

Is the town required to provide the same health benefits to part-time employees as it does to full-time employees?

No. Under the Fair Labor Standards Act (FLSA), an employer is not obligated to offer the same benefit to different classifications of employees. If it is the intent of the board to provide different levels of health care reimbursement or other employment benefits to part-time employees, the basis for that policy should be reflected in the town's personnel policies.

The first step in documenting this is to define the employee classification system and establish the benefit qualifications for each class in a *written* personnel policy manual. As a guide, the following text is taken from a soon-to-be released VLCT personnel handbook:

Classifying employees: For the purposes of salary administration and eligibility for overtime payments and employment benefits, municipalities should classify employees as follows:

- i) Full-time Regular Employees – Employees hired to work normal, full-time 40 hour (or your town's FT equivalent hours) work weeks on a regular basis. Such employees may be "exempt" or "non-exempt" as defined by the FLSA.
- ii) Part-time Regular Employees – Employees hired to work fewer than 40 hours (or your town's FT equivalent) per week on a regular basis. Such employees may be "exempt" or "non-exempt" as defined by the FLSA.
- iii) Temporary Employees - Employees engaged in work full-time or part-time with the understanding that their employment will be terminated at the completion of a specific project or at a specified time. Such employees may be "exempt" or "nonexempt" as defined by the FLSA.

Next, using this classification system, the personnel policy should specify the type and level at which benefits would be offered to the various employee classifications and, in the case of health premiums, the percentage of required employee contributions, if any.

Equally as important as creating a welldefined employee classification and benefit system is the need for fair and equitable compensation policies and procedures to help the municipality attract and retain qualified employees and help prevent lawsuits on a variety of wage discrimination related issues. *For sample personnel policies or assistance with drafting and/or review of your town's policy, contact the VLCT Municipal Assistance Center.*

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