

# **RULE 16 - WORK PERIOD, OVERTIME, COMPENSATORY TIME AND HOLIDAY PAY**

## **Section 1. Work Period**

The work period for all employees shall be as designated by the City Manager.

## **Section 2. Pay Period**

The pay period shall be every 14 days. The beginning and ending dates of the pay period shall be as designated by the Management Services Director.

## **Section 3. Meal Breaks**

- A. The general policy of the City pertaining to meal breaks is that all employees shall eat on their own time. They shall be allowed to cease work for a meal break to be specified by Department Directors or designated Division Heads, and shall not be paid for that time. A meal break will normally last for one hour.
- B. Department Directors may adjust the length of the meal break when it will contribute to the effectiveness of the department.
- C. Fire Department employees who work more than a 40-hour week, and Police Department employees designated by the Police Chief, shall receive a paid meal period. 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 periods if necessary. Failure to respond to duty calls will be grounds for disciplinary action.

## **Section 4. Rest Breaks**

Rest breaks shall not be a mandatory benefit of employment with the City and are provided in accordance with Department policy. When rest breaks are permitted, they may not be accumulated or used for any other purpose.

## **Section 5. On-Call Duty and Standby Duty**

On-call procedures shall be established by the appropriate Department Director after coordination with the Human Resources Director, for the purpose of providing emergency service after hours, on weekends and on holidays. Pay shall be established for on-call duty by the Department Director and the Human Resources Director with the City Manager's approval. When the on-call responsibilities result in a stringent restriction of an employee's activities as recognized by the Fair Labor Standards Act, the employee shall be considered on standby duty and shall be compensated in accordance with the Fair Labor Standards Act.

## **Section 6. Overtime**

- A. Effective July 1, 2011, overtime is defined as time worked in addition to regularly scheduled hours of work in one work period in excess of 40 hours per 7-day work period for all classes of non-exempt full time employees. All paid leave taken in lieu of hours worked, except leave taken as compensatory time, shall be counted as hours worked for purposes of overtime calculations. Payment for hours worked on a holiday, as part of the regularly scheduled hours of work, shall be compensated as provided by this rule.
- B. Part-time employees shall be compensated for overtime when the needs of the department require scheduling the employee to work more hours in one work period than a full time employee of the same class.

## **Section 7. Overtime Authorization**

Overtime may be authorized and required by the Department Director when it is clearly in the best interest of the City. Overtime shall be authorized in advance by the Department Director unless emergency situations preclude advance authorization.

## **Section 8. Overtime Compensation**

- A. Employees excluded from overtime compensation include all exempt employees. Exempt employees shall be responsible for planning and accomplishing work assigned to them regardless of the time required.
- B. Overtime compensation for non-exempt employees shall be computed in accordance with the Fair Labor Standards Act and adjusted rate of pay including applicable shift differential, on call pay and assignment pays. If overtime is to be paid, it must be recorded and paid, at one and one-half time, on the payroll immediately following the conclusion of the pay period in which the overtime was worked. If overtime is to be applied to compensatory time, it must be recorded at one and one-half time.
- C. The decision to pay overtime or record it as compensatory time shall be at the discretion of the Department Director.

## **Section 9. Compensatory Time**

- A. Compensatory time shall not accrue beyond seventy-two (72) hours maximum for Fire Department personnel working more than a forty (40) hour week. All other non-exempt employees shall not accrue beyond sixty (60) hours maximum in FY 13/14 and sixty-five (65) hours in FY 14/15 unless otherwise negotiated as part of a Memorandum of Understanding.
- B. Accumulated compensatory time shall be paid:
  - 1. When the accrued compensatory time exceeds the maximum. Payment will be for that amount which exceeds the maximum.
  - 2. Upon the separation for any reason, including death of the employee.

3. When authorized by the Department Director.

C. The time at which an employee will take compensatory time off shall be chosen by the employee with the approval of the Department Director based on whether the employee's absence would interfere with the Department's operation.

### Section 10. Holidays

A. When possible without decreasing the effectiveness of the various municipal services, all employees, except temporary employees and regular part-time employees scheduled to work less than 1040 hours per year, shall be allowed ten (10) observed paid holidays and one (1) personal holiday. The observed holidays shall be provided as follows:

<b>New Year's Day</b>	January 1
<b>Martin Luther King, Jr. / Civil Rights Day</b>	Third Monday in January
<b>Presidents' Day</b>	Third Monday in February
<b>Memorial Day</b>	Last Monday in May
<b>Independence Day</b>	July 4
<b>Labor Day</b>	First Monday in September
<b>Veterans' Day</b>	November 11
<b>Thanksgiving Day</b>	Fourth Thursday in November
<b>Day After Thanksgiving</b>	Friday after Thanksgiving
<b>Christmas Day</b>	December 25
<b>Personal Holiday</b>	

B. When an official holiday falls on Sunday, it will be observed on the following Monday. When an official holiday falls on Saturday, it will be observed on the preceding Friday.

