

Introduced by _____

First Reading _____

Second Reading _____

Ordinance No. _____

Council Bill No. B 96-21

AN ORDINANCE

amending Chapter 19 of the City Code as it relates to overtime provisions; and fixing the time when this ordinance shall become effective.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBIA, MISSOURI, AS FOLLOWS:

SECTION 1. Chapter 19 of the Code of Ordinances of the City of Columbia, Missouri, is hereby amended as follows:

Material to be deleted in ~~strikeout~~; material to be added underlined.

Sec. 19-96. Overtime.

(a) Positions eligible for overtime pay shall be designated on the classification plan and the pay plan.

(b) Work periods for city employees are defined as follows:

(1) Fire department shift employees shall work an eighteen (18) day work period (fifty-six (56) hours per week average) and shall be paid at the overtime rate (or compensatory time in accordance with FLSA standards) for all hours in pay status in excess of one hundred thirty-six (136) hours during the work period. ~~Through 7:00 a.m. February 20, 2020, fire department shift employees shall work a twenty-seven day work period (fifty-six (56) hours per week average) and shall be paid at the overtime rate (or compensatory time in accordance with FLSA standards) for all hours in pay status in excess of two hundred four (204) hours during the work period. Beginning 7:00 a.m. February 20, 2020, fire department shift employees may work an eighteen-day work period (fifty-six (56) hours per week average) and be paid at the overtime rate (or compensatory time in accordance with FLSA standards) for all hours in pay status in excess of one hundred thirty-six (136) hours during the work period if so provided by an agreement between the City of Columbia and the recognized employee group representatives for the fire department shift employees. The eighteen (18) day work period may be implemented for no more than two (2) years, except that a transition period may be established by the director. At the conclusion of the two (2) year~~

~~period, or such shorter time as is established by the terms of the agreement, fire department shift employees shall return to the twenty-seven (27) day work period established by this paragraph, with the transition to the twenty-seven (27) day work period (fifty-six (56) hours per week average) being completed at the earliest practical date as determined by the director. Upon returning to a twenty-seven (27) day work period (fifty-six (56) hours per week average), fire department shift employees shall be paid at the overtime rate (or compensatory time in accordance with FLSA standards) for all hours in pay status in excess of two hundred four (204) hours during the work period.~~

- (2) Police officers and sergeants shall work a fourteen-day work period and shall be paid at the overtime rate (or compensatory time in accordance with FLSA standards) for all hours in pay status in excess of eighty (80) hours during the work period.
- (3) Airport fire/safety officers shall work a fourteen-day work period and shall be paid at the overtime rate (or compensatory time in accordance with FLSA standards) for all hours in pay status in excess of eighty (80) hours during the work period.
- (4) All other overtime eligible employees shall work a seven-day work period beginning at seven on Sunday morning and shall be paid at the overtime rate (or compensatory time in accordance with FLSA standards) for all hours in pay status in excess of forty (40) hours during the work period; except, however, the city manager may establish work periods beginning on a different day and time.

(c) Overtime work shall be kept to a minimum, and in order to be considered as overtime, the work and the time of doing it must have been assigned by the employee's department head or duly authorized supervisor. Supervisors may limit or alter the scheduled hours of overtime eligible employees in order to avoid or limit the accrual of overtime by overtime eligible employees.

(d) The positions of those city employees and officials excepted from the payment of overtime:

- (1) Shall be noted in the classification and pay plan and shall generally include administrative, professional and supervisory positions.
- (2) Shall have salary ranges based on all services rendered and the realization that the employee will not be separately compensated for overtime.
- (e) Employees in positions not eligible for overtime pay:

- (1) Shall not be specifically compensated for overtime in either money or compensatory time.
- (2) Shall be expected to average at least forty (40) hours per week.
- (3) May have their contributions to the development and accomplishment of departmental goals evaluated in terms of total performance, output, effectiveness, and achievement rather than on adherence to set specific working hours.
- (4) Shall, at the discretion of the department head, not be held rigidly to the established city schedule of leave accumulation and usage. Time absent from work and deviations from the official work hours of the employee's department must be with the approval of the employee's department head who shall have the responsibility for evaluating the employee's performance and justifying permitted deviations from established hours of work and earned leaves.

(f) The city does not make deductions from the salaries of overtime exempt employees because of variations in the quality or quantity of work performed. Rather, unsatisfactory quantities or quality of work are addressed through regular performance management methods including the evaluation and discipline processes. The city also does not make deductions from overtime exempt employees' salaries for any of the following:

- (1) Absences of less than a full workweek occasioned by the city;
- (2) Absences of less than a full workweek caused by jury duty, or attendance as a witness in a judicial proceeding, or due to temporary military leave (although the city may offset against the regular salary any amount paid as jury, witness or military pay); and
- (3) Approved partial day absences for personal reasons.

Based on principles of public accountability which require that employees not be paid for time not worked, deductions from an overtime exempt employee's salary will be made in the following circumstances:

- (1) Full-day and unapproved partial day absences for personal reasons other than sickness or disability;
- (2) Full-day and partial day absences caused by sickness or disability if the employee is not yet eligible for paid leave or paid leave has been exhausted under the city's sick leave or other policies providing pay for those absences;

- (3) Hours taken as unpaid leave under the Family and Medical Leave Act (FMLA);
- (4) Disciplinary suspensions of one (1) or more full days for infractions of written workplace conduct rules;
- (5) All disciplinary suspensions for infractions of safety rules of major significance; and
- (6) Where an overtime exempt employee works less than a full workweek in the initial or final week of employment or due to a budget-required furlough (overtime exempt employees who work less than forty (40) hours during their first or last week of employment or due to a furlough will be paid a proportionate part of their full salary for the time actually worked).

(g) Any overtime exempt employee whose salary has been subject to improper deductions should promptly report the problem to the director. Any improper deductions will be reimbursed, and there will be no retaliation against any employee.

(h) Overtime assignments will be distributed as equally as practicable among members of each overtime equalization unit. Such overtime equalization units shall consist of the qualified employees in a job classification or employee work group. No employee will be given an overtime assignment unless he is qualified to perform it. The department head or supervisor shall maintain a roster showing the overtime hours worked by employees in each overtime equalization unit, or work group. If an employee refuses an overtime assignment he will be credited, for purposes of overtime equalization, with the number of hours refused.

(i) Overtime eligible police officers shall be paid at the overtime rate for court appearances and emergency call-outs that occur during scheduled time off only if they are entitled to overtime pay under subsection (b).

SECTION 2. This ordinance shall be in full force and effect from and after its passage.

PASSED this _____ day of _____, 2021.

ATTEST:

City Clerk

Mayor and Presiding Officer

APPROVED AS TO FORM:

City Counselor