



CITY COUNCIL COMMUNICATION

TO: Mayor and Council
FROM: Lydia Newkirk, Human Resource Officer
SUBJECT: Resolution R19-030 Human Resources On-Call Policy
DATE: Monday, July 22, 2019, at 6:00 p.m.

Purpose: This is a request for Mayor and Council to adopt Resolution Number R19-030, a Resolution adopting the Human Resources Section 6.5 On-Call Policy and amending the Human Resources 0800 Compensation Plans Policy.

Background: On May 3, 2019, Council had a work session regarding increasing on-call pay from seven (7) hours per week to ten (10) hours per week for staff. A descriptive policy is now written to current practice for on-call scheduling, on-call pay, and call-back pay. This policy also covers response time and take-home vehicles while on call.

The previous Residency/Response/Oath Policy was voted to be removed from the HR Policy Manual on June 24, 2019 by Council. A Residency Policy and Oath of Office Policy was established. The remaining Response Time is now covered in the proposed On-Call Policy. The Compensation Plans policy became effective on May 22, 2017 and is now revised separating the On-Call Time into its own policy and removing suspension pay that is covered in the disciplinary policy.

Current Policies:

0800 Compensation Plan
Police Department Policies (Exhibit C)

Proposed and Amended Policies:

On-Call Pay (Exhibit A)
Compensation Plans (Exhibit B)

Attachments: Resolution R19-030

Exhibit A
Exhibit B
Exhibit C

RESOLUTION NUMBER R19-030

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL
OF THE CITY OF SAFFORD, GRAHAM COUNTY,
ARIZONA APPROVING THE ON-CALL
POLICY AND AMENDING THE
COMPENSATION PLANS POLICY OF THE
HUMAN RESOURCES POLICY MANUAL
FOR CITY OF SAFFORD EMPLOYEES.**

WHEREAS, Policy 0800, Compensation Plans, was established to outline pay practices for City employees.

WHEREAS, the City Council wishes to amend the 0800 Compensation Plans Policy, pursuant to Exhibit B; and,

WHEREAS, the City Council wishes to establish Section 6.5 On-Call Policy, pursuant to Exhibit A; and,

NOW THEREFORE BE IT RESOLVED by the Mayor and City Council of the City of Safford, that the City of Safford Human Resources Policy Manual is amended as follows; Section 6.5 On-Call, 0800 Compensation Plan, and further, all previous statements of policy On-Call and compensation are hereby rescinded and superseded by this resolution.

PASSED, APPROVED, AND ADOPTED by the Mayor and City Council of the City of Safford, Graham County, Arizona this 22nd day of July 2019.

Jason Kouts, Mayor

ATTEST:

APPROVED AS TO FORM:

Georgia Luster, MMC
City Clerk

William J. Sims, III
City Attorney

State of Arizona)
) ss
County of Graham)

CERTIFICATION

I HEREBY CERTIFY, that the foregoing Resolution Number R19-030 was duly passed and adopted by the Mayor and City Council of the City of Safford, Graham County, Arizona, at a regular council meeting held July 22, 2019, and that a quorum was present at the meeting.

July 22, 2019
Date: _____

Georgia Luster, MMC, City Clerk

EXHIBIT A

A. Eligibility and Response Time. Regular, full-time, non-exempt employees required to be on on-call duty will be paid for on-call hours. To be eligible for on-call, employees must meet the following criteria:

1. Be able to respond to callouts in a work-ready condition within 30 minutes of notification; not consume alcoholic beverages or use any intoxicant, including prescribed or over-the-counter substances, that may impair one's ability to satisfactorily perform required job duties; and
2. Be accessible by phone or any other communication device provided by the City.

B. Compensation.

1. On-call pay is paid at the employee's regular base hourly rate for their on-call coverage (i.e. one (1) hour Monday through Thursday and two (2) hours Friday through Sunday) for time spent on-call. On-call hours do not count as hours worked for overtime purposes.
2. Time spent answering phone calls will be considered as time worked and will be paid at the employees' base rate in quarter ($\frac{1}{4}$) hour increments.
3. When an employee responds to an emergency need while on-call, the employee will be paid call-back pay for time worked at time and one half ($1 \frac{1}{2}$) in quarter ($\frac{1}{4}$) hour increments for a minimum of two (2) hours.
4. Call-back pay will be paid at one and a half ($1 \frac{1}{2}$) times an employee's regular base rate whether it is on straight time or overtime hours.

C. Selection and Scheduling. To participate in the on-call program, eligible employees are required to have the appropriate skills, knowledge, and abilities as determined by each Department Head or Division Manager, to provide appropriate services satisfactorily. Satisfying the needs of the City and its citizens will be management's priority. Qualified employees must be able to satisfactorily perform the essential functions of the job with or without accommodation. Scheduling on-call shall be equitably distributed among all eligible employees. On-call schedules may be changed to meet the needs of the City. Participating employees shall consult the on-call duty schedule prior to requesting leave. If a participating employee requires leave during an assigned on-call duty period, he or she must find a replacement and notify the Supervisor or Department Head within a time limit designated in advance by the Department Head or designee before being removed from an on-call status.

D. Take Home Vehicles. Take home vehicles, for on-call purposes, may be granted for those employees that live within the service area or for employees in positions of immediate response needs that are able to fulfill a 15-minute response time. Assigning take home vehicles will be based on the needs of the department and at the discretion of the City Manager. All other employees that are on-call, will need to report to City property where City vehicles are parked when responding to emergency needs of the City.

