

ORDINANCE # 9- 2011

AN ORDINANCE AMENDING THE CITY OF BATESVILLE, INDIANA PERSONNEL POLICIES HANDBOOK

WHEREAS the City of Batesville, Indiana is an Equal Opportunity Employer, and

WHEREAS it is the intent of the City of Batesville, Indiana to comply with applicable federal and State of Indiana employment laws and regulations,

WHEREAS the City of Batesville, Indiana provides City of Batesville employees with information about established terms and conditions of employment and employee benefits,

WHEREAS the City of Batesville adopted the City of Batesville Personnel Policies Handbook on December 29, 2004; and

WHEREAS it is necessary to amend the City Personnel Policy from time-to-time.

NOW, THEREFORE BE IT ORDAINED AND ESTABLISHED BY THE CITY OF BATESVILLE, INDIANA THAT:

The following sections from the City of Batesville Personnel Policies Handbook are hereby amended; and shall be in full force and effect on and after adoption; and shall supersede existing oral or written personnel policies and procedures.

3.4 **OVERTIME**

Each City employee holds a position that is designated as either **NON-EXEMPT** or **EXEMPT** from federal and state wage and hour laws.

NON-EXEMPT employees, excluding firefighters, are entitled to overtime pay or compensatory time off under the specific provisions of federal and state laws for all hours worked over forty (40) in a work week. For purposes of calculation of overtime, vacation time, holidays, sick leave, and compensatory time shall be calculated as time worked. Unpaid leaves will not be counted as hours worked.

EXEMPT employees are exempt from specific provisions of federal and state wage and hour laws, and are not entitled to overtime compensation or compensatory time off under specific provisions of federal and state laws. Exempt employees must maintain time keeping records to satisfy Indiana statutes governing public employers. To be considered exempt, a position must comply with federal regulations and laws regarding exempt status.

Overtime Pay: Overtime pay is based on one and one half (1 ½) times the regular hourly rate which shall include the base rate plus any other pay above the base rate.

Compensatory Time: Compensatory time may be substituted for overtime pay and will be awarded at the same rate as overtime pay.

3.4.1 Firefighters

All schedules of duty time will be based on a seven (7)-day period. Any hours worked over the fifty-three (53) hours in the seven (7)-day period will be compensated at the rate of one and one-half (1 ½) times the hours worked.

The calculation of overtime compensation for firefighters will be based on actual hours worked. Time off on FMLA leave, sick leave, vacation leave, holidays, unpaid leave, or compensatory time will not be considered as hours worked for purposes of calculating overtime compensation.

3.6 COMPENSATORY TIME

Employees, excluding firefighters, will receive compensatory time on a one and one half (1½) hour basis for additional approved hours worked in excess of forty (40) in a normal work week. Use of compensatory time must be determined in advance of submission of the payroll.

Non-exempt, non-public safety employees may accrue forty (40) compensatory time hours before monetary compensation is paid. Non-exempt, public safety employees may accrue four hundred and eighty (480) compensatory time hours before monetary compensation is paid.

The department head shall schedule use of compensatory time as soon as possible to avoid accrual beyond the stated limit that would require monetary payment.

The City shall provide a "Compensatory Time-Off Agreement" to advise non-exempt employees of the City's compensatory time off policy.

This policy applies to all non-exempt employees of the City as determined by the designation of jobs for compliance with the Fair Labor Standards Act.

The City of Batesville reserves the right to make monetary payment for any accrued compensatory time at any time.

This Ordinance is to take effect upon signature by the Mayor and attested by the Clerk-Treasurer of the City of Batesville, Indiana.

Passed this _____ day of _____, 2011 and finally adopted this _____ day of _____, 2011.

Ayes:

Nays:

WHEREUPON, the Mayor declared such Ordinance finally and legally adopted.

Richard Fledderman, Mayor

ATTEST:

Ronald C. Weigel, Clerk-Treasurer