

ORDINANCE NO. 329

**AN ORDINANCE
AUTHORIZING CHANGE OF CHIEF'S WORK PERIOD AND POLICE OFFICERS'
HOURS AND WORK PERIOD; REPEALING ORDINANCES IN CONFLICT;
PROVIDING FOR SEVERANCE AND AN EFFECTIVE DATE**

WHEREAS, the Town of Fulton has promulgated its Personnel Policy for all its employees; and

WHEREAS, said Personnel Policy requires a revision to the Chief of Police's work period and police officers' hours and work period; and

WHEREAS, it is the desire of the Town Council to make revisions for the Chief of Police's work period and the police officers' hours and work period.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF FULTON:

Section 1. That the Town of Fulton Personnel Policy be amended by adding the following to Compensation, Chapter 5 thereof:

OVERTIME PAY OR COMPENSATORY TIME FOR LAW ENFORCEMENT – EXEMPT AND APPOINTED OFFICERS

- The Police Chief is classified as "exempt" under the FLSA.
- Exempt Police Officers earn compensatory time for hours worked that are in excess of 80 in a work period. Work Period being defined as 80 hours beginning **Sunday, 12:00:01 a.m. to Saturday, 11:59:59 p.m.**, fourteen (14) days later. Compensatory time for exempt Police Officers is earned at one and one-half times.
- Exempt Police Officers may not accrue more than 40 hours of compensatory time. Exempt Police Officers are paid for unused, accrued compensatory time, subject to the 40-hour limit, when their employment with the Town ends.

OVERTIME PAY OR COMPENSATORY TIME FOR LAW ENFORCEMENT – NON-EXEMPT OFFICERS

- Nonexempt Police Officers are eligible to receive one and one-half times their regular hourly rate in overtime pay or compensatory time credited at the rate of one and one-half times for hours worked over **84** hours in a work period. Work Period being defined as **84** hours beginning **Sunday, 12:00:01 a.m. to Saturday, 11:59:59 p.m.**, fourteen (14) days later. Some officers may work flexible schedules during this fourteen (14) day work period as assigned by the Police Chief. The Police Officer has the option prior to accepting the work assignment to refuse compensatory time off and elect to be paid overtime pay.
- Nonexempt Police Officers may not accrue more than 40 hours of compensatory time. If a nonexempt Police Officer works overtime hours that

cause them to exceed the 40-hour compensatory time limit, all hours over 40 hours must be paid as overtime at the rate of one-and- one-half times the Police Officer's regular rate of pay. For example, if a nonexempt Police Officer works 88 hours in a work period, four of those hours are "overtime" hours. If these hours are to be compensated with compensatory time, six hours would be added to the Police Officer's compensatory leave balance.

- If the 40-hour limit is exceeded by the additional compensatory time, all compensatory time hours over 40 hours are paid at the Police Officer's straight time rate (the four overtime hours have already been converted to six hours of compensatory time).
- Generally, leave time used does not count as hours worked for the basis of calculating overtime eligibility. An exception to this rule is holiday leave which counts as hours worked. Only those hours actually worked or treated under Town policy labor in excess of 80 hours are compensated at the one-and-one-half overtime rate (either in pay or compensatory time).
- Nonexempt Police Officers whose employment with the Town is terminated for any reason are paid for all accrued compensatory time.
- If a nonexempt Police Officer moves to an appointed Police Officer position, any unused compensatory time accumulated while the Police Officer was nonexempt will not be paid out at the nonexempt rate at the time of the change in position move.
- As a governmental entity, the Town can use compensatory time by a governmental employer to control overtime cost by allowing Police Officers to earn compensatory time during heavy work periods and then to use the compensatory time when the workload permits it. State law allows a police officer to use compensatory time only when both the police officer and the Town agree the time may be used.

A supervisor may request a Police Officer to:

- Use accrued compensatory time, when appropriate, to reduce future overtime costs.
- Use compensatory time to be off for either partial or full days.
- Use compensatory time instead of vacation leave when requesting time off work.
- If a Police Officer has an annual vacation use or lose requirement and already used the required number of vacation leave hours in a year to avoid losing vacation leave, asking the Police Officer to use compensatory time rather than vacation leave is appropriate.

Section 2. Any previously adopted ordinance, resolution, rule, regulation or policy in conflict with this Ordinance is hereby repealed.

Section 3. If any provision, section, clause or phrase of this Ordinance, or the application of same to any person or set of circumstances is, for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance shall not be affected thereby, it being the intent of the City Council in adopting this

Ordinance that no portion hereof, or provisions or regulations contained herein, shall become inoperative or fail by reason of any unconstitutionality of any other portion hereof, and all provisions of this Ordinance are declared severable for that purpose.

Section 4. This Ordinance is effective from and upon its passage.

PASSED AND APPROVED this the 22nd day of September, 2025.

TOWN OF FULTON

Kellie Cole, Mayor

ATTEST:

Stephanie Garcia, City Secretary