

**ORDINANCE No. 2017-271
CITY OF SHOREACRES, TEXAS**

AN ORDINANCE AMENDING SHOREACRES CITY CODE SECTION 2-112, WORKING HOURS; SECTION 2-113, ATTENDANCE AND PUNCTUALITY; SECTION 2-114, OVERTIME WORK; SECTION 2-116, WAGES AND SALARIES; SECTION 2-119, SICK LEAVE; SECTION 2-120, HOLIDAYS; SECTION 2-123, LEAVE OF ABSENCE; SECTION 2-124, ADMINISTRATIVE LEAVE; PROVIDING A SEVERABILITY CLAUSE; MAKING VARIOUS FINDINGS AND PROVISIONS RELATING TO THE SUBJECT; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; AND PROVIDING AN EFFECTIVE DATE HEREOF.

* * * * *

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SHOREACRES, TEXAS:

That section 2-112 of the Shoreacres City Code is hereby amended to read as follows:

Sec. 2-112. - Working hours.

If necessary, work hours can be adjusted by the city manager [~~mayor or council~~]. Since the city has a limited work force, careful consideration and coordination must be provided when an employee may be ill or on vacation to ensure that coverage is provided in the city. When work schedules permit, employees are to be granted a rest period of 15 minutes, once during the first half of their shift and once during the second half of their shift. The public works director and chief of police, or their designee, are on 24-hour call and are expected to work in an emergency. Normal duty hours for each department are as follows:

(a) *Public works employees.* Normal duty hours are 8:00 a.m. to 4:30 p.m. [~~7:00 a.m. to 3:30 p.m.~~] Monday through Friday with one-half hour for lunch.

(b) *Administrative employees.* Normal duty hours are 7:45 a.m. to 5:15 p.m. [~~7:30 a.m. to 5:30 p.m.~~] Monday through Thursday and 8:15 a.m. to 12:15 p.m. [~~7:30 a.m. until 12:00 noon~~] on Friday[s] with a one-half hour lunch Monday through Thursday.

(c) *Police.* Police officers will work rotating and variable shifts as scheduled by the police chief or his/her designee. Police officers are entitled to a lunch period of one-half hour in the beginning half of their shifts and one-half hour in the last half of their shifts. The schedule will be such that the general public is not able to establish the level and type of police coverage in the city at any given time.

Although all departments have core duty hours, an employee may be required to work other hours [~~for regularly scheduled meetings, budget hearings, training, or to spray for~~

mosquitoes]. The department heads are responsible for arranging that employee's work week accordingly to avoid overtime [~~unless the session is extremely lengthy and requires additional work hours beyond the following: to attend regularly scheduled council meetings, budget sessions, board of adjustments/planning and zoning sessions, or to spray for mosquitoes, overtime will be allowed beyond 2.5 hours~~].

That section 2-113 of the Shoreacres City Code is hereby amended to read as follows:

Sec. 2-113. - Attendance and punctuality.

Employees are expected to be present and ready for work at the appointed starting time and not check out until the appointed ending time. Any employee unable to report to work as scheduled must contact the department head or other supervisor no later than one hour after the employee was scheduled to report to work. Unauthorized absences from work for a period of three days will be considered abandonment of employment with the city. The termination date will be the last day the employee worked. Unless otherwise determined by the city manager [~~administrator~~] upon presentation of supporting documentation of extraordinary circumstances, the employee's abandonment in this situation is not considered to be departure in good standing, and the employee is not eligible for rehire. Poor attendance and excessive tardiness are unacceptable and is subject to disciplinary action, including termination of employment.

That section 2-114 of the Shoreacres City Code is hereby amended to read as follows:

Sec. 2-114. - Overtime work.

(a) *Authorization.* All overtime work must be authorized in advance by the city manager [~~administrator~~] or appropriate supervisor. Overtime rate of pay for all employees is one and one-half times the employee's hourly rate. If compensatory time off is authorized, it can be taken or accumulated (subject to the limitations described herein) and shall be so scheduled to assure at least one administrative, police and public works employee [~~from each department~~] is at work during all normal work hours. The use of equivalent time off or added overtime pay shall be at the discretion of the city manager [~~administrator~~] and not the employee [~~, unless city council directs otherwise~~].

(b) *Overtime authorizations and records.* Timecards shall cite reasons for any overtime work for which overtime pay is claimed, and such timecard shall be approved and initialed by the city manager [~~administrator~~] or appropriate department head before payment of the overtime pay. Compensatory time, accrued and taken, will be shown on the timecard.

(c) *Compensatory time credit.* An employee may request, with the approval of the city manager [~~administrator~~] or department head, to use overtime to build credit for

compensatory time to use in the event of an emergency. However, before it may be used, compensatory time must be authorized in advance. Compensatory time so earned will be credited at the overtime rate of pay.

(d) *Compensatory time limitations.* The number of hours of compensatory time that any employee may accrue is limited to a maximum of 40 hours. Compensatory time in excess of 40 hours will be lost. There will be no carryover of compensatory time beyond the 40 hours.

That section 2-116 of the Shoreacres City Code is hereby amended to read as follows:

Sec. 2-116. - Wages and salaries.

Employee designations. Each employee is designated as an exempt or a nonexempt employee. Wage rates are established by the city council and based on an hourly rate of pay. The rates will be reviewed at least once each year for merit and cost of living and adjusted when justified, budgeted, and approved by city council. A separate ordinance covers the determination of cost-of-living and merit raises for all full-time city employees. All employees are subject to FICA-Medicare deductions in accordance with federal law.

~~[Merit pay. A separate ordinance adopting procedures for merit raises to be implemented for all full-time employees of the city provides merit raises for employees.]~~

Cost-of-living-adjustments (COLAs). Cost-of-living adjustments may be granted by the ~~[mayor and]~~ city council at the beginning of each budget year (October 1). Guidance for a COLA amount should be derived from prevailing local industry and other local governments.

Incentive/longevity pay. On the first pay day in November of each year, all full-time employees who have completed more than one year of service as of November 1 will receive incentive pay at a rate of \$8.00 for each month of prior continuous service.

Certificate pay. A separate ordinance adopting procedures for certificate pay has been implemented for all full-time employees of the city and provides for certificate pay for full-time employees. All city employees are encouraged to improve their skills and capabilities.

Training. All department heads will keep all of their staff advised of training courses available in their particular field. They will also make sure that their staff has proper certification to qualify them for their jobs. It shall be the responsibility of the department heads to make sure that money is provided in his/her budget for any projected costs in training courses or schools. The city will make every effort possible with funds available to assist employees in acquiring and maintaining his/her needed certifications.

That section 2-119 of the Shoreacres City Code is hereby amended to read as follows:

Sec. 2-119. - Sick leave.

(a) *Policy.* Full-time employees will be granted eight hours paid sick leave per month, which accrues per pay period from the date of employment. In case of extended illness, employees may be allowed to use compensatory time, vacation time, and emergency leave time for coverage.

(b) *Reporting and doctor's verification.* For any type of sick leave or other leave used to cover sickness, the employee must notify their supervisor at or before the time they are to report for duty on the first scheduled work day of such illness or if incapacitated, as soon as possible. And the employee must notify their supervisor every three scheduled work days thereafter as to present status and anticipated date of return. If the employee's supervisor is unavailable, the required notifications shall be made to their department head or the city manager [~~administrator~~]. When an employee is on sick leave more than five consecutive scheduled work days, the person will be required upon his or her return to work to bring a doctor's certificate verifying the illness, verifying the employee's physical ability to perform assigned duties, and a release to return to work. The doctor's certification shall be brought to the city secretary when reporting back to work. Failure to bring the required medical certification is sufficient grounds to charge the employee leave without pay or to charge the absence to vacation or compensatory time. Abusing sick leave may be grounds for dismissal. Such determination will be made by the city manager [~~administrator~~]. A doctor's certificate may also be required if the employee's safety or ability to work is in question.

(c) *Payment for unused sick leave.* Sick leave is a privilege granted by the city. When an employee is sick, the use of sick leave is encouraged since an employee who is sick should not be on the job. If sick leave is not used, it will accrue from year to year for the employee's benefit up a maximum of 520 hours. However, payment for no more than 160 hours for sick leave accrued with two years or more of continued employment with the city will be paid upon resignation, retirement, or in case of death, paid to the estate.

That section 2-120 of the Shoreacres City Code is hereby amended to read as follows:

Sec. 2-120. - Holidays.

The following days are the official paid holidays for the city. An employee wishing to observe a religious or cultural holiday not designated shall, at the employee's option, be given leave without pay or have the time charged to other appropriate leave. Police officers normally will work on these days and be given equivalent time off on other days, as scheduled by the chief of police or city manager [~~administrator~~].

