ORDINANCE 07-33

TOWN POSITION CLASSIFICATION AND COMPENSATORY TIME ORDINANCE

WHEREAS, the Town of Westfield, Indiana ("Town"), through its elected Town Council ("Council"), is responsible for the creation and publication of the budget for the Town, including the compensation of its employees; and

WHEREAS, the Fair Labor Standards Act ("FLSA") establishes, among other things, minimum wage and overtime requirements for Town employees. In particular, the FLSA generally requires that in addition to minimum wage, certain "non-exempt" employees are entitled to overtime compensation at a rate of not less than one and one-half times their regular rate of pay for all hours worked over a minimum number during an established workweek or work period; and

WHEREAS, the Council wishes to comply with the FLSA and properly classify the Town's employees as "exempt" or "non-exempt" for purposes of overtime compensation; and

WHEREAS, consistent with the FLSA, the Town wishes to allow certain "non-exempt" employees to earn compensatory time off for time worked above their normal schedules in a workweek or work period in lieu of cash payment for overtime worked, and to allow certain "exempt" employees to accumulate flex time when they are required to work more than their normally scheduled hours in a workweek, all in accordance with the Town's compensatory time policy and subject to any applicable collective bargaining agreements; and

WHEREAS, the Council recognizes that establishing the FLSA position classifications and adopting a compensatory time policy may assist the Clerk-Treasurer to carry out her required duties in compensating the Town's employees;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF WESTFIELD, INDIANA:

SECTION I. Position Classifications. The Town hereby classifies the job positions held by the Town's employees as either exempt or non-exempt for the purposes of compliance with the FLSA. The classification for each job position within the Town is contained on the attached Exhibit A.

SECTION II. Non-Exempt Employees: Compensatory Time Off

(A) Definitions:

(1) Civilian Employee shall refer to all Town of Westfield employees not employed as Professional Police Employees or Professional Fire Employees.

(2) Professional Police Employee shall refer to professional police personnel.

(3) Professional Fire Employee shall refer to professional fire personnel.

(B) Non-Exempt Civilian Employees: Standard Workweek and Overtime

(1) The standard workweek for full-time Non-Exempt Civilian Employees is either 37½ or 40 hours.

(2) Any hours worked in excess of the Non-Exempt Civilian Employee's regularly scheduled hours per workweek must have the prior approval of the employee's department head or the department head's designee. Any hours worked by a Non-Exempt Civilian Employee in excess of his or her regularly scheduled hours for the workweek must fall within the department's budgetary limitations, except in the case of an emergency.

(3) Non-Exempt Civilian Employees are required to report all hours worked on a personal time sheet that is signed by the employee's department head or the department head's designee. Failure to accurately report hours worked shall result in employee discipline.

(4) Non-Exempt Civilian Employees shall be entitled to compensation at their regular hourly rate for each hour (of portion of an hour) worked in excess of 37½, but less than or equal to 40 hours in any workweek.

(5) If Non-Exempt Civilian Employees are required to perform work for more than 40 hours in a workweek, those employees shall be entitled to overtime compensation at the rate of 1½ times their regular hourly rate or to compensatory time off as outlined in subsection (C) for any hour (or portion of an hour) worked in excess of 40.

(C) Non-Exempt Civilian Employees: Compensatory Time Off

(1) As used within this subsection (C), "department head" shall refer to the department head for the applicable Non-Exempt Civilian Employee or the department head's designee.

(2) When a Non-Exempt Civilian Employee works more than 40 hours in a workweek, the department head, at his or her discretion, may substitute compensatory time off for overtime pay. In order to substitute compensatory time off for overtime pay, however, the department head must have an understanding with the Non-Exempt Civilian Employee that the substitution of compensatory time off may be made for overtime compensation. This understanding shall exist prior to the Non-Exempt Civilian Employee's performance of the overtime work.

(3) Where compensatory time off is substituted for overtime pay, the Non-Exempt Civilian Employee shall be entitled to compensatory time off at the rate of 1½ hours of compensatory time off for each hour worked in excess of 40 in a workweek.

(4) Where a Non-Exempt Civilian Employee earns compensatory time off, the employee shall be allowed to accrue a compensatory time off balance up to 40 hours. Once a Non-Exempt Civilian Employee has accrued a balance of 40 hours of compensatory time off, the employee shall not accrue any additional compensatory time off until the Non-Exempt Civilian Employee's compensatory time off balance is reduced below 40 hours.

