

**CITY OF DAPHNE
ORDINANCE 2021 – 18**

AN ORDINANCE TO
AMMEND AND MAKE ADDITIONS TO
THE CITY OF DAPHNE EMPLOYEE HANDBOOK

WHEREAS, the City Council of the City of Daphne, after due consideration, believes it appropriate to amend several sections of the City of Daphne Employee Handbook and to adopt one new policy to add to the Employee Handbook;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA AS FOLLOWS:

SECTION I:

That the following Sections of the Employee Handbook be amended:

- Section 4.2 Recruiting Guidelines
- Section 9.1 Responsibility for Attendance at Work
- Section 10.6 Additional Pay During City Emergencies (and revised title)

The specific revisions to these sections are set forth in Exhibit A to this Ordinance.

That the current Employee Handbook Sections 9.7 to 9.13 be re-numbered as Sections 9.8 to 9.14.

That the Employee Handbook be amended to include one new policy to be numbered Section 9.7:

- Section 9.7 Substitution Time (Shift Swaps)

The specific text of the new section is set forth in Exhibit B to this Ordinance.

SECTION II: REPEALER

That any Ordinance, or parts thereof, heretofore adopted by the City Council of Daphne, Alabama, which is in conflict with this Ordinance be and is hereby repealed to the extent of such conflict.

SECTION III: SEVERABILITY

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

SECTION IV: EFFECTIVE DATE

This Ordinance shall take effect and be in force from and after the date of its approval by the City Council of the City of Daphne and publication as required by law.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS 3rd DAY OF May, 2021.



Robin LeJeune, Mayor

ATTEST:



Candace G. Antinarella, CMC, City Clerk

EXHIBIT A

AMENDMENTS
OF
EXISTING POLICIES

AMENDMENT OF SECTION 4.2 RECRUITING GUIDELINES

Amend the existing policy to include this revision:

Duration of Advertisement All advertisements and notices will remain open for receipt of applications for at least fourteen (14) calendar days from the date of the notice. However, the Mayor may define a longer or shorter time period, but no less than a minimum of seven (7) days.

AMENDMENT OF SECTION 9.1 RESPONSIBILITY FOR ATTENDANCE AT WORK

Amend the existing policy to insert this provision from Section 10.6 ADDITIONAL PAY DURING CITY EMERGENCIES

Inclement Weather – Use of Vacation Pay. When inclement weather prevents an employee who works outdoors from performing work outside, the employee usually will be assigned other duties that can be performed indoors. An employee who does not wish to perform the alternate work may request vacation leave (or time off without pay if the employee has no accrued vacation); however, the City may deny the request and require the employee to work if deemed necessary.

AMENDMENT OF SECTION 10.6 ADDITIONAL PAY DURING EMERGENCIES

Emergency Administrative Pay. In the event of a state of emergency affecting the City as declared by Federal, State, County, or City government and ratified by the Mayor and/or such other competent authority, the Mayor may order the total or partial closure of a single City worksite or multiple City worksites or the total or partial cancelation of a City activity or multiple activities. If an employee is unable to work or instructed not to work due to the declared emergency closing of the employee's worksite or cancelation of City activity, the City will provide emergency administrative pay to the employee for each day (or partial day) not worked. For employees who are typically expected to work 2080 hours or 2184 hours in a year, the maximum emergency administrative pay will be eight (8) hours for the day. For employees who are typically expected to work 2808 hours in a year, the maximum emergency administrative pay will be 10.8 hours for the day. Part-time employees will receive the equivalent of a single shift (e.g. four hours). Emergency administrative pay will be paid at the employee's usual rate of pay applicable at the time of payment. Emergency administrative pay will not count as hours worked for purposes of any non-exempt employee's overtime premium pay eligibility determination. This policy does not apply to exempt employees, unless the exempt employee is off work due to an emergency closing for an entire workweek.

