

RESOLUTION NO. 16-35

A RESOLUTION OF THE DRAPER CITY COUNCIL AMENDING THE PERSONNEL POLICY MANUAL REGARDING PAYMENT AND ACCRUAL OF COMPENSATORY "COMP" TIME

WHEREAS, The City Council, from time to time, reviews and adopts policies and procedures to assist in the efficient utilization of scarce City resources and the fair and uniform application of requirements and benefits to City employees; and

WHEREAS, The City Council has reviewed Section 7030 and has determined a need clarify the policy regarding payment and accrual of compensatory "comp" time; and

WHEREAS, The City Council believes this amendment is in the best interest of the employees of Draper City.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF DRAPER CITY, STATE OF UTAH, AS FOLLOWS:

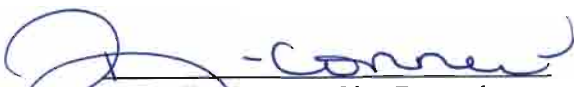
Section 1. Amendment. The Draper City Council does hereby adopt the amendment to Section 3020 as attached hereto as Exhibit "A".

Section 2. Severability. If any section, part or provision of this Resolution is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Resolution, and all sections, parts and provisions of this Resolution shall be severable.

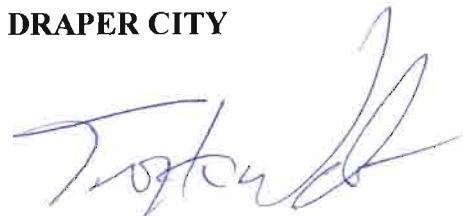
Section 3. Effective Date. This Resolution shall become effective immediately upon its passage.

PASSED AND ADOPTED BY THE CITY COUNCIL OF DRAPER CITY, STATE OF UTAH, THIS THE 21st DAY OF JUNE, 2016.

ATTEST:


Rachelle Conner, City Recorder

DRAPER CITY



Mayor Troy K. Walker



Exhibit "A"

Section 7030 - OVERTIME

General Policy Statement:

Employees may occasionally be required to work overtime hours to meet business needs. When overtime is required, Department Heads will attempt to schedule hours fairly and consistently. Overtime compensation will be made in accordance with the following guidelines and applicable law.

Guidelines:

1. **No Overtime Pay for Exempt Employees.** Employees exempt from the Fair Labor Standards Act's overtime requirements (managers, professionals, etc.) are not eligible to receive overtime pay.
2. **Overtime Pay For Nonexempt Employees.** Nonexempt full-time and part-time employees are eligible for overtime pay for work performed beyond forty hours per week. Department Heads may require employees to work overtime as necessary. As much notice as possible will be provided when the need for overtime work arises. However, advance notice may not always be feasible.
 - A) **No Overtime without Prior Authorization.** The Department Head's prior authorization is required for all overtime work.
 - B) **Rate.** *Compensation for authorized overtime work will be paid to nonexempt employees at one and one-half times the regular hourly rate of pay for all hours worked beyond forty (40) in any given workweek*
 - C) **Workweek Defined.** Overtime is calculated on a single workweek which includes seven consecutive days beginning at midnight on Sunday and ending at midnight on Saturday.
 - D) **Based on Hours Worked.** As required by law, overtime pay is based on actual "hours worked". Time off for lunch breaks, annual leave, funeral leave, jury leave, sick leave, compensatory time, or any leave of absence is not considered "hours worked" for purposes of calculating overtime.
 - E) **Discretionary Income Excluded.** Discretionary wages that are not performance related may be excluded from overtime calculations. Discretionary wages include:
 - (i) Discretionary bonuses;
 - (ii) Severance pay, if any, at the time of termination; or
 - (iii) Paid leave hours.
 - F) **Processing Pay.** Employees will normally receive payment for overtime in the pay period following the period in which the overtime is worked. Time sheets must be properly completed, signed by the Supervisor and Department Heads, and submitted to the Finance Department on time.
3. **Authorization for Overtime.** Department Heads are responsible for ensuring that appropriate controls are established to prevent unauthorized overtime.
 - A) **Prior Approval of Overtime.** Prior approval of a supervisor is required before any nonexempt employee may work overtime.
 - B) **Time Sheets Signed.** Time records with overtime hours logged must be signed by the Department Head in order to be processed.
 - C) **Overtime without Authorization.** Overtime worked without prior authorization may result in corrective action, up to and including termination.

4. Compensatory Time.

A) Eligibility. ~~Eligible~~ All full-time, non-exempt employees may elect to receive compensatory time off in lieu of overtime payment ~~in cash on the paycheck in which it was earned~~. Employees desiring to obtain compensatory time off in lieu of overtime payment ~~in cash on their paycheck~~, shall ~~designate compensatory time on their timesheet~~ file an Overtime Compensation Election Form with the City prior to performance of work eligible for compensatory time.

B) Compensatory Time Earned. Compensatory time shall be earned for eligible employees at one and one half times hours worked beyond forty (40) hours per week. Employees who have elected to receive compensatory time in lieu of overtime payment ~~in cash on their paycheck~~ may accrue up to forty (40) hours of compensatory time off. ~~Accrued hours for purposes of granting compensatory time will be placed on the employee's time record and submitted to the Finance Department for payroll purposes.~~ Accrued compensatory time must be used or paid prior to the end of the fiscal year in which it was earned. In limited circumstances, due to scheduling or business necessity, the ~~City Manager~~ Department Head may approve the carryover of a maximum of 40 hours of accrued compensatory time for a period not to exceed ~~60 days~~ four (4) months.

C) Use of Compensatory Time. Employees may request use of compensatory time off from their supervisor. Such ~~leave should be requested as much in advance as possible~~ requests shall be made at least forty-eight (48) hours in advance of intended use. Approval of compensatory time off shall be within the discretion of the supervisor provided; employees should be permitted to use compensatory time off within a reasonable period after making the request if such use does not unduly restrict the operations of the City and/or the Department within which the employee works. Compensatory time off does not constitute "hours worked."

D) Payment of Compensatory Time. Payment of compensatory time off shall be paid at the employee's regular rate of pay at the time the employee receives such payment.

E) Rights Reserved. The City reserves the right to pay any employee overtime compensation ~~in cash on their paycheck~~ in lieu of providing compensatory time off for any workweek or work period or for any accrued compensatory time. Employees shall be compensated for unused and accrued compensatory time in accordance with the provisions of the Fair Labor Standards Act.

F) Promotion. In the event that an employee is promoted to a higher paying position, or to an exempt position, compensatory hours will either be paid out at the prior rate converted back to overtime, or must be used within 60 days. All compensatory hours that are not used within 60 days will be converted back to overtime and paid out at the employee's rate prior to the promotion.

G) Payout of Compensatory Time Balance. Employees may request a payout of their compensatory time balance at any time by contacting Human Resources. The payout will be calculated on the next closest paycheck by converting it back to overtime to comply with URS regulations. All applicable payroll taxes will be calculated.

5. Notice of Overtime. Supervisors will attempt to provide employees with reasonable notice when the need for overtime work arises. However, advance notice may not always be possible.
6. Corrective Action. Failure to work overtime may result in corrective action, up to and including termination