(5) Where a Non-Exempt Civilian Employee has accrued a balance of 40 hours of compensatory time off, the employee will be paid overtime for any hours worked in excess of 40 in a workweek until such accrued balance is reduced below 40 hours.

(6) Non-Exempt Civilian Employees must submit requests to use earned compensatory time off to their department head. Department heads shall allow Non-Exempt Civilian Employees to use accrued compensatory time off within a reasonable period of time after the employee has made such a request, subject to the department head's discretion as to the needs of the department and in a manner that will not unduly disrupt the operations of the department.

(7) Under no circumstances may a Non-Exempt Civilian Employee take compensatory time off until the employee has earned compensatory time off.

(8) In the Town's discretion, the Town may elect to pay out accrued but unused compensatory time off at any point during the calendar year, but in all cases employee accrued but unused compensatory time off balances shall be paid out in full by the end of the calendar year or upon separation from employment.

(D) Non-Exempt Professional Police Employees: Standard Work Period and Overtime

(1) The standard work period for full-time Non-Exempt Professional Police Employees is 14 days.

(2) Any hours worked in excess of 85½ hours per work period must have the prior approval of the Police Chief, or the Police Chief's designee. Any hours worked by a Non-Exempt Professional Police Employee in excess of 85½ must fall within the department's budgetary limitations, except in the case of an emergency.

(3) Non-Exempt Professional Police Employees are required to report all hours worked on a personal time sheet that is signed by the Police Chief or the Police Chief's designee. Failure to accurately report employee hours worked shall result in employee discipline.

(4) If Non-Exempt Professional Police Employees are required to perform work for more than 85½ hours in a work period, those employees shall be entitled to overtime compensation at the rate of 1½ times their regular hourly rate or to compensatory time off as outlined in subsection (E) for any hour (or portion of an hour) worked in excess of 85½.

(E) Non-Exempt Professional Police Employees: Compensatory Time Off

(1) As used within this subsection (E), "Police Chief" shall refer to the Police Chief for the Town or the Police Chief's designee.

(2) When a Non-Exempt Professional Police Employee works more than 85½ hours in a given work period, the Police Chief, at his or her discretion, may substitute compensatory time off for overtime pay. In order to substitute compensatory time off for overtime pay, however, the Police Chief must have an understanding with the Non-Exempt Professional Police Employees, or their representative, that the substitution of compensatory time off may be made for overtime compensation. This understanding shall exist prior to the Non-Exempt Professional Police Employee's performance of the overtime work.

(3) Where compensatory time off is substituted for overtime pay, the Non-Exempt Professional Police Employee shall be entitled to compensatory time off at the rate of 1½ hours of compensatory time off for each hour worked in excess of 85½ in a work period.

(4) Where a Non-Exempt Professional Police Employee earns compensatory time off, the employee shall be allowed to accrue a compensatory time off balance up to 40 hours. Once a Non-Exempt Professional Police

Employee has accrued a balance of 40 hours of compensatory time off, the employee shall not accrue any additional compensatory time off until the Non-Exempt Professional Police Employee's compensatory time off balance is reduced below 40 hours.

(5) Where a Non-Exempt Professional Police Employee has accrued a balance of 40 hours of compensatory time off, the employee will be paid overtime for any hours worked in excess of 85½ in a work period until such accrued balance is reduced below 40 hours.

(6) Non-Exempt Professional Police Employees must submit requests to use earned compensatory time off to the Police Chief. The Police Chief shall allow Non-Exempt Professional Police Employees to use accrued compensatory time off within a reasonable period of time after the employee has made such a request, subject to the Police Chief's discretion as to the needs of the department and in a manner that will not unduly disrupt the operations of the department.

(7) Under no circumstances may a Non-Exempt Professional Police Employee take compensatory time off until the employee has earned compensatory time off.

(8) In the Town's discretion, the Town may elect to pay out accrued but unused compensatory time off at any point during the calendar year, but in all cases employee accrued but unused compensatory time off balances shall be paid out in full by the end of the calendar year or upon separation from employment.

(F) <u>Non-Exempt Professional Fire Employees: Standard Work Period and Overtime</u>

(1) The standard work period for full-time Non-Exempt Professional Fire Employees is 28 days.

(2) Any hours worked in excess of 212 hours per work period must have the prior approval of the Fire Chief, or the Fire Chief's designee. Any hours worked by a Non-Exempt Professional Fire Employee in excess of 212 must fall within the department's budgetary limitations, except in the case of an emergency.

