



Administrative Policy Manual

APM 1-06: Salary Basis/Exempt Employees

Purpose To define salary basis/exempt employees, the criteria for these employees, and to set forth pay exceptions for purposes of public accountability in accordance with the Fair Labor Standards Act (FLSA), as amended [29 C.F.R. 541.600, et. seq.]. This policy supersedes all previous policies relating to salary basis/exempt employees.

Definitions Salary Basis/Exempt Employee-
An employee shall be considered salary basis/exempt if the employee:

- A. Regularly receives a pre-determined amount of compensation each pay period, on a weekly, or less frequent, basis; and
- B. Said predetermined amount is not reduced because of variations in the quality or quantity of the employee's work; and
- C. The employee must receive the full salary for any week in which the employee performs any work, regardless of the number of days and hours worked, except as provided herein under Public Accountability Exceptions.

Public Accountability Exceptions Employees accrue vacation and sick days/time in accordance with the Civil Service Board Rules and Regulations based on Chapter 40-61, et seq. of the City Code. Due to the aforementioned and the principles of public accountability, the following applies:

- A. Employees must work a minimum of 40 hours per week.
- B. Employees must utilize vacation or sick leave accordingly for any time not actually worked in a 40 hour work week.

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**Public
Accountability
Exceptions
(continued)**

Pay exceptions are permissible if employees fall within one or more of the following situations:

- A. An employee's salary may be reduced if he/she is absent from work for less than a day because;
 - 1. permission for the absence has not been sought or has been denied;
 - 2. accrued leave has been exhausted; or
 - 3. the employee chooses to use leave without pay; or
- B. Disciplinary suspensions for infractions of workplace conduct rules, which includes time off without pay; or
- C. Initial or terminal week of employment (pro-rated); or
- D. Unpaid leave under the Family and Medical Leave Act (FMLA); or
- E. Any other permissible exceptions as allowed by FLSA.

**Personal Time
Off**

At the department director's discretion, personal time off (PTO) may be granted to salary basis/exempt employees. When time is used under this provision, it is necessary to record such time as (PTO) (formerly job basis leave). To be eligible for PTO:

- A. The employee must have met his/her vacation usage requirement as set forth in APM 2-87 (Vacation Usage/Carryover/Payoff); and
- B. The amount of time requested as PTO shall not exceed two (2) consecutive work days.

The City Manager/designee may, in his/her sole discretion, permit an employee to take more than two consecutive workdays. Such approval shall be granted in writing.

**Employee
Responsibility**

Should employees have questions or concerns regarding this policy, they should seek guidance from their supervisor/manager.

**Management's
Role**

Management's role is to effectively communicate and uphold policy within their department. Should Management have questions or concerns regarding this policy they are to contact the Department of Employee Relations/ Labor Relations Division at 305-416-2060.

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Issued By: _____

Pedro G. Hernandez
City Manager

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