

ORDINANCE #17-01

AN ORDINANCE OF THE CITY OF NEW CASTLE, KENTUCKY AMENDING PROVISIONS RELATED TO OVERTIME COMPENSATION AND COMPENSATORY TIME IN THE CITY'S PERSONNEL POLICY MANUAL

Be it hereby ordained by the City Commission of New Castle, Kentucky that the city's personnel policy be amended as follows:

OVERTIME COMPENSATION POLICY

Overtime compensation: The City of New Castle is required under the Fair Labor Standards Act and Kentucky wage and hour law to pay overtime wages to all nonexempt employees if the employee works more than forty (40) hours in a single workweek. Overtime compensation shall be calculated at a rate of one and one-half (1 ½) times the employee's regular hourly rate of pay. A salaried employee's regular hourly rate of pay will be calculated by dividing the annual salary by the annual hours (annual hours =37.5h ours per week x 52 weeks = 1950 hours per year) Exempt employees are not eligible for overtime compensation. Any question regarding an employee's classification as "exempt" or "non exempt" should be directed to the commissioner in charge of personnel.

Overtime Procedure: Overtime for nonexempt employees must be authorized by an appropriate supervisor. An appropriate supervisor may orally authorize overtime work by a nonexempt employee. However, a written record of the decision to authorize overtime must subsequently be made and maintained by the supervisor. All overtime work shall be recorded as such on the employees time sheet. ~~The City of New Castle reserves the right to require any nonexempt employee to take time off during any workweek that the employee has worked more than 37.5 hours in order to minimize overtime.~~

COMPENSATORY TIME

Compensatory Time: compensatory time means any time worked by a nonexempt employee in excess of 37.5 hours and less than forty (40) hours in a single week.

Compensatory time for non-exempt employees: ~~It is the policy of the City of New Castle that when a nonexempt employee works more than 40 hours in a workweek, but not more than 45 hours, the time may be treated as compensatory time, as agreed upon by the employee and the employees supervisor. The employee may use compensatory time to take paid leave, but only upon the prior approval of the employee's supervisor., Compensatory time must be used within the same week it is earned. If the employee wishes not to use the compensatory time but wishes to receive the overtime pay, the determination will be made by the employees supervisor. A non-exempt employee is not required to take compensatory time in lieu of overtime, but has the option at their discretion.~~

Exempt Staff: The only position currently established as exempt within the City of New Castle is the position of Public Works Director. Since it has been determined that this position as it applies to the City of New Castle's unique position is deemed to be both exempt and non-exempt (but for definition of the position is listed as exempt) a different procedure has been established. ~~The comp time accrued by the PWD shall return to zero (0) July 1st of each year. Comp hours on the books as of June 30th of each year, for the PWD, shall be paid out to the PWD with a maximum of forty (40) hours to be paid at the regular rate of pay.~~ Unused compensatory time accrued by the PWD shall roll over to the following year. On June 30th of each year the city may opt to pay out all or a portion of accrued compensatory time to be paid at the regular hourly rate of pay.

Done this 6th day of March, 2017

Dennis Benham, Mayor 03/06/17

Attest:

Lynn B. Adams, City Clerk 03/06/17

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