or piece work basis). The regular hourly rate of pay is the rate that must be used in computing overtime. The regular hourly rate must include all remuneration for employment paid to or on behalf of the employee, except for payments excluded by FLSA. Payments that must be included in the hourly rate are salaries and salary increases (including any retro payment) and on-call compensation. Excluded are payments for unworked holidays, and general leave (ie. annual leave, sick leave, etc.).

D. Hours Worked

Hours worked (compensable work time), as already defined, includes not only the time a nonexempt employee worked at the City's request but also the time the City "suffers or permits" the nonexempt employee to work. The City "suffers or permits" an employee to work when the City knows or has reason to know that the employee is working. If this occurs, the City has accepted the benefits of the employee's work and must pay for that work. The location of the work (i.e., at the job site or away from it) is immaterial.

E. Unauthorized Work

Non-exempt employees shall not, without prior approval of their supervisor, engage in work either at the worksite or away from the work site for the primary benefit of the City at any time other than during their assigned work hours, except in an emergency. Employees are not permitted to unilaterally extend their work hours.

If a supervisor or Administrator knows or has reason to believe that a non-exempt employee is working over 40 hours in a workweek, the employee must be paid overtime, regardless if the overtime was approved or not approved. Administrators and supervisors must be attentive to practices that can incur overtime expense, such as a nonexempt employee who arrives at the work station and begins work 15 minutes before the start of their schedule. Hours worked by an employee without the employer's permission or contrary to instructions will be considered as hours worked. The burden will be on the Department Head or supervisor to exercise control of the work. Failure to obtain supervisory approval before working overtime will lead to disciplinary action up to, and including, termination.

F. Reporting Hours Worked

Any activity performed outside of a nonexempt employee's assigned work hours which the nonexempt employee believes constitutes work hours must be reported to the employee's supervisor by the end of the next shift after the activity is performed. Time worked of less than 10 minutes shall be considered "de minimus" and shall not be considered hours worked nor should such time be reported on the employee's timesheet.

Supervisors shall keep track of hours worked in excess of 10 minutes to the nearest minute. Such time shall be recorded on the employee's approved timesheet to the nearest quarter hour. Supervisors are required to take the necessary steps to ensure all nonexempt, reported hours worked are accurately recorded and paid in compliance with this policy.

Nonexempt employees are required to accurately and honestly record actual hours worked. Non-exempt employees who fail to correctly record actual work time are subject to disciplinary action up

to and including termination.

G. Overtime Compensation

All employees of the City of Mauldin may be required to work overtime from time to time. All overtime must be approved by a Department Head or designee who has been authorized by the Department Head to approve overtime. Department Heads or their designees shall be responsible for assigning overtime as equally as possible among employees in the department. If a nonexempt employee engages in unauthorized overtime, disciplinary action may be taken, up to and including termination.

Calculation of Overtime. For the purposes of computing hours worked, authorized general leave days used (both annual and sick), funeral leave, jury duty and holiday hours shall not be counted as time worked.

Overtime is determined as follows:

- | | |
|---|---|
| • Regular, full-time, <u>non-exempt, civilian employees</u> | Hours worked over forty (40) hours in a Civilian employees' normal work period. |
| • Sworn, <u>non-exempt, Police employees</u> | Hours worked over eighty (86) hours in an employee's normal work period. |
| • Sworn, <u>non-exempt, Fire Employees</u> | Hours worked over two hundred twelve (212) in a twenty-eight (28) day period. |

1. Payment of Overtime. Payment for overtime is computed at 1½ times the regular rate of pay for all hours worked in excess of the normal number of hours required in a normal work period (see definitions above). Overtime hours that are to be paid must be reported on the employee's time sheet, showing the actual overtime hours worked in the pay period, and verified by the supervisor's signature on the timesheet.

H. Recordkeeping Requirements

The City is required to keep records for non-exempt and exempt employees. The records must include accurate information about the employee and data about the hours worked and wages earned. The following is a listing of the basic records the City must maintain:

- Employee's full name and social security number
- Address, including zip code
- Birth date if younger than 19
- Sex and occupation
- Time and day of week when employee's workweek and/or work period begins and ends
- Hours worked each day and total hours worked each workweek/work period
- The basis on which the employee's wages are paid
- Regular hourly pay rate or annual salary for exempt employees
- Total daily or weekly straight-time earnings

- Total overtime earnings for the workweek
- All additions to or deductions from the employee's wages
- Total wages paid each pay period
- Date of payment and the pay period covered by the payment.

Payroll records shall be maintained for a minimum of three (3) years.

I. Roles and Responsibilities

Department Heads/Supervisors:

- Ensure existing job descriptions are detailed and current.
- Ensure all employees have been trained in all applicable employee time recordkeeping and overtime requirements in accordance with City policy.
- Maintain accurate recordkeeping of hours worked, any leave used.
- Implement internal controls for the purpose of reviewing and evaluating the use of overtime.

Employees:

- Comply with all applicable employee time record keeping requirements.
- Maintain accurate recordkeeping of hours worked, and any leave used.
- All nonexempt employees must comply with the City's/Departments overtime policy.

Human Resources Department

- Maintain updated classified job descriptions.
- Ensure all employees are properly categorized as exempt or non-exempt.
- Ensure compliance with this policy.

RECOMMENDED TITLE	FLSA CLASSIFICATION
ADMINISTRATIVE ASSISTANT ALL DEPARTMENTS	NON-EXEMPT
BDS BUILDING OFFICIAL	EXEMPT
BDS SENIOR BUILDING INSPECTOR	EXEMPT
BDS BUSINESS AND DEVELOPMENT SERVICES DIRECTOR	EXEMPT
BDS PERMIT TECHNICIAN	NON-EXEMPT
COMMUNITY DEVELOPMENT DIRECTOR	EXEMPT
CULTURAL CENTER EVENT COORDINATOR	NON-EXEMPT
CULTURAL CENTER MANAGER	EXEMPT
CULTURAL CENTER MARKETING SPECIALIST	NON-EXEMPT
CULTURAL CENTER THEATER PRODUCTION COORD	NON-EXEMPT
FINANCE ACCOUNTANT	EXEMPT
FINANCE ACCOUNTING SPECIALIST	NON-EXEMPT
FINANCE DIRECTOR	EXEMPT
FINANCE SENIOR ACCOUNTANT	EXEMPT
FIRE BATTALION CHIEF	EXEMPT
FIRE CHIEF	EXEMPT
FIRE MARSHALL	EXEMPT
FIRE DEPUTY FIRE MARSHAL	EXEMPT
FIRE LIEUTENANT	NON-EXEMPT
FIREFIGHTER	NON-EXEMPT
FIREFIGHTER ENGINEER	NON-EXEMPT
HUMAN RESOURCES DIRECTOR	EXEMPT
HUMAN RESOURCES GENERALIST	EXEMPT
JUDICIAL RECORDS CLERK	NON-EXEMPT
JUDICIAL ASSISTANT CLERK OF COURT	NON-EXEMPT
JUDICIAL CLERK OF COURT	EXEMPT
MUNICIPAL CLERK	EXEMPT
POLICE ANIMAL CONTROL / CODE OFFICER	NON-EXEMPT
POLICE CHIEF	EXEMPT
POLICE CORPORAL	NON-EXEMPT
POLICE DISPATCHER	NON-EXEMPT
POLICE EVIDENCE TECHNICIAN	NON-EXEMPT
POLICE LIEUTENANT	NON-EXEMPT
POLICE PATROL OFFICER	NON-EXEMPT
POLICE RECORDS CLERK	NON-EXEMPT
POLICE SERGEANT	NON-EXEMPT
POLICE VICTIM ADVOCATE	NON-EXEMPT
PUBLIC WORKS DIRECTOR	EXEMPT
PW BUILDING MAINTENANCE SUPERVISOR	NON-EXEMPT
PW CUSTODIAN	NON-EXEMPT

PW DRIVER (CDL)	NON-EXEMPT
PW FACILITY ASSET MANGEMENT TECH	NON-EXEMPT
PW FLEET MECHANIC	NON-EXEMPT
PW OPERATOR I	NON-EXEMPT
PW OPERATOR II	NON-EXEMPT
PW OPERATOR III	NON-EXEMPT
PW PARKS AND GROUNDS SUPERVISOR	NON-EXEMPT
PW SANITATION SUPERVISOR	NON-EXEMPT
PW SEWER SUPERVISOR	NON-EXEMPT
PW STREET SUPERVISOR	NON-EXEMPT
RECREATION COORDINATOR	NON-EXEMPT
RECREATION DIRECTOR	EXEMPT
RECREATION FITNESS INSTRUCTOR	NON-EXEMPT
RECREATION LEADER (FRONT DESK SUPERVISOR & MEMBERSHIP COORDIANTOR)	NON-EXEMPT
RECREATION PROGRAM MANAGER	NON-EXEMPT
RECREATION SENIORS PROGRAM MANAGER	EXEMPT
RECREATION ASSISTANT SENIORS PROGRAM MANAGER	EXEMPT
RECREATION SPORTS CENTER MANAGER	EXEMPT
RECREATION ASSISTANT RECREATION DIRECTOR	EXEMPT
RECREATION SPORTS CENTER FLOOR/FRONT DESK	NON-EXEMPT

FINANCE AND POLICY COMMITTEE

AGENDA ITEM

MEETING DATE: November 6, 2023

AGENDA ITEM: Holiday Schedule Adjustment

TO: Finance and Policy Committee

FROM: Human Resources Director

ITEM NUMBER: 6b

SUBJECT: Holiday Schedule Adjustment

REQUEST

The Committee is requested to consider adopting the City Holiday schedule for calendar year 2024 to include both Juneteenth and New Years Eve as new holidays and eliminating the floating holiday.

HISTORY/BACKGROUND

For over a decade, the City of Mauldin's Holiday schedule has consisted of eleven (11) declared Holidays and one (1) Floating Holiday (see attachment). The City Holiday schedule details when City Offices are closed and provides an opportunity for many of the staff to enjoy religious or cultural celebrations or remembrances. For those working on the holiday itself, the City provides financial compensation of 8 hours of holiday pay.

