



## Policy 3200 Pay Practices

Version: 56.0

Effective Date:

Board or Administrative: Board

### Policy Statement

It is the policy of Dakota County to provide fair and consistent pay practices for all employees while maintaining effective services and public accountability.

### Definitions

- “The County” refers to the officers, employees, agencies, and facilities of Dakota County, a political subdivision of the state.
- “The County Board” refers to the Dakota County Board of Commissioners.
- “Exempt employees” refers to those employees whose job assignments meet the federal and state requirements for overtime exemption.
- “Nonexempt employees” refers to those employees who are paid on an hourly basis and are eligible for overtime compensation.
- “Workweek” refers to the County’s standard workweek, which begins at 12:00 a.m. on Sunday and ends at 11:59 p.m. on Saturday.
- “Pay period” refers to two consecutive workweeks.

### Source

Minn. Stat. §§ 177.21, *et seq.*; 181.172; 383D.05, *et seq.*; 471.426; 29 U.S.C. §§ 201, *et seq.*

### General

Dakota County is accountable to the public for the proper use of taxpayer funds including the hours worked by its employees and the services provided to the public by County employees. This Pay Practices Policy supports the rule of public accountability while providing fair and consistent pay standards for all County employees.

Employee work schedules are structured to provide for the efficient, effective, and responsive provision of County government services.

## Work Hours

### Exempt Employees

Exempt employees are required to work their regularly assigned workday schedule during a pay period, unless otherwise approved by their supervisor, and to work whatever additional hours are necessary to fulfill their job responsibilities. If an exempt employee works at least one hour but less than eight hours on any workday during a pay period, with supervisory approval the exempt employee may work more than eight hours on another workday of the same pay period without using Flex Leave hours, provided at least eighty workday hours are worked during the pay period. Authorized make-up work shall only be performed on a workday. All other workday absences during a pay period shall be recorded as Flex Leave (or sick Leave for those employees still carrying such balance) or unpaid leave if no paid leave is available. Abuse of this schedule adjustment privilege is strictly prohibited and may result in discipline, up to and including termination of employment.~~discharge~~.

### Nonexempt employees

Full-time, nonexempt employees work the equivalent of an 8-hour day, or 40-hour workweek, except for authorized absences. Normal working hours are from 8:00 a.m. to 4:30 p.m., Monday through Friday, or an equivalent number of hours through a work schedule arranged by the responsible authority. Flexible employee work schedules will not compromise effective government services.

Each nonexempt employee is assigned a work schedule by their ~~his or her~~ supervisor and is expected to begin and end work according to that schedule.

Nonexempt employees are expected to work their regularly assigned work hours. The normal workday for full-time nonexempt employees generally consists of eight (8) hours of work with a 30-minute unpaid meal break and two paid 15-minute rest breaks. To accommodate business needs, it may be necessary to change individual work schedules on either a short- or long-term basis. Absent supervisory approval, absences may not be made up with schedule adjustment during the current workweek and must instead be recorded as Flex Leave. Nonexempt employees may not adjust their work schedules or work additional hours for the purpose of reducing recorded Flex Leave hours or avoiding the use of Flex Leave hours.

### Meal and Rest Breaks

The County provides all nonexempt employees with one uninterrupted, unpaid meal break of at least 30 consecutive minutes each workday that an employee is scheduled to work eight (8) or more consecutive hours. The County expects nonexempt employees to take all their meal breaks and complies with Minnesota law in this regard.

Meal breaks should generally be taken around the midpoint of the workday and should be scheduled with supervisory input to accommodate business requirements. Nonexempt employees are expected to take at least 30 consecutive minutes for their meal breaks and perform no work during their meal breaks.

There may be times when a nonexempt employee's meal break is interrupted due to the demands of work. If a nonexempt employee's meal break is interrupted, such that the employee is unable to take a meal break of at least 30 consecutive minutes, the meal break should be treated as a paid break and recorded as time worked in the County's electronic time reporting system. Generally, failure to take a meal break does not shorten the workday. Absent prior supervisory approval, a nonexempt employee may not voluntarily work through a meal break to shorten the scheduled workday.

The County also provides nonexempt employees paid rest breaks in accordance with Minnesota law. Nonexempt employees receive a paid 15-minute rest break within each four consecutive hours of work. For example, a nonexempt employee who is scheduled to work eight (8) or more consecutive hours will receive a paid 15-minute break within the first four (4) hours of the employee's workday, a 30-minute unpaid meal break around the midpoint of the workday, and an additional paid 15-minute break within the last four (4) hours of the workday. Nonexempt employees are prohibited from performing any work during their paid rest breaks. Additional rest breaks beyond those provided for herein, ~~such as smoking breaks,~~ will be treated as unpaid and are prohibited absent prior supervisory approval.

