

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

Section 1. Work Period

As hours of work vary considerably within the various departments, employees will be advised of regular work hours by the Director. Each department will set the work cycle period with the approval of the City Administrator. 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, 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.

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 work day.
- C. Fire Department employees who work more than a forty (40) hour week, Police Department employees designated by the Police Chief, and Public Works employees designated by the Director, 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, 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, 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. 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 to compensate for excess hours worked during a previous day of the same work period without accrual of 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 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.
- (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 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 (36 for firefighters, 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, 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 it was worked.

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.

Holidays are not compensable as time worked for determining overtime pay. 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 work day 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 each hour worked on a holiday. Additionally, the employee shall receive eight (8) hours of holiday time to either be paid OR used as a day off at another time.

Exempt and 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.