ANALYSIS

In an effort to ensure City Holidays are reflective of holidays observed for religions and cultural celebrations and in similar alignment with federal, state, and local days of importance, staff recently reviewed the City's current holiday schedule and found the following:

	Mauldin	State of SC	Federal	Greenville County	Simpsonville
New Year's Day	X	X	X	X	X
Martin Luther King Jr. Day	X	X	X	X	X
Good Friday	X			X	X
Memorial Day	X	X	X	X	X
Independence Day	X	X	X	X	X
Labor Day	X	X	X	X	X
Veteran's Day	X	X	X	X	X

Thanksgiving Day	X	X	X	X	X
Day After Thanksgiving	X	X		X	X
Christmas Eve	X	X			X
Christmas Day	X	X	X	X	X
Floating Holiday	X				
Washington's Birthday (Feb 20)		X	X		
Juneteenth (June 19)	X		X		X
Confederate Memorial Day (May 10)		X			
Boxing Day (Dec 26)		X		X	
Columbus Day (Oct 9)			X		
New Year's Eve (Dec 31)	X				
	12 13	13	11	11	12

While there is a significant overlap, there are a few differences between the City's observed holidays and other jurisdictions. Most offer employees between 11 and 13 paid holidays, while the State of SC is also considering adding Juneteenth to its list of holidays for a total of 14. Department heads discussed several different scenarios, but ultimately found a consensus around the idea of eliminating the floating holiday in favor of a reoccurring holiday. In addition to swapping the floating holiday for New Year's Eve, staff is proposing the creation of a new holiday commemorating the end of slavery in the United States – Juneteenth. Juneteenth became the latest federal holiday in 2021.

FISCAL IMPACT

Staff anticipates only a minor fiscal impact for those that will be working in public safety roles during the holiday, but this will not affect the overall budget of the City. Just as important, the addition of another paid holiday will add greatly to the benefits offered to full-time employees, solidifying the City of Mauldin as a great place to work.

RECOMMENDATION

Staff recommends Committee support for the adoption of the proposed 2024 City Holiday Schedule as presented.

ATTACHMENTS

2023 City Holiday Schedule
Proposed 2024 City Holiday Schedule



City of Mauldin 2023 Holiday Schedule:

<i>New Year's Day</i>	<i>Monday, January 2, 2023</i>
<i>Martin Luther King, Jr. Day</i>	<i>Monday, January 16, 2023</i>
<i>Good Friday</i>	<i>Friday, April 7, 2023</i>
<i>Memorial Day</i>	<i>Monday, May 29, 2023</i>
<i>Independence Day</i>	<i>Tuesday, July 4, 2023</i>
<i>Labor Day</i>	<i>Monday, September 4, 2023</i>
<i>Veteran's Day</i>	<i>Friday, November 10, 2023</i>
<i>Thanksgiving Day</i>	<i>Thursday, November 23, 2023</i>
<i>Day after Thanksgiving</i>	<i>Friday, November 24, 2023</i>
<i>Christmas Holidays</i>	<i>Monday, December 25, 2023 and Tuesday, December 26, 2023</i>
<i>**Floating Holiday**</i>	<i>Used at Employee's Discretion</i>

Must be used in 2023 calendar year cannot be carried over



City of Mauldin 2024 Holiday Schedule:

<i>New Year's Day</i>	<i>Monday, January 1, 2024</i>
<i>Martin Luther King, Jr. Day</i>	<i>Monday, January 15, 2024</i>
<i>Good Friday</i>	<i>Friday, March 29, 2024</i>
<i>Memorial Day</i>	<i>Monday, May 27, 2024</i>
<i>Juneteenth</i>	<i>Wednesday June 19, 2024</i>
<i>Independence Day</i>	<i>Thursday, July 4, 2024</i>
<i>Labor Day</i>	<i>Monday, September 2, 2024</i>
<i>Veteran's Day</i>	<i>Monday, November 11, 2024</i>
<i>Thanksgiving Day</i>	<i>Thursday, November 28, 2024</i>
<i>Day after Thanksgiving</i>	<i>Friday, November 29, 2024</i>
<i>Christmas Holidays</i>	<i>Tuesday, December 24, 2024 and Wednesday, December 25, 2024</i>
<i>New Years Eve</i>	<i>Tuesday, December 31, 2024</i>

FINANCE AND POLICY COMMITTEE

AGENDA ITEM

MEETING DATE: November 6, 2023

AGENDA ITEM: 6c

TO: Finance and Policy Committee

FROM: Seth Duncan, City Administrator

SUBJECT: Greenlink Route Funding

REQUEST

Funding consideration in next fiscal year's budget for Greenville Transit Authority's (GTA) Greenlink Route 601 in the amount of \$54,000 to continue operating the route that serves the City of Mauldin.

HISTORY/BACKGROUND

The Greenville Transit Authority currently operates three routes in the Mauldin-Simpsonville Urbanized area, with two of these routes serving the City of Mauldin. Greenlink provides bus service to the City of Mauldin and City of Simpsonville via Route 501 and Route 601. Each route operates on a one-hour rotation, Monday through Friday from 5:30am until 11:30pm, and Saturday from 8:30am until 6:30pm. Services from Greenville to Mauldin to Simpsonville have existed since 2012.

The current total annual cost to operate the Mauldin-Simpsonville routes cost approximately \$2 million with the federal government subsidizing approximately 75% of the cost. The balance of the cost has been paid from a combination of fares, and state funding, and by joint funding by the City of Greenville and Greenville County.

Beginning July 1, 2024, the City of Greenville will no longer subsidize Route 601 of the Simpsonville Connector which serves both Mauldin and Simpsonville. In order for the GTA to continue providing this route, GTA is requesting financial participation by both the City of Mauldin and City of Simpsonville. The GTA has requested that the City of Mauldin commit to providing \$54,000 and the City of Simpsonville provide \$47,000 for FY2025 operations.

