

HUMAN RESOURCES COMMITTEE

Wednesday, November 18, 2020 – 9:30 a.m.
Council Chamber – Branson City Hall – 110 W. Maddux

AGENDA

- 1) Call to Order.
- 2) Roll Call.
- 3) Acknowledgment of October 21, 2020 Minutes.
- 4) Discussion of New Hires/Promotions/Reclassifications.
- 5) Review Wellness Appeal.
- 6) Wellness Program Provider Discussion.
- 7) Article 15 – Work Period, Overtime, Compensatory Time & Holiday Pay.
- 8) Workers' Compensation Discussion.
- 9) Human Resources Director's Report.
- 10) Adjourn.

Where Values are the Difference
NOVEMBER: INTEGRITY
Honest, having strong moral principles.

MINUTES

HUMAN RESOURCES COMMITTEE

CITY OF BRANSON, MISSOURI

October 21, 2020

1) Call to Order

The Human Resources Committee met in the Council Chambers of City Hall, Wednesday, October 21, 2020. The meeting was called to order by Alderman Bill Skains at 9:35 a.m.

2) Roll Call

Committee Members present: City Administrator Stan Dobbins, Alderman Bill Skains, Alderman Jeff Seay, Bryan Cossiboom and Kenn Tilus, which provided a quorum.

Also present: Assistant City Administrator John Manning, Human Resources Director Jan Fischer, Kimberly Cooper, Gina Stech, Sonya Seitz, Melody Pettit, Jamie Rouch, Marcia Chapman and Brien Halterman.

3) Acknowledgement of August 19, 2020 Minutes.

Motion to approve: Kenn Tilus; Second: City Administrator Stan Dobbins; Vote: 5 yes, 0 no.

4) Discussion of New Hires/Promotions/Reclassifications.

Discussion led by Human Resources Director Jan Fischer.

5) Review Wellness Appeal.

Discussion introduced by Jan Fischer and led by Kimberly Cooper.

Motion to recommend approval of Appeal Application Number 20-1021-A with confirmation that the doctor appointment is completed: Alderman Bill Skains; Second: Kenn Tilus; Vote: 5 yes, 0 no.

Motion to deny Appeal Application Number 20-1021-B as the Tier would not be affected due to none of the required wellness items being completed: City Administrator Stan Dobbins; Second: Alderman Bill Skains; Vote: 5 yes, 0 no

Appeal Application Numbers 20-1021-C, 20-1021-D, 20-1021-E and 20-1021-F are already in Tier 1 so no motion is needed.

Motion to deny Appeal Application Number 20-1021-G as Health Risk Assessment was due before the effects of COVID-19 and was not completed: City Administrator Stan Dobbins; Second: Kenn Tilus; Vote: 5 yes, 0 no.

Alderman Bill Skains stated that if the Wellness Appeal does not affect the Tier, it is not necessary to present it to the Human Resources Committee. That protocol will be followed going forward.

6) Article 15 – Work Period, Overtime, Compensatory Time and Holiday Pay.

Discussion led by Jan Fischer.

Article 15 revisions discussed with the final version to be presented at the November Human Resources Committee Meeting. The revisions will be presented to the Employee Human Resources Committee before presenting at the November Human Resources Meeting.

7) Human Resources Director's Report.

Update given by Jan Fischer.

MINUTES

HUMAN RESOURCES COMMITTEE

CITY OF BRANSON, MISSOURI

October 21, 2020

City Administrator has directed to revise the compensation schedule for the City as minimum wage will be increasing for the next few years and will affect the bottom end of the pay scale. Modification of the pay scale is needed for the City to remain competitive with other local entities.

Open Enrollment is underway and the feedback has been positive. It is an all virtual open enrollment for the first time and enrollment is almost complete.

City Administrator has directed for the Human Resources Department to review modification of the Disciplinary process. Modifications will address punishment versus coaching and discipline without punishment, with the focus on supervisors increasing engagement with employees.

The transition to NeoGov for applicant tracking continues with consideration of information and pricing. Elements should impact Human Resources onboarding and both employee and management development.

8) Adjourn.

