OKANOGAN COUNTY COMMISSIONERS'

RESOLUTION 177 - 2020
(CORRECTION)

A resolution reclassifying Events Coordinator as Non-Exempt

WHEREAS, the U.S. Department of Labor updated the Fair Labor Standards Act (FLSA) as defined by Regulations, 29 CFR Part 541; and

WHEREAS, the FLSA requires that most employees in the United States be paid at least the federal minimum wage for all hours worked and overtime pay at time and one-half the regular rate of pay for all hours worked over 40 hours in one workweek; and

WHEREAS, section 13(a)(1) of the FLSA provides an exemption from both minimum wage and overtime pay for employees as bona fide executive, administrative, professional and outside sales employees; and

WHEREAS, the Events Coordinator, in the past, had been classified as an Exempt employee; and

WHEREAS, upon a recent review, it is appropriate to reclassify the position as Non-Exempt making the position eligible for overtime for hours worked beyond 40 hours in a week and to adjust the work week to <u>Saturday through Friday</u> ~~Tuesday through Saturday~~ to accommodate the scheduled Saturday activities.

NOW, THEREFORE, BE IT RESOLVED by the Board of Okanogan County Commissioners that effective January 1, 2021, the Okanogan County Non-Bargaining Pay Classification Plan is hereby amended to reclassify the Events Coordinator position to Non-Exempt and adjust the regular work week.
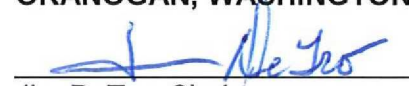
DATED at Okanogan, Washington this 22 day of December, 2020.

BOARD OF COUNTY COMMISSIONERS
OKANOGAN, WASHINGTON

ATTEST:

_____
Lalena Johns, Clerk of the Board

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Jim DeTro, Chairman

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Chris Branch, Member

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Andy Hover, Member

Workweek – FLSA Overtime

When calculating overtime under the FLSA, employers are required to pay employees an overtime rate of one and a half times their regular rate for all hours worked in a workweek in excess of 40, unless the employee is otherwise exempt. 29 USC 207. A workweek consists of seven consecutive 24-hour periods that equal 168 total hours. An employer may choose to begin a workweek on any day of the week and there may be one defined workweek for all employees or different workweeks for different groups of employees or individual employees.

Establishing the start date of a workweek

An employer may choose the day of the week a workweek will begin. When an employer establishes a workweek, the workweek typically must remain fixed. However, it may be moved so long as the employer intends the change to be permanent and is not attempting to avoid paying overtime. 29 CFR 778.105; 29 CFR 778.301; 29 CFR 778.302.

Hours worked in a workweek determine whether overtime pay is required

All hours worked in one workweek are totaled to determine whether or not overtime pay is required. If an employee works 40 or fewer hours in a workweek, an employer is not required to pay overtime; if an employee works more than 40 hours in a workweek, an employer must pay overtime, unless the employee is exempt. Even if an employee works on more than one assignment, or works for two or more joint employers, overtime must be paid if more than 40 total hours are worked, unless an exemption applies. 29 CFR 778.103; see also 29 CFR 785.

Each Workweek stands alone

Whether an employer must pay an employee overtime is determined by each individual workweek. Workweeks cannot be averaged. For example, if an employee works 30 hours one week and 50 hours the next, the employee must be paid overtime for the 50 hour week even though the average between the two weeks is 40 hours a week. For purposes of determining overtime, employee hours must be calculated every week whether employees work varying shifts or whether the employees are paid weekly, monthly, annually, by salary, commission, piecework, or a flat rate. 29 CFR 778.104.