



Date: September 15, 2016

To: Patrick H. West, City Manager *T.M.*

From: Alejandrina R. Basquez, Director – Department of Human Resources *AB*

For: Mayor and Members of the City Council

Subject: Overtime Provisions for Mayoral and Council Employees

Recently, we had an inquiry regarding the applicability of overtime provisions for employees of the Mayor and Council Offices. Overtime for employees is governed by the City's Personnel Ordinance and Memoranda of Understanding (for represented employees only).

Mayoral and Council employees are not eligible for the payment of overtime. Specifically, Section 4.03 of the City's Personnel Ordinance (Attachment A), excludes the staff of the Mayor and Council Members from being eligible for the payment of overtime.

The exception to the above Ordinance would apply only to employees represented by an employee organization. For those represented employees, pursuant to the applicable MOU, they are generally eligible for overtime for hours worked in excess of 40 hours in a work week (Sunday through Saturday). Please see Attachment B for a list of classifications within the Legislative Department that have such representation.

If Mayor or Council Offices have represented staff that are eligible for overtime, the following information is being provided for clarification:

1. Overtime should be preapproved by a supervisor and all time worked recorded on an employee's timecard.
2. The time should be compensated at time and half.
3. No additional budget appropriations are made for the payment of overtime, so any costs are absorbed within the existing budget.

Should you have any questions, please feel free to contact Cynthia Stafford, Deputy Director, at (562) 570-5045.

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Attachments: A - Personnel Ordinance Section 4.03
B - Legislative Department Represented Classifications

c: Tom Modica, Assistant City Manager
Arturo Sanchez, Deputy City Manager
Charles Parkin, City Attorney
Laura Doud, City Auditor

Section 4.02

Necessary Modifications. In the event of emergency or urgent necessity, the appointing authority may make such modifications in the holiday schedule of any department as may be reasonably proper under the circumstances.

Section 4.03

Employees - Overtime Eligibility. All provisions for overtime shall be deemed to apply to all full-time employees whether permanent; temporary, recurrent, seasonal or intermittent; however, the overtime provisions shall not apply to "hourly as needed" or "per diem" employees or to employees, other than Police and Fire safety employees, who are participating in an apprenticeship program where the time spent in any recognized training course is a part of the program and is not compensable, or to officers or employees who hold any of the management positions which are designated in the Salary Resolution as eligible to be granted executive leave under the provisions of Section 4.10 of the Personnel Ordinance, except that, on and after July 1, 1983, Deputy Fire Chiefs shall remain eligible for call back overtime as defined in Section 4.11(a). The overtime provisions shall apply to part-time employees only where the time actually worked by such employees is in excess of forty hours in any one-week period. In no event, and notwithstanding any other provision of this Personnel Ordinance to the contrary, no employee who is a member of the staff of the Mayor or City Council shall be eligible to receive overtime or overtime benefits of any kind.

Section 4.04

Conditions. An employee who is eligible under this Ordinance for overtime benefits, and who is required to and shall work overtime, may be allowed time-off, equal to one and one-half (1-1/2) times the amount of overtime worked; subject, however, to the following conditions, restrictions and limitations:

- (a) That such overtime work is required and performed under the order of the head of the department in which such employee is employed.
- (b) That such overtime work is required because, in the opinion of such head of department, such overtime work is urgently necessary and its nonperformance would cause loss, damage or great inconvenience to the City.
- (c) That no time-off may be claimed for any instance of overtime service in which the overtime worked is less than one-half (1/2) hour.
- (d) That banked time-off hours shall be taken by any employee only at such time or times his or her Department Head, in his or her discretion, shall designate or approve; provided, however, that time-off hours must be taken within the fiscal year in which the overtime was worked.

CITY OF LONG BEACH
LEGISLATIVE DEPARTMENT
CLASSIFICATIONS REPRESENTED BY A BARGAINING UNIT

TITLE DESCRIPTION	BARGAINING UNIT DESCRIPTION
ADMINISTRATIVE AIDE II	IAM-OFFICE & TECH SVCS-BASIC
ADMINISTRATIVE ANALYST II	IAM-PROFESSIONAL-BASIC
ADMINISTRATIVE ANALYST III	IAM-PROFESSIONAL-BASIC
ASST ADMIN ANALYST I	IAM-PROFESSIONAL-BASIC
CLERK TYPIST II	IAM-OFFICE & TECH SVCS-BASIC