ANALYSIS or STAFF FINDINGS

According to ridership data received from GTA, approximately 11,171 rides were taken on the 601 Connector through July 2023. This rate is on pace to well exceed the ridership total from 2022 of just over 16,000 rides. The Route serves as a vital transportation option for individuals with limited transportation means, and is convenient to connect with employment centers, retail, and other points of interests.

Per the information provided by the Greenville Transit Authority, the Simpsonville Connector's Route 601 will no longer be subsidized by the City of Greenville starting next fiscal year. If \$101,000 in funding is not secured, the route will discontinue service on July 1, 2024. GTA has asked that both municipalities respond by February 28, 2024, regarding its decision to participate financially to support the continuation of Route 601.

FINANCIAL IMPACT

The fiscal impact will be \$54,000 in the City's FY2025 Budget, and every year after that, the cost will increase in line with inflation. The City's share of the route is contingent upon funding by the City of Simpsonville, should Simpsonville decide to not support the route, Mauldin would be responsible for all costs associated with the 601 Route.

The GTA stated in its letter that there are additional costs which may require additional funding considerations such as new bus stops, bus stop amenities, additional or expanded routes, and/or unforeseen changes to funding formulas.

Route funding will be subject to annual appropriations and the City will not be committed beyond each fiscal year.

RECOMMENDATION

Staff recommends the Committee forward to full Council the request with a positive recommendation for funding in FY2025.

ATTACHMENTS

- Letter from Greenville Transit Authority
- Ridership Data

August 31, 2023

Seth Duncan
City Administrator
City of Mauldin
P.O. Box 881
Mauldin, South Carolina 29662

Dear Mr. Duncan,

The Greenville Transit Authority (d.b.a. Greenlink) currently operates three routes (510, 601, 602) in the Mauldin-Simpsonville Urbanized Area; two of these bus routes serve the City of Mauldin. These routes include Route 510: Laurens, which runs from downtown Greenville to Mauldin, and Route 601: Simpsonville Connector, which connects to Route 510 in Mauldin and travels through Mauldin to Simpsonville. Each of these routes operate on one-hour headways, Monday through Friday from 5:30 a.m. until 11:30 p.m. and Saturday from 8:30 a.m. until 6:30 p.m. GTA is currently hiring to expand service hours on Saturday to match the weekday service schedule. In addition to fixed route bus service, Greenlink also operates Greenville Area Paratransit (GAP), a complementary ADA paratransit service required to be operated in the fixed route area. All maintenance on vehicles and bus stop maintenance is performed by Greenlink staff.

Bus service from Greenville to Mauldin and Simpsonville has existed since 2012. Originally the route operated as "Route 14" and was a two-hour route – traveling from downtown Greenville to Harrison Bridge Road for approximately 60 minutes and then returning to downtown Greenville – with two vehicles operating on route to ensure each stop was serviced each hour. The City of Mauldin is within the Mauldin-Simpsonville Urbanized Area (UZA). As the designated regional transit authority, Greenlink is apportioned federal transit and state mass transit funding (SMTF) to provide transit services to this UZA. When the Route 14 service originally began in 2012, the total annual cost was estimated to be \$420,005, of which \$237,307 was paid for using federal transit funds, \$139,199 was paid using SMTF, and \$43,499 was paid using fare revenues collected from passengers. Route 602: Woodruff Connector operates in the Mauldin-Simpsonville UZA but does not enter the City of Mauldin, and this route is not subsidized with SMTF Funds.

In 2019, Greenlink implemented its Comprehensive Operations Analysis, which resulted in a redesign of the bus route network to create a more efficient system. One of the changes implemented in July 2019 included the split of Route 14 into two separate one-hour routes – becoming what is now operated as Route 510 and Route 601.

As GTA moves into FY-24—nearly 11 years later—the current total annual cost to operate the three routes (510, 601, 602) in the Mauldin-Simpsonville Urbanized Area is \$2,032,258, of which \$1,451,742 is covered using federal transit funding, \$33,200 is made up from fare revenue, \$158,418 is provided by SMTF, \$155,560 is funded by the City of Greenville, and \$233,339 is funded by Greenville County. The annual operating costs have significantly escalated while SMTF apportionments have barely increased by \$20,000, forcing the City of Greenville and Greenville County to subsidize this service.

Effective July 1, 2024, the City of Greenville will no longer subsidize service that runs into the cities of Mauldin or Simpsonville. Given that the SMTF is the other local funding source, GTA voted to implement the following policy decisions pertaining to SMTF and local contributions moving forward:

- Continue to utilize Mauldin-Simpsonville federal transit funds and SMTF to fund routes 510 and 601.
- As additional routes are integrated into the system, splice SMTF subsidy using a Route Revenue Hours percentage.
- The initial year of any new route will not be eligible for SMTF until that route has been in operation for at least *one complete fiscal year*.
- For routes that span multiple jurisdictions, use Route Revenue Miles to determine percentage of subsidy required for each municipality receiving bus service.
- If a municipality has less than 10% of Route Revenue Miles in its jurisdiction, no match will be required.

