



City of Elkins

Personnel Committee Meeting

June 2, 2025

1:00 PM

Phil Gainer Community Center
142 Robert E. Lee Ave. Ext.

Charter Authority of the Personnel Committee: Review and propose to Council employment policies, including employee compensation and benefits and an employee handbook. Review applications for primary staff positions recommended by the Mayor and make hiring recommendations to Council.

AGENDA

1. **Call to order and roll call**
2. **Public comment**
3. **Minutes**
 - a. Proposed minutes for the meeting of April 7, 2025.
4. **Reports**
5. **New business**
 - a. Position Control and Organizational Authority Policy
 - b. Personnel Policy Update - Paid Meal breaks for Field-Based Employees
6. **Announcements**
7. **Adjournment**



CITY OF ELKINS AGENDA ITEM REPORT

Meeting Date:	June 2, 2025
Section:	Minutes
Category:	Action Item
Agenda Item Name:	Proposed minutes for the meeting of April 7, 2025.
Recommended By:	City Clerk
Summary:	Minutes proposed for the committee's April 7 meeting
Fiscal Impact:	n/a
Recommendation:	Consider for approval
Attachments:	1. Personnel Committee - 2025_04_07 - minutes_proposed

PERSONNEL COMMITTEE MEETING MINUTES

*Phil Gainer Community Center
142 Robert E. Lee Ave. Ext.
April 7, 2025
1 p.m.*

Present were members R. Chenoweth (chair), M. Hinchman, C. Thompson.

Also present were Mike Kesecker (operations manager), Gerry Roberts (city attorney), Tracy Judy (treasurer), Steve Himes (fire chief), Chris Marshall (human resources), and Sutton Stokes (city clerk).

PUBLIC COMMENT

There was no public comment.

MINUTES

Hinchman **MOVED APPROVAL OF THE MINUTES OF THE MEETING OF MARCH 3, 2025.** The motion carried.

NEW BUSINESS

Hinchman **MOVED THAT THE COMMITTEE ENTER EXECUTIVE SESSION UNDER THE §6-9A-4 (B) (2) (A) (“MATTERS ARISING FROM THE APPOINTMENT, EMPLOYMENT, RETIREMENT, PROMOTION, TRANSFER, DEMOTION, DISCIPLINING, RESIGNATION, DISCHARGE, DISMISSAL OR COMPENSATION OF A PUBLIC OFFICER OR EMPLOYEE EXEMPTION”)** FOR THE AGENDA ITEM **“HR DIRECTOR POSITION IN ORGANIZATIONAL CHART.”** The motion carried. The executive session began at 1:10 p.m. and ended at 2:04 p.m. The chair announced that no decisions were made, and no actions were taken.

Thompson **MOVED RECOMMENDING COUNCIL APPROVAL OF ESTABLISHING THE HR DEPARTMENT AS A DIRECT REPORT TO COUNCIL, WITH INTERMEDIATE REPORTING TO THE PERSONNEL COMMITTEE.** The motion carried.

Hinchman **MOVED RECOMMENDING COUNCIL APPROVAL OF THE CREATION OF AN HR GENERALIST POSITION.** The motion carried.

Hinchman **MOVED RECOMMENDING COUNCIL APPROVAL OF THE STRATEGIC HR DEPARTMENT PLAN AS PRESENTED UNDER THE AGENDA ITEM “HR ANALYSIS, REVIEW, AND PLANNING.”** The motion carried.

The meeting adjourned at 2:42 p.m.

Name & Title

Signature



CITY OF ELKINS AGENDA ITEM REPORT

Meeting Date:	June 2, 2025
Section:	New business
Category:	Presentation
Agenda Item Name:	Position Control and Organizational Authority Policy
Recommended By:	HR Director
Summary:	<p>Position Control and Organizational Authority Policy This proposed policy outlines a standardized and legally compliant framework for position creation, elimination, restructuring, and classification. It is being presented for initial discussion and feedback only at this time.</p>
Fiscal Impact:	n/a
Recommendation:	Review and discuss presented information
Attachments:	1. Memo_Position Control and Organizational Authority Policy_2025_06_02



CITY OF ELKINS AGENDA ITEM REPORT

Meeting Date:	June 2, 2025
Section:	New business
Category:	Action Item
Agenda Item Name:	Personnel Policy Update - Paid Meal breaks for Field-Based Employees
Recommended By:	HR Director
Summary:	<p>For Action:</p> <p>Personnel Policy Update – Paid Meal Breaks for Field-Based Employees</p> <p>The HR Director will present a proposed amendment to Section 6.1 of the Personnel Manual that provides a paid 30-minute meal period for designated field employees. This update aligns with labor law compliance and operational needs.</p>
Fiscal Impact:	n/a
Recommendation:	Consider for recommendation to council
Attachments:	1. Memo_PaidMealBreaks_FieldEmployees_2025_06_02

MEMORANDUM

To: Personnel Committee / City Council

From: Chrishaunda Marshall, HR Director

Date: June 2, 2025

Subject: Proposal to Implement Paid Meal Breaks for Field-Based Employees

Purpose

This memo recommends a policy update to provide paid 30-minute meal breaks for field-based employees in departments where uninterrupted breaks are often not feasible. This adjustment aligns with the City's Personnel Manual, federal and state labor laws, and the operational realities of field-based work.

