

Franklin County NRCD Board of Supervisors Meeting Minutes

December 1, 2022

In Attendance: Lauren Weston (District Manager), Richard Noel (Chair), Carissa Stein (Supervisor), Molly Magnan (Supervisor), Vicky Drew (Treasurer), Sarah Larose (NRCS Zone District Conservationist)

Conducted at St. Albans Free Library, St. Albans
Minutes recorded by Lauren Weston

The written minutes are a synopsis of the discussion at the meeting. Motions are as stated. Minutes will be subject to correction by the Board. Changes, if any, will be recorded in the minutes of the next meeting of the Board.

Minutes:

3:09 pm: Meeting called to order, all present.

3:10 pm: Executive Session entered into to review CREP contract

3:11 pm: NRCS update from Sarah Larose, NRCS Northwest Zone District Conservationist.

- 401 Natural Resource Specialist position interviews were held, only one showed, didn't interview well. Due to this opened up to other qualified individuals, first round was veteran's only, 34 applications being reviewed, hope to interview 4 to 6 applicants. Might possibly hire two.
- Forester position located in Morrisville starts 1/17
- NRCS PA Liza Lemieux last day 12/30/22, accepted a position with Immigration
- NRCS Soil Con Jowin Hernandez started week of thanksgiving, he has accepted another position with the Border Patrol and will be leaving in March.
- Civil Engineering position was re-advertised, has now closed, waiting on further information.
- GS-0457 Soil Conservationist advertised for Morrisville
- RCPP DEC 2132 application deadline is 1/13/23
- at this time no grazing funds in regular EQIP, RCPP18 DEC 2132 is currently the program where potential funds are available for grazing.
- major outreach efforts for the Conservation Stewardship Program are being discussed, any thoughts/ideas?
- building construction has started again, have told staff to telework during this time as the noise level is high and area of construction poses safety issues.
- Hazardous weather policy, basically be ready to telework, office could be closed although with telework options need to be ready to work from home. Calling tree in place, please make sure that information is accurate.

Discussion among board between Dairy Business Innovation Grant vs RCPP grazing and forestry funds vs CSP program and which producers are right for each.

Board discusses need to advocate for snow tires and a mirror related to NRCS vehicles and parking lot.

Lauren Weston also shares that FCNRCD is looking into how to get auto coverage for drivers when driving NRCS vehicles.

3:33 pm: Carissa Stein successfully submitted petition to remain as a board member at the end of her term (2022) as part of District elections. No other petitions received. Vicky Drew makes a motion to appoint Carissa Stein to a new term ending in 2027; Molly Magnan seconds, all approve, motion carries.

3:35 pm: Richard Noel attended an NRCC Finance Committee Meeting to review Design Implementation Block Grant Proposals. FCNRCD received 2 of their asks, need to resubmit with just Final Design Budget for a third ask, and not awarded funds for a fourth project in Montgomery.

3:42 pm: Board discusses pros and cons of considering moving into a new office space outside of the NRCS office given staffing and space constraints, will continue this conversation in coming months.

3:49 pm: Sarah Larose leaves meeting.

3:55 pm: Board review 2022 September 27 Board Meeting Minutes. Carissa Stein makes a motion to approve minutes as written, Molly Magnan seconds, all approve, motion carries.

4:10 pm: Lauren Weston reviews FY23 financials (Balance Sheet, Profit and Loss by Month, Bank Statements, and Project Income Spreadsheet). District is currently waiting on several payments, currently a net loss on the fiscal year, but Lauren Weston feels confident based on Projected Income Spreadsheet that additional funds will be sufficient to make up losses and keep cash flowing. Vicky Drew makes a motion to accept FY23 Financials to Date; Carissa Steins seconds, all approve, motion carries.

4:16 pm: Board discusses proposed wage increases for staff based on COLA adjustments. Kate Wettergreen is to be offered former position held by Megan Walker; Board felt that Kate's experience and track record with the District demonstrated her ability to take on this additional workload and enter into Megan's position. Kate Wettergreen's new hourly wage with associated new position to be: \$22.28/hr. Katy Dynarski and Lauren Weston's hourly wages are set to meet 8.7% COLA to raise hourly rates to: \$23.74/hr and \$28.53/hr, respectively. Carissa Stein makes a motion to approve these raises and new position for Kate Wettergreen; Richard Noel seconds, all approve, motion carries.