Impacts to Route 601: Simpsonville Connector

Using this cost model for Route 601: Simpsonville Connector, which is 19.6 miles in total length, the following is determined:

- 7.5 Miles in Mauldin
- 6.5 Miles in Simpsonville
- 5.1 Miles in County
- 0.5 Miles in Fountain Inn
 - For Fountain Inn – 0.5 Miles represents 2.6% (0.5 / 19.6)

For Percent Split between Mauldin & Simpsonville, total mileage is 14 miles. These percentages are subject to change as the route changes:

- 54% for Mauldin
- 46% for Simpsonville

Utilizing the FY-24 Costs for Route 601: Simpsonville Connector as an example for this new cost model, the following breakout is determined:

Current Cost		Proposed Revenue	
Operations	\$ 516,935	Federal Subsidy	\$ 581,950
Maintenance	\$ 233,914	SMTF	\$ 79,209
Paratransit	\$ 143,074	Fare Revenue	\$ 33,200
Total Operating Cost	\$ 893,923	Local Revenue	\$ 199,564
		Total Revenue	\$ 893,923

Sources of Local Revenue

Greenville County (60%)	\$ 119,738
Municipalities (40%)	\$ 79,826

Municipality Split

Mauldin (54%)	\$ 43,106
Simpsonville (46%)	\$ 36,720

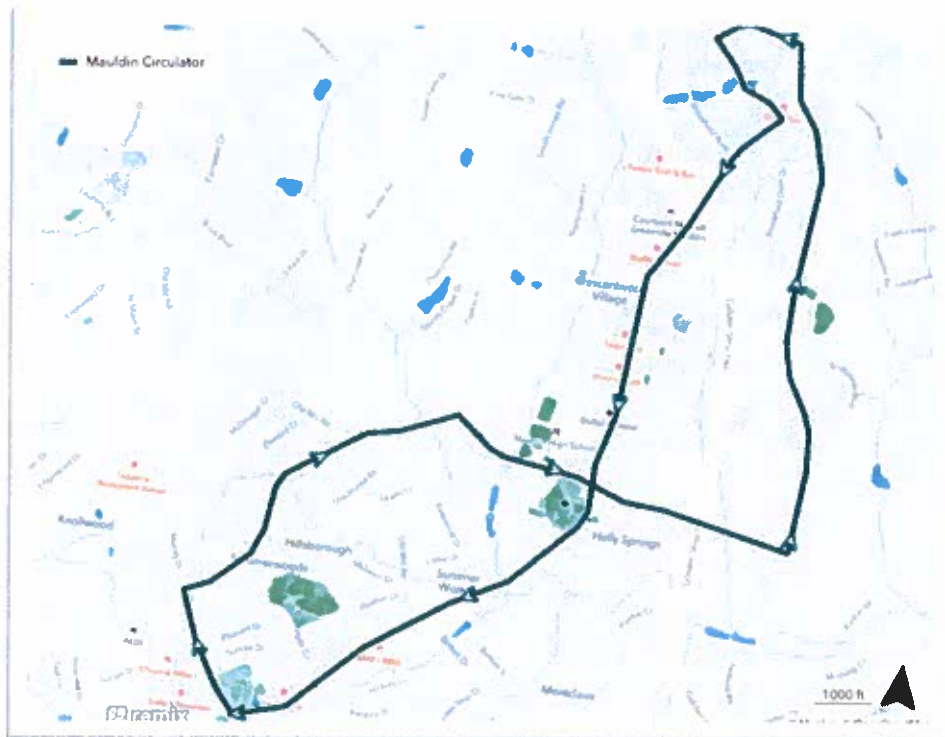
These costs do not represent the cost of replacement or expansion of vehicles or installation of new bus stops or bus stop amenities (i.e., shelters, benches, lighting, etc.). In general, a transit bus has a useful life of 12 years and is currently eligible for an 85% funding match from the Federal Transit Administration. Assuming the cost of a new bus is \$1,000,000 (which is reasonable for an electric bus), the local amount needed would be \$150,000 for expansion vehicles, and approximately \$12,500 per year for replacement costs, not considering inflation.

Since the City of Greenville will no longer subsidize Route 601: Simpsonville Connector beginning in FY-25 (effective July 1, 2024), GTA is requesting that both the City of Mauldin and the City of Simpsonville provide the local match needed to operate this route. **GTA is requesting the City of Mauldin provide \$54,000 per year (plus inflation per year) and the City of Simpsonville to provide \$47,000 per year (plus inflation per year) to continue to operate this route.** If the total annual local funding of \$101,000 is not secured, service will be discontinued effective July 1, 2024.

Municipality	FY-24 Cost	Capital Costs	Total Cost + 10%	FY-25 Request
Mauldin	43,106	6,250	54,291	54,000
Simpsonville	36,720	6,250	47,267	47,000

Route Expansion Options for the City of Mauldin

As outlined in GTA's 2021 Transit Development Plan Update, additional service has been identified as a need in Mauldin. The Mauldin Circulator was designed to offer service for 14 hours per weekday.



Setting up this route would require the purchase of a bus, bus stop and amenity installation, as well as ongoing operations cost. For planning purposes, the cost of a CNG (Compressed Natural Gas) bus is utilized below.