Background and Policy Context

Under the current Personnel Manual (adopted September 19, 2024):

Section 6.H – Work Schedules

“Most city hall employees will be scheduled Monday through Friday from 8:00 a.m. to 4:30 p.m. with one half hour (unpaid) for lunch. Work times for the various departments contained within the Operation Department, Water Department, and Wastewater Department may vary.”

Section 6.I – Meal and Rest Breaks

“It is the City's policy to comply with state and federal laws regarding meal break requirements.

All employees who work six or more hours in a day are required to take an unpaid meal break of 30 minutes. Meal breaks are not counted toward hours worked.

In case of emergencies, or when the tasks being performed do not allow for an interruption of work, the departmental supervisor may authorize an employee to work through a regularly scheduled meal break. In these circumstances, the supervisor will ensure that the employee is allowed necessary restroom breaks and is either allowed to eat while working or given a rest period of short duration lasting up to twenty minutes, which would be compensable time under this policy.”

Legal Framework: FLSA Requirements

The Fair Labor Standards Act (FLSA) does not require employers to provide meal breaks, but it clearly defines when break time must be paid:

29 CFR § 785.19 – Meal Periods

Meal periods are not considered work time only if the employee is completely relieved of duty for the purpose of eating.

If the employee is required to perform any duties, whether active or inactive, the break must be paid.

29 CFR § 785.18 – Rest Periods

Breaks of short duration (typically five to twenty minutes) must always be treated as compensable work hours.

These rules are especially relevant for field-based employees who are often unable to stop working, and must remain on call, or eat while performing duties. If the City deducts unpaid break time in these situations, it may violate federal wage laws and expose the City to back pay liability and penalties.

Legal Context: WV Code §21-3-10a

West Virginia law requires employers to provide a 20-minute meal break to employees who work six or more hours, if they are not otherwise given breaks or allowed to eat while working.

If the employee is not fully relieved of duty, the break must be treated as paid time, consistent with the FLSA.

Operational Challenge

Field-based employees in departments such as Public Works, Water, Wastewater, and Parks and Recreation often experience the following conditions:

- Lack of reliable access to time clocks for recording unpaid breaks
- Inability to take an uninterrupted 30-minute break due to operational demands
- Remaining on call or performing duties during meal periods

Although Section 6.I allows for emergency exceptions, these conditions are not occasional but routine for many field-based roles. When an unpaid break is not truly duty-free, the City risks noncompliance with wage laws and potential liability for back pay or penalties.

Recommendation

To align with the Personnel Manual, the Fair Labor Standards Act, and West Virginia Code §21-3-10a, and to reflect the operational realities of fieldwork, I recommend the following policy clarification and exception:

Proposed Addition to Section 6.I – Field Operations Exception

For employees whose duties are primarily performed in the field, such as those in the Operations, Water, Wastewater, and Parks and Recreation Departments, the City provides a paid 30-minute meal period each workday.

These employees are not required to clock in or out for their meal break, as the time will be automatically accounted for through the City's time and attendance system.

This provision supports operational efficiency and is intended to promote compliance with applicable wage and hour laws, including the Fair Labor Standards Act and West Virginia Code §21-3-10a.

Benefits of This Policy Update

- **Legal Compliance:** Aligns with FLSA and West Virginia labor law
 - **Operational Fairness:** Acknowledges the unique conditions of field-based roles
 - **Administrative Clarity:** Automates time tracking and reduces manual errors
 - **Risk Mitigation:** Lowers the risk of wage claims, back pay liability, and DOL audit findings
-

Request for Approval

I respectfully request the Personnel Committee's approval to implement the proposed Field Operations Exception to Section 6.I of the Personnel Manual. This policy revision provides a paid 30-minute meal break for eligible field-based employees and reflects both operational realities and legal compliance requirements.

Upon approval, the Human Resources Department will coordinate the necessary implementation steps outlined below.

Next Steps

If approved, the Human Resources Department will work with payroll and department leadership to:

- Update timekeeping system configurations
- Formalize the policy in the Personnel Manual
- Communicate changes to affected employees and supervisors