

## **SECTION XII: EMPLOYMENT TERMS**

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1. GENERAL POLICY. Tremonton City shall pay at least minimum wage and overtime to all employees except those who are specifically exempt from minimum wage and overtime under the Fair Labor Standards Act (FLSA) of 1938.
2. EMPLOYMENT CLASSIFICATIONS. There are four classifications of employees within Tremonton City:
  - A. Full-time Employees. An employee hired for an indefinite period in a position for which the normal work schedule is forty (40) hours per week. Full-time employees may or may not qualify for specific Tremonton City benefits.
  - B. Part-time Employees. An employee hired for an indefinite period in a position for which the normal work schedule is less than forty (40) hours per week. Part-time employees may or may not qualify for specific Tremonton City benefits.
  - C. Temporary/Emergency Employees. An employee hired for a position which is required for only a specific, known duration, usually less than nine (9) months. Temporary/Emergency employees do not qualify for Tremonton City benefits.
  - D. Call-Out Employees. An employee hired for call-out in response to fire and medical emergencies. Call-out employees do not qualify for Tremonton City benefits.
3. EMPLOYMENT STATUS. To facilitate provisions of the Fair Labor Standards Act, employees shall also be classified as either exempt or non-exempt, with respect to eligibility for overtime payment. They shall be defined as:
  - A. Exempt. Positions of a managerial, administrative, or professional nature, as prescribed by Federal and State Labor Statutes shall be exempt from minimum wage and mandatory overtime payment regulations.
  - B. Non-exempt. Positions of a clerical, technical, or service nature, as defined by Federal and State Labor Statutes, which are covered by provisions for minimum wage and mandatory overtime payment regulations.
4. WORK WEEK.
  - A. Begins on Sunday at 0001 hours.
  - B. Ends on Saturday at 2400 hours.

- C. Employees engaged in public safety activities, such as Police and Fire Departments: As directed by the Mayor, or City Manager.
5. WORK DAYS.
- A. Full Time: Monday - Friday.
  - B. Part Time: As directed by the Mayor, City Manager or department head.
  - C. Employees engaged in public safety activities, such as Police and Fire Departments: As directed by the Mayor, City Manager, Police Chief or Fire Chief.
6. WORK HOURS.
- A. Full Time: 8:00 a.m. - 12:00 noon/1:00 p.m. - 5:00 p.m. or as set by the department head.
  - B. Part Time: As directed by the Mayor, City Manager or department head.
  - C. Employees engaged in public safety activities, such as Police and Fire Departments: As directed by the Mayor, City Manager, Police Chief or Fire Chief.
7. ATTENDANCE. Employees shall be in attendance at their work stations during normal working hours.
8. BREAKS AND LUNCH PERIODS.
- A. Full-time:
    - (1) Breaks: Two (2) optional fifteen (15) minute paid breaks during a standard work day. Breaks can not be used to extend the lunch period or shorten an employee's work hours. If employees choose to work through their paid breaks, it is their decision to do so and no extra compensation will be given for the time worked.
    - (2) Lunch period: One (1) hour unpaid lunch period during a standard work day.
  - B. Part-time: As directed by the Mayor, City Manager or department head.
  - C. Employee breaks and lunch periods will be taken at the discretion of the Mayor, City Manager or their supervisor, to ensure continuity in the flow of work.

D. Employees engaged in public safety activities, such as Police and Fire Departments: As directed by the Mayor, City Manager, Police Chief or Fire Chief.

9. COMPENSATORY TIME.

A. All City employees shall be paid for hours worked in a work week and shall not be granted compensatory time unless approved by the Mayor or City Manager. In limited circumstances, the Mayor or City Manager may grant compensatory time in lieu of paid overtime. Compensatory time shall be used within the same pay period. Compensatory time is earned at a rate of one and one-half (1 and ½) hours for each hour in which the employee would be eligible for overtime payments. (10/07/08, 04-06-10)

10. FLEX TIME.

A. Flex-time allows an employee to work a schedule that varies from either the position's regular work day or regular work hours. Flex-time does not allow for an employee to work more hours than the total hours that is allotted to be worked for a position in a work week. As such flex-time is paid at the employee's regular hourly rate and shall be accrued and used within the same work week with the exception of those positions within Public Safety which shall accrue and use flex-time within the same pay period.

B. The Mayor, City Manager, or department head may approve the use of flex-time to accommodate an employee's personal time needed by an employee for appointments or other personnel issues requires the employee's absence. Flex-time is typically granted when the employee does not have other accrued leave to cover the employee's absence. The duties associated with some position do not allow for flex-time. No flex-time is to compromise the safety of individuals. A task requiring two or more persons will not be permitted to be done by one employee. Flex time is to be the exception and not the rule. (09/02/08) (04/06/10)

11. TRANSFER OF SICK LEAVE/VACATION

A. Employees may transfer unused leave to another employee if the need is medically related and that employee's leave time balance has been depleted. All transfers will be paid to the recipient at their own regular hourly rate. Employees that are transferring unused leave shall maintain a balance of at least eighty (80) hours of sick leave and forty (40) hours of vacation time. (09/02/08, 04/06/10)

12. OVERTIME PAY.

- A. For employees engaged in public safety activities, such as Police and Fire Departments with five (5) or more employees; overtime pay would apply for over two hundred sixteen (216) hours worked in a work period consisting of twenty eight (28) consecutive days, and shall be compensated at the rate of one and one-half (1 and ½) the regular hourly rate of the employee. Following this requirement, overtime pay would apply for over eighty (80) hours worked in a work period consisting of fourteen (14) consecutive days. (CC mtg. 8/17/99)
- B. For employees engaged in public safety activities, such as Police and Fire Departments with less than five (5) employees; the FLSA does not apply and, therefore, overtime pay shall not be paid for any hours worked in any work period.
- C. For employees not engaged in public safety activities; overtime pay would apply for over forty (40) hours worked in a work week, and shall be compensated at the rate of one and one-half (1 and ½) the regular hourly rate of the employee. Overtime is still calculated if the employee uses vacation time during the forty (40) hour work week. Overtime will not be paid if compensatory time is used within the same forty (40) hour work week and will be calculated as regular hours. (09/02/08)
- D. For employees not engaged in public safety activities; if a sick day falls within a work week, the employee must work forty (40) hours over and above these hours before overtime must be paid. If an employee works on a holiday because of an emergency situation, they will: (CC mtg. 11/3/98)
  - (1) Receive their regular straight-time pay for the time worked, plus holiday pay.
  - (2) Or, with approval of the Mayor, or City Manager be allowed to take the holiday off at a later date.
- E. Overtime shall be approved by the department head before worked. Department heads shall only approve overtime when overtime funds have been appropriated. Violation of this policy may result in disciplinary action, up to and including termination.

13. ON-CALL PAY.

Employees who are required to be on call at different times during the year shall receive a pay differential for their on-call duty. Actual call-out hours in excess of regular hours shall be paid at the overtime rate which applies. (CC mtg. 7-18-00)

14. DAILY LOGS OR TIME SHEETS.

Each employee is required to maintain and sign, as verification of accuracy, daily logs and/or time sheets showing all hours worked, including overtime, and to submit the daily

logs or time sheets to their immediate supervisor for examination. These daily logs or time sheets will then to be filed in the employee's personnel file.

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Notes: