

RESOLUTION NO. 2016-021

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALISTOGA, COUNTY OF NAPA, STATE OF CALIFORNIA, REPEALING RESOLUTION NO. 96-65 AND ADOPTING A REVISION TO THE “PERSONNEL RULES & REGULATIONS MANUAL FOR ALL CITY EMPLOYEES”

WHEREAS, on February 16, 1993 the City Council of the City of Calistoga adopted a City of Calistoga Personnel Rules & Regulations Manual (Personnel Manual) by Resolution No. 93-14 to apply to employees of the City; and

WHEREAS, on April 21, 2015 adopted Resolution No. 2015-040 amending sections 6.09 and 9.05 A of the Personnel Manual; and

WHEREAS, the City of Calistoga has the need to make changes in the Personnel Manual which address definition of Non-exempt employees, Jury Duty and Overtime Compensation and has in good faith met and conferred with the labor associations and other City staff to discuss the reasons for the proposed changes and to receive comment and feedback from these groups; and

WHEREAS, on March 1, 2016 the City Council reviewed the recommendation of staff on this matter at public meeting and considered public testimony on this matter.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Calistoga hereby Repeals Resolution No. 96-65 and revises the City of Calistoga Personnel Rules & Regulations Police Manual as previously amended as follows:

A. Section 2.28 (Definition of Terms: Overtime Pay) is amended to read:

2.28 Overtime Pay: Payment made to a non-exempt employee for hours worked in excess of amounts in a designated worked period as specified by FLSA; or for hours in excess of regularly scheduled work hours engaged in work activities as specified in a negotiated labor contract. Overtime pay shall be computed in accordance with applicable laws and any applicable Memorandum of Understanding

B. Section 2.29 Overtime Work. [This subsection is deleted in its entirety and is reserved]

C. Section 9.02 A (Overtime) is amended to read:

All non-exempt employees shall receive overtime pay computed at one and one-half their regular rate for all hours worked by the Employee in excess

of amounts in a designated work period as specified by the FLSA. Overtime hours shall be paid to the nearest quarter hour of time worked. Official City holidays shall be considered as actual hours worked for purposes of computing overtime eligibility. Vacation, sick, compensatory time shall not be count as actual hours worked for purposes of computing overtime in a 40 hour week. Except in case of emergency, overtime must be pre-authorized by the City. Employees working unauthorized overtime will be paid for such overtime, but may be subject to disciplinary action.

D. Section 9.02E is added as follows:

With the exception of Police and Fire personnel, non-exempt employees that are required to work in excess of 8 hours in a normal work day will be entitled to overtime at one and one-half their regular rate for all hours worked in excess of 8 hours.

E. Section 10.04 (Jury Duty) is amended to read:

"An Employee ordered by the Court to serve on jury duty shall receive paid time while serving such duty if the Employee deposits any fees for services, other than mileage and meals, with the City. The employee is to inform the supervisor if called to jury duty. If dismissed by the Court and there are three hours or more remaining in the work day, discounting commute time from the Court to work, the employee is required to report to work.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Calistoga at a regular meeting held this **1st day of March, 2016**, by the following vote:

AYES:	Councilmembers Kraus, Lopez-Ortega and Barnes, Vice Mayor Dunsford and Mayor Canning
NOES:	None
ABSTAIN:	None
ABSENT:	None



ATTEST:

CHRIS CANNING, Mayor


KATHY FLAMSON, City Clerk