

RECORD OF PROCEEDINGS

Minutes of

Greenfield Township Trustees

Meeting

September 19, 2018

Held 3:30 PM

The Greenfield Township Trustees met in special session at the Township to meet with Fairfield County Assistant Prosecutors, Amy Brown-Thompson, Joshua Horacek and Kirk Shaw to discuss FLSA and a personnel sick leave issue. Lonnie Kosch called the meeting to order. Dave Cotner, Lonnie Kosch and Kent Searle were present.

Amy Brown-Thompson spoke on the issue of a firefighter also working in another department on their off days. Firefighters are allowed to work 212 hours in a 28-day period, but if a firefighter is also working in another department within the department, that supersedes and it's a 40-hour work week and subject to overtime. The overtime would be paid out of the road department in this case, not fire.

Amy also clarified the question of part-time firefighters working more than the 212 hours in a 28-day period. Interim Fire Chief Slade said that he only anticipates about 5 part-timers working the extra hours. Under ORC a part-time employee can work up to 1500 hours per year. Amy said to always keep the Affordable Care Act in mind. Those employees working more than 212 hours in the 28-day period would need to be paid overtime. Amy said she would send the ACA calculator to Dawn. She also suggested we go back and check both 2017 & 2018 for overtime hours not paid.

Trustee Searle asked about having health insurance waivers for part time employees. Amy stated that part-time employees can waive insurance benefits if they are working beyond the 29 hours per week, however it can not be forced. If the employee wants to work the additional hours and sign a waiver, that is legal, but you have to watch you don't reach the 50 employee threshold for full time or part time employees working full time equivalent hours, as that is when you get into the Affordable Care Act regulations and can be assessed a penalty for not paying benefits. Employees wishing to sign a Health Care waiver would need to complete one annually. Trustee Searle mentioned we need to check into the ORC 742 rule for guidelines for pension and waiver of hours. Fiscal Officer Wyne stated part time firefighters pay social security and don't pay into OP&F pension fund.

Fiscal Officer Wyne asked about under the FLSA laws, employees clocking in or out early or late. Josh stated we should follow the 7-minute rule. If anyone clocks in or out more than 7 minutes before or after the start of their shift, you would be paying overtime and it would be based on 15-minute increments.

Trustee Searle presented the prosecutors with a copy of a work release submitted by an employee. The release stated "per patient request, patient is OK'd to return to work as tolerated. With the physician marked no specific restrictions. Josh stated the township could have an independent doctor check him out however he suggested we talk to the employee and find out what he feels he can tolerate pertaining to his job description. Fiscal Officer Wyne stated that the employee needs to be able to perform their essential job duties, in which Amy agreed.

Motion made by Trustee Searle to go into executive session, seconded by Trustee Cotner at 3:56 p.m.

Roll Call: Cotner-yes, Kosch-yes, Searle-yes. Motion passed 3 – 0

Motion made by Trustee Cotner to come out of executive session and seconded by Trustee Searle at 4:05 p.m.

Roll Call: Cotner-yes, Kosch-yes, Searle-yes. Motion passed 3 – 0

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Motion to adjourn made by Trustee Cotner and seconded by Trustee Searle.

Roll Call: Cotner-yes, Kosch-yes, Searle-yes. Motion passed 3 – 0

Special meeting concluded; meeting adjourned at 4:05 p.m.