

ORDINANCE 2012-21

AN ORDINANCE AMENDING CHAPTER 2, ADMINISTRATION, LAKE WALES CODE OF ORDINANCES; AMENDING THE SAFETY COMMITTEE AND COMPENSATORY TIME LIMITS; PROVIDING FOR SEVERALBILITY; PROVIDING FOR AN EFFECTIVE DATE.

BE IT ENACTED by the City Commission of the City of Lake Wales, Polk County, Florida.

SECTION 1. Chapter 2, Administration, Lake Wales Code of Ordinances is hereby amended to read as follows:

ARTICLE III PERSONNEL ADMINISTRATION.

DIVISION 1. GENERAL POLICIES.

Secs. 2-226.03 Safety Committee

(a) Purpose. A Safety Committee, herein known as "the Committee," is established in accordance with §442.012, FLA. STATUTES, to promote a safe and healthy workplace by recommending policies and procedures to improve workplace safety and health, prevent workplace accidents, and enhance employee safety training.

(b) Membership. The committee shall consist of City employees who have an interest in the general promotion of workplace safety and health.

1. Employee representative. Employees who do not normally perform in a supervisory capacity shall be elected in accordance with procedures specified in paragraph (f) herein. There shall be seven (7) employee representatives, each of whom represents a specific risk group as defined in Exhibit A attached to this ordinance. Each employee representative shall be permitted to vote on matters presented to the Committee.
2. Employer representative. Employees who normally perform in a supervisory capacity shall be appointed by the City Manager to serve on the Committee. There shall be two (2) employer representatives, and each shall be permitted to vote on matters presented to the Committee.
3. The Human Resources Director or the Human Resources Director's designee will coordinate matters involving the Committee and ensure that proper procedures are followed. The HR Director shall serve on the Committee as a non-voting member. The HR Director shall ensure that employer representatives do not exceed the number of employee representatives and that employee representatives are elected by their peers.

Risk Group	Workers' Comp Code	Group Members
One	7720 9410	Police Officers Code Enforcement Officers
Two	7704 9410	(2) Firefighters & Inspectors Building Official & Inspectors
Three	7520 7580 8601	Water Operators, Technicians & Meter Readers Wastewater Operators & Technicians Engineering Manager, Inspector & Specialists
Four	5509 9102 9220	Streets Division - All Field Employees Field Services Division - All Field Employees Cemetery Division - All Field Employees
Five	8380 9015 9410	Fleet Maintenance - All Employees Facilities Maintenance - All Employees Building Official & Inspectors
Six	9016 8810 8810	Recreation Division - All Employees Library - All Employees Museum - All Employees All Other Clerical & Administrative Employees
Seven	8810 8810	Communications Dispatchers All Other Clerical & Administrative Employees

Sec. 2-244. Overtime.

(a) As a general rule, the requirement of frequent overtime services in a department shall be considered evidence of under-staffing or improper organization and shall be subject to review by the city manager; however, employees shall work overtime when requested unless excused by their supervisor.

(b) Records of all overtime work shall be kept by the department head, and overtime compensation will not be paid unless overtime work has been documented by the employee and verified by the supervisor.

(c) Employees in non-exempt classifications required to work in excess of forty (40) hours in a designated work week shall be paid overtime or granted compensatory time off. Monetary payment or compensatory time off for overtime shall be calculated at the rate of one and one-half (1½) times the regular rate for all hours worked in excess of forty (40) hours in any designated work week.

(d) For purposes of computing overtime, "Time Worked" shall mean those hours during which the employee is engaged in performing the duties of his job. With the exceptions stated in this paragraph, overtime pay will only be paid when an employee has actually worked more than forty (40) hours per week. Overtime shall not be computed on sick leave, jury duty/witness duty, funeral leave, or comp time. However, vacation days, holidays, safety days, and optional holiday shall be counted as days worked when calculating overtime.

(e) Non-exempt employees who, for their own convenience, arrive early at their work area or leave late will not perform work during these periods. Work during such periods is likely to extend the employee's work week beyond forty (40) hours and will require the prior authorization of the department head.

(f) At the request of the employee and at the discretion of the department head, non-exempt employees may be granted compensatory time off (comp time) in lieu of monetary wage. Comp time will accrue at the premium rate of time and one-half (1½) for each hour of overtime worked.

1. An employee who has accumulated comp time may request time off. Such requests will be granted within a reasonable amount of time so long as time off does not unduly disrupt the department's operations. Compensatory time off will require the prior approval of the department head.
2. No employee will be permitted to accrue more than ~~sixty (60)~~ eighty (80) hours of comp time. If the employee has accrued the maximum comp time, all subsequent overtime worked will be paid as monetary wage.
3. Upon termination, comp time remaining on the books will be paid at the employee's current rate or his average rate over the last three years, whichever is higher.
4. An employee may request monetary payment of all or a portion of accrued comp time at his current hourly rate. Such request shall be made by memorandum to the city manager and shall receive the approval of the city manager prior to payment. A copy of the memorandum will be placed in the employee's personnel file.
5. Any non-exempt employee that is, or has been, promoted or reclassified to an exempt position shall have any accrued comp time liability immediately paid to the employee in a single cash disbursement, at his or her final rate of pay prior to promotion from the non-exempt position.

SECTION 2. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

SECTION 3. If any clause, section or provision of this ordinance shall be declared unconstitutional or invalid for any reason or cause, the remaining portion of said ordinance shall be in full force and effect and be valid as if such invalid portion thereof had not been incorporated herein.

SECTION 4. This ordinance shall become effective immediately upon its passage by the City Commission.

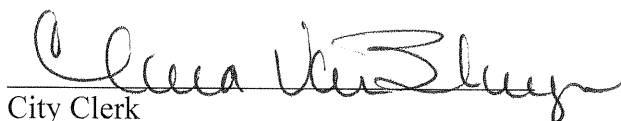
CERTIFIED AS TO PASSAGE, this 6th day of November, 2012.

CITY OF LAKE WALES, FLORIDA



Mayor/Commissioner

ATTEST:



City Clerk