C. Compensation or paid time off when not working a Holiday.

1. Full-time employees shall receive 8 hours of paid time off on a holiday when the holiday falls on a regularly scheduled workday.

2. In addition, such employees working an alternative work schedule of other than 8 hours, 5 days a week, may take available vacation leave or compensatory leave on the holiday to equal the number of hours normally worked on that day.
3. When a holiday falls on a non-scheduled work day, employees shall be provided 8 hours of paid time off on an alternate day during the pay period. When operational requirements do not permit an alternate day off in lieu of the official holiday, non-exempt employees will receive 8 hours of holiday pay. Full-time employees working an alternative work schedule of other than 8 hours, 5 days a week, may take available vacation leave or compensatory leave on the alternate day to equal the number of hours normally worked on the holiday.
4. Regular part-time employees who are scheduled to work at least 1040 hours per year shall be provided paid time off for holidays on a prorated basis. The prorated basis shall be calculated based on the position's number of budgeted hours.
5. Department Directors have the discretion of requiring employees to return to a regular schedule of five 8-hour days for the week in which the holiday occurs.
6. Employees who are in sworn, non-exempt employee groups shall receive holiday pay as stated in the applicable Memorandum of Understanding.
7. Employees in Section 10.C.6 will be paid the equivalent of their personal holiday on the pay date that represents the first full pay period of the calendar year.

D. Compensation or paid time off when working a Holiday.

1. Non-exempt employees who work a holiday shall receive compensation at one and one-half times their rate of pay for each hour worked on a holiday. In addition, full-time, non-exempt employees shall receive 8 hours of holiday pay, or 8 hours of paid time off during the pay period. Regular non-exempt, part-time employees who are scheduled to work at least 1040 hours per year and who work a holiday shall be provided holiday pay on a prorated basis, or paid time off on an alternate day during the pay period. The prorated basis shall be calculated based on the position's number of budgeted hours.
2. Employees who are in sworn, non-exempt employee groups shall receive holiday pay as stated in the applicable Memorandum of Understanding.
3. Fire Department employees who work more than a 40-hour week will not be given time off in lieu of official holidays. These Fire Department employees who work a holiday shall receive 11.2 hours pay. In addition, such employees will be awarded 2.8 hours of holiday time off with pay.
4. At the Department Director's discretion, full-time exempt employees who work a holiday may be provided the equivalent hours of paid time off on an alternate day during the pay period. Further, regular part-time exempt employees may be provided, at the discretion of the Department Director, with paid time off on an alternate day on a

prorated basis. The prorated basis shall be calculated based on the position's number of budgeted hour.

5. Employees in Section 10.D.2 will be paid the equivalent of their personal holiday on the pay date that represents the first full pay period of the calendar year.

**E. Holiday Pay When Employee is on Leave or Separates from City Service**

1. Employees shall receive no additional pay and shall not be charged with vacation or sick leave time while on paid leave when a holiday occurs.
2. Employees must work or be on paid leave the last scheduled work day before the holiday and the first scheduled work day after the holiday to be paid for the holiday.
3. 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.

- F.** Except as noted in Sections 10.C.7 and 10.D.5, all employees shall receive payment for holiday worked on the payroll immediately following the conclusion of the pay period in which the work was performed.

- G.** Except as noted in Sections 10.C.7 and 10.D.5, the personal holiday must be used during the tax year and cannot be accrued or paid in lieu of time off.

- H.** Employees must complete and submit a leave request form for approval prior to the date of the personal holiday. If the request is denied by the Department Director, the reasons shall be stated on the form. Failure to request the personal holiday leave prior to the date shall be sufficient reason to deny the leave. In a bona fide emergency, the Department Director may approve the personal holiday leave after the fact. The determination as to whether a bona fide emergency existed shall be at the sole discretion of the Department Director.

**Section 11. Recording of Time**

The following procedure shall be used to record time worked, compensatory time, and leave credits used in increments of less than one complete hour.

- (a) 05 - 15 minutes = .25 hour
- (b) 16 - 30 minutes = .50 hour
- (c) 31 - 45 minutes = .75 hour
- (d) 46 - 59 minutes = 1.00 hour

**Section 12. Schedule Changes**

Except for emergency situations, any change to an employee's regular work schedule lasting more than two (2) pay periods shall be communicated to the employee in writing at least fifteen (15) business days prior to implementation. The requirements of this paragraph may be waived by mutual consent.

Changes in a daily work schedule because of staff shortages will not require advance notice. Periodic start/stop time changes based on projects will not be subject to the 15 day notice. Efforts will be made to provide notice and flexibility, but are not guaranteed.

Employees covered by a Memorandum of Understanding shall receive notice as outlined in the current agreement.

Revised – June, 2008 – Resolution No. 4203  
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