

**TOQUERVILLE CITY  
RESOLUTION RES.2017.20**

**A RESOLUTION ADOPTING AN AMENDMENT TO THE PERSONNEL POLICIES AND PROCEDURES MANUAL FOR TOQUERVILLE CITY, TOQUERVILLE, UTAH ADDRESSING SECTION XIII: EMPLOYMENT CLASSIFICATIONS/COMPENSATION ITEMS 10-E AND 11-A(1)**

WHEREAS, Toquerville City adopted by resolution a Personnel Policies and Procedures Manual on December 13, 2007; and

WHEREAS, the Personnel Policies and Procedures Manual is intended to be a working document to be reviewed regularly by those appointed by the Mayor and/or when the City Council sees the need of updating it to reflect City and State laws and modifications of City practices and procedures for conducting business; and

WHEREAS, items in the Policy should not conflict with each other or with normal Toquerville office practices; and

WHEREAS, current office practice allows for any employee to receive regular and overtime pay when the employee is required by the mayor or council to work on a holiday any reason; and

WHEREAS, on-call policy currently states that exempt employees are not eligible for on-call compensation and current office practices allows for mayor approval of compensation.

THEREFORE BE IT RESOLVED, that the Toquerville City Council shall adopt the following amendments to the PERSONNEL POLICIES AND PROCEDURES MANUAL for TOQUERVILLE CITY, RES.2017.XX.

**SECTION XIII: EMPLOYMENT CLASSIFICATIONS/COMPENSATION**

**10. OVERTIME PAY.**

E. For employees not engaged in "public safety" activities; if a holiday or personal leave day falls within a work week, the employee must work forty (40) hours over and above these hours before overtime must be paid. ~~If an employee works on a holiday because of an emergency situation, they will~~ **If any permanent employee is required by the Mayor or Council to work on a holiday, they will:**

- (1) Receive regular ~~straight-time~~ pay for the time worked, plus holiday pay **and any overtime pay earned as above.**
- (2) Or, with approval of the Mayor, or designee, be allowed to take the holiday off at a later date.

**11. ON-CALL TIME.**

A. On-Call. An employee who is required to remain available for emergencies on

weekends and holidays when the office is not open for business will be designated as "on-call". An employee is considered to be in on-call status only when assigned by the Mayor or his designee. On-call will not be considered as hours worked during the time that employees are free to engage in activities for their own purposes. On-call employees must be reachable by phone or similar method and must be able to report within one hour of contact. On-call employees must be physically capable of meeting the demands of any emergency.

- (1) Exempt employees are not eligible for on-call compensation **unless approved by the Mayor.**
- (2) The employee must be accessible at all times when on-call and must immediately notify his/her supervisor if inaccessible. If inaccessible, on-call compensation shall be forfeited.
- (3) An employee, who is assigned to on-call status and cannot be reached or does not report within one hour of being contacted, may face disciplinary action.
- (4) On-call assignments will be allocated among employees as needed on a rotating basis.
- (5) On-call employees will be compensated a prearranged sum per day while on-call; currently \$50.00 per day.
- (6) The expectation concerning on-call compensation is that the employee will field calls regarding potential emergency issues within Toquerville City. Regardless of whether a call comes in or not the approved day rate will apply.
- (7) An otherwise eligible employee will not receive on-call compensation if performance of the duties is an extension of the regular workday or workweek.
- (8) An employee may not receive on-call pay during the same time he or she is using annual personal leave.
- (9) Should the employee exceed forty (40) actual work hours in a workweek the employee will be granted time and one half for any hours over forty (40), otherwise he or she shall be paid regular pay for hours worked.

#### REPEALER

If any provision or clause of this Resolution or application thereof to any person or entity or circumstance is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other sections, provisions, clauses or applications hereof which can be implemented without the invalid provision(s), clause(s) or application(s)

hereof, and to this end the provisions and clauses of this Resolution are declared to be severable.

TOQUERVILLE CITY RESOLUTION RES.2017.XX, WAS PASSED AND ADOPTED BY THE TOQUERVILLE CITY COUNCIL, STATE OF UTAH, ON THIS 17th DAY OF September, 2017 ON THE FOLLOWING VOTE:

Councilperson:	Keen Ellsworth	AYE <u>X</u>	NAE <u>   </u>
	Brad Langston	AYE <u>X</u>	NAE <u>   </u>
	Ty Bringhurst	AYE <u>X</u>	NAE <u>   </u>
	Paul Heideman	AYE <u>X</u>	NAE <u>   </u>
	Mark Fahrenkamp	AYE <u>X</u>	NAE <u>   </u>

By:   
M. Darrin LeFevre, Mayor

Date: September 7, 2017

ATTEST:

  
Dana McKim, City Recorder

