

# **Board of County Commissioners**

## **Agenda Request**

Date of Meeting: September 2, 2008

Date Submitted: August 27, 2008

To: Honorable Chairman and Members of the Board

From: Benjamin H. Pingree, County Administrator  
Timothy P. Barden, Assistant County Administrator

Subject: Board Approval of Amendment to County's Personnel Policy and  
Procedures to Include a Provision for Overtime Compensation to Exempt  
FLSA Staff Positions

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### **Statement of Issue:**

This agenda item requests Board approval of Amendments to the County's Personnel Policy and Procedures, Page #27 – Letter I, Overtime and Page #38 – Letter S, Administrative Leave, to enable provisions for approving overtime compensation during federally declared disasters for staff positions that are exempt under the Fair Labor Standards Act (FLSA).

### **Background:**

Florida and Wakulla County are highly vulnerable to impact by a host of natural and man-made disasters. Under Chapter 252 of the Florida Statutes, the County is mandated to activate the emergency response, recovery and mitigation phases of the Local Emergency Management Plan. The plan provides authority for the mobilization and deployment of all included resources and any other provision of law or emergency deemed necessary. Key County personnel are critical to the activation and mobilization of this plan to prepare, respond and mitigate during a disaster. The County must be able to utilize key staff to ensure the proper chain of command is maintained and proper oversight capability and authorization is available around the clock to expedite all emergency avenues and procedures possible. The current personnel policy and procedures exclude overtime compensation for FLSA exempt employees.

Recently, with the advent of Tropical Storm Fay, the issue of eligibility for reimbursement from the Federal Emergency Management Agency (FEMA), of overtime incurred by key FLSA exempt County personnel was raised. Consequently, because the County's current personnel policy and procedures do not allow overtime compensation during natural or man-made disasters for exempt positions, the County could not claim costs for reimbursement from FEMA. If the personnel policy and procedures contained the language recommended in Amendment No. 1 (Attachment #1), FEMA reimbursement for time incurred by FLSA exempt positions would have been possible.

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**Analysis:**

This recommended amendment to the County's personnel policy and procedures will not enable FEMA to reimburse the County for costs incurred by FLSA exempt staff for the recent Tropical Storm Fay disaster activities. However, since we are still in the midst of the hurricane season and there is a potential for future storm events, this amendment will enable the County to receive full reimbursement from FEMA for these key personnel costs, in the event of a federal disaster declaration.

**Options:**

1. Approve Amendment No. 1 to the Personnel Policy and Procedures to enable reimbursement from FEMA during a federally declared disaster.
2. Do not approve Amendment No. 1 to the Personnel Policy and Procedures and not be eligible for reimbursement by FEMA during a federally declared disaster.
3. Board Direction.

**Recommendation:**

Option # 1

**Attachments(s):**

1. Amendment No. 1 to Personnel Policy and Procedures