

Town of Haysi  
Minutes—Special Meeting  
September 12, 2012, 7:00 p.m.

The September 12, 2012, special meeting of the Haysi Town Council was held in the Council Chambers of the Haysi Town Hall Municipal Building located at 322 Main Street, Haysi, Virginia. The following members were present:

Present: Mayor Larry Yates

Council Members: Mike Harris,  
Wm. “Billy” Counts  
Barry Whitt  
Tim Wallace  
Susan Tiller  
Rocky Wood

Absent: None

**I. Called to order**

Mayor Yates called the meeting to order and asked Council Member Rocky Wood to bless the meeting.

**II. Old Business**

**Personnel Policy**

Mayor Yates said the reason for this special called council meeting tonight was to consider amending the personnel policy to allow for changes brought about in the DMV Law Enforcement Grant. He said prior to this grant cycles there was never a requirement for overtime to be paid. This year under new regulations set by DMV and by the state the town is required to pay overtime in order to be eligible for this grant. Mayor Yates explained the town has three full-time employees and that by Federal Labor Law are considered either an exempt and non-exempt employee. Mayor said he considers all of our employees to be exempt, this is one of the reasons the personnel policy was put into place so the town could define comp time. The town does not usually pay comp time, as long as the town has fewer than five police/fire and rescue employees on duty the town would not be required to pay overtime, however the town can opt to go further than Federal Labor Standards Act and pay overtime in certain instants where funds are available and budget approved. He said he had discussed this amendment with staff at VML, and they advises the town can pay overtime to the town’s law enforcement officers. The town clerk is not considered in the same category when it comes to the five employees rule of employees on duty at any given time, it is strictly police and fire/rescue department members. The fire department is volunteer department, so they are not an issue. VML staff advises the town can have as many police officers on a duty roster as the town wants, so long as there are no more than five on duty during any given work week. As you can see changes have been made in the town personnel policy as follows:

The very first page of the personnel policy will be the Classifications and Definitions of Employees.

- **Exempt Employees-** an employee who occupies a position which is exempt (not eligible) from the overtime provisions of the Fair Labor Standards Act due to executive,

administrative or professional exemptions. Full-time, part-time, and temporary employees may be exempt.

- **Non-Exempt Employees**-an employee who receives hourly wages; and is subject to wage and hour laws, i.e. overtime pay provisions of the Fair Labor Standards Act; usually applies to non-professional employees. Full, part-time, and temporary employees may be non-exempt.
- **Full-time Employee**-an individual hired on either a salary or wage basis for established position for an indefinite term who is expected to work a minimum of (40)\_\_\_\_\_ hours a week.
- **Part-time Employee**-an individual hired on either a salary or wage basis for an established position for an indefinite term who is expected to work an established period of time that is less than (40)\_\_\_\_\_ hours per week.
- **Probationary Employee**-a full-time or part-time employee who has work for (the LGU) for less the (6) six months.
- **Temporary Employee**-an individual hired on a term basis, e.g., day, week, period of months or on a project basis.
- **Chief Administrative Officer (CAO)**-the CAO of the Local Government Unit.

Mayor Yates explained the CAO would be him as Mayor. This person approves any paid overtime. The Code of Virginia states, since the town does not have a town manager, the Mayor's duties include Chief Administrative Officer of the town.

Mayor Yates stated the next change to the policy is as follows on Page 7 of the old policy eliminate Section 4 Compensatory Leave and add Section 1 Page 8 Compensatory Leave/Overtime to read as follows:

- The total compensation of employees consists of the regular salary authorized overtime pay for full-time employees, the employer's contributions to employee benefits, holiday pay, and various forms of leave with pay. Part-time and temporary employees may also receive leave in certain circumstances.

The standard scheduled workweek for which salary is paid consists of (40) hours.

This does not preclude the establishment of specified schedules other than (40) hours in a given workweek if approved by the Town of Haysi CAO.

The Town of Haysi CAO shall establish or approve the hours of work for all Town of Haysi employees including any overtime or other compensation.

Mayor Yates said with these amendments it allows the town to pay overtime with the CAO approval, and put the town in compliance with DMV Grant requirements. He said VML has informed him the town can set the amount of compensation the town pays for overtime, since this is salary employees. The OT rate will be set at \$30.00 per hour, since this is what has been paid from the grant in the past.

Mayor Yates asked if there were any questions.

With no further discussion on the personnel policy amendments the motion was made by Council Member Rocky Wood, seconded by Council Member Tim Wallace to amend the personnel policy. Let the record show the motion on the floor passed unanimously by verbal vote.

Mayor Yates asked were there any other business to be brought before the council.

Council Member Barry Whitt asked in a case of an emergency and the CAO was not available, who would Chief Administrative Officer's duties fall to.

Mayor Yates replied if for some reason he was incapacitated for example he was in the hospital, etc... according to the Code of Virginia the duties would fall to the Vice Mayor.

**Adjourn**

With no further discussion the motion was made by Council Member Barry Whitt seconded by Council Member Rocky Wood to adjourn the meeting.

Meeting adjourned at 7:50 P.M.

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Larry Yates, Mayor

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Attest