Motion to adjourn: City Administrator Stan Dobbins; Second: Alderman Bill Skains; Vote: 5 yes, 0 no.

Time Adjourned: 10:18 a.m.

Promotions and Transfers

Name	Date of Change	Position	Department	Promotion or Transfer
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Hires

Name	Date of Hire	Position	Department	Rehire or New Hire
Truman Hosiner	10/23/2020	Firefighter	Fire	New Hire
Joshua Ganey	11/09/2020	Plant Operator I	Utilities	New Hire
Hayley Rowell	11/09/2020	Office Specialist II	Police	New Hire
James Harris	11/10/2020	Police Officer II	Police	New Hire
Kevin Wheat	11/10/2020	Dispatcher I	Police	New Hire

City of Branson Wellness Program Appeal Application Part B

This section completed by Human Resources.

Application Number: 20-1118-A	First appeal application? ☒ YES ☐ NO
Date Submitted: 09/30/2020	HR Committee Review Date: 11/18/2020

This section completed by the employee.

Please list the non-health-status related hardship(s) or extenuating circumstance(s) that you believe prevented you from completing the Wellness Program. If applicable, please provide dates. Note: Please do not list any health-related issues for the appeal process.

Scheduled an appointment with primary care physician in August, was rescheduled to beginning of September. Due to her either contacting and/or being in contact with covid and other people ahead of me it was then rescheduled to october 14th. I will bring the paper in as soon as i have completed my requirements if allowed. I also visited my primary care in January that should have counted for this wellness program.

Please expand upon the items above by describing how you think they impeded your ability to complete the wellness program. Use an additional sheet of paper if necessary.

[illegible]

ARTICLE 15 - WORK PERIOD, OVERTIME, COMPENSATORY TIME & HOLIDAY PAY

Section 1. Work Period

- A. As hours of work vary considerably within the various departments, employees will be advised of regular work hours by the Director. Each Department Head will set the work cycle period with the approval of the City Administrator or Assistant City Administrator.
- B. The work period generally includes times an employee is required to be in attendance at his or her normal job location, but it also may include training time, travel time between job sites, teleworking and other job-related activities in various locations. All definitions and principles of work and work cycles, will conform to the guidelines established by the Fair Labor Standards Act (FLSA) and this manual. Communication by a supervisor or lead to an employee regarding a change in work assignment or work hours, to communicate other points of possible interest, or to ask simple questions of a short duration are not compensable as hours worked.
- C. Directors and supervisors are responsible for directing the work schedules of their staffs. Supervisors must be aware that work required of, or knowingly allowed to occur, by non-exempt employees, either “off the clock,” voluntarily or in other ways as delineated as “Hours Worked” under FLSA, is still compensable (i.e., the employee must be paid for his or her time worked).

Section 2. Pay Period

The pay period and pay day shall be every fourteen (14) days. The beginning and ending dates of the pay period shall be as designated by the City Administrator.

Section 3. Meal Breaks

- A. The general policy of the City pertaining to meal breaks is that all employees, except those listed in Subsection C below, shall be unpaid. Employees may cease work for meal breaks as determined by Directors, but will not be paid for that time. Time for work performed while on a meal break must be paid. Except in situations where no one else is available, employees are encouraged to avoid answering the telephone, filing, reading emails, etc., while on a meal break.
- B. Directors may adjust the length of meal breaks when it will contribute to the effectiveness of the department, but in no case will it be less than thirty minutes. At the Director’s discretion, meal breaks may periodically be taken at the beginning or end of the workday.

- C. Fire Department employees who work more than a forty (40) hour week, Police Department employees designated by the Police Chief, **Utilities** and Public Works employees designated by **their** Directors, shall receive paid meal breaks. In order to qualify for paid meal breaks, employees must be on call during their entire work shift and not leave the work premises unless authorized and must respond to duty calls during meal breaks if necessary. Failure to respond to duty calls will be grounds for disciplinary action.

Section 4. Overtime

All non-exempt employees in the City's service shall be compensated for overtime hours worked by either overtime pay or compensatory time at the rate of one and one-half times their regular rate.

- A. Overtime shall be compensable only if it is:

- (1) Recorded time worked following the conclusion of the work period or shift; and
- (2) In excess of:
 - a) 40 hours worked by non-exempt employees during the seven-day period established by the City Administrator; or
 - b) 212 hours worked by specific Fire Department personnel during the 28-day work period as designated and established by the City Administrator; or
 - c) 171 hours worked during a 28-day work period, or 80 hours worked during a 14 day work period, by police officers or police sergeants, as established by the Police Chief and approved by the City Administrator.
- (3) As an extraordinary benefit to employees, authorized and scheduled vacation leave, and compensatory time, **as well as hours actually worked**, shall be deemed hours worked for purposes of this section. However, as allowed by Fair Labor Standards Act (FLSA) guidelines and common business practices, hours recorded as sick, personal max, **and** floating holiday, ~~holiday, compensatory and holiday~~ hours do not count toward overtime.
- (4) Outside of a bona fide emergency or extraordinary circumstances as described in (5) below, permission by the Director, Department Head or his/her designee is required for working overtime **whether on City property, working remotely or teleworking**. Additionally, the Department

Head will make the determination of what constitutes a bona fide emergency or what constitutes extraordinary circumstances.

- (5) Overtime may be authorized by the Director when necessary for the protection of property or human life, or when under extraordinary circumstances, or when it is clearly in the best interest of the City. A Director or supervisor may, in his or her discretion, schedule flex-time, which is time off for an employee, offset hour for hour during a particular work ~~period~~ **week** to compensate for excess hours worked during a previous day of the same work ~~period~~ **week** without accrual of overtime. **Flex time will not be appropriate for certain public safety positions that have required or “built in” overtime.**

B. A non-exempt employee may be subject to progressive discipline as outlined in Rule #4, Corrective and Disciplinary Action for “improperly padding the timesheet” when he or she records overtime worked when:

- (1) The employee fails to get advanced authorization to work overtime; and
- (2) No bona fide emergency or extraordinary circumstances existed requiring the employee to work overtime (i.e., the intent is to gain extra compensation through overtime when it is not clearly necessary). Note: this is not intended to penalize staff for responding to the perceived emergency.

C. Overtime Compensation

- (1) Overtime compensation shall be ~~computed~~ **calculated following Federal and State guidelines, and specifically as follows:** ~~on regular rate of pay. If overtime is to be paid, it must be recorded and paid, at one and one-half times the recorded time worked, on the payroll immediately following the conclusion of the work period in which the overtime is worked. If overtime is to be applied to compensatory time, it must be recorded at one and one-half times the time worked.~~
 - a. **Non-exempt Police Officers and Police Sergeants shall be paid one and one-half their normal hourly rates of pay when they work more than 171 hours worked during a twenty-eight-day (28-day) work period or more than eighty (80) hours in a standard fourteen-day (14-day) work period and/or when they work special City-related assignments (e.g., special parade duty, protest duty, board meetings, etc.) contiguous to, or outside of, their normal work shifts.**
 - b. **Non-exempt Firefighters, Fire Engineers, Fire Captains and Fire Battalion Chiefs shall be paid overtime on hours worked beyond 212 in a defined twenty-eight-day work period. Overtime compensation**

shall be calculated by the following FLSA standard for firefighters:

Rate of pay x SH ÷ TH ÷ A x Y.

SH = Scheduled hours: 2,756 annual non-overtime hours plus 156 overtime hours, or 2,912 schedule hours

TH = Total hours: 2,756 annual non-overtime hours plus 234 (the actual value of overtime hours; 156 x 150%) net overtime hours, or 2,990 total hours

A = 2, the divisor used to average scheduled hours and total hours (SH and TH)

Y = 3, the number of years over which the 24-on/48-off cycle results in a 2,912 average annual work schedule

- c. All other non-exempt employees shall be paid one and one-half their normal hourly rates of pay when they work more than forty (40) hours in a standard workweek.

- (2) The decision to pay overtime or to record it as compensatory time shall be at the discretion of the Director.
- (3) Exempt employees are excluded from overtime compensation. Exempt employees are expected to know and understand their schedule and work required. They shall be responsible for planning and accomplishing work assigned to them regardless of the time required.

