

TITLE

AN ORDINANCE TO AMEND ORDINANCE NO. 27-85, TITLED "A PERSONNEL PLAN FOR EMPLOYEES OF THE CITY OF OAK RIDGE, TENNESSEE," AS AMENDED, BY UPDATING THE FOLLOWING SECTIONS: SECTION 6.1, TITLED "WORK PERIOD," SUBSECTIONS C AND D, AND SECTION 6.2, TITLED "OVERTIME," SUBSECTION B, FOR THE PURPOSE OF CHANGING THE WORK PERIODS FOR EMPLOYEES WHO ARE ENGAGED IN LAW ENFORCEMENT ACTIVITIES AND FIRE PROTECTION ACTIVITIES.

WHEREAS, the City's Personnel Ordinance currently establishes a 28-day and 27-day work period for employees who are engaged in law enforcement activities and fire protection activities, respectively; and

WHEREAS, in order to provide for a more predictable work and overtime schedule for these employees, as well as ease the administrative burden of payroll administration and assist in the transition to the new Cayenta payroll system, the City desires to change the work periods for both these employees to a 14-day work period, which is allowable under the Fair Labor Standards Act (FLSA); and

WHEREAS, implementing this change requires an amendment to Personnel Ordinance §6.1, Work Period, and §6.2, Overtime; and

WHEREAS, at their January 4, 2022 meeting, the Personnel Advisory Board unanimously supported modifications to the Personnel Ordinance to effect this change and recommended City Council's approval; and

WHEREAS, the City Manager recommends that the Personnel Ordinance be amended as set forth below, with the changes becoming effective on February 20, 2022.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

Section 1. Ordinance No. 27-85, titled "A Personnel Plan for Employees of the City of Oak Ridge, Tennessee," is hereby amended by deleting Section 6.1, titled "Work Period," Subsections c and d, in their entirety and substituting therefor new Section 6.1, titled "Work Period," Subsections c and d, which new subsections shall read as follows and shall become effective with the February 20, 2022 pay period:

6.1 WORK PERIOD

- c. In accordance with Section 207(k), as amended, of the FLSA, the work period for employees engaged in "law enforcement activities" as defined by the FLSA will be eighty-six (86) hours in a fourteen (14) day period.
- d. In accordance with Section 207(k), as amended, of the FLSA, the work period for employees engaged in "fire protection activities" as defined by the FLSA will be one hundred six (106) hours in a fourteen (14) day period.

Section 2. Ordinance No. 27-85, titled "A Personnel Plan for Employees of the City of Oak Ridge, Tennessee," is hereby amended by deleting Section 6.2, titled "Overtime," Subsection b, in its entirety and substituting therefor a new Section 6.2, titled "Overtime," Subsection b, which new subsection shall read as follows and shall become effective with the February 20, 2022 pay period:

6.2 OVERTIME

- b. Overtime Compensation. Overtime compensation will be calculated in accordance

with the FLSA. When a non-exempt employee is required by their supervisor or another person in the employee's line of supervision to work in excess of the hours established for the employee's work period, the employee is entitled to overtime compensation. Employees may not elect on their own to work in excess of the hours established for the employee's work period. Holiday leave will be considered as hours worked in calculating overtime compensation. All other types of leave (ex. General, Emergency, Injury, Leave Without Pay, Military, Civil, Administrative Emergency, etc.) will not be considered as hours worked in calculating overtime compensation. In the event of an emergency as determined by the City Manager or the City Manager's designee, the City Manager or the City Manager's designee may include other types of leave as hours worked for the purposes of calculating overtime compensation. An emergency is defined as an unforeseen circumstance beyond the control of the City which presents a real, immediate, and material threat to the public interests or property of the City.

The formula for calculating the hourly rate is shown below:

$$\frac{(\text{Regular Pay Rate} + \text{Supplemental Pay}) \times \text{Regular Hours Worked} + \text{Stand-by Pay}}{\text{Regular Hours Worked}}$$

All overtime compensation will be at the rate of one and one-half times the hourly rate. The City may offer an employee compensatory time off equivalent to one and one-half times the number of extra hours worked. It is the employee's decision whether to accept compensatory time off instead of overtime, however, that decision must be made at the time the offer of compensatory time is made. Said compensatory time may be accrued up to a maximum of forty (40) hours.

Exempt employees are not eligible for overtime compensation.

Section 3. This ordinance shall become effective ten (10) days after adoption on second reading, the welfare of the City of Oak Ridge requiring it.

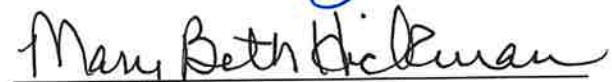
APPROVED AS TO FORM AND LEGALITY:



Tammy M. Dunn, City Attorney



Warren L. Gooch, Mayor



Mary Beth Hickman, City Clerk

First Reading: 01/10/2022
Publication Date: 01/14/2022
Second Reading: 01/18/2022
Publication Date: 01/24/2022
Effective Date: 01/28/2022