

**ORDINANCE NO. 2022-10**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, AMENDING THE FLAGSTAFF CITY CODE, CHAPTER 1-14, *PERSONNEL SYSTEM* BY AMENDING THE EMPLOYEE HANDBOOK OF REGULATIONS RELATING TO ALTERNATIVE WORK SCHEDULES; PROVIDING FOR PENALTIES; REPEAL OF CONFLICTING ORDINANCES; SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE**

**RECITALS:**

WHEREAS, the City Council has authority to approve this Addendum 27 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 27) to the Employee Handbook of Regulations (“Handbook”).

The Handbook, Section 1-20-053, *Alternative Work Schedule*, is hereby amended as shown below (additions are underlined and in caps, deletions are stricken):

**1-20-053. ALTERNATIVE FLEXIBLE WORK SCHEDULE**

The City of Flagstaff ~~Alternative~~ FLEXIBLE Work Schedule policy assists with staff retention through work and life balance. ~~Alternative~~ FLEXIBLE WORK scheduling, INCLUDING TELEWORK, is available FOR SOME POSITION CLASSIFICATIONS to assist employees in meeting their personal work performance goals and personal needs. ~~Alternative~~ FLEXIBLE work scheduling is an opportunity to maintain employee productivity through various forms of work scheduling.

~~All City of Flagstaff benefit eligible employees, with good standing performance, may be considered for an Alternative Work Schedule.~~ Each employee’s request FOR A FLEXIBLE WORK SCHEDULE will be evaluated on a case-by-case basis. Approved ~~alternative~~ FLEXIBLE work schedules will support work and personal goals, provide coverage for individual division operations, and serve the City of Flagstaff organization and community at no detriment to quality output and service. PLEASE REFER TO THE CITY MANAGER’S DIRECTIVE FOR ADMINISTRATIVE GUIDELINES.

**A. ~~\_\_\_\_\_~~ FLEX TIME**

~~Each facility has established core hours of operations. For example, core hours for City Hall are Monday through Friday from 8:00 A.M. to 5:00 P.M. during the winter and 7:00 A.M. to 4:00 P.M.~~

~~during the summer. If an employee wants a schedule that deviates from the core hours of that employee's facility, it would be considered a flex time schedule.~~

~~B. COMPRESSED WORK WEEK~~

~~A compressed work week is when an employee works the same total number of hours in a compressed number of days. Options for compressed work weeks:~~

~~1. FOUR TEN HOUR DAYS~~

~~This schedule consists of a four-day work week. The employee works four days a week for ten (10) hours per day. The four (4) days need not be consecutive.~~

~~2. FOUR NINE HOUR DAYS AND ONE FOUR HOUR DAY~~

~~This schedule consists of a five-day work week. The employee works for nine (9) hours per day for four (4) days and the remaining four (4) hours on the fifth day.~~

~~3. 9-80 SCHEDULE (ONLY FOR EXEMPT EMPLOYEES OR EMPLOYEES COVERED UNDER FLSA SECTION 7(K))~~

~~This schedule consists of one week working four days at nine (9) hour days (36-hour week) and one week working five days at four (4) nine (9) hour days and one (1) eight (8) hour day (44-hour week) for a total of 80 hours in the two (2) week pay period.~~

~~The Fair Labor Standard Act (FLSA) requires non-exempt employees to be compensated overtime for any hours worked in excess of forty (40) per week, unless the employee is covered under section 7(K) of the FLSA, 29 U.S.C. Section 207 (k). Thus, a 9-80 work schedule will not be approved for non-exempt employees not covered under FLSA Section 207 (k).~~

~~C. STAGGERED SHIFTS~~

~~This schedule will stagger two or more employee shifts to make sure the division has coverage during all the operating times. For example, the facility is open Monday through Friday 7:00 A.M. to 6:00 P.M. and employee number 1 works Monday through Friday 7:00 A.M. to 4:00 P.M. while employee number 2 works Monday through Friday 9:00 A.M to 6:00 P.M. to make sure the office is covered at all times.~~

~~D. TELECOMMUTING~~

~~A. A telecommuting schedule consists of some work time being spent at home or a virtual office.~~

~~B. The employee is expected to follow all applicable City of Flagstaff policies, procedures and directives. The obligations, responsibilities, terms and conditions of employment remain unchanged.~~

~~C. In order to work at home or a virtual office the employee must ensure a safe and confidential environment in which to work.~~

- a. ~~The employee must ensure that his/her environment has the proper lighting for them to be productive.~~
  - b. ~~The employee must meet business guests at the City of Flagstaff, or other public, facilities.~~
  - c. ~~If the employee's internet access is on a public wireless network for email, the employee must ensure the private computer option is not selected.~~
  - d. ~~The employee must secure any data in physical form i.e. CDS, paper documents, etc.~~
- D. ~~The employee must have all the equipment and supplies needed to be productive at his/her home or virtual office.~~
- a. ~~The home has ergonomic furniture to maintain a safe work environment.~~
  - b. ~~The work environment is limited from personal distractions.~~
  - c. ~~The employee ensures that any City of Flagstaff equipment is not used for personal use, other than infrequent use. Other individuals shall not be permitted to use the City of Flagstaff equipment.~~
  - d. ~~Telecommuting should not be used in lieu of dependent care.~~
5. ~~The employee and the Supervisor need to have a written agreement on the working hours when the employee is not physically in the office.~~
- a. ~~There needs to be the ability to communicate between the employees who are onsite and the employees telecommuting during the core working hours of the division.~~
  - b. ~~The Supervisor needs to refrain from delegating more tasks to the employees on-site than the employees telecommuting.~~
6. ~~Non-exempt employees cannot work any overtime hours unless prior approval is made from his/her Supervisor.~~