<u>Item</u>	<u>Cost</u>	<u>Federal Subsidy</u> <u>Rate</u>	<u>Federal Subsidy</u>	<u>Local Amount</u> <u>Required</u>
CNG Bus	\$700,000	85%	\$595,000	\$105,000
Stop/Amenity Installation	\$449,800	80%	\$359,840	\$89,960
Total Capital	\$1,149,800		\$954,840	\$194,960
Annual Operating Cost	\$476,750	50%	\$238,375	\$238,375
Total Year 1				\$433,335

For Year One, the City of Mauldin would need to provide ~\$200,000 in capital matching funds, and then be prepared to provide ~\$240,000 in annual funding (plus inflation) to operate the Mauldin Circulator. This route would also be eligible for SMTF, which is estimated to be approximately \$40,000 per year, leaving \$200,000 for the City of Mauldin to match annually. This change would decrease the amount of SMTF available to match the 601: Simpsonville Connector.

Implementing the Mauldin Circulator route, and utilizing SMTF to subsidize the Mauldin Circulator operating costs, would result in less SMTF funding available for Route 601, requiring more local municipality contributions to operate Route 601: Simpsonville Connector:

<u>Municipality</u>	<u>FY-24 Cost</u>	<u>Capital Costs</u>	<u>Total Cost + 10%</u>	<u>FY-25 Request</u>
Mauldin	47,896	6,250	59,561	60,000
Simpsonville	40,801	6,250	51,756	52,000

Additionally, by becoming a funding partner, each municipality is eligible to appoint one member to the Greenville Transit Authority Board of Directors.

We ask that you consider this request and provide a decision by February 28, 2024.

If the City of Mauldin is interested in bringing this service online, GTA is happy to present the operational plan for that service in more detail to the appropriate parties.

Greenlink staff is also happy to provide additional data or to meet to discuss this request.

