

TOWN OF GUILDERLAND
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INTER-OFFICE MEMORANDUM

TO: Peter G. Barber, Town Supervisor and Board Members
FROM: BobbiJo Wier, Personnel Assistant
DATE: May 2nd, 2024
RE: Town Board Agenda item

Please consider adding the following titles to the "Flex-Time Policy for Exempt Employees" as recommended by the Personnel Assistant:

Director of Golf
Golf Professional
Superintendent of Transfer Station

SECTION 5 - COMPENSATION

501 PAY PRACTICES AND PROCEDURES

Payday

Employees of the Town are paid bi-weekly on Friday, lagged one week. Meaning an employee receives their paycheck one week after the end of the pay period the paycheck accounts for. The compensation to be paid to employees shall be payable in equal bi-weekly installments over the calendar year. Compensation of employees hired with the understanding that they will be on the payroll for less than a calendar year shall be payable to them in equal bi-weekly installments over their anticipated employment period.

Overtime / Compensatory Time

Overtime compensation is paid to all nonexempt employees in accordance with federal and state wage and hour laws. Time and one-half will be paid for hours worked over forty (40) hours in any one week.

When operating requirements or other needs cannot be met during regular working hours, employees will be called upon for overtime work assignments. Where practical, overtime assignments will be distributed as equitably as possible to all employees qualified to perform the required work.

Failure to work required overtime or working overtime without prior authorization from a supervisor may result in disciplinary action, up to and including termination of employment.

The use of leave credits and holidays shall be considered time worked in the computation of Overtime.

Compensatory time is time off to compensate for hours worked beyond forty (40) hours in a given workweek. The employee will be credited with the equivalent of one and one-half hours for all authorized time worked over forty (40) hours in a given workweek. The choice of Compensatory time off or Overtime pay shall be made by the employee.

An employee whose employment with the Town is terminated will receive cash payment for unused compensatory credits to which the employee is properly entitled at the employee's then current rate of pay.

Flex-Time Policy for Exempt Employees

The Town Board of the Town of Guilderland recognizes that exempt employees by nature of their positions and in accordance with the Fair Labor Standards Act (FLSA), are not entitled to

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receive overtime pay or compensatory time for time worked in excess of the regularly scheduled workweek, which may be a regular occurrence due to the position's responsibilities. The Town Board also recognizes that exempt employees may need to attend a variety of Town Board and other special meetings, which are generally held outside the employee's normal workday.

Those employees who are required by their job to work beyond the normal workday or workweek, shall be eligible to receive flex-time calculated at a rate equal to one hour earned for every one hour spent attending to such requirements. The Town Supervisor, in his or her discretion, shall have the final say in determining whether or not a situation qualifies for the earning of flex-time under this policy.

In addition, those exempt employees who are required by their job to respond to an emergency situation which occurs beyond the normal workday or workweek, shall be eligible to receive flex-time calculated at a rate equal to 1 hour earned for every 1 hour spent attending to such emergency situation. Travel time to and from the emergency site shall be included as time worked for purposes of this policy. Emergency work shall be defined as an unforeseen combination of circumstances or the resulting state that calls for immediate action by the employee. Emergency work shall not include work that is pre-scheduled or which is normally performed beyond the employee's workday or workweek (such as conferences, meetings, programs, scheduled maintenance work, or nonemergency services provided to members of the public). The Town Supervisor, in his or her discretion, shall have the final say in determining whether or not an emergency situation qualifies for the earning of flex-time under this policy.

Any other work performed by exempt employees beyond the normal workday or workweek will not qualify for additional flex-time unless specifically approved by the Town Supervisor. It is generally recognized by the Town that such work is a requirement of the position for which such exempt employee occupies.

Flex-time balances cannot exceed 40 hours. Flex-time will not be paid out in cash at the time of the employee's separation from employment. Any flex-time not used at the time of separation shall be forfeited by the employee.

Any exempt employee wishing to claim and/or use earned flex-time must complete the necessary authorization form and submit to the Town Supervisor for review and written approval. In no case will approval be granted if the exempt employee's department is not adequately staffed or if the work load does not permit.

The positions listed below are FLSA exempt and are covered by the above Flex-time Policy:

Assessor
Building Maintenance Supervisor
Chief Building and Zoning Inspector
Chief Fire Inspector
Clerk to the Justices

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Comptroller
Coordinator of Senior Citizen's Services
Director of Human Resources
Director of MIS
Director of Parks & Recreation
Superintendent of Water & Sewer District
Town Planner

Pay Deductions

The law requires that the Town of Guilderland make certain deductions from every employee's compensation. Among these are applicable federal, state, and local income taxes. The Town also deducts Social Security taxes up to a specified limit that is called the Social Security "wage base". The Town matches the amount of Social Security taxes paid by each employee. Medicare is also deducted as appropriate as well as any court ordered wage garnishments.

The Town of Guilderland offers programs and benefits beyond those required by law. Eligible employees may voluntarily authorize deductions from their paychecks to cover the costs of participation in these benefit programs.

The Town may have to take a "pay setoff" from your paycheck. Pay setoffs mean that the Town must deduct money from your paycheck to pay off a debt you owe to someone else. Examples are court ordered garnishments and child support payments.

Pay Adjustments

The Town of Guilderland complies with applicable wage/hour laws and regulations and prohibits improper deductions made from any employee's paycheck. The Town takes all reasonable steps to ensure that employees receive the correct amount of pay in each paycheck and that employees are paid promptly on the scheduled payday.

If an employee believes that an improper deduction from pay has been made or that a deduction is inconsistent with his/her exempt status, the employee must immediately contact Human Resources Department. Any complaint will be resolved within a reasonable time frame once all the facts have been evaluated.

Employees should refer questions regarding pay deductions or pay calculations to the Human Resources Department.

Direct Deposit

Employees are strongly encouraged to deposit all of their paycheck directly into the checking and/or savings account(s) of their choice. Please contact Human Resources Department for an