

**Legislative #
160313B**



Extra Compensation to Exempt Employees for Hours Worked During Incident Response

The City of Gainesville recognizes that employees who are in jobs that are exempt from overtime requirements of the Fair Labor Standards Act are paid on a salary basis. This includes those employees classified as members of the Managerial, Administrative and Professional (MAPs) Pay Plans. For a variety of reasons, such employees may be required to work extensive time beyond normal work hours for which there is no additional pay. While this is normal and expected, circumstances may arise wherein additional compensation may be provided.

I. Application.

This policy applies to all FLSA overtime exempt regular employees not otherwise covered by collective bargaining agreements (eligible employees).

II. Definitions.

As used in this policy, unless the context clearly requires otherwise, the following words and terms shall have the meaning ascribed:

Eligible employees: Exempt employees, excluding Charter Officers and at-will employees, as defined in section 2-196 of the Code of Ordinances.

Incident: Any condition which constitutes a civil emergency or catastrophic condition, or a state of crisis management, when so determined by the Mayor or appropriate Charter officer(s).

Incident period: The time interval, as designated by the Mayor or appropriate Charter officer(s), during which the incident occurs.

Major disaster: Any natural catastrophe (including any hurricane, tornado, storm, high water, wind driven water, landslide, mudslide, snowstorm, or drought), or regardless of cause, any fire, flood, or explosion.

Workweek: Any seven day period beginning 12:01am Monday and ending 12:00 midnight Sunday.

Scheduled Workweek: The hours an employee is scheduled to provide service to the City (e.g. a forty hour employee might be scheduled to work 24 hours the week of Thanksgiving).

III. Civil emergency, catastrophic conditions, or state of crisis management, involving city facilities or operations.

If it is determined that civil emergency, catastrophic conditions, or state of crisis management exists or are imminent (incident), including, but not limited to, riots, civil disorders, major disasters, or similar catastrophes, exempt employees of the city who perform services on or for city facilities or operations related thereto may be required to work hours significantly in excess of their regularly scheduled workweek.

IV. Incident period(s), level of compensation.

When an incident is triggered, eligible employees who perform services relating to the incident shall be compensated beginning with the eleventh hour of service relating to the incident beyond his/her normal schedule in any workweek during an incident period, in a lump sum amount at the straight time rate.

V. Payments excluded from base salary and benefit calculations.

The lump sum payments made pursuant to this policy will not be subject to deductions (i.e. 401a, 457, RHS plans) unless required by law (i.e. payroll taxes), nor be included in the calculation of any base salary or fringe benefit (i.e., pension earnings, longevity). In accordance with F.S. § 166.021(7), such payments shall not be included in eligible employees' regular base rate of pay and shall not be carried forward in subsequent years.

VI. Administrative leave; holiday.

Hours worked in excess of the regularly scheduled workweek during an incident period of a declared major disaster or emergency as described in 44 CFR § 206, that are not compensated for with a lump sum payment, shall be compensated for by the granting of administrative leave, pursuant to Policy L-2, to the extent that such is available for each affected eligible employee.

VII. Mutual aid assistance.

When the appropriate Charter officer authorizes a mutual aid response to a natural disaster, or for emergency relief efforts, in other jurisdictions (except for City-owned property or operations in those jurisdictions), the lump sum payment for all eligible employees will be at the rate of time and one-half for all hours worked over the eligible employee's normal workweek schedule.

VIII. Payment.

Lump sum payments for hours worked in incidents covered by this policy shall be made as soon as feasible after the work has been performed and accounted for.

Adopted: xx/xx/xxxx