ORDINANCE NO.869

**AN AMENDMENT TO ORDINANCE NO. 826 OF THE CITY OF GEORGE WEST, TEXAS PROVIDING FOR THE AMENDMENT OF CITY PERSONNEL POLICIES SECTION IV (EMPLOYEE BENEFITS AND COMPENSATION, SUBSECTION J (COMPENSATION PLAN).**

**WHERAS,** the City of George West, Texas, acting through its duly elected City Council, desires to enact certain Compensation Plan Policies to promulgate rules regarding police department work week, workday, pay period schedule, and assignment of an 80 hour pay period.

**WHEREAS,** the said Compensation Plan Policies are numbered 1through 7 and attached hereto and made a part hereof for all intents and purposes; and

**WHEREAS,** the City of George West, Texas, acting through its duly elected City Council, desires to amend the City of George West Code of Ordinances by adding the amendment items with said amendment to be codified;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GEORGE WEST, TEXASM THAT:**

**SECTION I.** That Compensation Plan Policies numbered 1-7, which are attached hereto and made a part hereof for all intents and purposes, and which promulgate rules regarding the rules regarding police department work week, workday, pay period schedule, and assignment of an 80 hour pay period are hereby ADOPTED as official policies of the City of George West, Texas.

**SECTION II.** That the City of George West Code of Ordinances is hereby **AMENDED** by adding an amendment to Section IV (Employee Benefits and Compensation), Section J(1) (Compensation Plan), subsection a, b, and d, and Section J(2) (Overtime), subsection b, and said new part be codified herein, and attached hereto and made part of hereof for all intents and purposes.

**SECTION III.** If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions of the Ordinance.

**SECTION IV.** Any previously enacted Ordinances found to be in conflict herewith are expressly repealed only to the extent that such conflict exists.

**SECTION V.** This Ordinance shall become effective from and after the date of its final passage as provided by law.

**PASSED** and **APPROVED** this 21st day of October, 2019.

CITY OF GEORGE WEST

By: _____

Andrew Garza, MAYOR

ATTEST:

D'Ann Lane

D'Ann Lane, CITY SECRETARY

**SECOND READING PASSED AND APPROVED** this 18th day of November 2019.

**CITY OF GEORGE WEST, TEXAS**

By: _____

Andrew Garza, MAYOR

ATTEST:

D'Ann Lane

D'Ann Lane, CITY SECRETARY

## J. Compensation Plan

### 1. Work Week and Day Defined

**a. Work Week**

The Standard work week will be forty hours (40) and normally consist of eight (8) hour shifts, five (5) days a week, excluding the police department. The police department sworn officers work week will vary depending on shift and will be set by the Chief of Police to provide the City with adequate police services.

b. Work Day

i. Starting and Ending Time- Work schedules may vary by department, but will generally be from 8:00am to 5:00pm, Monday through Friday, with one (1) hour for lunch. Working hours for shift employees will be determined by their department head or immediate supervisor.

ii. Punctuality and Attendance- The supervisor is responsible for maintaining proper attendance and punctuality among his/her employees. The supervisor should stress to all employees the importance of regular attendance, being on time and remaining on the job during all scheduled work hours. Chronic tardiness sets an undesirable precedent. Excessive tardiness could result in disciplinary action, including termination. All non-exempt employees are required to clock in and out during their scheduled work period.

iii. Working during noon hours or "odd" shifts- An employee working during the noon hour or any time other than the regular 8:00am to 5:00pm work day shall be expected to perform in the same manner as if he or she were working a regular shift.

iv. Coffee Breaks- Coffee breaks are permissible with the approval of an employee's supervisor but no employee may take more than two (2) coffee breaks of fifteen (15) minutes for each coffee break per day and may not use ore than the total allotted amount of thirty (30) minutes for both coffee breaks nor take them during rush or busy periods. Coffee breaks are an inducement to better performance and may be withdrawn if abused. Employees may utilize their allotted coffee break time to conduct personal business; however, that day's break time will be considered expended and additional time will not be authorized.

c. Pay Day- Regular pay days are weekly and/or bi-weekly.

d. Overtime

The City will follow the Fair Labor Standards Act and related law and pay overtime at the rate of 1.5 times the regular hourly rate for non-exempt employees for all hours worked in excess of forty (40) hours in any work week.

Only employees who legally qualify as exempt under the applicable law because the employee qualifies as an executive, administrative, or professional employee will not be paid for overtime. Those employees include: The City Manager, Chief of Police, Public Works Director, City Secretary, and the Municipal Court Judge.

**2. Overtime**

a. Employees eligible for overtime compensation- The City complies with the Fair Labor Standards Act. All non-exempt employees are eligible for overtime pay (See exempt employees defined above, IV (J)(1)(d).
b. Payment for overtime shall be at the rate of one and one-half (1 ½) times the employee's regular hourly pay rate for all hours worked in excess of forty (40) hours in any work week. For the Police Department, overtime shall be at a rate of one and one-half (1 ½) times the employee's regular hourly rate for all hours worked in excess of eighty (80) hours in a pay period. Official City Holidays will be considered as hours worked. No other paid leave will be considered as hours worked.
c. When to be paid- An employee who has accumulated overtime shall be paid for it on the next regular payday.
d. Overtime must have prior approval- No employee may accumulate overtime unless the employee has obtained the prior approval of the immediate supervisor.

**3. On-Call**

a. From time to time, employees may be designated for on-call duty. The City will follow applicable law regarding on-call assignments and compensation. Employees will not be paid for being on-call except as required by law. Pay status for on-call duty depends on the needs of the City and the activity required from the employee.
b. Employees may provide a city vehicle or use while on call. The city vehicle must only be used for official city business. Employees are responsible for the care and condition of the vehicle while on call (See VII, subsection (B): Operation and Care of City Vehicles and Equipment).
c. Employees who are on-call must remain continuously available to receive calls. If the employee receives a call, the employee must answer immediately unless otherwise occupied. If otherwise occupied, the employee must return the call within a timely manner. In circumstances preventing the employee from responding, arrangements must be made with the employee's supervisor to coordinate responses to the calls.

**4. Compensatory Time**

a. An exempt employee, as legally defined, such as an executive, administrative, or professional employee, who works during emergencies or public necessity may be granted compensatory time by the City Manager and such time will be lost if not exercised within 12 months from date granted unless approved otherwise by the City

Manager. No payment in lieu of compensatory time will be made upon termination for any reason.

b. No exempt employees or hourly employees shall not be entitled to compensatory time as such employees will be paid for overtime unless approved by the department head.

**5. Travel Allowances for City business**

a. Use of City Vehicle and Per Diem- City vehicles may be provided for duly authorized City business trips in addition to reimbursement of actual cost of a hotel or motel room and a maximum allowance for meals of $50.00 per day subject to prior approval by the City Manager, who may adjust the allowance if circumstances warrant that adjustment.

b. Use Transportation Most Feasible, Economic, and Expedient- An employee, when making an authorized trip shall use transportation most feasible, economic and expedient. Fina approval shall be made by the City Manager. Mileage rate for reimbursement for use of a private vehicle for travel on City Business shall be the current standard mileage rate set by the IRS.

**6. Credit Cards for City Business**

Credit cards may be issued to department heads and shall be used only for city business. Receipts and verification of expenses must be submitted to the City Manager no later than 30 days from date incurred for approval prior to reimbursement. Failure to submit receipts and verification timely will result in an automatic rejection of reimbursement by the City and all such expenses shall be the sole and personal responsibility of the department head. Abuse of the credit card will result in the termination of rite of use of the credit card and may result in disciplinary action up to and including termination.

**7. Employee Incentive Pay**

The City Council may provide incentive pay to promote retention and to maximize efficiency of employees. The City is not obligated to provide incentive pay for employees. Such decision rests solely on the discretion of the City Council. In the event the City Council determines that such incentive pay will be made, such payment shall be made only to employees who have completed one (1) year of service. Such payment shall be made for prospective performance and not for past performance.