

Ordinance No. 3365 - CORRECTED

An ordinance amending Chapter 2, Administration, Article IX, Employee Rules and Regulations, Section 2-151, Attendance, of the Broken Arrow Code, to add Christmas Eve to the list of observed holidays for the City of Broken Arrow, Oklahoma; repealing all ordinances to the contrary; and declaring an emergency.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BROKEN ARROW:

SECTION I. That Chapter 2, Administration, Article IX, Employee Rules and Regulations, Section 2-151, Attendance, of the Broken Arrow Code, is amended to read as follows:

Sec. 2-151. - Attendance.

All departments shall submit attendance and leave records to the human resources division. Attendance shall be in accordance with the rules and policies of the city, as well as the following:

- (a) Working hours. Working hours and work periods shall be determined by job classification and assignment, and approved by the city manager or his designee. Working hours for public safety personnel or for any other department requiring shift coverage shall be determined by the needs of the department as specified by the city manager. The sanitation workers shall be available for work a minimum of 40 hours per week. When the actual and paid work-leave hours do not reach 40 hours and the employee works the full schedule, a salary adjustment will be applied to bring the employee to the regular weekly salary. Compensation paid salaried employees who are exempt from the Fair Labor Standards Act or who are employed by either of the public safety departments shall be considered compensation for all hours worked.
- (b) Work period. For hourly employee, the work period begins at 12:00 a.m. Monday and ends at 11:59 p.m. the following Sunday. Hourly employees are paid for all hours actually worked and any appropriate paid leaves. If an hourly employee's actual hours worked exceeds 40 in a work period, the employee receives overtime wages, except employees covered by Section 207(K) of the FLSA and 29 C.F.R., Part 553. Holiday leave is counted as actual hours worked for overtime compensation. No other paid leave is counted. The work period for police officers and firefighters is established in the appropriate labor agreement. Sanitation workers shall be available for work a minimum of 40 hours per week. When the actual and paid work leave hours do not reach 40 hours and the employee works the full schedule, a salary adjustment will be applied to bring the employee to the regular weekly salary. Lunch and coffee breaks shall be established at the discretion of the department director. Salaried employees are exempt from the Fair Labor Standards Act and are paid a set salary for all work performed in a work period.
Part-time and seasonal employees. Part-time and seasonal employees are paid straight time for all time worked. For all hours worked in excess of 40 hours in a work period, a part-time and/or seasonal employee will be paid at time and one-half his or her regular rate of pay.

- (c) Overtime. Overtime compensation can be accrued only with the prior approval of the department director and will be compensated for in the form of pay for those employees eligible. Provided that, at the discretion of the department director, equivalent time off may be awarded if taken within the same work period as the overtime was earned. Equivalent time off shall be made on an hour-to-hour basis. Overtime compensation in the form of pay will be made as determined by the city manager and the employee regulations, or by union contract, but in no event shall be less than that required under the fluctuating method of the Fair Labor Standards Act.
- (d) Absence. Any employee absent from his regular work schedule for three consecutive days without authorization or leave given by his department head will be automatically dismissed from city employment.
- (e) Holidays. All regular city employees not covered by a collective bargaining agreement will be entitled to the following holidays:
 - (1) New Year's Day;
 - (2) Martin Luther King Day;
 - (3) Memorial Day;
 - (4) Good Friday;
 - (5) Independence Day;
 - (6) Labor Day;
 - (7) Veteran's Day;
 - (8) Thanksgiving Day;
 - (9) Friday after Thanksgiving Day;
 - (10) Christmas Eve;
 - (11) Christmas Day;
 - (12) Floating holiday.

The floating holiday is a holiday an employee receives on January 1 of each year. The scheduling of this holiday is subject to the guidelines established by the employee's department. The floating holiday must be used in the year in which it was credited. If a holiday should fall on a Saturday, it will be observed on the preceding Friday. If a holiday falls on a Sunday, it will be observed on the following Monday. Sanitation employee's holiday schedule will vary from year to year, depending upon the city's sanitation schedule. At the beginning of each year, the sanitation schedule will be posted. Bargaining unit employee's holidays are outlined in the appropriate collective bargaining agreement. Employees who are regularly scheduled to work on New Year's Day, Independence Day, Thanksgiving, Christmas Eve and Christmas Day will be paid time and one-half their base hourly rate if they work on those holidays. If an employee is called out on an emergency or is regularly scheduled to work, he or she will receive holiday pay and will be paid for the number of hours worked at the regular rate of pay.

SECTION II. Any ordinance or parts of ordinances found to be in conflict herewith are hereby repealed.

SECTION III. An emergency exists for the preservation of the public health, peace and safety, and therefore this ordinance shall become effective from and after the time of its passage and approval.

PASSED AND APPROVED and the emergency clause ruled upon separately this 9th day of November, 2015.

ATTEST:

MAYOR

(Seal) CITY CLERK

APPROVED:

ASSISTANT CITY ATTORNEY