



COMPENSATION

605.6 – FLSA GUIDELINES – SAFE HARBOR & PRACTICE OF EXEMPT AND NON-EXEMPT EMPLOYEES

- 1. Policy Purpose:** To establish a policy and procedure which clearly sets forth the District's pay practices with respect to employees who are exempt and non-exempt from the relevant provisions of the Fair Labor Standards Act and Nevada Revised Statutes.

Policy Coverage: This policy applies to all non-represented (non-exempt and exempt), full-time employees of the East Fork Fire Protection District.

Adopted Date: 04/16/2019

Revised Date: 05/21/2019

Policy #: 605.6

***The procedure established in this policy will be superseded and have no effect when covered by a similar or conflicting provision in a Collective Bargaining Agreement. For detailed information, please refer to your Collective Bargaining Agreement. ***

- 2. Policy:**

The District will classify employees as exempt or non-exempt in accordance with provisions of FLSA and applicable State law. The District will not improperly deduct pay from any employee, regardless of exempt or non-exempt status, and will act to correct any errors as soon as practical. It is intended that this Policy satisfy the "safe harbor" provisions of the FLSA and regulations adopted pursuant to it.

- 3. Rights of Exempt and Non-Exempt Employees**

- A. Exempt employees under the FLSA, 29 U.S.C. §§ 201 et seq., and per NRS 284.148.1(b) are not entitled to overtime. An exempt employee is entitled under the FLSA and per NRS 284.148.1(a) to receive the full amount of the base salary in any work period during which she or he performs any work (less any permissible deductions).

Exempt employees may have rights under other laws or by way of employment policies or contracts.

- B. NAC 284.071 defines a non-exempt employee as an employee who is not subject to the provisions of NRS 284.148. The District adopts this definition. Nonexempt employees are entitled under the FLSA and NAC 284.250 to one and one half times their "regular rate" of pay for each hour they actually work over in a work period.

4. Procedure

- A. An employee who believes he or she is improperly classified as exempt or non-exempt shall request a review of their FLSA classification status in writing to their supervisor, Division Head or Executive Office Manager/Human Resources.
- B. After consultation with the supervisor, Division Head and District Fire Chief, the Executive Office Manager/Human Resources will investigate the matter in a timely manner and render a decision on the employee's classification. The decision shall be communicated in writing to the employee. If it is determined that the employee has been improperly classified, the District will place the employee in the proper classification and adjust the employee's pay accordingly.
- C. Improper deductions should be reported to the District's Accountant/Finance Division or the Executive Office Manager/Human Resources for correction.
- D. If a non-exempt employee believes he or she has not been paid for overtime as required by the FLSA or state law, it is the responsibility of the employee to seek correction by reporting any errors to the District's Accountant/Finance Division or the Executive Office Manager/Human Resources within twenty (20) working days of the close of the payroll period in which the error occurred. An investigation will be conducted on a timely basis and the District will correct any errors as soon as practicable.

5. Responsibility of Non-Exempt Employees for Time Reporting

- 1. Non-exempt employees are responsible for promptly and accurately reporting their time in the District's timekeeping software. Supervisors and Division Heads shall verify the employee's reported time prior to the close of each payroll period. If the supervisor or Division Head believes the employee has entered his or her time incorrectly, the supervisor or Division Head shall discuss the issue with the employee and make any appropriate adjustments. If the employee is not available for discussion and the supervisor or Division Head believes the employee's reported time is inaccurate, the supervisor or Division Head shall adjust the employee's time and discuss the correction upon the employee's return.
- 2. All non-exempt employees will record all hours worked and all leave time taken, whether paid or unpaid, and the type of leave taken (e.g., sick leave, annual leave, compensatory time) in the District's timekeeping software.

6. Deductions from Salary of Exempt Employees for Absences

- A. Accrued leave shall be taken and entered in full day increments for exempt employees who are absent for one or more full work days. Except as permitted by the Family and Medical Leave Act FMLA (including intermittent FMLA leave), exempt employees shall not be charged for absences in less than full-day increments.

- B. If an exempt employee is absent and has no accrued leave, time off will be covered with leave without pay (LWOP) for absences of one or more full days.
- C. Exempt employees shall not have their salary reduced as a result of discipline during a workweek in which they performed any work, except for penalties imposed in good faith for infractions of security or safety rules of major significance or for unpaid disciplinary suspensions of one or more full days imposed in good faith for workplace conduct rule infractions.
- D. Exempt employees may have their pay reduced when the employee is absent from work for one or more full days for personal reasons other than sickness or disability.

7. Responsibility of Exempt Employees for Time Reporting

1. Exempt employees will record in full-day increments those hours taken off for sick leave or annual leave or for personal reasons. Except as permitted by the Family and Medical Leave Act FMLA (including intermittent FMLA leave), exempt employees may not be charged for absences of less than a full day.
2. Exempt employees are allowed to work a variable work schedule based on the demands and the fluctuating time commitments associated with the exempt position.

RESPONSIBILITY FOR REVIEW: The District Fire Chief, or his designee and/or the Executive Office Manager, or his/her designee will review this policy every 3 years or sooner as necessary.