D. Compensatory Time

- (1) Compensatory time may be granted in lieu of paid overtime to all non-exempt employees. Compensatory hours shall accrue at a rate of one and one-half hours for ~~every one~~ each hour of overtime worked.
- (2) Outside of a bona fide emergency, all accrual of compensatory time must be pre-approved by the Director.
- (3) Compensatory time may accrue up to 24 hours (72 hours for firefighters, 48 hours for Police patrol officers, and Dispatch employees), except when the Director designates one or more different accrual levels based on the types of jobs, which must first be approved and authorized by the City Administrator.
- (4) Accumulated compensatory time shall be paid when the accrued compensatory time exceeds the maximum, prior to an employee's position being promoted or being reclassified to exempt, prior to transfer to another department, or upon separation for any reason, including death of the employee.

When an employee will take compensatory time off shall be determined by and scheduled at the discretion of the employee's Director, with due regard for the wishes of the employee and the needs of the City.

Every employee who has reached regular employee status, or has been granted the right to use compensatory time, and who has accrued compensatory time and leaves the City, shall have such time paid on the last paycheck issued to the employee by the City.

E. Flextime in lieu of Overtime or Compensatory Time

A Director may require an employee take flextime in lieu of overtime or compensatory time. For example, if an employee works two extra hours on Monday, that employee may arrive at work two hours late, or leave work two hours early, or take longer lunch breaks. The time/date of use of flextime may be determined by the employee provided such choice of time does not cause the department to fall below minimum or acceptable staffing levels.

Flextime is an hour-for-hour trade of time, and is not taken at one and one-half times the amount of extra time worked. However, the "flexed" time off must be taken in the week the extra time was worked.

Extra time worked that is not "flexed" during the same work week then becomes overtime or compensatory time, depending on the total number of hours worked and vacation/compensatory time taken during the week **or pay period, depending upon the department in which** it was worked.

F. Light Duty

Light duty, as described in Rule 15, is prioritized for employees recovering from workers' compensation illnesses or injuries. Employees on light duty will remain at their current levels of pay regardless of the position they temporarily fill. Employees on light duty are not to work beyond their medical restrictions and working overtime should generally be avoided.

G. On-call/Call Out Duty

- (1) Directors may establish and require compliance to specific fair and equitable rules for On-call/Call Out duty specific to their departments, with approval of the City Administrator or Assistant City Administrator. A copy of any such current, updated rules must be kept in the respective department offices, in the City Clerk's Office and in Human Resources.
- (2) On-call duty is where a non-exempt employee is assigned by supervision to stand by to be ready, available and responsive to calls for service if something in his or her line of work occurs after normal City work hours.

For being on-call, the employee shall be compensated with two (2) hours' pay each day to be counted as time worked. Such time in itself is not paid at the overtime rate, but will be used in the calculation for overtime compensation.

- (3) Call Out duty is when a non-exempt employee is called to address a work issue, whether or not the employee is on-call. Actual work in that employee's job function must be performed, in the situation-specific necessary timeframe, otherwise any such time is not compensable.

For being called out, the employee shall receive two (2) hours pay or the actual time worked, whichever is greater, whether at the workplace or teleworking, but such time does not include travel time to employee's workplace.

If the employee receives a second (or third, etc.) call out during that day, each call out shall be counted as two (2) hours, but to a maximum of eight (8) hours, or the actual time worked, whichever is greater.

When also on call, such call out time shall be in addition to authorized on-call hours. Such time by itself is not paid at the overtime rate but will be used in the calculation for overtime compensation and may be subject to flex time. Any such call advising of a schedule change or other nominal information or question that requires no work is not compensable as time worked and is not being "called out."

- (4) Employees not responding to communications while on-call may be subject to disciplinary action, depending upon the circumstances.

