

# SUSPENSION

## A RESOLUTION TO BE SUBMITTED BY LEGISLATOR GILMORE

**Re: Personnel Policies for FLSA-Exempt Employees**

**WHEREAS**, the efficient and equitable administration of personnel policies is essential to the effective operation of Erie County government and the welfare of its employees; and

**WHEREAS**, it is recognized that managerial and confidential employees play a crucial role in the administration of County services and deserve clear and consistent guidelines regarding compensation and benefits; and

**WHEREAS**, the 2023 County Budget designated certain managerial and confidential employees exempt from certain provisions of the Fair Labor Standards Act (FLSA) under the Executive Category and the 2024 County Budget under the Professional Category; and

**WHEREAS**, there is no existing policy for compensation and benefits for employees exempt from provisions of the FLSA, nor has there been a uniform policy for other employees in positions not represented by collective bargaining units; and

**WHEREAS**, questions have arisen in the appropriateness of compensation and benefits given to employees who have been designated as exempt from the overtime provision of the FLSA; and

**WHEREAS**, the ongoing collaboration and negotiation with collective bargaining units are critical for maintaining harmonious labor relations and ensuring the flexibility necessary to address changing needs within the County Government;

**WHEREAS**, midterm adjustments to Collective Bargaining Agreements (CBAs) are sometimes necessary to address unforeseen issues and to ensure the continued effectiveness and fairness of these agreements, thereby supporting a stable and productive workforce in Erie County; and

**WHEREAS**, these midterm adjustments often take the form of Memorandums of Agreement (MOAs) and Memorandums of Understanding (MOUs).

**NOW, THEREFORE, BE IT**

**RESOLVED**, the Commissioner of Personnel is empowered to establish and enforce all countywide Policies and Procedures for Erie County employees, including employees designated as managerial or confidential as limited by law; and be it further

**RESOLVED**, the Commissioner of Personnel is hereby authorized and directed to enact within 90 days of passage of this resolution a uniform personnel policy that establishes compensation and benefit policy for all managerial and confidential employees; and be it further

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**RESOLVED**, that the uniform personnel policy to be enacted by the Commissioner of Personnel must prohibit the ability for an employee designated as exempt from overtime provisions of the FLSA to collect additional pay for working on a day observed by the County as a paid holiday; and be it further

**RESOLVED**, the Personnel Commissioner is hereby authorized to sign MOAs and MOUs with collective bargaining units that modify compensation and benefit provisions of the CBA to take necessary actions to settle grievances, modify policies, and implement other changes necessary for the smooth operations of the County Government; and be it further

**RESOLVED**, the Commissioner of Labor Relations is authorized to enter into midterm contract negotiations, which may result in changes to the existing CBA to address issues that may arise during the lifetime of the CBA. These changes may include MOAs and MOUs that constitute memorialized amendments to the current CBA and would amend or supersede existing language. This authority also allows the Commissioner of Labor Relations to enter into negotiated settlements to existing grievances; and be it further

**RESOLVED**, that certified copies of this resolution be sent to the Commissioner of Personnel, Commissioner of Labor Relations, and the Law Department.

**Fiscal Impact:** Positive.