4:44 pm: Lauren Weston discusses issue with her current bank of Comp time and PTO. Discusses issues/ideas around salaried vs. hourly rules. See attached Overtime & Compensatory Time Rules document attached at end of minutes.

5:02 pm: Richard Noel leaves meeting; quorum still intact.

5:08 pm: Board continues to discuss Lauren Weston's comp and PTO issues. Vicky Drew makes a motion to pay out Lauren Weston's annual leave above 160 PTO hours as of the end of the calendar year 2022. Molly Magnan seconds, all approve, motion carries.

5:09 pm: Board asks Lauren Weston to re-calculate comp hours from past years based on 0.5 times rate that should have been applied to past comp hours and present this at the January 2023 board meeting for review.

5:10 pm: Board discusses Holiday bonuses for staff. Proposal for bonuses: \$500 for Lauren Weston, \$350 for Katy Dynarski, \$300 for Kate Wettergreen. Vicky Drew makes motion to approve proposal, Molly Magnan seconds, all approve, motion carries.

5:14 pm: Lauren Weston proposes Wednesday, January 11th at 3 pm for next board meeting – will need to verify date and time with other board members before selecting.

5:16 pm: Board reviews Position Description for new hire. Vicky Drew makes a motion to approve description and pay range as written; Molly Magnan seconds, all approve, motion carries.

5:20 pm: Carissa Stein makes a motion to adjourn, Molly Magnan seconds, all approve, motion carries.

Overtime & Compensatory Time Rules For Vermont Natural Resources Conservation Districts

Overview

Generally, the Fair Labor and Standards Act (FLSA) stipulates that any employee who works more than 40 hours per week is owed overtime pay. There are certain exemptions to this rule, including an exemption for local, state, and federal government entities. This exemption allows government entities to offer “compensatory time” or “comp time,” which is paid time off given in lieu of overtime payments for nonexempt staff. Because Vermont Natural Resources Conservation Districts are established by statute as “political subdivisions of state government,” these rules for local and state governments should apply. Below is information about how this might look, based on information from the Vermont League of Cities and Towns, Federal guidance documents, and guidance documents from the State of Vermont.

Employee Classification under the FLSA

Exempt Employees

Under the FLSA, some employees are classified as “exempt” from overtime rules based on how much they are paid and what their duties are. Employees generally don’t qualify for overtime if they (1) are paid on a salaried basis, (2) are paid more than \$684 per week (\$35,568 per year)*, **AND** (3) meet at least one of the [duties test](#) exemptions defined by the US Department of Labor.

Because exempt employees aren’t eligible for overtime, you also do not need to provide them with Comp Time. However, if you’d like to offer Comp Time for your exempt employees, you have a lot of flexibility in how you configure that policy.

Nonexempt Employees

Most employees in the United States today do not pass the exemption criteria outlined above. These nonexempt employees are considered eligible for overtime pay at a rate of time and a half for every hour worked over 40 hours per week.

However, for government employees, these nonexempt staff can be offered Comp Time in lieu of overtime payments. Because Comp Time is being offered in lieu of a wage provision protected under Federal law, there are some rules that apply.

Comp Time Rules for Nonexempt Employees

If you would like to offer Comp Time for nonexempt staff, your policy must align with the following rules:

1. You must have a written Comp Time policy that employees are aware of.
2. Comp Time must accrue at the same rate of overtime pay. Here in Vermont, this means that Comp Time must accrue at a rate of no less than one and a half hours for every hour worked over 40 hours per week.
3. Once accrued, Comp Time is never lost. (There is no option for a “use it or lose it” policy for Comp Time like there might be for other types of PTO.)
4. Comp Time can be accrued and banked up to a maximum of 240 hours. Beyond 240 hours, overtime must be paid out in cash overtime pay.
5. If an employee leaves employment, their unused Comp Time must be paid out at their current wage rate.
6. An employee must be allowed to use their Comp Time at a time convenient to them, unless doing so would “unduly disrupt” the organization’s operations.
7. However, an employer may compel the employee to use their Comp Time rather than begin making overtime payments. For instance, if an employee has already banked 240 Comp Time hours, an employer may compel the employee to use that time rather than begin paying out overtime in cash.

References & Resources

<https://www.dol.gov/sites/dolgov/files/WHD/legacy/files/whdfs7.pdf>
<https://labor.vermont.gov/document/wage-and-hour-laws>
https://www.vlct.org/sites/default/files/Newsletters/vlctnews_2005-01.pdf
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