**SECTION IV - COMPENSATION**

**A. PURPOSE**

It shall be the policy of the City of Kingston to strictly adhere to the provisions of the United States Department of Labor's Fair Labor Standards Act.

**B. PAYDAY / PAY PERIOD**

All employees of the City of Kingston are paid biweekly. The pay received covers the full amount due for all work reported during the preceding pay period. If payday falls on a holiday employees will be paid on the previous work day.

All employees receive their pay through direct deposit. New employees will be required to furnish a completed direct deposit authorization form with a voided check (personal account) to the Payroll Department.

Employees should examine their pay record carefully when they receive them. Any questions or concerns should be brought to the immediate attention of their supervisor.

**C. HOURLY RATES**

Employees paid on an hourly rate basis are paid for all time actually worked. The City Council shall approve the budget for salaries. The City Manager will approve all pay increases. Due consideration shall be given to duties performed, responsibilities, technical knowledge and skills required to perform the work satisfactorily, the labor market, and availability of people having the desired qualifications.

**D. MINIMUM WAGES**

In accordance with the FLSA, no employee shall be paid less than the federal minimum wage unless they are expressly exempt from the minimum wage requirement by FLSA regulations.

**E. OVERTIME PAY**

Overtime work will be compensated according to the FLSA provisions at a rate of 1-1/2 times the employee's regular rate. Overtime work may also be paid with compensatory time at a rate of 1-1/2 times the hours worked in accordance with the FLSA for non-exempt employees; and 1 hour of compensatory time for each hour worked in excess of 40 hours in a workweek for salaried, FLSA exempt employees. Non-exempt employees may accrue up to 120 hours of compensatory time (80 hours actual overtime worked). The city manager may, under emergency situations, and for budgetary needs, allow accrual up to 240 hours of compensatory time (160 hours actual overtime worked) for non-public safety employees, and up to 480 hours of compensatory time (320 hours actual overtime worked) for public safety employees.

Exempt employees who are department heads may earn compensatory time at a one hour earned per one hour worked basis for hours worked in excess of forty (40) hours in a work week. Exempt employees may accrue no more than eighty (80) hours of exempt compensatory time off. Compensatory time off accrued as an exempt employee must be taken as time away from work, and will not be cashed out.

Generally, overtime work must be authorized by the Department Head. Time for employees required to return to duty shall begin when the employee reports for work and the employee shall be paid for at least a minimum of two hours of work.

**F. CALL-OUT PAY**

When it becomes necessary for an employee to return to duty from off-duty hours due to an emergency all employees shall be paid according to the prevailing salary schedule. An employee called out to return from off-duty shall be guaranteed a minimum of two (2) hours pay when the actual work time is less than two (2) hours. Call back pay is paid at one and one-half times the regular rate of pay.

**G. HOLIDAY PAY**

All full time employees will receive eight (8) hours of holiday pay for each city recognized holiday after completion of six months of employment. All ongoing part time employees will receive four (4) hours of holiday pay after completion of six months of employment. Any hourly employee that works on a city observed holiday will be paid at time and one half their regular hourly rate for all hours worked on the holiday.

**H. EXIT PAY**

Upon separation from the city, whether it be voluntary, dismissal, retirement, etc. employees will be paid any working wages and unused compensatory time due them on the next payroll date. Upon voluntary separation from employment with appropriate notice, or layoff, separating employees will be paid out any accrued, unused vacation leave.

**I. ON-CALL TIME**

On-call service is necessary for the proper maintenance and functioning of local government services. It is the duty and responsibility of each on-call employee to be available by electronic communication at all times. Employees must be able to respond to an emergency call within 30 minutes after receiving notice. The Department Head or lead person will be responsible for determining which employees are designated for on-call. Any employee designated as ‘on call’ (applicable to departments as determined by the city manager in consultation with the department head) shall receive an additional eight (8) hours pay at their regular hourly rate for the workweek in which they are designated.

**J. OVERTIME FOR FIRE DEPARTMENT**

The partial exemption provisions of § 207(k) of the Fair Labor Standards Act has been adopted by the City of Kingston Fire Department. Overtime shall be defined as hours worked in excess of 106 hours in a fourteen (14) day work period for fire personnel assigned to a shift. Administrative Fire personnel who are paid hourly, will be paid overtime after 40 hours in a week.

Non-worked hours, such as vacation, sick, holiday, jury duty, etc., are not included for the purpose of computing overtime. Fire personnel assigned to a shift will be paid 16 hours with on-site free time between 10:00pm and 06:00am. This time is intended for sleep time. If a firefighter assigned to a shift is unable to have a minimum of 5 hours sleep time during this period, the firefighter will be paid for the full shift. Individual disturbances of sleep time for calls will be compensated at the rate of 1.5 times the regular rate of pay for a 2 hour minimum per call out.

Firefighters working on shift will be paid a minimum of 80 hours per pay period for hours worked if the full schedule is worked, and/or employee uses available leave within that pay period.

**K. FIRE CALLS**

Regular firefighters who answer fire calls when not on regular duty will be compensated at the rate of one and one-half (1-1/2) times their hourly wage.

**L. PAYROLL DEDUCTIONS**

By law the city is required to deduct, where applicable, federal withholding taxes, Social Security taxes, and garnishments from an employee's pay.

1. **Federal Income Tax**: Federal taxes are withheld from employees' paychecks based on the number of dependents claimed by each individual. Employees are required to keep on file with the municipal government a copy of the W-4 form. In the event of changes in the employee exemption status, a revised W-4 must be filed before payroll deduction adjustments will be made.

2. **Social Security**: Social Security payments and deductions will be made according to the Social Security Act. The recorder shall keep such records and make such reports as may be required by applicable state and federal laws or regulations.

In addition, the following deductions will be made when authorized by an employee:

3. **Others**: Other city-authorized deductions may be made from an employee's pay only with the employee's signed consent. An employer must have a signed authorization to deduct cost of lost equipment, uniforms, etc. from an employee’s final paycheck. Deductions from employee pay cannot reduce the final earnings below the minimum wage, and must be made on a depreciated/prorated basis.