

An Ordinance to amend Section 307 – Overtime and Section 308 – Compensatory Time of the Personnel Policy Manual of the City of Carthage, Missouri.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CARTHAGE, JASPER COUNTY, MISSOURI as follows:

SECTION I: Section 307 – Overtime of the Personnel Policy Manual is hereby amended by replacing Section 307 with the language below:

307: Overtime:

01. Purpose

The purpose of this policy is to explain when employees are eligible for overtime pay and how overtime is calculated and compensated under the Fair Labor Standards Act (FLSA). This policy also establishes the work periods and overtime requirements applicable to Police Department and Fire Department employees.

02. General Overtime Rule

All non-exempt employees shall be compensated for overtime in accordance with the FLSA. For purposes of calculating overtime, only hours physically worked shall be counted toward the applicable overtime threshold.

Kelly Day hours, vacation leave, sick leave, holiday leave, compensatory time used, and any other paid leave shall not be considered hours physically worked for purposes of calculating overtime.

- Leave taken during the applicable work period shall deduct against the total number of physically worked hours for purposes of reaching the overtime threshold.
- Overtime must be approved in advance by the Department Head or designee.

03. Exempt Positions

Exempt positions shall not be entitled to earn overtime. Classifications not specifically determined to be exempt classifications by the Fair Labor Standards Act shall be considered non-exempt.

04. Standard Work Period Employees (Non-Public Safety)

Employees who are not covered by a special FLSA work period shall earn overtime for hours physically worked in excess of forty (40) hours in a seven (7) day workweek. Overtime compensation shall be paid at one and one-half (1.5) times the employee's regular rate of pay.

05. Fire Department - FLSA Section 7(k) Work Period

The City adopts a twenty-eight (28) day work period for Fire Department personnel in accordance with FLSA Section 7(k).

- Firefighters shall earn overtime only after two hundred twelve (212) hours physically worked in a twenty-eight (28) day work period.
- Only hours physically worked shall count toward the 212-hour overtime threshold.
- Paid leave does not count toward hours worked for overtime purposes and shall deduct against the total number of hours physically worked in the applicable work period.
- Overtime compensation shall be paid at one and one-half (1.5) times the employee's regular rate of pay.

06. Kelly Days

To assist in managing annual work hours and controlling overtime costs, each non-exempt full-time firefighter shall be provided ninety-six (96) hours of Kelly Days per calendar year.

- Kelly Days shall be scheduled by the Fire Chief or designee.
- Kelly Days shall be required to be used during a firefighter's assigned ten (10) day, two hundred forty (240) hour work cycle.
- Kelly Day hours are paid leave and shall not be considered hours physically worked for purposes of calculating overtime.
- Kelly Day hours, vacation leave, sick leave, holiday leave, compensatory time used, and any other paid leave shall not be counted toward the two hundred twelve (212) hour overtime threshold established for Fire Department personnel under FLSA Section 7(k).
- Firefighters are responsible for utilizing scheduled Kelly Days as directed by the department.
- The City reserves the right to schedule Kelly Days in a manner that supports operational needs and staffing requirements.

07. Police Department - FLSA Section 7(k) Work Period

The City adopts a fourteen (14) day work period for Police Department personnel in accordance with FLSA Section 7(k).

- Police officers shall earn overtime only after eighty (80) hours physically worked in a fourteen (14) day work period.
- Only hours physically worked shall count toward the 80-hour overtime threshold.
- Vacation leave, sick leave, holiday leave, compensatory time used, and any other paid leave shall not be counted toward the eighty (80) hour overtime threshold and shall not be considered hours physically worked for purposes of calculating overtime.
- Overtime compensation shall be paid at one and one-half (1.5) times the employee's regular rate of pay.
- This provision replaces any prior built-in, scheduled, automatic, or guaranteed overtime pay practice for police personnel.

08. Call-Back Pay

When an employee is required to return to work after completing their regularly scheduled shift, call-back pay may apply.

A. General Call-Back Pay

When a situation arises requiring an employee to be called back to work within twelve (12) hours after the completion of their regularly scheduled shift and outside their regular work schedule, the employee shall receive a minimum of two (2) hours of overtime pay at one and one-half (1.5) times their regular rate of pay, or payment for the actual hours worked if more than two (2) hours are worked.

B. Court Appearances

Employees who are required to attend court on an off-duty day or during an unscheduled work shift shall receive a minimum of two (2) hours of overtime pay at one and one-half (1.5) times their regular rate of pay, or payment for the actual hours worked if more than two (2) hours are worked.

C. Overtime Calculation

All call-back hours and court appearance hours shall be counted as hours worked for purposes of determining overtime eligibility under this policy.

09. Prohibition on Built-In Overtime

The City does not guarantee or provide scheduled, automatic, or built-in overtime. Overtime shall occur only when actual hours physically worked exceed the applicable FLSA overtime threshold. Regular schedules shall be established without assuming overtime pay unless overtime is actually earned under this policy.

10. Recordkeeping and Responsibility

Departments are responsible for accurately tracking hours physically worked. Time records must clearly distinguish between hours worked, paid leave, overtime hours, and compensatory time earned or used. Misreporting time may result in disciplinary action.

SECTION II: Section 308 – Compensatory Time of the Personnel Policy Manual is hereby amended by replacing Section 308 with the language below:

308: Compensatory Time:

01. Purpose

The purpose of this policy is to explain how compensatory time is earned, used, managed, and paid out in accordance with the Fair Labor Standards Act (FLSA) and City policy.

02. Earning Compensatory Time

Non-exempt employees may receive compensatory time off in lieu of overtime pay when allowed by the City and permitted by the FLSA. Compensatory time shall be earned at one and one-half (1.5) hours for each overtime hour physically worked.

03. Use

Compensatory time may be used in increments of no less than one half hour. An employee has a right to use the compensatory time earned and must not be coerced to accept more compensatory time than the department can realistically, and in good faith, expect to be able to grant.

If compensatory time is allowed, it may be used in lieu of authorized leave without pay for excused absences, or as any other scheduled and approved vacation leave. It may not be used for any unauthorized leave, unscheduled sick leave, nor to offset suspensions without pay.

04. Transfer and Promotion

Upon transfer or promotion, an employee's compensatory time will follow them to their new assignment or be paid off at the old rate as determined by the City Administrator. A person who promotes to an exempt management position will be required to take/use the compensatory time within one year.

05. Department Head Responsibilities

The compensatory time earned by an employee constitutes a legal liability for the City. It is the responsibility of the Department Heads to be familiar with the guidelines established by the Fair Labor Standards Act concerning the use of compensatory time. Efforts should be made by Department Heads to hold down accumulated compensatory time.

Compensatory time limitations shall be determined by each department, but in no case shall exceed eighty (80) hours. For departments meeting the requirements of "seasonal activity" as defined in the FLSA, the limitation for compensatory time shall not exceed one hundred twenty (120) hours.

06. Termination and Pay

Employees terminating their services with the City will be paid for the compensatory time balances, subject to all withholding and other deductions applicable to final pay based on their final pay or as governed by FLSA.

07. Department Heads and Exempt Positions

Department Heads and exempt positions shall not be entitled to earn compensatory time as governed by the Fair Labor Standards Act.

SECTION III: This Ordinance shall take effect and be in force effective from and after its passage and approval.

PASSED AND APPROVED THIS _____ DAY OF _____, 2026.

Bren Flanigan, Mayor

ATTEST:

Miranda Deal, City Clerk

Sponsored by: Insurance, Audit and Claims Committee