

ORDINANCE NO. 2016-11-21-01

AN ORDINANCE TO AMEND ORDINANCE NO. 2007-10-15-01 OF THE CITY OF ASHLAND, THE “PERSONNEL POLICIES AND PROCEDURES”, BY RESTATING CERTAIN PORTIONS THEREOF AND ADDING CERTAIN REQUIREMENTS TO COMPLY WITH THE FAIR LABOR STANDARDS ACT (FLSA) CONCERNING COMPENSATION AND BENEFITS FOR CITY EMPLOYEES.

WHEREAS, the City of Ashland adopted its Personnel Policies and Procedures by Ordinance No. 2007-10-15-01, as amended, setting forth the rules and regulations to be followed in working with its employees; and

WHEREAS, the City has determined that it is now in the best interest of its employees to provide certain additional policies relating to compensation and benefits as provided by the FLSA which are to become effective on December 1, 2016;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHLAND, ALABAMA AS FOLLOWS:

SECTION I. The following portions of Personnel Policies and Procedures for the City of Ashland shall be amended to state as follows:

V. COMPENSATION AND BENEFITS

F. Compensation and Allowances

Rates of compensation established are gross and total compensation for full-time service in the various classifications. The hours of work for full-time service are established by the compensation plan, although the appointing authority will fix hours of work for employees and offices. Rates of compensation established provide full compensation for whatever may be reasonably required in all classes of positions, and no position

will be subject to additional compensation as a result of any reasonable variation in hours worked. Supervisors shall determine the need for employees in their respective departments to work overtime when necessary for proper performance of work duties and responsibilities.

G. Overtime

The standard work week will be established by the appointing authority. Supervisors and other full-time employees should work those hours necessary to assure the satisfactory performance of their departments, but not less than forty (40) hours per week. The supervisor will assign regular duties and responsibilities to each employee under their supervision which can normally be accomplished within the established work day and work week. For overtime work performed by city employees beginning December 1, 2016, the following shall apply:

1. Exempt and Salaried Employees:
 - a. For hours worked each week in excess of forty (40) hours, said employee shall receive compensatory time off at the rate of one and one-half (1 ½) hours for each overtime hour actually worked.

2. Non Exempt Hourly Employees:
 - a. Non law enforcement employees who work in excess of forty (40) hours each week, shall receive overtime compensation at the rate of one and one-half (1 ½) hours for each overtime hour actually worked. Said compensation shall be in the form of payment or compensatory time, at the discretion of the employees.

 - b. Law enforcement employees who are subject to Section 207(k) of the FLSA and working a fourteen (14) day work period, shall receive overtime compensation for hours worked in excess of eighty-six (86) hours per work period. Said overtime compensation shall be at the rate of

one and one-half (1 ½) hours for each overtime hour actually worked. Said compensation shall be in the form of payment or compensatory time, at the discretion of the employee.

3. Accumulation and Use of Compensatory Time

- a. Non law enforcement employees may accrue up to a maximum of two hundred forty (240) hours of compensatory time.
- b. Law enforcement employees may accrue up to a maximum of four hundred eighty (480) hours of compensatory time.
- c. Subject to the maximum accrual of compensatory hours, all compensatory time earned shall be utilized within a reasonable period of time, not to exceed sixty (60) days from the date said hours were first earned by the employee.
- d. Any hours selected as compensatory time shall no longer be eligible for pay except as provided for unused accumulated compensatory time under the FLSA upon termination of employment.

H. Clock In and Out

1. No employee will be allowed to clock in any earlier than five (5) minutes before the shift is to begin, and no later than five (5) minutes after the regular quitting time unless authorized by his supervisors.
2. Supervisors shall be responsible for keeping accurate records of all time worked (and absences) by the employees under their supervision, as well as their own individual time, and for reporting the same to the payroll department.

SECTION II. Notwithstanding the policy and Procedure provisions stated herein, the Fair Labor Standard Act (FLSA) regulations shall control.

SECTION III. All portions of the Personnel Policies and Procedures for the City of Ashland not otherwise amended as set forth herein, shall remain in full force and effect.

SECTION IV. Where necessary, the Personnel Policies and Procedures manual shall be modified to reflect the page and paragraph identifications to comply with the above changes.

SECTION V. This Ordinance shall be published by posting copies thereof in three places within the municipality, one of which shall be at the Mayor's office. Said Ordinance shall take effect five (5) days after said posting.

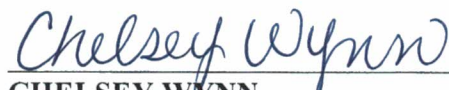
SECTION VI. All Ordinances or parts of Ordinances which conflict with this Ordinance are hereby repealed.

SECTION VII: All sections of this Ordinance are hereby declared to be severable; and if any word, phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional or invalid by the judgment or decree of any Court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining words, phrases, clauses, sentences, paragraphs and sections of this Ordinance.

ADOPTED and APPROVED this the 21st day of November, 2016.

ATTEST:

CITY OF ASHLAND, ALABAMA



CHELSEY WYNN
Its Clerk/Administrator

by: 

LARRY J. FETNER
Its Mayor