Section 5. Holidays

A. Designated

The City will grant eight hours of paid holiday time off work to all full-time employees for the holidays listed below:

New Year's Day - January 1
Martin Luther King Day - Third Monday in January
President's Day - Third Monday in February
Memorial Day - Last Monday in May
Independence Day - July 4
Labor Day - First Monday in September
Veteran's Day - November 11
Thanksgiving Day - Fourth Thursday in November
Friday following Thanksgiving Day

Christmas Eve - December 24*
Christmas Day - December 25*
Floating Holiday – (see B. below)

If an observed holiday falls on a Saturday, it will be observed by the City on the preceding Friday, and, if any such holiday should fall on a Sunday, it will be observed by the City on the following Monday.

*If Christmas falls on a Saturday or Sunday, then the Friday before and Monday following will be observed by the City as the Christmas Eve and Christmas Day holiday.

*If Christmas falls on a Monday, then the Mayor or the City Administrator may designate the observance of the Christmas Eve holiday to be the Friday before, or the Tuesday following, Christmas. If no such designation is made by July 31 prior to Christmas, the Christmas Eve holiday will be observed on the Friday before Christmas.

*If Christmas falls on a Tuesday, Wednesday, or Friday, then the day before Christmas will be observed by the City as the Christmas Eve holiday.

*If Christmas falls on a Thursday, then the day after Christmas will be observed by the City as the Christmas Eve holiday.

The City reserves the right to change the observed day in the event that business conditions necessitate such a change.

The Mayor or City Administrator may grant additional days of holiday pay in extraordinary cases.

Floating Holidays are not compensable as time worked for determining overtime pay, **but other holidays may be compensable, based on Section 5. D., below.** ~~Both exempt and non-exempt employees receive their normal rates of pay for holidays.~~

B. Floating Holiday

The Floating Holiday is eight hours away from work with pay granted by the City each calendar year for full time employees. This holiday time will be treated similarly to other holidays, with the following exceptions:

- (1) It may be taken at the employee's discretion, in lieu of, or as a part of, a normal work shift, but the timing of such leave requires prior approval by the Director.
- (2) It cannot be used within the first thirty (30) days of employment with the City.

- (3) It cannot be paid out in lieu of time away from work.
- (4) It cannot be used within the final fourteen (14) calendar days of employment after notice of termination has been given by the employee.
- (5) It will not be paid out if unused at the end of employment.

C. When on Leave or Separated from Service

Employees shall receive no additional pay while on paid leave when a holiday occurs, rather, eight (8) hours of holiday pay will be substituted for eight (8) hours of the vacation or sick leave being used. When an employee is on FMLA leave, the holiday will be paid if the employee is on paid leave, and won't be paid if the employee is on unpaid leave. Employee must work or be on paid leave the last scheduled workday before the holiday and the first scheduled day after the holiday to be paid for the holiday. An employee who is separated from City service when the last day worked is the last working day before a holiday shall not be paid for the holiday.

D. Compensation for Working on a Holiday

Employees, other than exempt and unclassified employees, shall receive compensation at ~~the regular rate of pay for~~ **their hourly overtime rates of pay for each hour time** worked on a holiday. **Such holiday time shall be paid and not converted to compensatory time.** Additionally, Conversely, if the employee chooses, he or she may instead ~~the employee shall receive eight (8) pay for their normal hours of holiday time of work at their regular rates of pay to either be paid OR used as a day~~ **plus eight (8) hours** off at another time.

Exempt and **full-time** unclassified employees who are required to work on a holiday shall accrue eight (8) hours of holiday time to be used on another day. Accrued holiday leave shall be used before all other accrued leave (except sick).

E. Use of Accrued or Granted Holiday Hours

Accrued or granted holiday hours may be used or paid in no less than one (1) hour increments (note: the payout of holiday hours applies only to non-exempt employees). Any and all holiday leave carried over to the next year must be used or paid out prior to April 1 following the year it was accrued or granted, otherwise those carryover holiday hours will be lost.

Holiday leave shall not accrue beyond 24 hours (48 for firefighters) throughout the fiscal year. All accrued holiday time, except Floating Holiday, shall be paid out at separation of employment.

Section 6. Recording of Time

Increments of one-quarter ($1/4$) hour shall be used to record time worked, compensatory time, and leave credits used in increments of less than one complete hour.