- (a) New Year's Day;
- (b) Good Friday (Easter for officers);
- (c) Memorial Day;
- (d) Independence Day;
- (e) Labor Day;
- (f) Thanksgiving Day;
- (g) Friday after Thanksgiving;
- (h) Christmas Eve;
- (i) Christmas Day;
- (j) New Year's Eve;
- (k) One floating holiday.

To receive pay for a holiday, an employee is required to work the day preceding and the day following such holiday unless those days were approved in advance for vacation, sick, or compensatory time. Normally, only one city employee in each department will be allowed off on the floating holiday according to a schedule approved in advance, except where the city manager [~~administrator~~] proclaims a holiday in advance to provide a long weekend for all, and the public is notified well in advance that city hall will be closed on such day. Full-time employees with more than one month continuous service will be paid [eight hours' pay] for each of the above holidays for the same number of work hours that would have been worked if the day observed were not a holiday [~~excluding the floating holiday~~]. An employee must have completed his/her probationary period to be eligible for the floating holiday. If a holiday falls on Saturday or Sunday, the holiday will be observed on the preceding Friday or the following Monday. If a holiday falls during an employee's paid emergency or sick leave, the holiday will be considered a part of such leave and will not be basis for extra pay or leave time.

That section 2-123 of the Shoreacres City Code is hereby amended to read as follows:

Sec. 2-123. - Leave of absence (leave without pay).

Leave without pay. Leave of absence without pay may be appropriate for the following reasons:

- (a) Military service;
- (b) Recovery from extended illness or temporary disability;
- (c) Educational purposes when successful completion will benefit the city;
- (d) Personnel exchange programs that emphasize intergovernmental relations; or

(e) Any other reason which, in the opinion of the city manager [~~mayor~~], merits a leave of absence without pay.

Revocation of leave without pay. A leave of absence without pay may be revoked upon receipt of evidence that the cause for granting the leave was misrepresented or has ceased to exist.

Conditions. An employee requesting an unpaid leave of absence must provide the city manager [~~mayor~~] with a statement from an appropriate third party as to the date upon which the employee is no longer able to perform his or her duties and the expected length of time needed, as well as a written statement from the employee concerning his or her intentions about returning to work at the city. In determining whether or not to approve the request for leave without pay, the city manager [~~mayor~~] will consider the employee's length of service and performance, the department's needs, and the prospect for temporary replacement of the employee or reassignment of the employee's duties.

Reporting requirements. An employee on leave without pay must contact the city secretary at least once a week to report on his or her status unless otherwise noted in writing. Failure to provide the required status reports or to contact the office on the schedule required by the city secretary is grounds for revoking the leave and for taking disciplinary action.

Documentation. A summary of the basis for the decision to grant or deny an unpaid leave of absence and the terms of the leave must be prepared by the employee's supervisor, signed by the mayor, and placed in the employee's personnel file.

Return to work after leave without pay. Upon returning to work after an authorized leave, an employee's employment date will be adjusted to reflect the period of time that the employee used for the leave of absence. Personnel records will reflect this adjusted date that will be used for the purpose of calculating vacation leave accrual and any other benefits that may be based on longevity.

Expiration of leave of absence without pay. At the expiration of a leave of absence without pay, every effort will be made to reinstate the employee in the same or a comparable position. If no vacancy exists and a reasonable effort to place the employee in another position has been unsuccessful, the employee will be terminated and paid accrued benefits. The employee will be required to sign a statement that he or she acknowledges that all reasonable efforts were made to place him/her.

That section 2-124 of the Shoreacres City Code is hereby amended to read as follows:

Sec. 2-124. - Administrative leave.

The city manager [~~administrator, with a majority vote of council,~~] may authorize administrative leave, with or without pay, when warranted by unforeseen circumstances not otherwise provided for in these policies.

* * * *

That if any section, clause, sentence, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance; and,

That the City Council officially finds, determines, recites, and declares that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council was posted at a place convenient to the public at the City Hall of the City for the time required by law preceding this meeting, as required by the Open Meetings Law, Chapter 551, Texas Government Code; and that this meeting has been open to the public as required by law at all times during which this ordinance and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof; and,

This Ordinance shall be effective upon its passage and approval.

PASSED AND APPROVED this the 24th day of July, 2017.



Kimberly Sanford, Mayor

ATTEST:

David K. Stall, CFM, TEM
City Secretary

M/2		Yea	Nay	N/V	Absent
	K. Sanford	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
M	R. Bowles	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Z	R. Hoskins	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	D. Jennings	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	J. McKown	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	F. Ramos	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Passed / Failed

David Stall, City Secretary - Date 07.24.17