(3) Non-Exempt Professional Fire Employees are required to report all hours worked on a personal time sheet that is signed by the Fire Chief or the Fire Chief's designee. Failure to accurately report employee hours worked shall result in employee discipline.

(4) If Non-Exempt Professional Fire Employees are required to perform work for more than 212 hours in a work period, those employees shall be entitled to overtime compensation at the rate of 1½ times their regular hourly rate or to compensatory time off as outlined in subsection (G) for any hour (or portion of an hour) worked in excess of 212.

(G) Non-Exempt Professional Fire Employees: Compensatory Time Off

(1) As used within this subsection (G), "Fire Chief" shall refer to the Fire Chief for the Town or the Fire Chief's designee.

(2) When a Non-Exempt Professional Fire Employee works more than 212 hours in a given work period, the Fire Chief, at his or her discretion, may substitute compensatory time off for overtime pay. In order to substitute compensatory time off for overtime pay, however, the Fire Chief must have an understanding with the Non-Exempt Professional Fire Employees, or their representative, that the substitution of compensatory time off may be made for overtime compensation. This understanding shall exist prior to the Non-Exempt Professional Fire Employee's performance of the overtime work.

(3) Where compensatory time off is substituted for overtime pay, the Non-Exempt Professional Fire Employee shall be entitled to earn compensatory time off at the rate of 1½ hours of compensatory time off for each hour worked in excess of 212 in a work period.

(4) Where a Non-Exempt Professional Fire Employee earns compensatory time off, the employee shall be allowed to accrue a compensatory time off balance up to 40 hours. Once a Non-Exempt Professional Fire Employee has accrued a balance of 40 hours of compensatory time off, the employee shall not accrue any additional compensatory time off until the Non-Exempt Professional Fire Employee's compensatory time off balance is reduced below 40 hours.

(5) Where a Non-Exempt Professional Fire Employee has accrued a balance of 40 hours of compensatory time off, the employee must be paid overtime for any hours worked in excess of 212 in a work period.

(6) Non-Exempt Professional Fire Employees must submit requests to use earned compensatory time off to the Fire Chief. The Fire Chief shall allow Non-Exempt Fire Department Employees to use accrued compensatory time off within a reasonable period of time after the employee has made such a request, subject to the Fire Chief's discretion as to the needs of the department and in a manner that will not unduly disrupt the operations of the department.

(7) Under no circumstances may a Non-Exempt Professional Fire Employee take compensatory time off until the employee has earned compensatory time off.

(8) In the Town's discretion, the Town may elect to pay out accrued but unused compensatory time off at any point during the calendar year, but in all cases employee accrued but unused compensatory time off balances shall be paid out in full by the end of the calendar year or upon separation from employment.

SECTION III. Exempt Employees: Flex Time Off

(A) Exempt Employees: Standard Workweek

(1) Exempt Employees are required to work the numbers of hours necessary to complete their assigned tasks in any given workweek.

(2) Exempt Employees are not entitled to overtime pay.

(3) Exempt Employees, however, shall be entitled to earn "Flex Time Off" as set forth in subsection (B).

(B) Exempt Employees: Flex Time Off

(1) As used within this subsection (B), "department head" shall refer to the applicable department head for the department in which the Exempt Employee is employed. In the case of the Chief Administrative Officer and/or Deputy Mayor, "department head" shall mean the President of the Town Council and/or Mayor.

(2) When an Exempt Employee works more than 40 hours in a given workweek, the department head, at his or her discretion, may grant the Exempt Employee flex time off.

(3) Where flex time off is granted, the Exempt Employee shall earn flex time off at the rate of 1 hour of flex time off for each hour worked in excess of 40 in a workweek.

(4) Where an Exempt Employee earns flex time off, the employee shall be allowed to accrue a flex time off balance up to 24 hours. Once an Exempt Employee has accrued a balance of 24 hours of flex time off, the employee shall not accrue any additional flex time off until the Exempt Employee's flex time off balance is reduced below 24 hours.

(5) Exempt Employees must submit requests to use accrued flex time off to their department heads. The department heads shall allow Exempt Employees to use accrued flex time off within a reasonable period of time after the employee has made such a request, subject to the department head's discretion as to the needs of the department and in a manner that will not unduly disrupt the operations of the department.

(6) Absent extraordinary circumstances, department heads may not allow Exempt Employees to use more than 8 hours of accrued flex time off in any workweek.

