# CITY COUNCIL AGENDA ITEM COVER MEMO

Agenda Item Number_____

Meeting Type: Regular

Meeting Date: 2/28/2013

Action Requested By:
Human Services

Agenda Item Type
Ordinance

Subject Matter:

Ordinance to amend Section 8.12, 10.10, 10.11 and 10.21 of Ordinance 04-315 Personnel Policies and Procedures, for modification to the Compensatory Time, Compensatory Leave, Administrative Leave and Miscellaneous Leave (Hazardous Weather/Emergency Conditions)

Exact Wording for the Agenda:

Ordinance to amend Section 8.12, 10.10, 10.11 and 10.21 of Ordinance 04-315, Personnel Policies and Procedures, for modification to the Compensatory Time, Compensatory Leave, Administrative Leave and Miscellaneous Leave (Hazardous Weather/Emergency Conditions) policy.

**Note: If amendment, please state title and number of the original**

Item to be considered for: Introduction  Unanimous Consent Required: Select...

Briefly state why the action is required; why it is recommended; what Council action will provide, allow
and accomplish and; any other information that might be helpful.

This action is requested to modify the Compensatory Time, Compensatory Leave, Administrative Leave and Miscellaneous Leave (Hazardous Weather/Emergency Conditions)policy.

Associated Cost:

Budgeted Item: Select...

MAYOR RECOMMENDS OR CONCURS: Select...

Department Head: Byron K. Jones

Date: 2/25/2013

revised 3/12/2012

**ORDINANCE NO. 13-_____**

**BE IT ORDAINED** by the City Council of the City of Huntsville, Alabama, that Sections 8.12, 10.10, 10.11 and 10.21 of Ordinance No. 04-315 (Personnel Policies and Procedures Manual), as adopted and approved on December 16, 2004, as amended, are hereby further amended as follows:

**8.12 COMPENSATORY TIME POLICY**
(Also See Section 10.10 COMPENSATORY LEAVE)

(A) Non-Exempt Employees

To control excessive overtime costs, compensatory time, with the approval or at the direction of the Department Head, may be accrued by the non-exempt employee. The Department Head shall make an effort to schedule earned compensatory time off during the workweek in which it was earned. Compensatory time earned and taken during the same workweek shall be at the rate of one (1) hour for each hour worked. Compensatory time earned and taken outside the workweek in which it was earned shall be at a rate of one and one-half (1 1/2) times the number of hours worked in excess of the standard work period.

Employees earning compensatory time during any workweek and subsequently taking leave during the same workweek shall be required to use the compensatory time earned during that workweek before compensatory time earned in a prior workweek, or annual or deferred holiday leave can be used.

Non-exempt fire suppression personnel can accrue a maximum of three hundred thirty-six (336) hours of compensatory time. All other non-exempt City employees can accrue a maximum of two hundred forty (240) hours of compensatory time. Once non-exempt employees have accrued the maximum hours of compensatory time allowed herein, such employees shall receive cash overtime payments for additional overtime worked.

(B) Exempt Employees

Exempt employees shall not be authorized overtime compensation, but shall be authorized to accrue compensatory time with the approval or at the direction of the Department Head, at the rate of one hour for each hour worked in excess of the standard work period. The Department Head shall make an effort to schedule earned compensatory time off during the workweek in which it was earned. However, in the event such time accrues beyond the workweek in which it was earned, all such compensatory time for the previous calendar year must be taken prior to the ending of the last pay period in June of the following year, or shall be forfeited by the exempt employee. The only exception to this compensatory time forfeiture provision is in the event such compensatory time has been earned solely pursuant to Section 10.21(C)(2)(b). However, in the event an exempt employee is denied scheduled compensatory leave by the Department Head or other

designated representative for the convenience of the City, or is called back to work while on compensatory leave, resulting in a forfeiture of compensatory leave, the employee shall, upon request and approval of the Mayor, have such compensatory leave reinstated. The use of compensatory time accrued pursuant to Section 10.21(C)(2)(b) shall be governed by the terms of Section 10.21(C)(2)(b) in lieu of this Section 8.12(B).

Upon termination of employment, exempt employees shall be compensated up to a maximum of one hundred and sixty (160) accrued compensatory hours at their regular hourly rate in addition to any compensatory hours accrued pursuant to Section 10.21(C)(2)(b).

(C) Movement from a Non-Exempt to an Exempt Position

Any compensatory time earned while in a non-exempt position is not subject to forfeiture. However, an employee whose job status changes (or has changed) from non-exempt to exempt shall receive monetary compensation for accrued compensatory time earned while in a non-exempt position; thereby, resulting in a zero balance of accrued compensatory time earned while in a non-exempt position.

**10.10 COMPENSATORY LEAVE**
(Also See Section 8.12 COMPENSATORY TIME POLICY)

(A) Non-Exempt Employees

Compensatory time should be used as soon as practicable after it is earned. Non-exempt employees earning compensatory time during any workweek and subsequently taking leave during that workweek shall be required to use the compensatory time earned during that workweek before compensatory time earned in a prior workweek, or annual or deferred holiday leave can be used.

