

ORDINANCE NO. 17762023

AN ORDINANCE AMENDING AND RE-ENACTING SECTION 29.08.04070 OF ARTICLE 29 OF THE CITY CODE OF THE CITY OF DICKINSON, NORTH DAKOTA, RELATING TO THE ON-CALL PAY FOR EMPLOYEES

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF DICKINSON, NORTH DAKOTA, AS FOLLOWS:

Section 1: Section 29.08.04070 of the City Code of the City of Dickinson is hereby amended and re-enacted as follows:

16.2 Emergency Call-Out and Special Schedule Time Pay If an employee is not scheduled or working on a shift and is called out to work or required to work according to a special schedule, which special schedule shall not include an extension of the shift the employee is currently working on, with less than 24 hours' notice of the schedule change shall receive a minimum of one hour of pay at one and one-half times the employee's normal hourly wage, including any shift differential pay, ~~and skilled based pay~~. Any call-out and special schedule time worked in addition to the initial hour will be also paid at one and one-half times the employee's normal hourly wage, including any shift differential pay, ~~and skilled based pay~~. (Code 1637 § 1; Code 1660 § 1)

16.3 On Call

Some positions within the City require that employees, as a condition of employment are expected to be available for "on-call" assignments.

These employees will be required to be available by phone or radio for a specified period of time with the purpose of being contacted to report to work if required. Employees must be formally assigned to be "on-call" by their immediate supervisor and/or department head, and must be able to report to work within one-half hour of call under normal conditions at legal speed limits. Public safety positions have separate and unique requirements for on-call reporting by department policy. While on call, employees must adhere to all City of Dickinson policies, including the Drug Free Workplace and applicable Drug and Alcohol Policies to ensure they are fit for duty.

~~16.3 On-Call Time~~

~~Certain departments, depending on the duty needs of the department may require employees to accept assignment to On-Call duties.~~

16.4 16.4 Pay, Restrictions and Allowances of On-Call Allowance

Employees assigned to be "on-call" will be paid an on-call allowance as set by the City Commission for each day or week on-call. ~~Employees who are on call will be subject to on-duty employee discipline if determined to have consumed alcohol or taken illegal drugs while serving on call. The on call employee is responsible for making sure calls are covered. Employees~~

~~accepting positions that are subject to on-call requirements must be able to report to work within one half hour of call under normal conditions at legal speed limits. Public safety positions have separate and unique requirements for on-call reporting, by department policy.~~

~~16.2~~ 16.5 Emergency Call-Out and Special Schedule Time Pay

If an employee is not scheduled or working on a shift and is called out to work or required to work according to a special schedule, which special schedule shall not include an extension of the shift the employee is currently working on, with less than 24 hours' notice of the schedule change shall receive a minimum of one hour of pay at one and one-half times the employee's normal hourly wage, including any shift differential pay, and skilled based pay. Any call-out and special schedule time worked in addition to the initial hour will be also paid at one and one-half times the employee's normal hourly wage, including any shift differential pay, and skilled based pay. (Code 1637 § 1; Code 1660 § 1)

16.6 Remote Call-In / Resolve issue remotely

Hours worked as a result of being called during an "on-call" period and the employee is able to resolve the issue over the phone or remotely will be paid at one and one-half (1 ½) times the regular hourly wage, including any shift differential pay and skilled based pay, for all hours worked with a minimum 15 minute shift guarantee.

16.516.7 Flex Time

The Department Head may authorize flexible work hours within the applicable work week in situations where it is appropriate or necessary. Full-time employees must still adhere to their standard work week unless flex time or overtime has been approved by the Department Head. In all cases, the needs of the City will take first priority in determining flex time applications.

16.616.8 Overtime Compensation

Overtime compensation at 1.5 times normal hourly pay will be paid to non-exempt employees for time actually worked in excess of forty hours per work week; time paid in excess of 80 hours paid at normal hourly rate in any standard 14 day work period for licensed police officers; hours paid in excess of 40 hours paid at normal hourly rate in the standard seven day work period for all other eligible employees. Overtime work must be approved by the employee's supervisor in writing, in advance.

Fire Suppression Personnel with a 207(k) work period will receive overtime compensation for time worked in excess of 204 hours in a defined twenty-seven day work period. Overtime will be paid at 1.5 times the normal hourly pay of the employee. The hourly pay of the employee will be either the stated hourly rate of the employee's wage, or shall be calculated by dividing the employee's salary by 2.080 hours. Fire Suppression Personnel scheduled to work on a holiday will receive holiday pay for hours worked on the holiday, up to a maximum of twelve hours of holiday pay, regardless of whether the employee's shift exceeds twelve hours on the holiday, at 1.5 times the normal hourly pay of the employee. (Code 1637 § 1)

16.716.9 Compensation Time

Compensation Time is eliminated as City employment benefit as of December 31, 2013. Previously accrued compensation time shall be paid out to employees as of December 31, 2013. (Ord. No. 1533 § 2)

16.816.10 Exemptions to Overtime (Exempt Employees)

Department of Labor (DOL) Standards for Classifying Exempt Positions will be followed by the City. The City Administrator, along with the City Attorney and the Human Resources Coordinator shall make determinations regarding classification of exempt and non-exempt employees, and shall communicate these determinations to employees upon hire and/or upon changes to job descriptions.

16.916.11 Attendance

All municipal employees are expected to be at work on time and during their regularly scheduled hours. Employees who are unable to report for work on time are required to notify the appropriate Department Head or his pre-established designee prior to their being late or absent, unless an emergency arises. In the case of an emergency situation, the employee is expected to notify the appropriate Department Head or his pre-established designee as soon as reasonably possible. If an employee is absent more than two (2) consecutive shifts without proper notification, the employee will be considered to have voluntarily resigned their position. Failure to observe the attendance regulations may result in disciplinary action.

16.1016.12 Time Sheets

Each non-exempt employee's time sheet is a record of his/her regular hours worked, overtime worked, on-call, call-back, and vacation or sick leave used for the purpose of calculating and issuing pay checks. Exempt employees will record their vacation and other leave time. Every employee must sign his/her time sheet to verify that all entries are accurate. Intentional falsification of time sheets may result in disciplinary action.

An employee may not log in or out for any other employee. Supervisors shall have the authority to adjust employee time sheets or time clock entries for legitimate purposes, including but not limited to call-outs or to correct a mistake on an employee's time sheet. (Code 1637 § 1)

16.1116.13 Travel Pay

The City will follow state and federal regulations on the compensation of employees for travel pay. Employees who travel will be required to obtain approval in advance from their supervisor. If an employee wishes to be counseled on the travel pay for their instance of travel, the employee should seek assistance from the Human Resources Coordinator. Human Resources will then outline the travel pay that will apply.

16.1216.14 Pay Situations Not Covered in this Section

Pay Situations not addressed in this section of this policy will be addressed on a case by case basis. Such decisions will serve as the basis for changes to this policy in the future.

Section 2: Repeal of Ordinances in Conflict. All Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

Section 3: Severability. In the event any section of this Ordinance is held invalid by court of competent jurisdiction, the invalidity shall extend only to the section affected, and other sections of this Chapter shall continue in full force and effect.

Section 4: Effective Date: This Ordinance shall be in full force and effect from and after final passage.

Scott Decker, President
Board of City Commissioners

ATTEST

Dustin Dassinger, City Administrator

First Reading: June 20, 2023

Second Reading: July 18, 2023

Final Passage: July 18, 2023