(7) Under no circumstances shall an Exempt Employee be permitted to take flex time off until the employee has earned flex time off.

(8) Accrued flex time off hours may be carried forward from calendar year to calendar year.

(9) No payments shall be made for accrued flex time off, and no payment shall be made in lieu of taking accrued flex time off. Under no circumstances will accrued but unused flex time off be paid out upon separation from employment.

ADOPTED AND PASSED THIS ____ DAY OF _____ 2007, BY THE WESTFIELD TOWN COUNCIL, HAMILTON COUNTY, INDIANA

WESTFIELD TOWN COUNCIL
Hamilton County, Indiana

Voting For	**Voting Against**	**Abstain**
_____	_____	_____
J. Andrew Cook	J. Andrew Cook	J. Andrew Cook
_____	_____	_____
Jack Hart	Jack Hart	Jack Hart
_____	_____	_____
John Dippel	John Dippel	John Dippel
_____	_____	_____
Bob Smith	Bob Smith	Bob Smith
_____	_____	_____
Ron Thomas	Ron Thomas	Ron Thomas
_____	_____	_____
Robert Horkay	Robert Horkay	Robert Horkay
_____	_____	_____
Joseph Plankis	Joseph Plankis	Joseph Plankis

ATTEST:

_____
Clerk-Treasurer, Cindy Gossard

This ordinance prepared by
Blake J. Burgan, Esq.
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Indianapolis, IN 46204
(317) 713-3596

TOWN OF WESTFIELD

ACKNOWLEDGEMENT AND RECEIPT OF COMPENSATORY TIME OFF POLICY

I acknowledge and agree that:

1. I have received a copy of the Town of Westfield's Policy regarding overtime and compensatory time off (the "Policy").

2. I have read the provisions contained in the Policy.

3. I understand that I must obtain permission from my department head prior to working overtime.

4. I understand that when I am required to perform overtime, I will receive either compensatory time off at the rate of 1½ hours for each overtime hour worked or overtime pay at the rate of 1½ times my regular hourly rate for each overtime hour worked, with the choice between those two alternatives to be at the discretion of my department head.

5. I understand that I cannot accrue more than 40 hours of compensatory time off. If I have accrued a balance of 40 hours of compensatory time off, I will receive overtime pay for any hours worked in excess of 40 in a workweek until my compensatory time off balance falls below 40 hours.

6. I understand that I must submit requests to use earned compensatory time off to my department head.

7. I understand that my department head will allow me to use my accrued compensatory time off within a reasonable period of time after I have made my request. I also understand that my department head has the discretion to grant or deny my request depending on the needs of the department and in a manner that will not unduly disrupt the operations of the department.

I understand the Town's compensatory time off policy and I agree to abide by the terms of the Policy.

_____
Employee Signature

_____
Employee Name (Printed)

_____
Date of Signature

TOWN OF WESTFIELD

ACKNOWLEDGEMENT AND RECEIPT OF
FLEX TIME OFF POLICY

I acknowledge and agree that:

1. I have received a copy of the Town of Westfield's Policy regarding flex time off (the "Policy").

2. I have read the provisions contained in the Policy.

3. I understand that although I am a salaried-exempt employee, which means that I am not entitled to overtime compensation, if I am required to work more than 40 hours in a workweek, my department head, in his or her sole discretion, may elect to award me flex time off.

4. I understand that when my department head elects to award me with flex time off, I will earn flex time off at the rate of one hour of flex time off for each hour worked in excess of 40 in a workweek.

5. I understand that I cannot accrue more than 24 hours of flex time off. If I have accrued a balance of 24 hours of flex time off, I will be ineligible to earn any additional flex time off until my flex time off balance falls below 24 hours.

6. I understand that I must submit requests to use earned flex time off to my department head. I understand that my department head will allow me to use my accrued flex time off within a reasonable period of time after I have made my request. I also understand that my department head has the discretion to grant or deny my request depending on the needs of the department and in a manner that will not unduly disrupt the operations of the department.

7. I understand that, absent extraordinary circumstances, my department head will not allow me to take more than 8 hours of accrued flex time off in any workweek.

8. I understand that I may carry accrued flex time off forward from calendar year to calendar year. I also understand, however, that I will not be compensated for any accrued flex time off balance upon my separation from employment.

I understand the Town's flex time off policy and I agree to abide by the terms of the Policy.

_____
Employee Signature

_____
Employee Name (Printed)

_____
Date of Signature

Exempt/Non-Exempt Job Titles

Town of Westfield Positions:

Administration

Benefits Coordinator	Non-Exempt
Executive Assistant	Non-Exempt

Community Development

Administrative Assistant	Non-Exempt
Building Commissioner	Non-Exempt
Building Inspector	Non-Exempt
Development Plan Reviewer	Non-Exempt
Planner I	Non-Exempt
Planner II	Non-Exempt
Senior Planner	Non-Exempt

Information Technology

Information Technology Director	Exempt
Network Administrator	Non-Exempt
Systems Administrator	Non-Exempt
Technology Support Coordinator	Non-Exempt

Parks and Recreation

Crew Leader – Parks	Non-Exempt
Parks and Recreation Director	Exempt

Public Works

Accounting Specialist	Non-Exempt
Assistant Director	Exempt
Custodian	Non-Exempt
Director of First Impressions	Non-Exempt
Information Specialist	Non-Exempt
Instrumentation and Control Supervisor	Exempt
Office Manager	Non-Exempt
Public Relations Coordinator	Non-Exempt
Public Works Assistant	Non-Exempt
Safety Coordinator	Non-Exempt
Technical Services Manager	Exempt
Utility Superintendent	Exempt
Director	Exempt

Exempt/Non-Exempt Job Titles

Public Works - Customer Service

Customer Service Clerk	Non-Exempt
Customer Service Representative	Non-Exempt
Customer Service Supervisor	Non-Exempt
Utility Billing Clerk	Non-Exempt

Public Works - Development Construction

Construction Plan Reviewer	Non-Exempt
Development Construction Supervisor	Exempt
Encroachment and Erosion Control Inspector	Non-Exempt
Inspector	Non-Exempt
Senior Inspector	Non-Exempt

Public Works - Engineering

Engineer	Exempt
Engineering Technician	Non-Exempt
Field Locater	Non-Exempt
GIS Coordinator	Non-Exempt
GIS/GPS Technician	Non-Exempt

Public Works - Streets

Crew Leader – Streets	Non-Exempt
Groundsworker	Non-Exempt
Master Repairman	Non-Exempt
Senior Equipment Operator	Non-Exempt
Sign Maintenance Technician	Non-Exempt
Street Laborer	Non-Exempt
Street Laborer II	Non-Exempt
Streets, Grounds and Utility Maintenance Supervisor	Non-Exempt

Public Works - Wastewater

Lift Operator	Non-Exempt
Wastewater Collections Foreman	Non-Exempt
Wastewater Laborer	Non-Exempt
Wastewater Plant Operator	Non-Exempt
Wastewater Plant Supervisor	Non-Exempt

Exempt/Non-Exempt Job Titles

Public Works - Water Division

Field Service Representative	Non-Exempt
Meter Reader	Non-Exempt
Water Laborer	Non-Exempt
Water Operator	Non-Exempt
Water Supervisor	Non-Exempt

Fire Department Positions

Chief	Exempt
Deputy Chief of Operations	Exempt
Deputy Chief of Administration	Exempt
Training Chief	Non Exempt
Inspections Chief	Non Exempt
Chief's Aid	Non Exempt
EMS Division Chief	Non Exempt
Administrative Assistant	Non Exempt
Billing Manager	Non Exempt
Operations Staff	
Batallion Chief	Non Exempt
Captain	Non Exempt
Lieutenant	Non Exempt
Senior Fire Fighter	Non Exempt
Fire Fighter 2nd Class	Non Exempt
Fire Fighter 3rd Class	Non Exempt
Probie Fire Fighter	Non Exempt
EMT Staff	
Senior EMT-p	Non Exempt
1st Class EMT-p	Non Exempt
Probie EMT-p	Non Exempt

Police Department Positions

Administration	**Status**
Chief	Exempt
Major	Exempt
Captain	Non Exempt
Office Mgr.	Non Exempt
Office/ Systems	Non Exempt
Office	Non Exempt
Office/Invest.	Non Exempt
Tng/Fleet Lt.	Non Exempt

Exempt/Non-Exempt Job Titles

Investigations	
Det. Lt.	Non Exempt
Det Sgt.	Non Exempt
Detective	Non Exempt
Patrol	
Lieutenant	Non Exempt
Sergeant	Non Exempt
Patrol 1st	Non Exempt
Patrol 2nd	Non Exempt
Patrol 3rd	Non Exempt
Prob. Patrol	Non Exempt
Comm Res Off	Non Exempt
Evidence Mgr	Non Exempt