Absent prior Department/Division Director approval, meal and rest breaks may not be combined to create a larger break. Nor may meal and/or rest breaks be scheduled to occur at the end of the workday or otherwise have the effect of shortening the scheduled workday.

Exempt employees are also entitled to take lunch and rest breaks during a workday provided that all regularly scheduled work hours during the workday are worked or otherwise accounted for in accordance with this policy (see Work Hours for exempt employees above).

## **Overtime**

### **Exempt employees**

Exempt employees receive a guaranteed salary as payment for all hours worked during the workweek and are not entitled to additional overtime pay or compensatory time off.

### **Nonexempt employees**

Nonexempt employees are overtime eligible. Supervisors will assign overtime to, or approve overtime for, nonexempt employees, and may require nonexempt employees to work overtime. As much advance notice as practicable will be provided when overtime is required so that nonexempt employees can plan their personal responsibilities accordingly.

Nonexempt employees are generally not permitted to work overtime without prior supervisory approval. However, certain situations (e.g., providing customer service, attending meetings that extend beyond the end of the normal workday, etc.) may necessitate working overtime without first obtaining supervisory approval. In the event a nonexempt employee works overtime without prior supervisory approval, the employee must record the overtime hours on their ~~his or her~~ timecard and notify their ~~his or her~~ supervisor of the overtime work as soon as practicable.

Nonexempt employees who are not covered under a collective bargaining agreement will receive compensatory time off at a rate of 1.5 hours for each hour worked in excess of 40 in a workweek.

Nonexempt employees may not accrue more than 80 hours of compensatory time off. Those who have accrued 80 hours of compensatory time off will receive overtime pay in lieu of additional compensatory time off. Compensatory time off may be taken within a reasonable period after it is requested so long as it does not unduly disrupt the County's operations. All paid hours (time actually worked, Flex Leave hours taken, holiday pay) except compensatory time taken contribute toward hours worked for the calculation of 40 hours in a workweek.

### **Shift Differential Pay**

Nonexempt employees who are assigned to work nontraditional schedules will receive ~~\$1.20~~ 1.30 per hour shift differential pay. A nontraditional schedule is one in which an employee is regularly scheduled to work between the hours of 6:00 p.m. and 6:00 a.m. The shift differential is only paid for hours actually worked between the hours of 6:00 p.m. and 6:00 a.m. and is not paid for periods when no work is performed due to Flex Leave, holidays, illness, or other absences (whether approved or unapproved). Employees who are unsure whether their position is eligible for shift differential pay should ask their supervisor.

### **On-Call Pay**

Nonexempt employees will receive \$2.00 per hour for all hours they are scheduled to be on-call, in addition to pay at their respective normal hourly rate for all hours actually worked while on-call. An on-call employee will be considered to be working from the time a call is received until the work is completed; this time is considered work time and must be recorded as time worked in the County's electronic time reporting system. Only hours actually worked while on-call will be counted in determining whether an employee is eligible for overtime pay.

### **Multilingual Pay**

Employees who are assigned by management to provide interpretation and/or translation services will receive multilingual pay in the amount of six dollars (~~\$6.00~~ 7.00) for each day that such services are provided. The County may require staff to obtain certification prior to providing interpretation and/or translation services.

## Nursing Mothers and Lactating Employees Lactation Accommodation

The County will provide ~~a reasonable amount of paid break time to~~ accommodation for an employee lactating employee needing a time and place to pump at work. An employee may choose when to express milk and may use break times already by provided by the County even if those break times are traditionally unpaid. ~~desiring to express breast milk for the employee's infant child during the twelve months following the birth of the child.~~ The lactation break time, if possible, should run concurrently with scheduled meal and rest breaks already provided to the employee. If the lactation break time cannot run concurrently with meal and rest breaks already provided, it should be scheduled in a manner that does not unduly disrupt business operations.

The County will make a reasonable effort to provide employees clean, private, and secure rooms or other locations, other than a bathroom or toilet stall, that is shielded from view and free of intrusion from coworkers and the public and that includes access to an electrical outlet, where the employee can express milk in privacy. The County will make a reasonable effort to identify a location within close proximity to the work area for the employee to express milk. This location may be the employee's private office, if applicable.