(B) Exempt Employees

Compensatory time should be used as soon as practicable after it is earned. Compensatory time earned by exempt employees during the previous calendar year must be taken prior to the ending of the last pay period in June of the following year, or such employees shall forfeit it. The only exception to this compensatory time forfeiture provision is in the event such compensatory time has been earned solely pursuant to Section 10.21(C)(2)(b). However, in the event an exempt employee is denied scheduled compensatory leave by the Department Head or other designated representative for the convenience of the City, or is called back to work while on compensatory leave, resulting in a forfeiture of compensatory leave, the employee shall, upon request and approval of the Mayor, have such compensatory leave reinstated. The use of compensatory time accrued pursuant to Section

10.21(C)(2)(b) shall be governed by the terms of Section 10.21(C)(2)(b)in lieu of this Section 10.10(B).

**10.11 ADMINISTRATIVE LEAVE**

Administrative Leave is leave with pay granted to one or more employees and not requiring the employee(s) to use accrued paid leave. Administrative Leave can be granted in the following circumstances:

(A) The Mayor may grant Administrative Leave at his/her discretion, including, but not limited to, for short-term circumstances involving an unforeseeable catastrophic event affecting the employee or a member of the employee's immediate family that was beyond the control of the employee and which renders the employee unable to attend work. Unforseeable catastrophic event may include hazardous weather events or emergency conditions which necessitate the closing of the work place to the public and employees due to safety concerns as contemplated in Section 10.21;

(B) A Department Head consistent with the provisions of Section 18, Drug and Alcohol Policies, may grant Administrative Leave. The Department Head will notify the Director of Human Resources in writing when an employee is granted Administrative Leave pursuant to Section 18; and,

(C) As a non-disciplinary measure, a Department Head, with the written approval of the Mayor or the Director of Human Resources, may grant Administrative Leave, if disciplinary action is being considered by the Department Head.

The Mayor or Department Head may require an employee on Administrative Leave to report to work and/or contact their supervisor periodically.

**10.21 MISCELLANEOUS LEAVE (HAZARDOUS WEATHER/EMERGENCY CONDITIONS)**

(A) Hazardous Weather/Emergency Conditions

In the event of hazardous weather or emergency conditions, it is the responsibility of the employee to report to their regular and usual work site during their regularly scheduled work day hours or shift, unless otherwise directed by management. Allowances should be made for adequate and safe travel time to the designated work site. Employees who are unable to report to their designated work site must contact their Department Head and/or immediate supervisor. All employees are advised to conserve some accrued leave time for use as necessary due to the inability to report to the designated work site due to hazardous weather or emergency conditions.

(B) City Offices Open

In the event the city offices are open during the hazardous weather or emergency condition event, the employee may be excused from reporting to or remaining at work, if his/her presence is not absolutely essential for required operations.

In the event the employee's attendance is excused, the employee shall be charged with any accrued leave time for the absence, excluding sick leave unless deemed eligible in accordance with Section 10.7 (Sick Leave) of the Personnel Policies and Procedures. Employees excused but who do not have sufficient accrued leave will have their absence recorded as Leave Without Pay Excused. In the event an employee fails to report to or remain at work during the hazardous weather or emergency condition event, without good cause and without the permission of their Department Head and/or supervisor, the employee shall be charged Leave Without Pay Unexcused and will be subject to Section 10.14 (Leave Without Pay Unexcused) of the Personnel Policies and Procedures manual.

(C) City Offices Closed

In the event city offices are closed for the work day or shift by the Mayor or the Mayor's designated representative, due to the hazardous or emergency conditions, the employee may be excused from appearing or remaining at the designated work site, if his/her presence is considered by management to be non-essential for required operations. Department Heads shall determine which employees are essential to departmental functions and which are non-essential for hazardous or emergency conditions. Essential employees are those employees that are deemed necessary by the Department Head to work to alleviate the hazardous or emergency condition, to provide emergency services, or to protect the public safety and health during the hazardous or emergency condition.

(1) Non-Essential Personnel

When city offices are closed for the work day or shift as set forth in Section 10.21(C), regular, full-time employees, who are determined to be non-essential for required operations, and who are scheduled to work, will not be required to report to work during the hazardous weather or emergency condition event and will be paid their regular rate of pay in accordance with Section 10.11 (Administrative Leave) of the Personnel Policies and Procedures manual. After the hazardous weather or emergency condition has resolved so that city offices are no longer required to be closed and during the same work week, the

Mayor may require non-essential personnel to adjust their work schedules, including working longer hours on their regular work days, weekend hours, or on other days off in order to make up the hours excused as administrative leave.

In the event, city offices are closed during the work day or shift, non-essential, regular, full-time employees, who reported to work and remained at work until the time of the decision to close, shall be compensated their regular rate of pay for the hours worked and shall receive their regular rate of pay in accordance with Section 10.11 (Administrative Leave) of the Personnel Policies and Procedures for the remainder of their work shift. Non-essential, regular, full-time employees, who were previously excused and unable to report to work on a day when city offices are closed during the work day, will be charged with any accrued leave time for the absence, excluding sick leave unless deemed eligible in accordance with Section 10.7 (Sick Leave) of the Personnel Policies and Procedures.

