

**MIDWAY SEWER DISTRICT  
RESOLUTION NO. 2018 -06**

**RESOLUTION AMENDING EMPLOYEE HANDBOOK**

**Background:** The Midway Sewer District Employee Handbook establishes the basic terms and conditions of employment for Employees employed at the District.

The District organization chart includes an Assistant Manager position.

The Assistant Manager position has been vacant but was recently filled with an employee.

The duties of the Assistant Manager meet the definition of an Administrative Exempt position under the Fair Labor Standards Act.

Section 201 of the Employee Handbook currently identifies the following positions as being FLSA exempt: Manager, Superintendent and Office Manager.

The Assistant Manager position also needs to be identified as exempt in Section 201.

**Resolution:** NOW THEREFORE, BE IT RESOLVED, that the Board of Commissioners of Midway Sewer District approves the following Revisions to the Midway Sewer District Employee Handbook:

Section 201 is replaced in its entirety with the following language:

It is the intent of the District that employees clearly understand their employment status and benefit eligibility. Each employee is designated as either *NONEXEMPT* or *EXEMPT* from federal and state wage and hour laws. *NONEXEMPT* employees are entitled to overtime pay under the specific provisions of federal and state laws. *EXEMPT* employees are excluded from specific provisions of federal and state wage and hour laws.

The Fair Labor Standards Act defines a "workweek" as a total of 168 consecutive hours. The workweek can begin on any day of the week and at any hour of the day. Overtime pay obligations are calculated based on the hours worked by a nonexempt employee during a workweek. In addition to the above categories, each employee will also belong to one of the following employment categories:

**REGULAR FULL-TIME** employees are those who are not in a temporary status and who are regularly scheduled to work a 40-hour week. Generally, they are eligible for the District's benefit programs, subject to the terms, conditions, and limitations of each benefit program.

**REGULAR PART-TIME** employees are those who are not in a temporary status and who are regularly scheduled to work a 30-hour week or more, but less than a 40 hour week. Generally, they are eligible for the District's benefit programs, subject to the terms, conditions, and limitations of each benefit program.

**TEMPORARY** employees are those who are hired as interim replacements, to temporarily supplement the work force, or to assist in the completion of a specific project. Employment

assignments in this category, while they may be either of a full-time or part-time nature, are for a specified and limited duration. Employment beyond any initially stated period does not in and of itself imply a change in employment status. Temporary employees retain that status unless and until notified of a change. While temporary employees receive all legally-mandated benefits (such as workers' compensation insurance and Social Security), they are ineligible for all of the District's other benefit programs. The status of any temporary employee may be advanced at any time to that of a regular full-time employee at the discretion of the District Manager.

All regular full-time employees, regular part-time employees, and all temporary employees are subject at all times to Disciplinary Action (see Sec. 010).

Employees occupying any of the following positions are *EXEMPT* employees:

1. Manager
2. Superintendent
3. Office Manager
4. Assistant Manager

All other employees are *NONEXEMPT* employees.

EXEMPT employees listed above are eligible for the District's benefit programs, subject to the terms, conditions, and limitations of each benefit program.

**Adoption:** ADOPTED at a regular meeting of the Board of Commissioners of Midway Sewer District on May 9, 2018 the following Commissioners being present and voting:

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Commissioner
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Commissioner
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Commissioner
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Commissioner
_____
Commissioner