



Order

OFFICE OF THE
MAYOR
CITY OF SAN LUIS

No. 2023-06

AN ORDER OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SAN LUIS, ARIZONA, PROVIDING FOR EMPLOYEE SECONDARY APPOINTMENTS IN THE SAN LUIS PERSONNEL POLICIES BY CHANGING SECTIONS HR-2-06, HR-2-08, HR-3-02, AND HR-3-05; SPECIFICALLY REPEALING RESOLUTION NO. 882; REPEALING ANY CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDER by the Mayor and City Council of the City of San Luis, Arizona:

Section 1: HR-2-06, Subsection B, is amended, reorganized, appended, and restated to read:

B. Types of appointments.

1. Regular full-time appointment. A regular-appointment employee who successfully completes an original probation period acquires the rights of regular status.
2. Seasonal appointment. A seasonal appointment may be made for a recurring period of time up to a maximum of 1040 hours per calendar year. Seasonal employees may work full-time or part-time. Seasonal appointments do not have the rights of regular status employees and have no appeal rights.
3. Part-time. A part-time employee who works less than an average of 31 hours per week and is not a temporary or emergency employee. Part-time employees may work up to a maximum of 1040 hours per calendar year. Part-time appointments do not have the rights of regular status employees and have no appeal rights.
4. Temporary appointment. A temporary appointment is for positions of short duration, full- or part-time, and on a non-recurring basis, to cover temporary staffing needs not to exceed a total of 1040 hours per calendar year. Temporary appointments do not have the rights of regular status employees and have no appeal rights.
5. Limited appointment. Limited positions are grant-funded positions that are temporary in nature. When the funds end, the position ceases to exist, and

employment will be terminated without the right of appeal. Normal selection and employment procedures are followed, including the requirement that the employee complete a probationary period. Employees hired for these positions will be so advised and required to sign a statement that they understand this provision and that they have no appeal rights, or any other rights afforded to regular status employees.

6. Emergency appointment. Emergency appointments shall be at the discretion of the City Manager when an emergency arises that threatens disruption of public services. The City Manager shall determine when an emergency exists and report all emergency appointments to the City Council.
7. Secondary appointment. A secondary appointment is for the purpose of working on projects.
 - a. A secondary appointment is in addition to an employee's regular full-time appointment. An employee shall work excess hours beyond the employee's regular workweek or established work period for the secondary appointment.
 - b. The secondary appointment shall not change the employee's status as either Exempt or Non-Exempt.
 - c. With the approval of the employee's supervisor and Finance Department, the employee may work the secondary appointment while on vacation and receive the employee's full vacation pay in addition to compensation for the secondary appointment.
 - d. Compensation for secondary appointments shall not exceed one and a half (1½) times the Non-Exempt employee's hourly primary appointment rate. For Exempt employees, compensation for secondary appointments shall not exceed one and a half (1½) times the Exempt employee's salary calculated at an hourly rate for the regular 40-hour workweek or established work period.
 - e. The employees holding secondary appointments shall be primarily responsible for their regular full-time appointments and shall allocate their time accordingly.
 - f. All those who supervise said employees must frequently monitor that the secondary appointment is feasible given the primary responsibilities for the full-time regular appointment.
 - g. The process for creating a secondary appointment starts with the Department Head of the regular full-time position making the request to the HR Department for a secondary appointment. The request shall contain sufficient information to afford an appropriate analysis of the feasibility and operational needs. The HR Department shall assess the request and make a recommendation to the City Manager. Secondary appointments require City Manager approval and compliance with the budget and the purchasing code procedures, which may require City Council approval. Those secondary assignments existing at the time of passage of this subsection

are exempt from this subsection's process.

Section 2: HR-3-02 subsection E is amended, appended, and restated to read:

E. Special salary plans.

1. The Council may approve a special salary plan and pay practice for a certain class or group of employees. In approving a special salary plan, the City Council shall consider factors such as occupational patterns, economic conditions, and incentive plans common to government, business, and industry, among other factors as appropriate.
2. Secondary appointments are not part of a salary plan but are paid for hours worked in excess of a regular workweek or established work period.

Section 3: The title for HR-3-05 is appended to read:

Overtime Pay, Premium Rate, and Compensatory Leave

Section 4 HR-3-05 subsection D passed as Resolution No. 882 is repealed and replaced to read:

D. Exempt employees. An employee in a position that is Exempt, who works in excess of 40 hours per workweek or in excess of an established work period, shall not be eligible for additional compensation for the excess hours except as approved as part of a secondary appointment as described in HR-3-02. The additional compensation shall be called "Premium Rate," shall comply with Fair Labor Standards Act and its regulations so as to preserve the employee's Exempt status. The Premium Rate shall not exceed one and a half (1½) times the Exempt employee's salary calculated at an hourly rate for the regular 40-hour workweek or established work period.

Section 5 In the event of a conflict between the provisions of this order and any other ordinance, code, resolution, order, regulation, or policy of the City of San Luis, the conflicting provisions are repealed, superseded, and replaced, and the provisions of this ordinance shall govern. Resolution No. 882 is specifically repealed.

Section 6: If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, or by operation of law through controlling legislation, such decision or legislation shall not affect the validity of the remaining portions of this ordinance.

Section 7: This Order shall become effective on May 1, 2023.

PASSED, ADOPTED, and APPROVED by the Mayor and City Council of the City of San Luis, Yuma County, Arizona, this ____ day of April 2023.

Nieves Riedel, Mayor

ATTEST:

APPROVED AS TO FORM:

Sonia Cornelio, City Clerk

Kay Marion Macuil, City Attorney