

ORDINANCE NO. 2024

**AN ORDINANCE AMENDING AND RE-ENACTING SECTION 29.08.04080
– 17 OF CHAPTER 29 OF THE MUNICIPAL CODE OF THE CITY OF
DICKINSON, NORTH DAKOTA, RELATING TO COMPENSATION AND
BENEFITS**

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

Section 1: Section 29.08.04080 – 17 Compensation and Benefits of the City Code of the City of Dickinson is hereby amended and re-enacted as follows:

Section 29.08.04080 Compensation

17. Compensation and Benefits

17.1 Pay Plan - Preparation; amendment

The board of city commissioners shall be responsible for the development of a uniform and equitable pay plan which shall consist of minimum and maximum rates of pay for each class of positions and such intermediate steps as may be necessary and equitable. After the adoption of such plan no position shall be assigned a higher than maximum or lower than the minimum wage or salary provided for that grade, unless the schedule for the whole grade be amended. Notwithstanding the foregoing, the City Administrator may authorize a performance based step increase for any employee that has reached the maximum wage allowed within a grade based upon a successful annual performance evaluation. When changes in responsibilities or work of positions, living costs, recruiting experience, prevailing rates of pay, the City's financial condition and policies or other pertinent conditions warrant such action, the board of city commissioners shall consider changes to such a plan and shall adopt any such changes as they deem necessary and advisable.

17.2 Pay Plan -

Administration Appointment
Rate.

The minimum rate of pay for a class shall normally be paid upon appointment to the position. Appointment rate above the minimum rate, however, may be paid if in the opinion of the City Administrator it is justified on the basis of exceptional qualifications or other conditions. If a former employee is re-employed in a class or similar class in which he was previously employed, the City Administrator may make an appointment at the same rate of pay which the employee had been receiving at the termination of his services. Additionally, the City Administrator may, with the advice and consent of the Board of City Commissioners, establish a

uniform system of signing bonuses for selected staff position, by class and grade.

17.3 Pay Increases

Adjustments to the salary and wage schedules shall be reviewed by the board of city commissioners at least annually, at or prior to the time of adoption of the budget for the following calendar year of the city. Any change to the salary and wage schedules shall be effected only by affirmative action of the board of city commissioners and such board shall prescribe in its action the effective date of such change. The City Administrator, based on recommendation of the Department Head, may withhold a salary or wage adjustment of an employee. This action may be appealed to the Civil Service Commission.

17.4 Remuneration

17.4.1 Non-Exempt Employees

Any wage rate established for a non-exempt employee shall represent his/her basic pay rate. Full-time employees shall be eligible to receive additional pay for hours worked in excess of 40 hours in any one week as described in Section 29.08.04070.16.6.

EXCEPTION: Police and Fire Suppression Personnel overtime compensation described in section 29.08.04070.16.6. (Code 1637 § 1)

17.4.2 – Exempt Employees

Any salary rate established for exempt employees shall represent their total remuneration except for reimbursement of official travel and reimbursement for other allowable expenses, if applicable.

17.5 Prohibition on Remuneration from Outside Sources

Under no circumstances shall an employee of the City accept any money, service or other valuable consideration from any source other than the City for performance of their duties or based on the employee's position with the City.

17.6 Pay rates on Promotion

An employee will receive a pay increase upon promotion, taking into account the pay they were receiving prior to promotion and the experience/education he/she brings to the classification into which he/she has been promoted. Changes in an employee's Job Title, with no corresponding changes in duties or responsibilities shall not be considered a promotion.

17.7 Shift Differential Pay

“Shift-differential” compensation shall apply to those non-exempt employees working regularly scheduled hours between 6:00 PM and 6:00 AM, and shall be included in any Emergency Call-Out compensation. Should new alternative shift arrangements be necessary, the City Administrator shall identify for the employees concerned, any differential pay that may apply. (Code 1536 § 1; Ord. No. 1660 § 2)

17.8 Pay Period and Pay Day

The City will pay employees at least twice each month. If, for some reason, the City anticipates the need to enact a change to pay schedules or pay day, that alters the timing of such payments, the City shall provide employees with at least 30 days' notice before enacting the change, except when such change is mandated by the State or Federal Government. In the event the payday falls on a Saturday, Sunday or holiday, checks will be distributed on the nearest workday preceding the payday.

17.9 Early Pay Checks

The City of Dickinson does not grant early pay checks to employees under any circumstances.

17.10 Direct Deposit of Paychecks

The City requires direct deposit of the employee's pay into the bank account(s) designated by the employee.

17.11 Payroll Deductions

The municipality is required to withhold Federal Income Tax, Social Security Taxes, Medicare Taxes, and North Dakota Income Tax from each employee's pay check. Other deductions may include: Employee designated deductions as permitted under the City's flexible benefits plan, and deductions requested by the employee which have received prior approval for payroll deduction. (Code 1709 § 4)

18. Benefits

The following benefits are afforded according to individual employee classifications (see Section 29.08.04050).

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: _____, 2024

Second Reading: _____, 2024

Final Passage: _____, 2024