



RESOLUTION 24-01

A RESOLUTION TO AMEND THE PERSONNEL POLICY MANUAL OF THE TOWN OF MILLVILLE

WHEREAS, the Town of Millville has in place Personnel Policies that have been collected as the Personnel Policy Manual of the Town of Millville, Delaware, and ratified by the Town Council on January 12, 2016, by Resolution 16-03; and

WHEREAS the Town Council may periodically update and amend the Personnel Policy Manual.

NOW THEREFORE, BE IT RESOLVED that the Town Council does hereby approve the amendments reflected with deletions shown by strike through and additions shown by underline and bold on the attached.

BE IT FURTHER RESOLVED that the Town Manager shall have the amendments incorporated into an updated copy of the Personnel Policy Manual with notations to the amended provisions referencing this Resolution.

I, **Joseph Parent**, Secretary of the Town Council of the Town of Millville, hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the Town Council of the Town of Millville at its meeting held on June 13, 2023, at which a quorum was present and voting throughout and that the same is still in full force and effect.

TOWN OF MILLVILLE

Secretary Joseph Parent

2-2. Pay Plan

A. Policy

The pay plan is intended to provide equitable compensation for all positions when considered in relation to each other, to changes in the cost of living, to financial conditions of the Town, and other factors. To this end, the Town Manager shall review the entire salary plan annually to ~~assure~~**ensure** that it is current with changing conditions. The Town Manager, following his or her review, shall make such recommendations as he/she considers necessary to the Town Council.

B. Procedure

1) **Pay Day**

All employees shall be paid on Friday bi-weekly (every other Friday). All employees shall be paid by direct deposit, but a pay stub will be provided. If a regular pay day falls on a holiday, employees shall be paid on the last scheduled working day prior to the holiday.

2) **Pay Period**

The pay period shall be from Sunday through Saturday with normal workdays Monday through Friday.

[Amended 11-27-2018]

3) **Deductions**

The Town is required by law to withhold from each paycheck the following deductions:

- a) Federal Income Tax Withholding
- b) Federal Insurance Contributions Act (FICA) Taxes
- c) State Income Tax
- d) Any authorized garnishments by Court of Law

Employees are furnished with a statement in January of each year of the amount withheld during the preceding year.

~~4) **Overtime Pay/Compensatory Time Off/Flextime Off**~~

~~a) **Non-exempt Employees**~~

~~Overtime work or compensatory time off must be authorized by the Town Manager. Overtime will be paid at the next pay day upon authorization by the Town Manager. Compensatory time off may be granted at regular time upon written request and approval of the Town Manager. However, after forty (40) hours, overtime will be earned, or compensatory time off will be earned at time and one-half.~~

~~b) **Exempt Employees**~~

~~Flextime off must be authorized by the Town Manager. Exempt employees do not receive overtime pay. Flextime off may be granted at regular time upon written request and approval of the Town Manager. Should an exempt employee work over 40 hours, they will not receive flextime off at time and one-half. [Amended 5/12/2020]~~

4-5. Hours and Days of Work

A. Policy

The Town Manager shall establish the work schedule of each Town employee, subject to the procedures contained in this policy.

1) Normal Workday

The normal workday of each employee is determined by the following schedule:

a) Administrative Department

The normal workday for each full-time employee shall consist of seven and one-half hours (7 1/2) hours of work. Each employee's starting and quitting times shall be established by the Town Manager allowing the Town Office to be open from 8:30 a.m. to 4:30 p.m. [~~Amended 3/13/18~~] **Non-Exempt employees may not start work until their regular scheduled starting time nor continue to work past their regularly scheduled ending time without prior approval from Town Manager.** Each employee shall be allowed a lunch period and a morning and afternoon rest period during the normal workday. Such lunch period shall not exceed one half (1/2) hour and such rest period shall not exceed fifteen (15) minutes respectively in length. Such lunch period ~~is mandatory~~ and shall not be considered time worked. Such rest period shall be considered time worked. [~~Amended 11-27-2018~~]

b) Regular Full-time

A position which requires working a full work week, which is generally 37.50 per week. Regular full-time positions will be classified as either FLSA exempt (salaried) or FLSA non-exempt (hourly), depending on their job duties, in accordance with the Fair Labor Standards Act.