E. ~~PROCESS~~

1. ~~Alternative work schedules shall be determined on a case-by-case basis and the final decision rests with the Supervisor, Section Head, Division Director, and Human Resources. The Supervisor or employee may rescind an alternative work schedule at any time. All such arrangements are voluntary on the part of the employee (unless written into the job description) and require supervisor approval. An alternative work schedule is a privilege not an added benefit.~~
2. ~~The employee shall continue to attend all on-site meetings even when on an approved alternative work schedule.~~

- ~~3. The supervisor will notify the employee at least two (2) weeks before any change is to occur unless the change is due to an emergency determined by the division. If there are unforeseeable circumstances and the employee is requested to change his/her alternative work schedule to provide temporary assistance, the Supervisor will provide as much notice of the change as possible under the circumstances.~~
- ~~4. Work schedule changes cannot be designed to avoid the overtime requirements of FLSA. Keep in mind that flexing time through the week to stay within that 40-hour work week (Sunday 12:01 A.M. to Saturday at midnight) is acceptable, i.e. working 10 hours on Wednesday so leaving 2 hours on Friday is appropriate while working 10 hours on Wednesday and leaving 2 hours early the following Monday would not be permitted under the FLSA.~~
- ~~5. The Supervisor may create and utilize an alternative work schedule for the entire program, section, or division with the appropriate approval. All employees within the work program, section, or division will follow the same schedule or may be permitted to utilize other areas within the City as a work station.~~

~~The Supervisor should notify Human Resources of the name of the program, section, or division using an alternate schedule and the start and end date, if applicable. This will ensure that Human Resources can communicate the schedules properly.~~

- ~~6. In order to have an alternative work schedule the employee must fill out the Alternate Work Schedule Request form requesting the schedule and have it approved by his/her Supervisor, Section Head, Division Director, and Human Resources. The employee's alternate work schedule shall be re-evaluated every year at the time of the employee's annual evaluation to ensure the schedule is still appropriate and another form will need to be submitted.~~

~~The Division Director may grant an alternate work schedule due to unforeseen circumstances (i.e. pandemic flue, office closure, etc.) for not more than twelve (12) weeks per calendar year.~~

- ~~7. Lunch periods shall be scheduled for all employees, unless they waive their lunch time on the Alternative Work Schedule Request form. The lunch period will ordinarily last up to an hour unless mutually agreed upon by the employee and his/her Supervisor, Section Head, Division Director, and Human Resources.~~
- ~~8. The Supervisor, Section Head, and Division Director may consider the following factors when reviewing an alternative work schedule request submitted by an employee.~~
  - ~~a. Service to the customers, internal and external, will not be adversely affected.~~
  - ~~b. Staff will continue to provide complete coverage to the public based on core hours.~~
  - ~~c. The employee will maintain or improve the quantity, quality, and timeliness of work.~~

- d. ~~Proper supervision will continue to be maintained.~~
  - e. ~~No additional staff will be needed.~~
  - f. ~~The new schedule will not generate overtime for the division.~~
  - g. ~~Any other program, section, or division appropriate factors important when reviewing an alternate work schedule request.~~
9. ~~The Supervisor, Section Head, and Division Director retain the discretion to deny a request for an alternative work schedule for any reason.~~
10. ~~In the event of two or more employees requesting the same alternate work schedule, where it could create a conflict for the division, length of service, job duties and performance may be used to resolve conflicts.~~
11. ~~Once an alternate work schedule has been approved, the employee shall update voice mail and email messages in an effort to notify all of the employee's internal and external customers of the change in schedule. The employee may utilize the out of office reply on the days they are not working in the office.~~
12. ~~Holiday pay will not be affected by an employee's alternative work schedule as it will remain the same according to the Employee Handbook section 1-50-010-B.~~
- a. ~~"If the holiday falls on an employee's regularly scheduled day off and the employee does not work, they will accrue the equivalent of one (1) working day [a working day shall be considered as equal to .38461 percent of the number of working or duty hours in the established work year for each employee] as holiday time."~~
  - b. ~~"If the holiday falls on their regularly scheduled work day and the employee does not work, they will receive regular wages for the holiday taken." The regular wages would be equivalent of one (1) working day, therefore if they are working ten (10) hour days then the employee would need to find the two (2) additional hours somewhere else in the week i.e. they could work an additional two (2) hours on the three other days of the week or they could use paid time off for two (2) hours to equal ten (10) hours for that day.~~

## 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 and parts of ordinances in conflict with the provisions of the code adopted herein 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. Clerical Corrections**

The City Clerk is hereby authorized to correct clerical and grammatical errors, if any, related to this ordinance, and to make formatting changes appropriate for purposes of clarity, form, or consistency with the Flagstaff City Code.

**SECTION 6. 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 3rd day of May, 2022.

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MAYOR

ATTEST:

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CITY CLERK

APPROVED AS TO FORM:

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CITY ATTORNEY