



CITY OF DEL REY OAKS

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Staff Report

DATE: August 22, 2023

TO: Honorable Mayor and City Council

FROM: John Guertin, City Manager

SUBJECT: Recommended Changes to Del Rey Oaks Personnel Manual

CEQA: This action does not constitute a “project” as defined by the California Environmental Quality Act (CEQA) guidelines section 15378 as it is an organizational activity of the City that will not result in direct or indirect physical changes in the environment.

Recommendation

Approve Resolution 2023-16 amending the City of Del Rey Oaks Personnel Manual.

Background

The City Council is authorized and directed under the Del Rey Oaks Municipal Code to adopt rules for the administration of the City’s personnel system. The Del Rey Oaks Personnel Manual (“Manual”) was last amended in 2010 and needs updates to ensure compliance with current labor laws and best practices.

Summary & Discussion

Recently, the City has engaged with Regional Government Services to conduct a comprehensive review to both modernize and revise any necessary language in the Personnel Manual. Although the review is still ongoing, the City Manager requests updated language concerning Fair Labor Standards Act (FLSA) Section 7(k) exemption in Articles 9.01 and 9.02.

The Section 7(k) exemption allows employers to extend the work period length beyond seven (7) consecutive days and increase the maximum hours threshold. This exemption was created for public agencies and is widely used in police departments for employees regularly engaged in law enforcement activities.

The Section 7(k) exemption allows for a public agency to define the work period from seven (7) consecutive days to twenty-eight (28) consecutive days. For work periods of at least seven (7) but less than twenty-eight (28) days, overtime pay is required when the number of hours worked exceeds the number of hours that bears the same relationship to one hundred seventy-one (171) as the number of days in the work period bears to twenty-eight (28). For example, law enforcement

personnel must receive overtime after eighty-six (86) hours worked during a fourteen (14) day work period.

Although the City has outlined this nearly exact overtime practice in the current Manual, it has been advised to include additional clarifying language. The City will maintain its fourteen (14) day work period for eligible, non-exempt law enforcement personnel. In keeping with the FLSA Section 7(k) exemption, law enforcement personnel must receive overtime after eighty-six (86) hours worked during a 14-day work period. The recommended changes will adjust the overtime threshold for these employees from eighty-four (84) hours to eighty-six (86) hours in a work period.

Fiscal Impacts

There are no currently known fiscal implications to approving the language changes except for the slightly less overtime payout that will likely be realized. The changes recommended will save the City money and will not impact police department operations.

Recommended Action

Adopt Resolution 2023-16 with amendments as directed by Council.

ATTACHMENTS:

1. Resolution 2023-16
2. Summary of Personnel Manual changes to Articles 9.01 and 9.02.

Respectfully Submitted,

John Guertin
City Manager

RESOLUTION NO. 2023-16

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL REY OAKS APPROVING CHANGES TO THE PERSONNEL MANUAL REGARDING OVERTIME

WHEREAS, The City Council is authorized and directed under the Del Rey Oaks Municipal Code to adopt rules for the administration of the City's personnel system; and

WHEREAS, The Del Rey Oaks Personnel Manual ("Manual") was last amended in 2010 and needs updates to ensure compliance with current labor laws and best practices; and

WHEREAS, the City Manager requests updated language concerning Fair Labor Standards Act (FLSA) Section 7(k) exemption in Articles 9.01 and 9.02; and

WHEREAS, The Section 7(k) exemption allows employers to extend the work period length beyond seven (7) consecutive days and increase the maximum hours threshold.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Del Rey Oaks hereby approves modifications to Section 9 of the Personnel Manual to read as presented in Exhibit A (attached).

PASSED AND ADOPTED by the City of Del Rey Oaks this 22nd day of August, 2023, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

SIGNED:

Scott Donaldson, Mayor

ATTEST:

Karen Minami, City Clerk

EXHIBIT A
Recommendations
Del Rey Oak Policy Personnel Manual
8/17/2023

Section 9 – General Working Conditions

Article 9.01 Attendance and Work Periods

Item C – Standard Work Periods

The standard workday for employees shall be eight (8) hours and the standard work week shall be forty (40) hours to be worked within five (5) consecutive days. The standard work period for non-exempt law enforcement employees, as defined by the FLSA and as designated by the City under the 7(k) partial overtime exemption provision of the FLSA, have a fourteen (14) day regular reoccurring work period.

Item D – Alternate Work Periods

Upon the request of a Department Head or at the City

Manager's discretion, the City Manager is hereby authorized to designate other working hours and work periods for employees when, in his or her opinion, the best interest of the City may be served by such readjustment.

Article 9.02 Overtime

Item B

Overtime is defined as working more than 40 hours in a week by non-police personnel ~~or 84 hours in a work period for non-exempt police personnel~~. Employees working overtime may at the discretion of the Department Head and/or City Manager, receive compensatory time off in lieu of payment of overtime at the rate of one and one-half hours for each hour worked. Compensatory time is limited to a maximum accumulation of eighty hours (80) without the written approval of the City Manager. Upon written approval of the City Manager, an employee may be paid for any compensatory time off in excess of 80 hours. An employee who has accrued compensatory time and requests to use the time off shall be permitted to do so within a reasonable period if the time off does not unduly disrupt the operations of the Department and with written approval of the Department Head. Non-exempt law enforcement employees, as defined by the FLSA and as designated by the City under the 7(k) partial overtime exemption provision of the FLSA, have a fourteen (14) day regular reoccurring work period. When the number of hours actually worked by non-exempt law enforcement employees exceeds eighty-six (86) in the designated fourteen (14) day work period, and those hours have been approved by the supervisor, the excess hours are considered overtime.

Article 9.10 Holiday

Item C – Employees Required to Work on Holidays

Employees Required to Work on Holidays Any employee eligible for holiday pay who is required to work on a day designated as a holiday under the provisions of this section or such other day as authorized by the City shall be paid at the straight time rate for the first eight (8) hours of work on said day and in addition, shall receive pay equal to and in lieu of time off for said holiday. Hours worked in excess of eight (8) on such days shall be considered as overtime and shall be compensated for under the appropriate overtime pay provisions. When a day designated as a holiday under the provisions of this section and or such other day as authorized by the City falls on a normally assigned day off of an employee who is eligible for holiday pay, said employee shall receive additional pay equal to and in lieu of time off for said holiday.