b) Non-Full-Regular Part- Time

~~There shall be no normal workday for this group of employees.~~ **A position which requires consistently working a part-time schedule.** Each employee's starting time, quitting time, and number of hours worked shall be established by the Town Manager. Each employee shall take the same work break or lunch period granted to the full-time employees. **Regular part-time employees will be classified as either FLSA exempt (salaried) or FLSA non-exempt (hourly), depending on their job duties in accordance with the Fair Labor Standards Act.**

c) Rest Period

Each employee is permitted one fifteen (15) minute break between the start of work and their lunch break, and one fifteen (15) minute break after lunch and before departure for the workday. Such rest periods shall be considered time worked.

d) Meal Period

All employees working six (6) hours or more in a day will be provided with a (30) minute unpaid meal break, each regularly scheduled day. Meal breaks will be given sometime after the first two hours of work or before the last two hours of work. Employees will be relieved of all active responsibilities and restrictions during their meal break. Such meal period shall not be considered time worked. No employee shall combine rest periods with meal period to extend their mealtime.

2) **Normal Work Week**

The normal work week for each employee shall consist of five (5) days of work, scheduled during the period Monday through Friday. All employees are expected to begin and end work according to their schedule. To accommodate the needs of our business, we may need to change individual work schedules either on a short-term or long-term basis.

B. **Disciplinary Action**

Any deviation from these schedules without authorization shall subject the employee to disciplinary action up to and including dismissal.

5-2. Compensatory Time Off / Flextime Off Overtime Compensation/Compensatory Time

A. Eligibility

1) Non-exempt Employees

All **FLSA** non-exempt ~~full-time~~ employees are eligible to begin accrual of compensatory time off upon employment, to be used with the Town Manager's authorization. This will be compensated at time and one-half over 40 hours of work in a workweek. ~~All non-exempt part-time employees are eligible to begin accrual of compensatory time off upon employment with the Town Manager's authorization. This will be compensated at regular time over 22.50 hours of work, and at time and one-half over 40 hours of work in a workweek.~~ **Vacation leave, sick leave, jury duty, bereavement and compensatory time will not be considered hours worked for purposes of performing overtime calculations.**

Scheduling

When operating requirements or other needs cannot be met during regular working hours, employees may be scheduled to work overtime. When possible, advance notification of these mandatory assignments will be provided. Overtime scheduling in all departments must be approved by Town Manager or designee prior to overtime work, except in the case of an emergency.

Overtime assignments will be distributed as equitably as practical to all employees qualified to perform the required work.

Overtime Pay

FLSA non-exempt employees shall be compensated at the rate of one and one-half times the equivalent hourly rate of the employee for overtime hours worked. Hours worked in excess of (40) hours in the work week, for regular non-exempt employees will be paid at overtime rate.

Compensatory Time

This policy is intended to provide employees flexibility in how they choose to be compensated for time worked in excess of 40 hours in a work week. It provides an additional option for regular full-time employees to accrue paid time off instead of receiving immediate payouts.

- 1. Eligible Employees: This policy applies to employees whose positions are classified as non-exempt under the Fair Labor Standards Act.**
- 2. An employee cannot be forced to receive compensatory time for hours worked beyond 40 in a work week. An employee must choose to receive compensatory time in lieu of overtime payment by signing an agreement.**
- 3. In the same manner as authorization to work overtime, the Town Manager must pre-approve any additional hours beyond 37.50 in a work week. The need for additional work must be documented by Town Manager.**

4. Compensatory time off shall be earned at a rate of one and one-half hours for each hour of additional work beyond 40 hours in a work week.
5. No employee shall have more than 240 hours of compensatory time accrued at any given time.
6. Compensatory time may be substituted for cash payouts upon request of the employee.
7. Cash payouts for compensatory time shall be paid at the employee's regular rate of pay since the hours were recorded at a rate of one and one-half when worked.
8. Accrued compensatory time shall expire at the end of the fiscal year and is to be paid at the employee's regular rate of pay.

~~2) — Exempt Employees~~

~~All exempt full-time employees are eligible to begin accrual of flextime off upon employment, to be used with the Town Manager's authorization. Should such an exempt employee work over 40 hours in a workweek, the employee will receive flextime off at regular time, not at time and one-half.~~

B. Terms

~~1) — Accumulation~~

~~Accumulated compensatory time off (for non-exempt employees) or flextime off (for exempt employees) must be used by the end of the fiscal year. **Any unused time for non-exempt employees will be paid out at the end of fiscal year in accordance with policy and Federal/State law.** No employee may exceed more than 25 ~~240~~ hours of compensatory time off or flextime off at any point during the fiscal year.~~

~~2) — Computation~~

~~a) — Compensatory Time Off Pay — Non-exempt Employee~~

~~All compensatory time off for an eligible employee shall be on a time off with pay basis and pay shall be computed at the employee's current regular rate based on 37 ½ hours. Each eligible employee shall earn overtime or compensatory time at the rate of time and one half over forty (40) hours.~~

~~b) — Flextime Off Pay — Exempt Employee~~

~~All flextime off for an eligible employee shall be on a time off with pay basis and shall not be at a rate of time and one half even if over forty (40) hours.~~

~~3) Separation from Employment~~

~~Upon separation from employment, a non-exempt employee shall be paid all accrued unused compensatory time which accrued in the fiscal year which it occurred. Exempt employees shall not be paid for any accrued unused flextime.~~

~~4) Benefit Accrual~~

~~While an employee is on compensatory time off or flextime off, benefits shall continue as though on regular duty. When the employee returns from such time off, the time spent on leave shall be considered as continuous service in computing vacation and sick leave.~~

C. Authorization

~~Compensatory time off or flex time off can be taken only when authorized by the Town Manager after considering all employees, the efficient operation of the Town, the employee's personal desires, and length of service.~~

To use accrued compensatory time, an employee must notify Town Manager or designee in writing using a request for leave form. The employee's supervisor shall approve the use of accrued compensatory time if such use does not result in interference with Town Hall services.

5-5. Holidays

A. Eligibility

The Town observes thirteen (13) holidays in recognition of certain people and events. Every Presidential Election (every 4 years), the Town will observe Sussex County Return Day. All full-time employees are eligible for the following holidays with pay. ~~Part-time employees shall be eligible for time off but shall not receive any compensation for the holiday.~~ **[Amended 6-14-2022] If a holiday falls on a part-time employee's regularly scheduled work time, the employee shall receive regular pay for the holiday. If a holiday falls at a time when a part-time employee is not regularly scheduled to work, the employee shall not be paid for that holiday.**

New Year's Day	1 Day
Martin Luther King's Birthday	1 Day
President's Day	1 Day
Good Friday	1 Day
Memorial Day	1 Day
Juneteenth	1 Day
Fourth of July	1 Day
Labor Day	1 Day
Sussex County Return Day	1 Day
(Every Presidential Election – every 4 years)	
Veteran's Day	1 Day
Thanksgiving Day and the Day after	2 Days
Christmas Day and the Day before or after	2 Days

B. Terms

1) Holiday Pay

All holidays shall be on a time-off-with-pay-basis for eligible employees and pay shall be computed at the employee's current regular salary rate (exempt) or based on hours normally scheduled (non-exempt).

2) Holiday Falling on Unscheduled Workday

When a holiday falls on a Saturday, a paid holiday is granted on a Friday.

When a holiday falls on a Sunday, a paid holiday is granted on Monday.

3) Holiday Falling During Leave of Absence

Regular holidays which occur during any leave period, except unpaid leave of absence or unpaid military leave, shall not be considered as leave. If a holiday is within a scheduled leave period, the employee may take an additional day of leave to compensate for the holiday or may retain the day to be taken at a later date.

Emergency Closing Conditions

A. Terms

Emergency conditions, including severe weather, can disrupt the operations and interfere with work schedules. The Town Manager or designee will determine whether changes will be made to normal operating hours i.e. delayed start, early closing or full day closure.

The Town offices will close when the Governor of Delaware declares either a Level 2 or 3 Driving Ban for Sussex County, which means that only those persons designated as essential personnel may operate a motor vehicle on Delaware roadways. All other vehicles must stay off the road. Essential personnel will be identified by Town Manager or designee in association with the type of emergency, storm event or work completion requirement (i.e., Payroll completion, or flooding).

B. Emergency Pay

If the closing, delayed start, or early closing is initiated by the Town and you are scheduled to work, you will receive pay for any time lost. Should the Town open under a Level 1, and you are unable to report to work because of weather conditions, the time lost from work will be charged against accumulated compensatory time or vacation time. In the event there is not time accumulated in these categories, the time off from work will be charged as time off without pay.