

ORDINANCE NO. 2020-09

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, ARIZONA, AMENDING THE FLAGSTAFF CITY CODE, CHAPTER 1-14, PERSONNEL SYSTEM BY AMENDING THE EMPLOYEE HANDBOOK OF REGULATIONS RELATING TO GENERAL DEFINITIONS, WORKING HOURS AND PAY, OVERTIME PAY, COMPENSATORY TIME AND VACATION LEAVE; PROVIDING FOR PENALTIES; REPEAL OF CONFLICTING ORDINANCES; SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

RECITALS:

WHEREAS, the City Council has authority to approve this Addendum 24 of the Flagstaff Employee Handbook of Regulations pursuant to the Flagstaff City Charter, Article IV.

ENACTMENTS:

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FLAGSTAFF AS FOLLOWS:

SECTION 1. In General

The Flagstaff City Code, Chapter 1-14 *Personnel System* is amended by adopting amendments (Addendum 24) to the Employee Handbook of Regulations ("Handbook") as follows:

The Employee Handbook of Regulations, Section 1-10-010.01 *General Definitions (Renumbered)*, Section 1-20-030 *Working Hours and Pay*, Section 1-20-040 *Overtime Pay*, section 1-20-041 *Compensatory Time*, ~~s~~Section 1-50-020 *Vacation Leave*, is hereby amended by as shown below (additions are underlined and in caps, deletions are stricken):

1-10-010.01 *General Definitions (Renumbered)* is hereby amended as shown below:

"Fire Suppression Employees" are Commissioned, Non-Exempt employees who engage in fire protection activities as defined by the Fair Labor Standards Act 29 U.S.C. § 203(y) and who work ~~over ninety-one (91) hours in~~ a twelve (12) day work period.

1-20-030 *Working Hours and Pay, Subsection A and Subsection E* is hereby amended as shown below:

- A. The average regular work week for full-time classified employees shall be forty (40) hours. The work week for all employees begins on Sunday morning at 12:01 a.m. and ends the following Saturday at midnight. The average regular work ~~week~~ SCHEDULE for fire suppression employees shall ~~be fifty-six (56) hours per week~~ CONSIST OF A TWELVE (12) DAY WORK PERIOD WHICH BEGINS AND ENDS AT 8:00 A.M. DAILY AND IS NINETY-SIX (96) HOURS PER WORK PERIOD.
- E. Regular salaries and compensation for all City employees shall be paid on a bi-weekly

basis. FIRE SUPPRESSION EMPLOYEES WILL BE PAID AN AVERAGE OF EVERY TWELVE (12) DAYS.

1-20-040 Overtime Pay, Subsection A and Subsection A.5. is hereby amended as shown below:

- A. A full-time classified employee who performs authorized work in excess of their regular work week, work day, WORK PERIOD, or shift, shall be compensated for such overtime at the rate of one-and-one-half (1 ½) times their regular rate of pay.
- 5. Fire suppression employees working in excess of ~~fifty-six (56)~~ NINETY-ONE (91) hours ~~per week~~ IN A WORK PERIOD shall be compensated pursuant to Section 1-20-040(~~A~~), except when they are engaged in emergency operations at the end of a shift or while engaged in emergency operations on call back, in which case overtime compensation for emergency scene responses only will be paid at an hourly rate calculated on a forty(40) hour work week. Emergency operations are those circumstances that create a medical, fire, or hazardous material incidents.

1-20-041 Compensatory Time, Subsection B.3. and B.4. is hereby amended as shown below:

- B. Compensatory time will not be earned during a ~~a~~-work week when an employee is using paid time off such as sick, vacation, personal, holiday or compensatory time. Compensatory time may only be earned when
 - 3. Any fire suppression commissioned employee works over ~~one hundred eighty-two (182)~~ NINETY-SIX (96) hours in the ~~twenty-four (24)~~ TWELVE (12) day work period per Section 7(k) of the FLSA.
 - 4. Any wild land fire non-commissioned employee works over ~~one hundred and six (106)~~ FORTY (40) hours in the ~~fourteen (14)~~ -SEVEN (7) day work period per Section 7(k) of the FLSA.

1-50-20 Vacation Leave, Subsection A.4. is hereby amended as shown below:

A. Eligibility

- 4. Fire Suppression Employees will accrue vacation leave as set forth in Table B:

Fire Suppression Commissioned Non-Exempt Employees Years of Service	Fire Suppression Commissioned Exempt Employees Years of Service	Days Accrued Per Year of Service	Percent Accrued Per Pay Period	Hours Accrued Per Pay Period	Vacation Hours Maximum
1-4		11	4.24%	4.75 <u>07</u>	185
5-9		13	5.01%	5.61 <u>4.81</u>	219
10-14	1-4	16	6.16%	6.90 <u>5.91</u>	269
15-19	5-9	18	6.92%	7.75 <u>6.64</u>	302
20-24	10-14	21	8.08%	9.05 <u>7.76</u>	353

25-29	15-19	23	8.85%	9.91 <u>8.50</u>	386
30+	20-24	26	10.00%	11.20 <u>9.60</u>	437
	25-29	28	10.77%	12.06 <u>10.34</u>	470
	30+	31	11.92%	13.35 <u>11.44</u>	521

SECTION 2. Penalties

Any person found in violation of any provision of the Handbook may be subject to discipline, as set forth in such Handbook and Flagstaff City Code Section 1-14-001-0001, *Personnel System Adopted*.

Section 3. Repeal of Conflicting Ordinances.

All ordinances, parts of ordinances, and any sections of the Handbook in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4. Severability

If any section, subsection, sentence, clause, phrase or portion of this ordinance or any part of the code adopted herein by reference is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

SECTION 5. Effective Date

This Ordinance shall be effective thirty (30) days following adoption by the City Council.

PASSED AND ADOPTED by the City Council of the City of Flagstaff this 5th day of May, 2020.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY