

1 **Sec. 2-466. Application.**

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

4 *(Ord. No. 040961, § 1, 4-28-05)*

5 **Sec. 2-467. Definitions.**

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

8 *Incident:* Any condition which constitutes a civil emergency or catastrophic condition,
9 when so determined by the appropriate Charter officers.

10 *Incident period:* The time interval, as designated by the appropriate Charter officers,
11 during which the incident occurs.

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

15 *(Ord. No. 040961, § 1, 4-28-05)*

16 **Sec. 2-468. Civil emergency or catastrophic conditions involving city facilities or**
17 **operations.**

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

23 *(Ord. No. 040961, § 1, 4-28-05)*

24 **Sec. 2-469. Incident period(s), level of compensation.**

25 (a)

26 If an eligible employee works in excess of 84 hours in any seven consecutive days
27 during an incident period, the employee shall be compensated as provided in
28 subsection (b) for the hours worked in excess of 84 during the first such seven day
29 period in a fiscal year. In the event other incidents occur during the same fiscal year,
30 eligible employees shall be compensated as provided in subsection (b) for hours
31 worked in excess of 44 in any seven consecutive day period during such incident
32 period(s).

33 (b)

1 The Charter officer(s) who has made the determination that an incident has occurred
2 shall compensate eligible employees in a lump sum amount, as further provided in
3 section 2-473, as follows:

4 Senior Managers ^[22]—Not eligible.

5 Middle Managers*—Straight time.

6 Managers*—Time and one-half.

7 Administrative and Professionals—Time and one-half.

8 *(Ord. No. 040961, § 1, 4-28-05)*

9 **Sec. 2-470. Payments excluded from base salary and benefit calculations.**

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

16 *(Ord. No. 040961, § 1, 4-28-05)*

17 **Sec. 2-471. Administrative leave; holiday.**

18 (a)

19 Hours worked in excess of the regularly scheduled workweek during an incident
20 period of a declared major disaster or emergency as described in 44 CFR § 206, that
21 are not compensated for with a lump sum payment, shall be compensated for by the
22 granting of administrative leave, pursuant to Policy 22, to the extent that such is
23 available for each affected eligible employee.

24 (b)

25 Some or all of the hours worked during an incident not described in (a) above, that
26 are not compensated for (i.e., hours 40 — 84) with a lump sum payment, may be
27 compensated for by the granting of administrative leave in accordance with Policy
28 22.

29 (c)

30 In the event that a designated city holiday occurs during an incident period, Charter
31 Officers are authorized to provide eight hours of administrative leave, for each such
32 holiday, to those eligible employees who worked thereon. Said hours of
33 administrative leave, if granted, are in addition to those otherwise allowed under
34 Policy 22.

35 (d)

36 Hours worked, for which administrative leave is granted, shall not be compensated
37 for by lump sum payments, nor except for hours described in subsection (a) above,

1 be counted in determining whether an employee has worked the excess hours
2 (>84;44) described in section 2-469.

3 *(Ord. No. 040961, § 1, 4-28-05)*

4 **Sec. 2-472. Mutual aid assistance.**

5 When the appropriate Charter officer authorizes a mutual aid response to a natural
6 disaster, or for emergency relief efforts, involving any non-city facilities or operations in other
7 jurisdictions, the lump sum payment for all eligible employees will be at the rate of time and
8 one-half for all hours worked over the eligible employee's normal workweek schedule.

9 *(Ord. No. 040961, § 1, 4-28-05)*

10 **Sec. 2-473. Payment.**

11 Lump sum payments for hours worked in incidents described in subsection 2-471(a)
12 and [section 2-472](#) shall be made as soon as feasible after the work has been performed and
13 accounted for. Lump sum payments for hours worked in incidents described in subsection 2-
14 471(b) shall only be made after the determination required by [section 2-468](#) has been ratified
15 by the city commission, and if such notification does not occur, no lump sum payments shall
16 be due or made.

17 *(Ord. No. 040961, § 1, 4-28-05)*

18 **Secs. 2-474—2-480. Reserved.**

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