Employees should discuss the need for a lactation area and where to store expressed milk with their supervisor and may also provide their own portable small storage unit or cooler for keeping expressed breast milk cold.

## **Timekeeping**

All employees are required to record their working hours in the County's electronic time reporting system. The system entries for a pay period must accurately reflect the hours actually worked each workday and leave hours used to satisfy the 80 hours per pay period requirement, or a lesser number of hours if the employee is not full time.

Unless otherwise required by their Division Director or Elected Department Head, exempt employees shall list in the electronic time reporting system eight hours for each day worked during a pay period without recording the actual number of hours worked on each day. However, exempt employees who have not worked a total of eighty hours (less holiday hours) in a pay period must accurately record in the electronic time reporting system the hours of flex leave (or sick leave or vacation leave for those employees still carrying such balances) or unpaid leave hours utilized during that pay period.

The County strictly prohibits nonexempt employees from performing any work off-the-clock (i.e., work that is not recorded on a timecard). No supervisor or manager has the authority to ask nonexempt employees not to report, or to delay reporting, hours worked. Performing work off-the-clock, failing to accurately record actual working time, and/or failing to take required meal and rest breaks may result in discipline, up to and including termination.

Nonexempt employees must accurately record any work performed before their scheduled starting time and/or after their scheduled quitting time on their timecards.

The following points should be considering when filling out timecards:

- Timecards will be reviewed and approved by the appropriate supervisor. Any paid time off must be accurately recorded on timecards.
- By electronically signing your timecard, you are certifying that it is authentic and accurate.

## **Holiday Pay**

### **Annual holidays observed**

The County observes the following holidays:

- New Year's Day
- Martin Luther King, Jr. Day
- Presidents' Day
- Memorial Day
- Juneteenth
- Independence Day
- Labor Day
- Veterans' Day
- Thanksgiving Day
- Friday immediately after Thanksgiving Day
- Christmas Day

In addition to the above listed paid holidays, each eligible employee shall receive one (1) floating holiday per calendar year. The floating holiday must be taken as a full-day increment (based on FTE status) and requires supervisor approval prior to taking time off. There shall be no carryover of the floating holiday from one calendar year to the next. Unused floating holidays are not paid out upon separation from employment. Non-limited part-time employees shall be entitled to the floating holiday prorata according to FTE designation.

If December 24 occurs on a weekday (Monday through Thursday), the responsible authority will release employees two and one-half hours prior to the end of the regularly scheduled workday; this time off is considered paid time. However, since Dakota County Government offices must remain open during normal business hours on that day, those employees who must remain at work to maintain minimum service levels receive holiday pay for those hours. The responsible authority will determine who must work to maintain minimum service levels.

If an observed holiday falls on a Saturday, the holiday will be observed on the preceding Friday. If an observed holiday falls on a Sunday, the holiday will be observed on the following Monday.

### **Holiday pay when no work is performed on an observed holiday**

Each full- and part-time employee who holds a non-limited term position (as defined in Policy 3060 Employee and Position Types) will receive holiday pay at their ~~his or her~~ regular rate of pay if the employee works on or uses flex leave for both the last scheduled workday prior to the observed holiday and the first scheduled workday following the observed holiday.

Eligible full-time employees will receive eight (8) hours of holiday pay for an observed holiday on which they perform no work. Eligible part-time employees will also receive holiday pay on an observed holiday on which they perform no work, prorated based on their FTE status.

Employees who are in an unpaid status or on a leave of absence when a holiday occurs will not be entitled to holiday pay for that holiday. Employees who are on Flex Leave when an observed holiday occurs will receive holiday pay for the holiday and will not be required to use Flex Leave for the holiday.

### **Pay when work is performed on an observed holiday**

Nonexempt employees will be paid at a rate of 1.5 times their applicable regular rate of pay for all hours worked on an observed holiday. Exempt employees will, in addition to receiving eight (8) hours of holiday pay, be paid at their applicable regular rate of for all hours worked on a holiday.

### **Pay for Elected Officials**

The annual salary for elected officials is established by the Dakota County Board of Commissioners on an annual basis prior to January 1st of each year. Elected officials' annual salary will be issued in equal payments pursuant the number of annual pay dates in a given year commencing on the first Monday of the year through the Sunday proceeding the first Monday of the following year.

