



Issue: PERSONNEL POLICIES

Date: December 13, 2021

Submitted By: Amanda Hunsucker, Director of Human Resources

Background

Section 1:

Certain employees of the City of Nixa receive a car allowance, as part of their salary. Due to this the employee is not paid for mileage reimbursement, within a 100-mile radius.

Section 2:

The City of Nixa has allowed for time off (vacation, sick, bereavement, holidays, and comp time) to count towards hours worked and counted towards overtime. By allowing this an employee is able to earn overtime even if they do not actually work a 40-hour work week or for Police Officers 80/84 hours in a pay period.

Section 3:

The City of Nixa has a policy regarding how an employee needs to calculate their time if they are called back due to being on standby, call-out or called back to work. In the past these hours have calculated as overtime since our policy allowed leave to be included in the hours worked. If the overtime policy is amended to hours worked the policy for standby, call-out and call back should be amended to account for this change.

Analysis

Section 1:

Since the car allowance is part of the salary, it should increase by the same percentage as the Cost of Living Adjustment (COLA) at the beginning of each fiscal year.

Section 2:

The City would like to change how overtime is calculated and not include time off in the base work week. The base work week would be actual hours worked unless an employee is on standby, call-out or called back to work. In this case the employee would receive mandatory overtime for these hours worked.

Section 3:



If the overtime policy is changed to actual hours worked and does not include leave, the policy for standby, call-out and call back should be changed so that if an employee is called in to work on their time off, the hours will calculate as overtime. This is an incentive for the employee when they are asked to change their personal plans for work.

Recommendation

Staff is in favor of these recommendations.

RESOLUTION NO. 2021-124

A RESOLUTION OF THE COUNCIL OF THE CITY OF NIXA AMENDING THE CITY'S PERSONNEL HANDBOOK BY ADDING THERETO A POLICY REGARDING CAR ALLOWANCES AND MODIFYING THE POLICIES RELATED TO OVERTIME, STANDBY AND CALLOUT, AND CALLBACK.

WHEREAS the City of Nixa maintains its personnel and employment policies in a Personnel Handbook, which is modified by Resolution of the Council from time to time; and

WHEREAS City staff has recommended several amendments to the City's Personnel Handbook; and

WHEREAS said amendments are set forth in "Resolution Exhibit A," "Resolution Exhibit B," "Resolution Exhibit C," and "Resolution Exhibit D;" and

WHEREAS the City Council desires to authorize the modifications of the City's personnel policies as set forth in this Resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NIXA, AS FOLLOWS, THAT:

SECTION 1: The City's Personnel Handbook is hereby amended by adding thereto a new policy to be referenced as "3.11.1 Car Allowance" which is set forth in "Resolution Exhibit A." "Resolution Exhibit A" is attached hereto and incorporated herein by this reference as though fully set forth herein.

SECTION 2: The City's Personnel Handbook is hereby amended by repealing the current Policy referenced within the Personnel Handbook as "3.6 Overtime" and adopting in lieu thereof a new policy which is set forth in "Resolution Exhibit B." "Resolution Exhibit B" is attached hereto and incorporated herein by this reference as though fully set forth herein.

SECTION 3: The City's Personnel Handbook is hereby amended by repealing the current Policy referenced within the Personnel Handbook as "3.8.1 Standby and Callout Policy" and adopting in lieu thereof a new policy which is set forth in "Resolution Exhibit C." "Resolution Exhibit C" is attached hereto and incorporated herein by this reference as though fully set forth herein.

SECTION 4: The City's Personnel Handbook is hereby amended by repealing the current Policy referenced within the Personnel Handbook as "3.8.2 Callback Policy" and adopting in lieu thereof a new policy which is set forth in "Resolution Exhibit D." "Resolution Exhibit D" is attached hereto and incorporated herein by this reference as though fully set forth herein.

RESOLUTION NO. 2021-124

46 **SECTION 5:** This Resolution shall be in full force and effect from and after its final
47 passage by the City Council and after its approval by the Mayor, subject to the provisions
48 of section 3.11(g) of the City Charter.
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51 **ADOPTED BY THE CITY COUNCIL THIS 13TH DAY OF DECEMBER 2021.**
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53
54 ATTEST:

55
56 _____
57 CITY CLERK

58 _____
59 PRESIDING OFFICER

60 **APPROVED BY THE MAYOR THIS _____ DAY OF _____ 2021.**
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62
63 ATTEST:

64
65 _____
66 CITY CLERK

67 _____
68 MAYOR

69 APPROVED AS TO FORM:
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71 _____
72 CITY ATTORNEY

RESOLUTION EXHIBIT A

(Note: Language to be added is indicated by being underlined. Language to be removed is indicated by being ~~stricken~~.)

3.11.1 Car Allowance

Certain employees of the City may receive a car allowance, which is intended to assist in covering the cost of an automobile, including financing, insurance, maintenance and repairs, fuel, etc. Automobiles operated by those receiving such allowance should be appropriate for business use. Employees receiving a car allowance are required to keep proof of automobile insurance on file with the Human Resources Department.

Car allowance payments will be included in the employee's taxable income. No mileage reimbursement shall be paid to employees receiving a car allowance for travel within a 100-mile radius. Travel outside this area shall be reimbursed at the current reimbursement rate as described in the City's current Mileage Reimbursement Policy. The car allowance rate shall increase by the same percentage as the yearly Cost of Living Adjustment (COLA) at the beginning of each fiscal year.

RESOLUTION EXHIBIT B

(Note: Language to be added is indicated by being underlined. Language to be removed is indicated by being ~~stricken~~.)

3.6 Overtime

Department supervisors may require, out of necessity for the expeditious conduct of public business or for the protection of the public business or for protection of the public health, safety, or welfare that an employee work overtime. Failure to comply with such requests shall constitute a violation of these rules and regulations and provide grounds for disciplinary action.

The Fair Labor Standards Act (FLSA) establishes the federal wage and hour governing the payment of overtime. Only employees in “non-exempt” positions are eligible for overtime pay. To receive overtime pay, a non-exempt employee must work beyond the City’s normal workweek which is forty (40) hours weekly. Overtime work is not to be performed at the discretion of the employee, but must be ~~scheduled and~~ approved, in advance, by the employee’s supervisor or designee. Department Heads are not required to pre-approve overtime unless specifically requested to do so by the City Administrator.

The overtime rate paid for hours worked in excess of forty (40) hours will be at one and one-half times the employee’s normal hourly rate. Your base workweek for computing overtime compensation will be the actual hours worked, ~~as well as hours of sick, vacation, holiday, personal day, compensatory time hours compensated.~~ Exempt employees shall not be paid for overtime worked.

Police Department:

Commissioned non-exempt status police officer overtime rate will be paid as follows:

- 8-hour shift: hours worked in excess of 80 hours
- 10-hour shift: hours worked in excess of 80 hours
- 12-hour shift: hours worked in excess of 84 hours

~~**Your base work week will be calculated based on your actual hours worked as well as use of sick, vacation, holiday, personal, compensatory and bereavement time used.~~

~~**Exceptions for employees that are on Standby, Call out (policy 3.8.1) or Called back (policy 3.8.2).~~

RESOLUTION EXHIBIT C

(Note: Language to be added is indicated by being underlined. Language to be removed is indicated by being ~~stricken~~.)

3.8.1 Standby and Callout Policy

The City of Nixa will compensate standby personnel, not compensated within their regular hourly rate, at a flat rate of \$105/week or \$15/day.

If called out during the regular work week, standby personnel shall receive a minimum of two hours at their regular hourly rate. These hours will be paid as overtime.

If called out on the weekend, standby personnel shall receive a minimum of three (3) hours at their regular hourly rate. These hours will be paid as overtime.

If call out occurs on a City prescribed holiday, the standby personnel shall receive compensation as suggested for a weekend standby schedule. These hours will be paid as overtime.

Standby personnel receiving another call-out within the same call out period already compensated for shall only receive compensation for the amount of time it took to complete the service at the City's overtime rate.

*Electric lineworkers are required to live within 30 minutes of the City of Nixa Public Works building located at 1111 Kathryn St. for the purpose of getting power outages corrected in a timely manner.

RESOLUTION EXHIBIT D

(Note: Language to be added is indicated by being underlined. Language to be removed is indicated by being ~~stricken~~.)

3.8.2 Callback Policy

If an employee (other than standby personnel) is called back to work during his/her off duty hours without advance notice, the employee shall receive a minimum of two (2) hours at their regular hourly rate. These hours will be paid as overtime.