

## RESOLUTION NO. 1114

### A RESOLUTION AMENDING THE PERSONNEL POLICIES FOR THE CITY OF OSAWATOMIE, KANSAS TO MODIFY THE DEFINITION OF WORK WEEK FOR NON-EXEMPT LAW ENFORCEMENT PERSONNEL

**WHEREAS**, the City of Osawatome, Kansas, has personnel policies in place that are applicable to all city employees; and

**WHEREAS**, these personnel policies have been in effect since January 1, 2015 and have been amended as needed from time to time; and

**WHEREAS**, the Fair Labor Standards Act 207(k) Exemption allows employers to compute overtime for law enforcement on the basis of an extended work schedule; and

**WHEREAS**, additional modifications to the personnel policies are needed.

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the City of Osawatome, Kansas:

**SECTION 1.** The Governing Body hereby amends Chapter 10, Section V of the city's personnel policies to read as follows (changes noted in red):

#### Chapter 10: Timekeeping, Payroll, Hours and Compensation

##### V. Overtime

No employee shall be permitted to work overtime except when an emergency exists or overtime work is necessary to carry out normal and essential services of the city, and is assigned by his or her immediate supervisor. Working overtime without authorization may subject an employee to discipline, up to and including termination.

- a) Exempt employees as defined by the FLSA are not eligible to receive overtime pay. Nonexempt full-time and part-time employees will be paid at one and one-half (1½) times their regular rate of pay for each hour worked in excess of the maximum allowed by the FLSA during a work period ~~or, at the request of the employee and discretion of the authorized supervisor, be credited one and one half (1½) hours of compensatory time off for each hour worked in excess of the maximum allowed by the FLSA during such work period.~~
- b) ~~With the exception of police officers,~~ overtime, for pay purposes, will include all actual hours worked in excess of 40 hours in a one-week work period. ~~Police officers will earn overtime once they have exceeded 86 actual hours worked during the two-week work period.~~ "Hours worked", for the purpose of calculating overtime pay, will not include any hours taken during the pay period such as vacation, sick leave, or other time authorized in these Rules. This shall include paid holidays.
- c) As this payment has significant budget impact, supervisors are responsible to control overtime expense through scheduling whenever possible.
- d) Overtime compensation shall be paid no later than the first payday following the pay period in which it was earned. ~~At the discretion of the department director, an employee may be given compensatory time off in lieu of cash payments for the overtime worked. Any compensatory time shall be at the rate of one and one-half times the hours of overtime worked.~~

- e) It is the employee's responsibility to accurately record and submit records of any overtime worked. The department director shall maintain such records.

**SECTION 2.** The Governing Body hereby amends Chapter 10, Section VI of the city's personnel policies to read as follows:

**VI. ~~Compensatory Time Off~~ NOT USED**

- a) ~~**Eligibility.** Effective 09/01/21 employees are no longer eligible to work overtime and receive compensatory time in lieu of overtime.~~
- b) ~~**Use of Compensatory Time.** Usage of compensatory time is subject to supervisor's approval and is dependent on available personnel and the needs of the city.~~
- c) ~~**Compensatory Pay.** If compensation is paid to an eligible employee for accrued compensatory time off, the compensation will be paid at the regular rate earned by the employee at the time the employee receives such payment. An eligible employee who has accrued compensatory time off upon termination of employment will be paid for the unused compensatory time.~~
- d) ~~**Records.** The official time and attendance records maintained by the City will be the controlling records for any compensatory time purpose. The City may pay an employee in whole or in part, for accumulated compensatory time, at any time.~~
- e) ~~**Deadline for the use of Compensatory Pay.** All accrued compensatory pay must be used by September 30, 2022.~~

**SECTION 3.** This resolution shall take effect at 12:01 a.m. on Sunday, March 19<sup>th</sup>, 2023.

**PASSED AND ADOPTED** by the Governing Body of the City of Osawatomie, Kansas this 9<sup>th</sup> day of March, 2023, a majority being in favor thereof.

**APPROVED AND SIGNED** by the Mayor.

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Nick Hampson, Mayor

(SEAL)

ATTEST:

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Tammy Seamands, City Clerk