For Police Officers, please see the Police Department's Policy Manual.



COMPENSATION PLANS

No: 0800

~~Date Supersedes:~~

05/22/2017

Effective: 7/22/2019

EXHIBIT B

Salaries in the City will be differentiated in relationship to duties and responsibilities.

The City Manager or his designee will provide recommendations on salaries and fringe benefits to the City Council each year.

After receipt of the City Manager or his designee's recommendations, the City Council will establish the salaries and benefits for all employees within the budgetary constraints of the City.

SUPPORT STAFF WORKLOAD

The normal workweek for support staff employees shall be no more than forty (40) hours per week.

It is City policy to avoid the necessity for overtime whenever possible. Overtime work may sometimes be necessary to meet emergency situations, seasonal, or peak workload requirements, and department heads are responsible for the advance planning required to minimize the need for overtime.

No employee shall work more than their regularly scheduled work hours per day without authorization from the Departmental Supervisor. If, in the judgment of the Departmental Supervisor, work beyond the normal work day is required, the Departmental Supervisor may authorize such work and the employee shall be credited with such overtime credit for each hour of work. Work beyond the normal work week must receive prior authorization from the Department Head.

FAIR LABOR STANDARDS ACT: OVERTIME COMPENSATION & COMPENSATORY TIME:

For purposes of salary administration and eligibility for overtime payments, the City classifies its employees as follows:

- Non-exempt employees: Employees who are required to be paid overtime at the rate of time and one-half their regular rate of pay for all hours worked beyond 40 hours in a work week, in accordance with applicable federal wage and hour laws. Work week begins on Saturday at 12:00 a.m. through Friday.
- Exempt employees: Employees who are not required to be paid overtime, in accordance with applicable federal wage and hour laws, for work performed beyond 40 hours in a work week. Executives, professional employees and certain employees in administrative positions are exempt and paid on a salary basis.

The City prohibits pay deductions that are prohibited under the FLSA. If an employee believes an improper pay deduction has occurred, the employee should promptly notify the Payroll Clerk, the Human Resources Director, the appropriate Department Head and the City Manager or designee. The complaint will be researched for accuracy and any improper deduction will be reimbursed.

Employees will be informed of their status as an exempt or non-exempt employee at the outset of their employment and at any time that their employment changes as a result of promotion, transfer or otherwise. Any questions regarding employment exemption status should be directed to the Human Resources Director.

~~The City of Safford, in order to promote public accountability, may make deductions for unpaid disciplinary suspensions in partial or full day increments for violations of workplace conduct rules by exempt and non-exempt employees.~~

Non-exempt employees who have more than 40 hours per week shall be awarded overtime or compensatory time at the rate of one and one-half hours for each hour of overtime worked. The overtime or compensatory time applies to hours over 40 in a week not to hours over 8 in a day. Attaining the 40 hours can be from vacation, sick, holiday and hours actually worked. Employees may accrue or "bank" up to 240 hours of compensatory time. Since compensatory time is accumulated at time and one-half, this is only 160 hours of actual overtime work. Additional hours are available for employees who work public safety. The maximum accrual is 480 for public safety employees.

An employee who has accrued compensatory time and request use of time, shall be permitted to use the time off within a reasonable period after making the request if it does not unduly disrupt the operation of the City. Time off must be approved by the appropriate supervisor.

At the end of each fiscal year (June 30), an employee who has accrued compensatory time will be paid the balance of unused hours. Upon termination of employment with the City, the employee will be paid for unused compensatory time.

Notwithstanding any language concerning the FLSA in this section, the City reserves the right to act in accordance with other provisions of the FLSA or labor law or regulation not specifically stated above.

~~ON-CALL TIME~~

~~On-call time is required for departments subject to emergency response. Employees subject to on-call time shall be compensated for one (1) hour per day at their regular hourly rate of pay.~~

PAY ADVANCEMENTS

The City of Safford recognizes that employees experience financial hardships at certain times; therefore, the City Manager or his designee, may grant employees an advancement in their pay under the following conditions:

1. The pay advancement shall be no more than the net amount the employee has earned at the date of request.
2. Employee shall be granted a pay advancement no more than two (2) times in any rolling 12-month period.
3. The pay advancement granted will be deducted in its entirety from the employee's next paycheck.
4. Employee shall complete a "Pay Advancement Request Form" available in Human Resources or Payroll Divisions.

WORKMAN'S COMPENSATION INSURANCE

The City provides Workers' Compensation Insurance providing medical and hospitalization expense benefits as well as partial payments in lieu of salary for workers injured on the job. All City employees are covered by this form of insurance at no cost to the employee. Employees qualifying for and receiving Workers' Compensation are entitled to continue to receive their normal rate of pay from the City, by use of accrued sick leave to cover the amount of pay not received from Workers' Compensation carrier.

EXHIBIT C

Police Policy Manual

B. A vehicle may be assigned on a 24 hour take home basis to a specific employee, as determined by rank or assignment. Only assigned vehicles may be taken home and only if the employee lives within 15 minute response time, normal driving, of the assigned duty station.

26.1.29 Call Out

During off-duty time, employees of the Department shall be subject to call out duty as needed. Employees shall not be contacted off duty except when, in the considered judgment of the person initiating the call, the mission of the Department requires it.

26.1.30 Emergency Stand-by

Employees shall be subject to emergency stand-by as deemed necessary by the Police Chief.