

**CITY OF NORTH BONNEVILLE
ORDINANCE NO. 964**

**AN ORDINANCE OF THE CITY OF NORTH BONNEVILLE, WASHINGTON,
RELATING TO PERSONNEL POLICY, AMENDING NORTH BONNEVILLE
MUNICIPAL CODE TITLE 2; PROVIDING FOR EXEMPT EMPLOYEE
CLASSIFICATIONS**

WHEREAS, the City's current personnel policies do not clearly delineate Exempt from Nonexempt employees; and

WHEREAS, the City Council desires to clarify which positions are exempt; and

WHEREAS, the City Council wishes to amend Section 2.32.370 of the North Bonneville Municipal Code to reflect its long standing intent that certain positions be classified as exempt; NOW, THEREFORE,

**THE CITY COUNCIL OF THE CITY OF NORTH BONNEVILLE, WASHINGTON,
DOES ORDAIN AS FOLLOWS:**

Section 1. **Section 2.32.070 Employee Positions.** Section 2.32.070, "Employee Positions" North Bonneville Municipal Code is hereby amended to read as follows:

2.32.070 Employee positions.

All employee positions instituted by the City of North Bonneville shall be established by the City Council.

A. Employee positions shall be described as to function, responsibilities, duties, powers and lines of accountability. The description of each position shall be accomplished by a list of qualifications that shall apply to all individual applicants who would seek employment with the City.

B. Each nonexempt employee position shall be designated as to classification for the establishment of procedures for computing overtime pay in accordance with the dictates of RCW 49.46, "Minimum Wage Act."

C. Establishment of positions and departments shall be by city ordinance.

D. The authority for elimination of an employee position shall be vested with the City Council.

E. Recommendations for the establishment of new positions, revision of job descriptions of existing positions, or elimination of existing positions shall be presented in writing to the City Council by the Mayor or Official. (Res. 317 § 2.4, 1995)

Section 2. Section 2.32.300 Hours of Work.

Section 2.32.300, "Hours of Work" North Bonneville Municipal Code is hereby amended to read as follows:

Unless arrangements are made in advance by mutual consent of the employee and the Official or their designee, the workweek shall consist of five (5) consecutive days with a meal period at mid-shift, or as near to mid-shift as can be mutually agreed upon that does not affect the operation of the work area. The meal period shall be on the employee's own time. Normally, the employee will furnish his or her own transportation to and from work.

A. If the mutually agreed upon work week is other than five (5) days per week, or if the mutually agreed upon work day differs from that officially set forth by the City, the Official shall retain the right to assign different shift starting and ending times to maximize productivity.

B. Each regular, nonexempt full-time employee, on call or not, shall complete a forty-hour workweek, exclusive of time on call. The forty-hour workweek includes holidays, vacations and sick leave. Regular part-time, temporary and special part-time personnel shall complete the assigned hours as specified by their job description or as directed by their supervisor.

Exempt, executive and appointive personnel will be expected to maintain regular office or duty hours as may be specified by their particular job description. The regular office or duty hours for all individuals employed by the city shall be 8:00 a.m. to 5:00 p.m., Monday through Friday of each calendar week, with a half-hour or one-hour lunch and shifts staggered to maintain these hours. When there are less than two (2) employees working, the City Hall office may close for a half-hour. Scheduling of all regular office or duty hours, with the exception of the Chief Law Enforcement Officer or his relief personnel, shall conform to these hours to the greatest extent possible. Any time worked beyond the normal work period for nonexempt employees, or alteration of work schedule, shall be authorized by the official. The regular forty (40) hours per week shall be the basis for computing overtime or compensatory time for nonexempt employees in lieu thereof as is required by law.

C. Rest Breaks. Rest breaks are authorized, but as a privilege which must be arranged so as not to interfere with City business. Business should not be interrupted simply because it is rest time. Nonexempt employees are entitled to one (1) fifteen (15) minute break in each half shift. The rest period shall not be extended as an extension of the lunch period. Misuse of the rest privilege shall subject the offender to disciplinary action. It shall be the responsibility of the supervisors to enforce this rule. (Res. 317 § 4.2, 1995)

Section 3. Section 2.32.370 Compensation.

Section 2.32.370, "Compensation" North Bonneville Municipal Code is hereby

amended to read as follows:

Each employee shall be compensated in accordance with the salary or wage scale approved by the City Council and enacted by city ordinance.

Salary levels or wage scales shall be reviewed on a yearly basis, during the regularly scheduled budget hearings, to take into account increases in responsibility, quality of work, tenure of employment, cost of living and any other influences deemed appropriate by the City Council.

