



CITY COUNCIL AGENDA ITEM

REQUESTED COUNCIL MEETING DATE 6/20/06

SUBJECT: Resolution No. 06-54 - Overtime Payment During Emergencies

DEPARTMENT: Administration

RECOMMENDED MOTION:

To approve Resolution No. 06-54 authorizing overtime payment during emergencies

SUMMARY:

Attached is a resolution and policy regarding overtime payment during emergencies. This policy has been reviewed and approved by FEMA. Staff recommends approval.

ATTACHMENTS: Ordinance Resolution Budget Resolution

Other Support Documents/Contracts Available for Review in Manager's Office

DEPARTMENT HEAD	Signed	Date
FINANCE DEPARTMENT	Approved as to Budget Requirements	Date
CITY ATTORNEY <i>[Signature]</i>	Approved as to Form and Legality	Date 6-14-06
CITY MANAGER <i>[Signature]</i>	Approved Agenda Item For:	6/20/06

COUNCIL ACTION: Approved as Recommended Disapproved Tabled Indefinitely
 Continued to Date Certain Approved with Modification:

RESOLUTION NO. 06-54

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, ADOPTING THE CITY POLICY RELATING TO OVERTIME PAYMENT DURING A DECLARED EMERGENCY OPERATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City has established a Policy to provide guidelines for overtime payment during a declared emergency operation; and

WHEREAS, the City staff recommends that the City Council review and accept the attached policy.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA:

Section 1. The City Council hereby adopts the "City Policy for Overtime Payment During a Declared Emergency Operation", attached hereto as Exhibit "A".

Section 2. This resolution shall become effective immediately upon adoption.

MAYOR ALLEN GREEN

ATTEST:

Kenneth W. Parker, City Manager

Adopted on the day of

Reviewed and Approved: _____


City Attorney

City of Port Orange
Overtime Payment During a Declared Emergency Operation

Overtime Payment During a Declared Emergency Operation

The purpose of this policy statement is to establish the procedures for overtime payment of employees during a declared emergency.

Statement of Policy

Applicability

This policy, once adopted by the Port Orange City Council, will establish an overtime payment policy for all City personnel, both exempt and non-exempt, during a declared emergency.

In General

Under the following conditions, personnel will be eligible for overtime payments during an emergency.

Non-Exempt Employees - The Federal Labor Standards Act and the adopted Federal Rules and Regulations establish the procedures for non-exempt employees working for the City of Port Orange. Personnel who are covered under the provisions of the Federal Labor Standards Act are entitled to overtime payments equal to 1.5 times their hourly rate of pay when they meet the overtime criteria established under FLSA or under agreements with the City's collective bargaining units.

Exempt Employees - The Federal Labor Standards Act establishes procedures to exempt certain classifications of employees from the overtime provisions. Under normal operations, these employees do not receive overtime compensation. Elected officials, the City Manager, and the City Attorney are not eligible for overtime compensation during a declared State of Emergency. The City Council may provide additional compensation to the City Manager and City Attorney for work performed during a declared State of Emergency.

The purpose of this section is to provide the conditions for which overtime will be paid to exempt employees. If all the following conditions are met, then exempt personnel will be eligible for overtime compensation:

1. The President of the United States or the Governor of the State of Florida has declared a State of Emergency that includes Volusia County.
2. The Mayor of the City of Port Orange has signed a declaration declaring a State of Emergency exists in the City of Port Orange.
3. The City has suspended normal City operations and is operating under General Administrative Policy 1-14.
4. The City has activated its Emergency Operations Center and the Emergency Management Director (or designee) has signed an administrative directive implementing the City's Emergency Management Plan.

City of Port Orange
Overtime Payment During a Declared Emergency Operation

For the first 72 hours of a declared emergency, for all hours worked over 40 hours, exempted employees will be eligible to receive compensation computed at 1.5 times their regular hourly rate of pay. After the first 72 hours, all hours over 40 for which the employee is assigned to the Emergency Management Operations will be computed at straight time.

Since exempted employees are salaried and do not have an hourly rate of pay, the weekly or bi-weekly amount must be converted to an hourly rate for purposes of computing overtime compensation. To determine an hourly rate of pay, those who are paid on a weekly basis will have their hours divided by 40 hours to determine an hourly rate of pay. For those who are paid on a bi-weekly pay cycle, the bi-weekly amount will be divided by 80 hours to determine an hourly rate of pay. After the first 72 hours, exempted employees will be eligible for overtime compensation at the computed regular hourly rate of pay. Overtime is defined as the period of time an employee works above the normal scheduled work period during a declared emergency. For purposes of this policy, overtime compensation will be computed based upon 40 hours as a normal work period.

In order to qualify for overtime, an exempt employee must be assigned to Emergency Management duties.

Duration of Overtime Compensation

After the first 72 hours, the City Manager must authorize specific overtime for all exempted employees.

It is acknowledged that Departments and functions will have different durations for overtime compensation payments. The City Manager will determine each week and report to the City Council which Departments are still working overtime and which exempt employees will be compensated for hours worked beyond a normal work period. It is acknowledged that payments to exempt employees may continue through the response and recovery period.

The City Manager will submit a report to the City Council on a weekly basis with an estimated time frame for return to normal city operations for each operating Department. Normal City operations means when a City Department returns to their normal operating times and schedules. At the time a Department returns to normal work and operating schedules, overtime for exempt employees will cease.

What Constitutes Work?

For purposes of this policy, work is defined as actually being scheduled to work in Emergency Management duties. It does not include rest periods or time off. Individuals who are not scheduled to work are not allowed to be in a work area or perform job functions.

City of Port Orange
Overtime Payment During a Declared Emergency Operation

The City of Port Orange provides shelter space for employees during a disaster. It is clearly understood that personnel who are availing themselves of a City provided shelter will not be compensated for the time spent in the shelter and not working. Those assigned to staff City operated shelters will be compensated only for the time they are scheduled to work at the shelter. If an employee is required to work during a rest period, then the employee is eligible for compensation for all hours worked.

Employees are expected to report at the beginning of their shifts during an emergency. Failure to report at the beginning of each shift will constitute being absent without authorization and is subject to disciplinary action as provided for in the City's Rules and Regulations.

Kenneth W. Parker, City Manager