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Board Agenda Item

TO: Air Pollution Control District Board

FROM: Terry Dressler, Air Pollution Control Officer

CONTACT: Sharyl K. Preskitt, Human Resources Officer

SUBJECT: Adopt Revisions to the Classification and Salary Plan Resolution

RECOMMENDATION:

Adopt the attached Classification and Salary Plan Resolution that changes the Fair Labor Standards Act exemption status of the Air Quality Engineer I, Monitoring Specialist II, Air Quality Specialist II and Emissions Inventory and Planning Specialist II and III to overtime exempt.

DISCUSSION:

The Fair Labor Standards Act (FLSA) establishes minimum wage, overtime pay, recordkeeping, and child labor standards affecting full-time and part-time workers in the private sector and in federal, state, and local governments. The FLSA generally requires employers to pay their employees at least the federal minimum wage and overtime premium pay of time-and-one-half the regular rate of pay for all hours worked over 40 in a work week. The FLSA also provides a number of exemptions from the minimum wage and overtime requirements.

Last year, the Department of Labor revised a number of these exemptions, commonly referred to as the 'white collar' exemptions. The revisions incorporated language that better represent the duties and salaries of a modern workplace. As a result, these revisions have helped to clarify the requirements of each exemption in addition to making them relevant to today's workplace.

A review of our technical classes under the new revisions determined that the Air Quality Engineer I, Monitoring Specialist II, Air Quality Specialist II, and Emissions Inventory and Planning Specialist II and III positions are eligible for the professional overtime exemption.

The above positions were analyzed under the professional white collar exemption duties test. To qualify for this exemption, the incumbent must have the primary duty of performing non-manual work and be either a learned or creative professional. In addition, incumbents must perform work requiring advanced knowledge in a field of science or learning traditionally gained through a prolonged course of specialized intellectual instruction.

As all of the aforementioned positions meet the requirements as specified in Title 29 of the CFR part 541 subpart D, the APCO recommends that this Board adopt the attached Classification and Salary Plan Resolution which will implement the professional overtime exemption for the listed positions.

FISCAL IMPACT

There is no fiscal impact from this action.

Attachments