

AN ORDINANCE AMENDING CHAPTER 4 OF THE TOWN CODE
TO CLARIFY THE TOWN'S POLICY WITH RESPECT TO THE REDUCTION IN PAY,
FOR DISCIPLINARY REASONS OR FOR NONDISCIPLINARY SUSPENSIONS, OF
EMPLOYEES WHO ARE EXEMPT FROM THE OVERTIME PROVISIONS OF THE
FAIR LABOR STANDARDS ACT

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAINS:

Section 1. Subsection 4-87 is amended by deleting the second and third sentences.

Section 2. The first sentence of Subsection 4-91 is amended to read as follows:

“If a department head suspends an employee without pay for five days and recommends to the manager that the employee be dismissed, the manager may, upon the recommendation of the department head, continue the suspension without pay until the termination date or pending the outcome of the appeal (if any).”

Section 3. Article IX of Chapter 4 of the Town code is amended by adding a new Section 4-95.1 to read as follows:

Section 4-95.1 Suspension Without Pay of Exempt Employees

(a) Disciplinary sanctions and nondisciplinary suspensions may not be imposed to reduce the salary of any employee who is exempt from the overtime provisions of the Fair Labor Standards Act for any workweek in which the employee performs work, except as set forth in subdivisions (1) and (2) of this subsection. The provisions of this section shall control to the extent there is any conflict with the other provisions of this chapter relating to disciplinary sanctions, including disciplinary suspensions without pay, and the provisions of Section 4-93 relating to nondisciplinary suspensions without pay.

(1) Deductions from pay may be made for penalties imposed in good faith for infractions of safety rules of major significance.

(2) Deductions from pay may be made for unpaid disciplinary suspensions of one or more full days imposed in good faith for infractions of written workplace conduct rules applicable to all employees.

(b) When a department head imposes a disciplinary sanction involving a reduction in pay, such as a suspension without pay, or imposes a nondisciplinary suspension without pay under Section 4-93, such action shall be reviewed by the human resources director to ensure compliance with applicable provisions of the Fair Labor Standards Act. The salaries of exempt employees shall not be reduced contrary to the provisions of that Act, but the actions of the department head shall otherwise remain in effect, subject to the remaining provisions of this chapter.

Section 3. All provisions of any town ordinance in conflict with this ordinance are repealed.

Section 4. This ordinance shall become effective upon adoption.