A. Minimum Wage. Any individual eighteen (18) years of age or older, unless exempt under the provisions of Section I(5)(k)(8) of RCW 49.46.020(2), shall be paid at a rate of not less than that established by the State of Washington and subsequent revisions as may be enacted by supplement or amendments to RCW Chapter 49.46.

B. Overtime Pay and Compensatory Time.

Every position at the City is categorized as exempt or non-exempt from the overtime provisions of the Fair Labor Standards Act. Exempt classifications include the Clerk/Treasurer, Public Works Director, and Police Chief. All employee classifications not specifically classified as exempt shall be considered nonexempt.

1. Exempt Employees

While the normal work week is forty hours, exempt employees are, in general, paid for the value of their services, not necessarily based on hours worked. Employees whose positions have been designated as exempt are not eligible for overtime or callback compensation, unless approved by the City Council as a result of a declared emergency.

Exempt employees may be asked to record the number of hours worked for the purpose of tracking leave balances and grant expenditures.

2. Nonexempt Employees

~~An~~ A nonexempt employee shall be paid at a rate of one and one-half (1 ½) times his or her regular rate at which they are employed for a work week longer than forty (40) hours; ~~except that compensation for employment in excess of forty (40) hours in a given work week shall not apply to any person exempted pursuant to RCW 49.46.010 (5) as now or hereinafter amended.~~ Permanent part-time employees shall be paid at a rate of one and one-half (1-1/2) times his or her regular rate for work over eight (8) hours per day.

Eligible employees shall have the option, upon their request and approval of the official, to accept compensatory time for evening meetings in lieu of overtime pay. Compensatory time shall be taken at a rate of one and one-half (1 ½) times the hours worked and used within sixty (60) days of the additional time worked.

Nonexempt employees must record the number of regular and overtime hours they work each workweek and certify that they have accounted for all hours worked during the week. Falsifying time cards, completing the time card of another or working overtime without recording time (working "off the clock") are strictly prohibited and will result in corrective action.

C. Any individual non-exempt employee called to duty after normal working hours shall be compensated for a minimum one (1) hour service.

D. Nonexempt employees under classifications of ~~2.32.480~~ 2.32.500 through 2.32.510, full time positions will be required to be "on call" to meet the needs of the City during off hours, including weekends and holidays. "On Call" requires that the employee will be available for all emergencies by effective means of telephone, cell phone, pager, radio, etc. The employee must be able to respond to a call within 15 minutes. If the scheduled employee cannot fulfill their "on call" obligation, it is their responsibility to find an employee to take their place.

Employees shall be paid an additional \$500 per month for performance of their "on call" coverage. Compensation shall be paid only to the employees serving their "on call" obligation as set forth above.

If an employee "on call" is called to duty after normal working hours they shall be compensated for their time worked in addition to the "on call" compensation, at a rate of one and one-half their normal hourly rate. (Ord. 924, 2007; Ord. 891, 2005; Res. 317 § 4.9, 1995)

Section 4. Section 2.32.480 Appointive Officer.

Section 2.32.480, "Appointive Officer" North Bonneville Municipal Code is hereby amended to read as follows:

A. An appointive officer shall be those provided for by state law and/or city ordinance and shall include, but not be limited to: a City Clerk/Treasurer, Chief Law Enforcement Officer, Municipal Judge and City Attorney. Appointive officers shall be appointed to their positions by the Mayor. Mayoral appointments shall be subject to confirmation by a majority of the City Council.

B. Appointive officers shall not be deemed an "employee" under RCW Chapter 49.46 but shall be considered exempt under RCW 49.46.010, paragraph 5, subsection (L). The work period for all appointive officers shall not be less than twenty-eight (28) consecutive calendar days nor more than thirty-one (31) calendar days, a monthly work period, or other work period as may be defined in a specific employment contract or term of office. ~~Appointive officers are eligible for overtime pay, but may request compensatory time if desirable.~~ (Res. 317 § 5.1, 1995)

Section 5. Severability.

If any section, sentence, clause or phrase of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

Section 6. Effective Date and Publication.

A summary of this Ordinance consisting of its title shall be published in the official newspaper of the City. This Ordinance shall take effect five days after publication.

PASSED BY THE CITY COUNCIL ON JULY 13, 2009.

Don Stevens, Mayor

ATTEST:

John Spencer, City Clerk

APPROVED AS TO FORM:

Teunis Wyers, City Attorney

Published:

Effective Date: