

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: August 13, 2024

Item Details

Presenter(s): Mary Beth Manville, Director

Department(s): Human Resources

Requested Motion

Motion to approve the revisions to the Special Event Pay policy of the Town's Personnel Policies Manual.

Approval Recommended?

Yes

Item Details

The current special events pay policy has crept beyond the original intent and in doing so, has limited our ability to address the needs and concerns of our teams. The Fair Labor Standards Act (FLSA) does not dictate any additional compensation beyond what would be earned under normal overtime/comp time criteria for special events. Special event pay was implemented to provide the additional half-time compensation in situations where FLSA would not require OT due to a holiday within the same period in which employees did not physically work more than 40 hours. The extra half-time pay was meant to recognize the time worked by employees since they did not get to enjoy the extra day off as intended with the holiday. It is important to note that FLSA also regulates the eligibility of special event pay, including the qualifications that special events occur outside regularly scheduled work hours and are not treated as comp time. The intent of the revisions is to provide flexibility that will allow our teams to enjoy a preference of time off or financial compensation instead of forcing everyone into the same compensation requirement.

Details of the changes are below and reflected in the attached "Town of Apex Personnel Policies" document. New language is indicated by **red font** and removed language has a ~~strikethrough~~.

Section 17. Special Event Pay

Special Event Pay is provided to non-exempt employees who are required/volunteer to work in a special event that occurs outside of their regularly scheduled work hours **within the same week of a pay period that**

the Town observes a holiday in which Town offices generally are closed. Administration will provide an annual calendar designating which special events qualify for Special Event Pay.

For non-exempt Fire and Police employees, Special Event Pay is provided when employees work in a special event that occurs outside of their regularly scheduled work hours within the same two-week pay period that the Town observes a holiday in which Town offices generally are closed.

For the purposes of this policy, if a non-exempt employee has completed a full work shift on the same day as an event and also works the event afterward, the event is considered to be outside of their regular schedule as referenced above.

Special Event Pay provides pay at 1.5 times the employee's hourly rate. Special event pay is for hours worked on an employee's regular day-of-rest, Saturday, Sunday, or "special days" and is therefore not subject to overtime hours/calculations and cannot be treated as compensatory time.

~~Special event pay is provided regardless of whether or not:~~

- ~~• a holiday falls within the week~~
- ~~• an employee has worked their required hours in the week (ex: 40)~~
- ~~• other leave has been used during the workweek (not subject to offsetting)~~

Hours worked in special events not designated on the Special Event Pay calendar will be addressed under regular Fair Labor Standards Act (FLSA) regulations, including eligibility for overtime compensation or compensatory time. Use of flexible schedules is encouraged, when possible, to allow employees the benefit of time off that would otherwise not be realized due to working a special event.

Exempt employees who work special events may either flex their schedules or accrue professional time per the personnel policy.

Attachments

- CN12-A1: Town of Apex Personnel Policies - Human Resources (HR) Policy Revisions - Town's Personnel Policies