Additional Emergency Duty Pay For Exempt Employees. In the event of a state of emergency affecting the City as declared by Federal, State, County, or City government and ratified by the Mayor and/or such other competent authority, the Mayor may utilize exempt employees to aid the City's emergency response during extended work hours beyond the employees' usual schedules. In the event of such a declared state of emergency, beginning when such state of emergency is declared and ending when such state of emergency is lifted, or as authorized by the Mayor, an exempt employee required to work beyond the employee's usual scheduled hours or to attend work at times not ordinarily required of the employee will receive additional emergency duty pay for hours worked in response to the emergency beyond the usual schedule or outside of times not ordinarily required. The total amount of emergency duty pay for exempt employees is capped at eight (8) hours for each 24-hour period for employees who are typically expected to work 2080 hours or 2184 hours in a year, and capped at 10.8 hours in a 24-hour period for employees who are typically expected to work 2808 hours in a year. The pay for this additional emergency duty will be equal to the exempt employee's "calculated hourly rate" which will be determined by dividing the exempt employee's annual salary by 2080, or 2184, or 2808, depending on the employee's typical annual schedule. Depending on the severity of the state of emergency or the amount of time needed for the exempt employee to remain at their normal work site, the Mayor may also allow the exempt employee to accrue vacation hours at the rate of one hour for each hour worked in excess of the capped, paid eight (8) hours in a 24-hour period. However, the vacation hours accrued may not exceed eight (8) hours in a 24-hour period and must be used within 180 days or be forfeited.

Additional Hazardous Weather/Emergency Duty Pay for Non-Exempt Employees. Depending on the circumstances, under conditions described in and during the time frame designated in Section 9.1, two types of hazardous weather/emergency premium pay for non-exempt employees may be provided, if the hazardous weather or emergency conditions affect multiple City worksites and/or multiple City activities. If the hazardous weather or emergency affects only a single City worksite

or activity, and employees are instructed to work at an alternative worksite or provided alternative duties, no additional premium will be paid for such work. For example, if fire damages the Library, and Library employees are relocated to work at City Hall, no additional premium pay will be provided. If a non-exempt employee is required to work as previously scheduled or required to report for unscheduled work or required to report earlier than scheduled or depart work later than scheduled despite hazardous weather or emergency conditions affecting multiple City worksites or activities as provided in Section 9.1, the non-exempt employee will be paid (1) an additional premium equal to one-half ($\frac{1}{2}$) times the employee's pay rate for time actually worked during the employee's regularly scheduled shift, and (2) an additional premium equal to the employee's pay rate for time worked beyond the hours previously scheduled for the employee. For example, a non-exempt employee paid at \$15.00 per hour who is scheduled to work an eight (8) hour shift and who is required to actually work ten (10) hours will be paid \$22.50/hour during the regularly scheduled eight (8) hours and \$30/hour for the two (2) additional hours worked. The overtime pay rate for any hours worked over forty (40) during the same workweek will be adjusted accordingly.

EXHIBIT B

ADOPTION OF NEW POLICY

ADOPT NEW SECTION 9.7

9.7 SUBSTITUTION TIME (SWAP SHIFTS)

Special rules concerning regular and overtime pay apply if employees voluntarily agree to substitute shifts. These rules are exceptions to the general rule in Section 9.6. The non-working employee will be paid for the scheduled time as if the employee had worked, at the employee's regular pay rate/type; but no additional premium pay will be provided (such as emergency duty pay under Policy 10.6). The hours scheduled but not worked by this employee will be counted for purposes of determining whether a non-exempt employee is eligible for overtime pay under Policy 9.4. (40 hours in seven-day workweek for most employees, 84 hours in a 14-day work period for police officers and corrections officers, and 212 hours in a 28-day work period for firefighters).

Shift substitutions are permissible only if the employees' decisions to substitute for one another are freely made and without coercion, direct or implied. Each employee must be free to refuse to perform such work without sanction and without being required to explain or justify the decision. An employee's decision to substitute must be exclusively for the employee's own convenience. The substitution shall be between members of equal rank or qualifications so as not to leave the staffing in detriment. Shift substitutions are not allowed when the two shifts are more than 56 days apart. Shifts may only be substituted within four consecutive pay periods, or 56 days.

The working/non-scheduled employee will not receive the regular pay rate/type for the worked hours, but will be eligible for any premium pay (such as Emergency Duty Pay under Policy 10.6) for those unscheduled hours. The hours worked by the employee not originally scheduled will not be counted for purposes of determining whether a non-exempt employee is eligible for overtime pay under Policy 9.4 (40 hours in seven-day workweek for most employees, 84 hours in a 14-day work period for police officers and corrections officers, and 212 hours in a 28-day work period for firefighters).