(2) Essential Personnel

(a) Non-exempt

When city offices are closed for the work day or shift as set forth in Section 10.21(C), non-exempt, regular full-time employees, who are determined to be essential for required operations, will be required to report to or remain at their normal work site and shall be compensated at a five percent (5%) higher rate of pay than their established regular rate of pay for all hours worked during the hazardous weather or emergency condition event. Essential, non-exempt, regular full-time employees, who are authorized by their Department Head or designee to work in excess of the established standard workweek as described in Section 8.11 (Overtime Policy), shall be compensated in accordance with Section 8.11 (Overtime Policy) or Section 8.12(A)(Compensatory Time Policy) of the Personnel Policies and Procedures. For the purposes of this Section 10.21(C)(2)(a), if the overtime is worked solely due to the hazardous weather or emergency condition which was the direct cause of the closing of the city offices, then the five percent (5%)higher rate of pay shall be used for the calculation of the overtime pay in lieu of the regular rate of pay set forth in Section 8.11(Overtime Policy). In the event the essential, non-exempt employee does not report to or remain at work during the hazardous weather or

emergency condition event and is excused, the employee shall be charged with any accrued leave time for the absence, excluding sick leave, unless deemed eligible in accordance with Section 10.7 (Sick Leave) of the Personnel Policies and Procedures. If the essential, non-exempt employee is excused by their Department Head during the hazardous weather or emergency condition event but does not have sufficient accrued leave, the employee will have their absence recorded as Leave Without Pay Excused. If the essential, non-exempt employee is not excused by their Department Head during the hazardous weather or emergency condition event, the employee will have their absence recorded as Leave Without Pay Unexcused and will be subject to Section 10.14 (Leave Without Pay Unexcused) of the Personnel Policies and Procedures.

(b) Exempt

When city offices are closed for the work day or shift as set forth in Section 10.21(C), exempt, regular full-time employee, who are determined to be essential for required operations, will be required to report to or remain at their normal work site and shall be compensated at a five percent (5%) higher rate of pay than their established regular rate of pay for all hours worked during the hazardous weather or emergency condition event. Essential, exempt, regular full-time employees, who are authorized by their Department Head or designee to work in excess of their standard workweek, shall be compensated in accordance with Section 8.12(B) (Compensatory Time Policy) of the Personnel Policies and Procedures. However, compensatory time accrued during the calendar year solely due to the hazardous weather or emergency condition which was the direct cause of the closing of city offices shall be used by the employee prior to the ending of the last pay period in June of the following year. Compensatory time remaining after the aforementioned timeframe that was earned pursuant to this Section 10.21(C)(2)(b) shall be converted to monetary compensation and be paid to the employee at the rate in effect at the time. In the event the essential, exempt, regular full-time employee does not report to or remain at work during the hazardous weather or emergency condition event and is excused, the employee shall be charged with any accrued leave time for the absence, excluding sick leave, unless deemed eligible in accordance with Section 10.7 (Sick Leave) of the Personnel Policies and Procedures. If

the essential, exempt employee is excused by their Department Head during the hazardous weather or emergency condition event but does not have sufficient accrued leave, the employee will have their absence recorded as Leave Without Pay Excused. If the essential, exempt employee is not excused by their Department Head during the hazardous weather or emergency condition event, the employee will have their absence recorded as Leave Without Pay Unexcused and will be subject to Section 10.14 (Leave Without Pay Unexcused) of the Personnel Policies and Procedures.

(3) Part-time Personnel

When city offices are closed for the work day or shift as set forth in Section 10.21(C), part-time employees, unless otherwise directed by their Department Head, will not be required to report to or remain at work during the hazardous weather or emergency condition event and will be paid their regular rate of pay in accordance with Section 10.11 (Administrative Leave) of the Personnel Policies and Procedures manual only if the part-time employee was scheduled to work. In the event a part-time employee is required to report to or remain at work during the hazardous weather or emergency condition event, the part-time employee shall be compensated at a five percent (5%) higher rate of pay than their established regular rate of pay for all hours worked during the hazardous weather or emergency condition event. In the event the part-time employee fails to report to or remain at work during the hazardous weather or emergency condition event, as required by the Department Head, the employee shall be charged Leave Without Pay Unexcused and will be subject to Section 10.14 (Leave Without Pay Unexcused) of the Personnel Policies and Procedures.

In the event, city offices are closed during the work day or shift, part-time employees, who reported to work and remained at work until the time of the decision to close, shall be compensated their regular rate of pay for the hours worked and shall receive their regular rate of pay in accordance with Section 10.11 (Administrative Leave) of the Personnel Policies and Procedures for the remainder of their work shift.

**ORDINANCE NO. 13-_____**

**ADOPTED** this the _____day of _____, 2013.

_____
President of the City Council of
the City of Huntsville, Alabama

**APPROVED** this the _____ day of _____, 2013.

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Mayor of the City of Huntsville,
Alabama