CITY OF LANGLEY
WASHINGTON
ORDINANCE NO. ____________

AN ORDINANCE OF THE CITY OF LANGLEY, WASHINGTON, AMENDING
LANGLEY MUNICIPAL CODE SECTION 2.45 RELATING TO PERSONNEL
POLICY MANUAL FOR THE CITY OF LANGLEY; TO AMEND SECTION 4.2 OF
EXHIBIT A (CITY OF LANGLEY PERSONNEL POLICIES) “HOURS OF WORK
AND OVERTIME”; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the City Council adopted Ordinance 731 effective December 16, 1996
establishing Chapter 2.45 of the Langley Municipal Code “Personnel Policy Manual” to
facilitate efficient service to the public and provide a personnel management system
within the city government; and

WHEREAS, the City Council has determined that it is in the best interest of the city and
the citizens of Langley to amend LMC 2.45.010 and Exhibit A of Ordinance 731;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LANGLEY,
WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Amend Exhibit A of Ordinance 731 and Section 4.2 Of Exhibit A (City Of
Langley Personnel Policies) “Hours Of Work And Overtime” adopted in Section
2.45.010 of the Langley Municipal Code to read as follows:

2. HOURS OF WORK AND OVERTIME

All City positions are designated as either "exempt" or "non-exempt" according to the
You will be informed of your status by the City.

For most City employees, the established work period is forty (40) hours within a seven
(7) day work week. All personnel are responsible for accurately reporting all hours
worked on forms supplied by the City. Employees failing to accurately record time
worked are subject to discipline.

Non-exempt employees are entitled to additional compensation, either in cash or
compensatory time off, when they work more than the maximum numbers of hours
during a work period. All overtime must be authorized in advance by the employee's
department head. Overtime pay is calculated at one and one-half times the employee's
regular rate of pay for all time worked beyond the established work period. When
computing overtime, time paid for but not worked (e.g., holidays, sick leave and vacation
time), is not counted as hours worked.
Exempt employees are not covered by the FLSA or Washington Minimum Wage Act overtime provisions and do not receive either overtime pay or compensatory time in lieu of overtime pay. An exempt employee is paid to perform a job which may not necessarily be completed in a normal work week.

Compensation for hours worked beyond 40 in a workweek is not mandatory for employees who qualify for exemption as defined by the Fair Labor Standards Act (FLSA) or the Washington Minimum Wage Act. Acceptance of an exempt position with the City constitutes acknowledgement that job responsibilities may require a workweek in excess of 40 hours. It is expected that individuals employed in exempt positions will experience a certain amount of “casual overtime” in the performance of their duties. “Casual overtime” refers to time worked by an exempt employee that the employee believes is necessary to accomplish an assignment or task, although the hours worked are not specifically required by the Mayor. “Casual overtime” is not paid, either through monetary compensation or compensatory time-off. It is expected that FLSA exempt employees will actively work to maintain a harmonious balance between their professional work life and their private/family life time.

An employee in a FLSA exempt position (full-time or part-time) is salaried, and is paid a predetermined amount constituting all or part of their compensation. The normal work schedule for a full-time exempt employee is 40 hours per week. An exempt employee is being paid to perform a job which may not necessarily be completed in their normal workweek and is, therefore, not entitled to extra compensation except as provided below.

Only under the extenuating or extraordinary circumstances listed below as specific exceptions, may a regular, full-time exempt employee be eligible to receive overtime or, at their option compensatory leave time, for hours worked over 40 in the workweek at a rate not to exceed equivalent time. Overtime pay or compensatory time shall not affect the exempt status of the employee.

Specific Exceptions

a. All FLSA exempt employees may be eligible for overtime or compensatory time off, at straight time, for additional hours worked in excess of 40 hours in the workweek necessitated by an emergency, as declared by the Mayor, pursuant to City Code section 4.01.010, Proclamation of Civil Emergency.

b. With the approval of the Mayor the Public Works Director will be eligible for overtime pay or compensatory time off (administrative leave with pay) at straight time for additional hours worked when supervising a field crew working overtime or when responding to urgent service situations (such as, but not limited to, weather related emergencies, infrastructure system failures, or providing mutual aid to other agencies responding to urgent situations). To be eligible for overtime pay or compensatory time off, the Public Works Director must work the standard 40 hour workweek at regular pay before overtime is paid. Vacation and sick leave
hours taken during the workweek do not count towards the 40 hour workweek threshold.

c. With the approval of the Mayor, the Police Chief will be eligible for overtime pay or compensatory time off (administrative leave with pay) at straight time for additional hours worked in excess of 40 hours in the workweek or when responding to urgent service situations (such as, but not limited to, weather related emergencies, infrastructure system failures, understaffing, (less staff than approved by the council), and providing mutual aid to other agencies responding to urgent situations). To be eligible for overtime pay or compensatory time off, the Police Chief must work the standard 40 hour workweek at regular pay before overtime is paid. Vacation and sick leave hours taken during the workweek do not count towards the 40 hour workweek threshold for overtime.

d. With the approval of the Mayor, all FLSA exempt employees may be eligible for overtime pay or compensatory time off (administrative leave with pay), at straight time, for additional hours worked in excess of 40 hours in the workweek necessitated by understaffing, (less staff than approved by the council) or extraordinary job assignments not customarily associated with normal job assignments.

Any exempt employee’s compensatory time, as approved by the Mayor under this section, must be used within the immediate 6-month period following the end of the workweek in which the excess hours were worked at a rate not to exceed equivalent time. Compensatory time not used within the 6-month period will be forfeited without compensation.

In recognition of the extra time demands of certain exempt positions, informal paid leave may be taken, as mutually agreed upon by the employee and the Mayor.

Section 2. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be preempted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 3. Effective Date. This Ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

PASSED BY THE CITY COUNCIL OF THE CITY OF LANGLEY, WASHINGTON, and approved by the Mayor at a regular meeting held this ___ day of April, 2012.
ATTEST:

DEBBIE L. MAHLER, Director of Finance/Clerk

APPROVED AS TO FORM:

MICHAEL R. KENYON, City Attorney