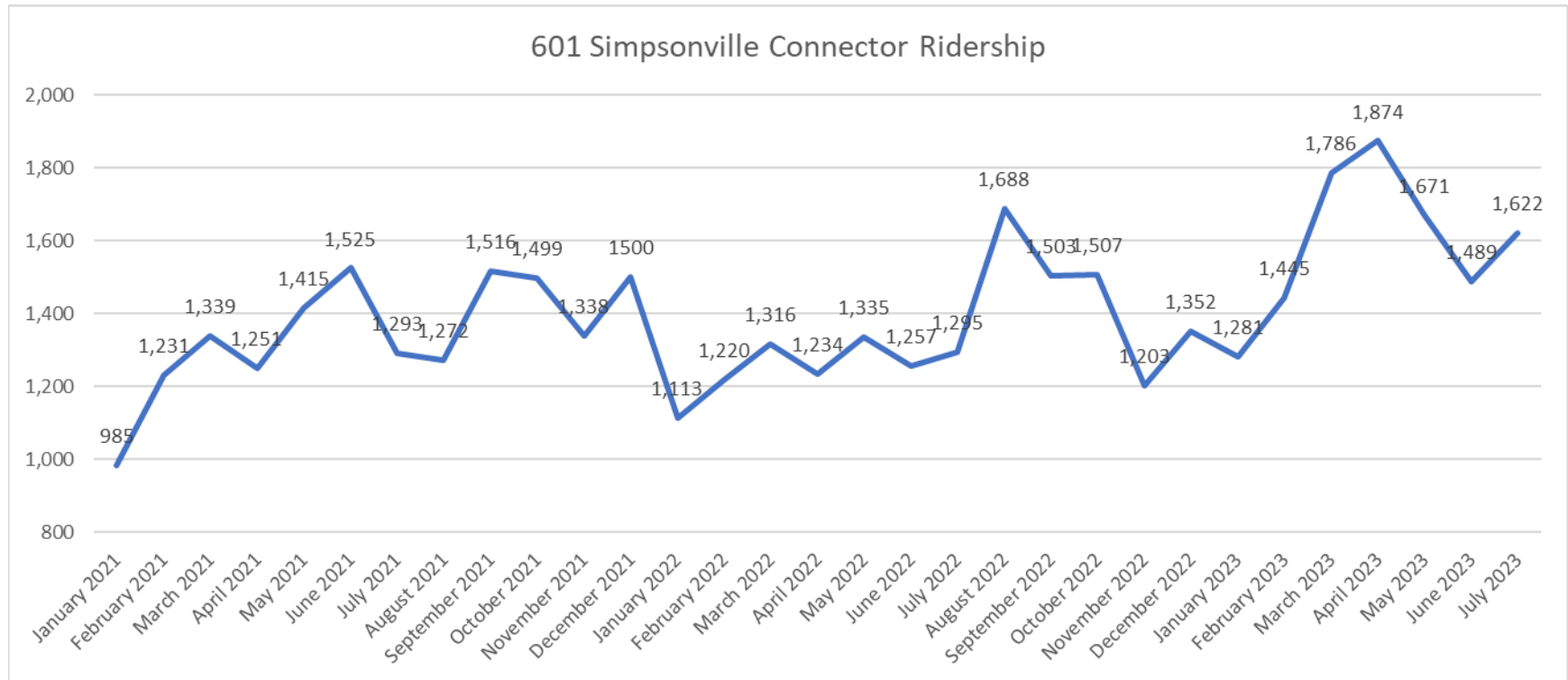
Sincerely,

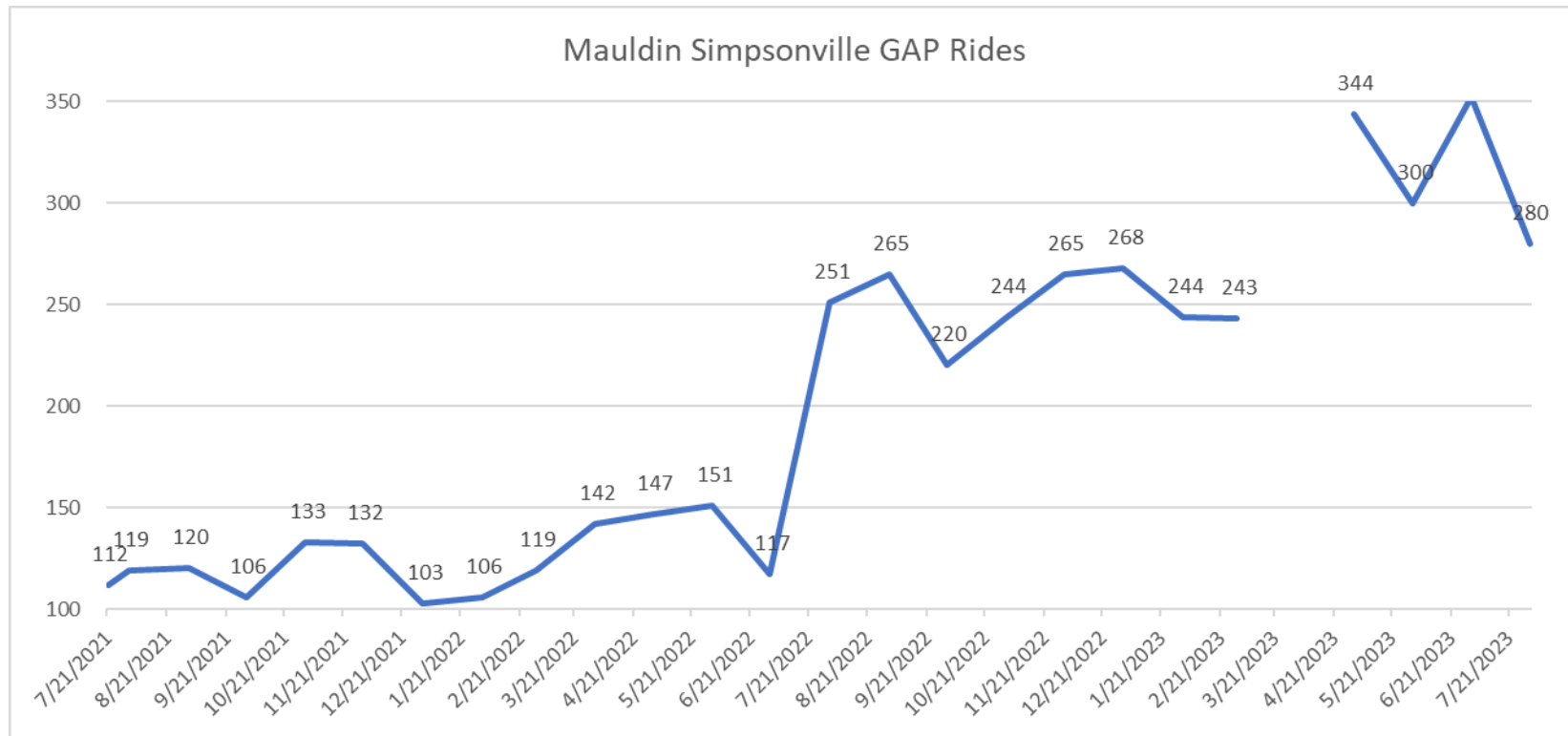


Walker Smith, GTA Board Chair

Cc: James C Keel, GTA Executive Director

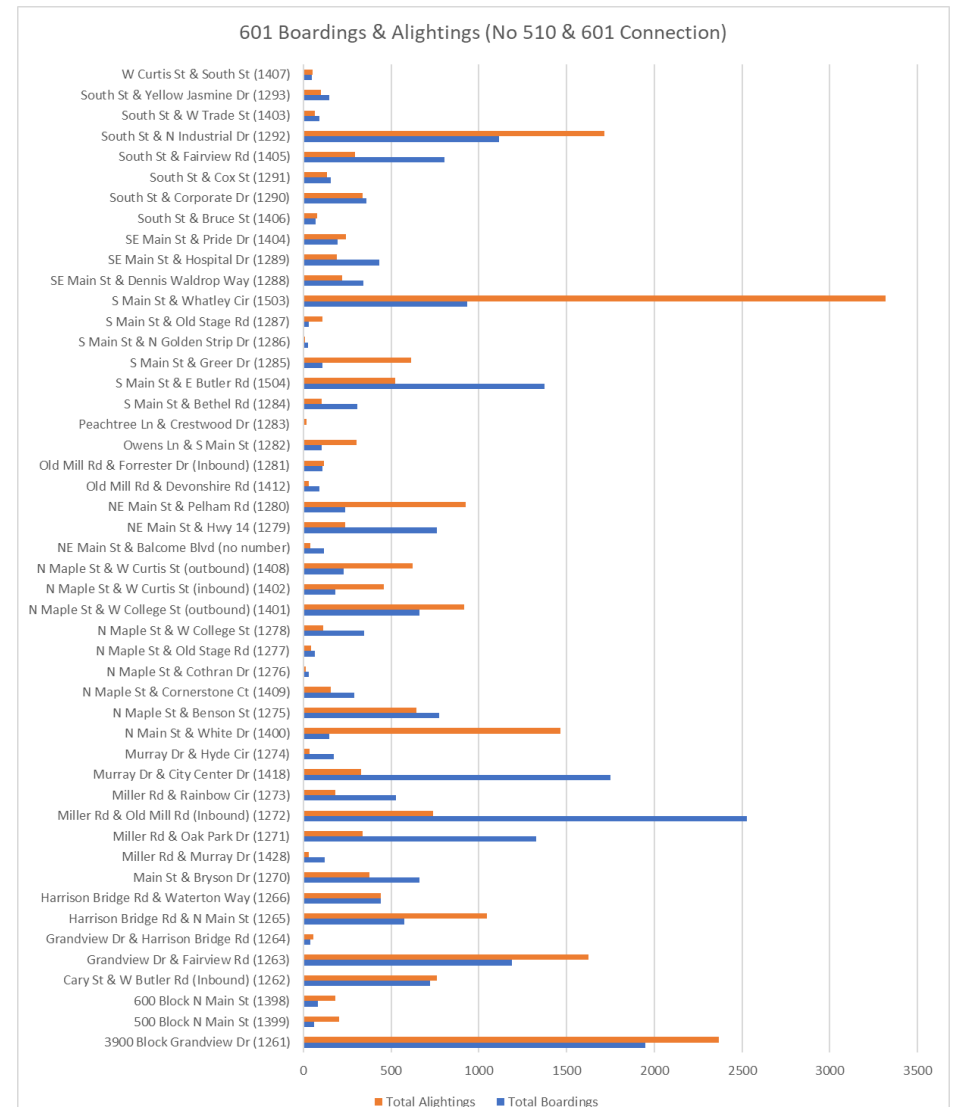
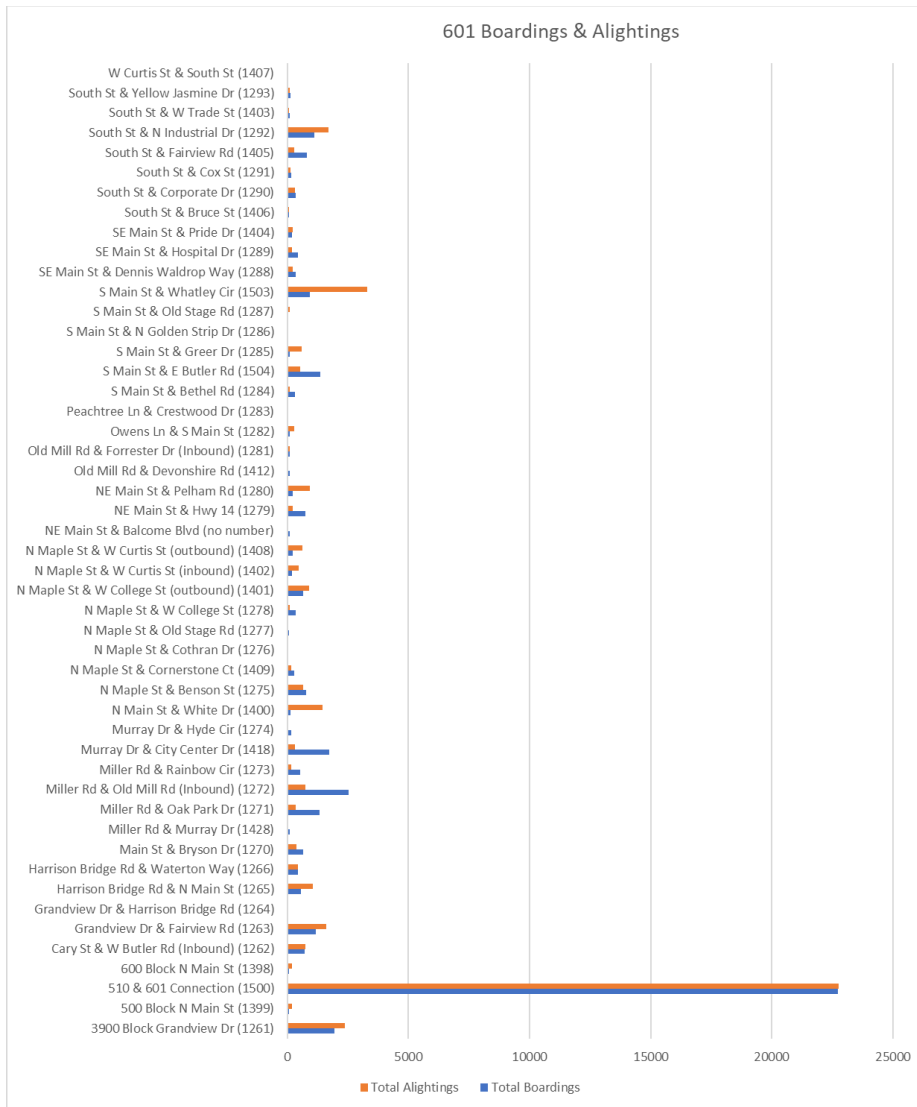
Simpsonville Ridership Overview





*I started tracking GAP by UZA in July 2021.

**There is no data available for GAP in April 2023 because we launched a new paratransit software and the system was unable to split out this data at that time.



*The boarding and alighting data is pulled from 1/1/2021 – end of Syncromatics contract (2023).