### **Payroll Procedures**

#### **Paydays**

All County employees are paid on a bi-weekly basis, every other Friday. Each paycheck covers the two-week pay period ending on the Saturday preceding the payday.

#### **Mandatory Direct Deposit**

All County employees are required to be paid exclusively via direct deposit. Exceptions to the direct deposit requirement are limited to the following situations:

- The first paycheck for all new employees.

- The first two (2) paychecks for employees who hold limited-term positions (as defined in Policy 3060 Employee and Position Types).
- Severance checks.
- When an employee's banking situation has been temporarily disrupted.
- Where a legal barrier exists to direct deposit.
- As requested by the County Attorney's Office.
- When administratively necessary, as determined by the Finance Director or a designee.

Requests for an exception to the direct deposit requirement must be submitted to the Payroll Unit within the Finance Department. The Finance Director or a designee will determine whether to grant or deny such requests.

### **Review your paycheck (payroll errors)**

The County works hard to ensure that all employees are paid correctly, ~~but mistakes can happen.~~ Employees are encouraged to review each paycheck upon receipt to ensure their pay is correct, and to promptly report any perceived pay errors or discrepancies to their supervisor. The County will retroactively correct any underpayment or overpayment error for a period of two (2) years after the date on which the error occurs.

### **Emergency Closings**

The County Manager determines whether an emergency exists in which the public interest will be best served by closing County offices.

### **County Offices Closed Due to Adverse Weather**

If a County office is closed because of a weather emergency, subject to the requirements of state and federal law, the following provisions apply to all County employees:

- Employees released before the start of a work shift will not be paid for that shift but may use accumulated compensatory time, Flex Leave for the missed working time, or make up the time within the current workweek with supervisory approval. Employees should listen to WCCO-AM radio for announcements of closings of County facilities and should not report to work if their worksite is not open. If notice of closing has not been broadcast by 7:15 a.m., employees may assume that County offices will be open.
- Employees released during a work shift will be paid for hours worked and may use accumulated compensatory time, or Flex Leave for the missed working time, or may make up the missed working time during the current workweek with prior supervisory approval.
- Employees and citizens may be advised not to leave the premises because of severe weather or other emergency conditions, such as tornadoes, after regular office hours. Simply remaining on the premises after working hours, however, is not considered compensable working time.



## **County Offices Not Closed Due to Adverse Weather**

When County offices are not closed during adverse weather, the following provisions apply to all employees:

- Employees who report to work after the start of their scheduled shift because of inclement weather may use accumulated compensatory time or Flex Leave for the missed working time or make up the missed working time during the current workweek with prior supervisory approval. This provision does not apply to employees whose job duties require working during inclement weather.
- Employees who desire to leave work early because of inclement weather may, with prior supervisory approval, use accumulated compensatory time or Flex Leave for the missed working time or make up the missed working time during the current workweek. Prior to authorizing such early release from work, supervisors must ensure there is sufficient staff on duty for the department/division to function.

## **County Offices Closed Due to a Non-Weather Emergency**

If a County office is closed because of a non-weather emergency, the following provisions apply to all employees on the first day of the emergency:

- Employees who report to work and are released before the start of a regular work shift will be paid for four (4) hours and may utilize accumulated compensatory time or Flex Leave for the remainder of the missed working time, or make up the missed working time during the current workweek with prior supervisory approval.
- Employees released during the course of a work shift will be paid for four (4) hours or their actual hours worked, whichever is greater, and may use accumulated compensatory time or Flex Leave for the missed work time, or make up the missed work time during the current workweek with prior supervisory approval.

If a County office is closed because of a non-weather emergency beyond the first day of the emergency, employees may utilize accumulated compensatory time or Flex Leave for the missed working time.

## **Wage Disclosure Provision**

Under the Minnesota Wage Disclosure Protection law (Minn. Stat. § 181.172), employees have the right to tell any person the amount of their wages. The County cannot and will not retaliate against an employee for disclosing their own wages. An aggrieved employee may bring a civil action under the Minnesota Wage Disclosure Protection law. Available remedies include reinstatement, back pay, restoration of lost service credit (if appropriate), and the expungement of any adverse employment records.

## Procedures

Procedures will be maintained by ~~Employee Resources~~Human Resources.

## History

Version	Revision Date
1.0	12/13/2011
2.0	6/3/2016
3.0	3/21/2017
4.0	12/11/2018
5.0	12/13/2022

## Related Policies

- Policy 3060 Employee & Position Types
- Policy 3242 Leaves of Absence

## Contact

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## Approval

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