CITY COUNCIL AGENDA ITEM COVER MEMO

Agenda Item Number: _____

Meeting Type: Regular

Meeting Date: May 14, 2015

Action Requested By: Human Resources

Agenda Type: Ordinance

Subject Matter:

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

Exact Wording for the Agenda:

Ordinance to amend Section 10.21 of Ordinance 04-315, Personnel Policies and Procedures, for modification to the 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: No

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 Miscellaneous Leave (Hazardous Weather/Emergency Conditions) policy.

Associated Cost: _____

Budgeted Item: _____

MAYOR RECOMMENDS OR CONCURS: _____

Department Head: _____

Date: May 11, 2015

ORDINANCE NO. 15-_____

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

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) 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. Furthermore, any compensatory time earned pursuant to this Section 10.21(C)(2)(b) shall be converted to monetary compensation and shall be paid out to the employee at a five percent (5%) higher rate of pay than their established regular rate of pay during the pay period for which it is earned. 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.

ADOPTED this the _____day of _____, 2015.

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

APPROVED this the _____ day of _____, 2015.

_____
Mayor of the City of Huntsville,
Alabama