

RESOLUTION NO. 4195

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOLEDAD
AMENDING PERSONNEL POLICY NO. 212 (OVERTIME: NON-EXEMPT
EMPLOYEES) BY ESTABLISHING AN ON-CALL POLICY
FOR UTILITY DIVISION EMPLOYEES**

WHEREAS, a new Supervisory Controlled And Data Acquisition (SCADA) system that monitors and controls the potable water production, storage and distribution system is part of the water capital improvements identified in the Water Master Plan; and

WHEREAS, on October 17, 2007 the City Council awarded Atlas-Pellizzari Electric Inc. a contract to construct the new water SCADA; and

WHEREAS, the construction of the SCADA system has been completed and the City has initiated the training for utility division personnel; and

WHEREAS, in order to provide effective operational response as part of the City's SCADA system, the City proposes to establish an "On Call" policy for off-duty employees; and

WHEREAS, representatives of the CALPRO bargaining unit have reviewed and approved the proposed amendment to Personnel Policy No. 212, attached hereto, marked "Exhibit 1."

NOW THEREFORE, BE IT HEREBY RESOLVED by the City Council of the City of Soledad that Personnel Policy No. 212, as amended in the form of the document hereunto attached, marked "Exhibit 1" and by reference made a part hereof, is hereby approved.

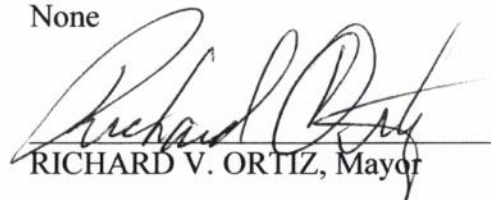
PASSED AND ADOPTED by the City Council of the City of Soledad at a regular meeting held on the 2nd day of April 2008, by the following vote:

AYES, and in favor thereof, Councilmembers: Martha Camacho, Juan Saavedra, Mayor Pro Tem Christopher Bourke, Mayor Richard Ortiz

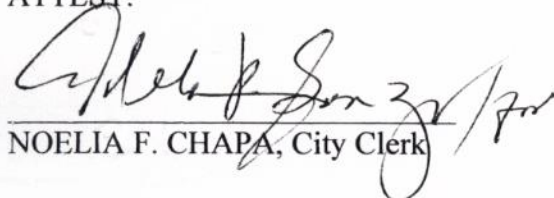
NOES, Councilmembers: None

ABSENT, Councilmembers: Patricia Stephens

ABSTAIN, Councilmembers: None


RICHARD V. ORTIZ, Mayor

ATTEST:


NOELIA F. CHAPA, City Clerk

OVERTIME: NON-EXEMPT EMPLOYEES

I. PURPOSE

To provide guidelines to administer overtime pay and to comply with applicable federal and state wage and hour regulations.

II. SCOPE

This policy applies to all non-exempt employees of the City of Soledad and temporary part-time employees or as otherwise stated in relevant memorandum of understandings.

III. POLICY

The City's overtime pay policy conforms to the overtime provisions of the Federal Fair Labor Standards Act. Exemption from these provisions will be claimed for an employee only when it can clearly be established that the employee's duties and responsibilities meet the requirements for such exemption. (See Policy No. 110, Exempt/Non-Exempt Employee Status.)

Overtime pay policies for employees include the following principal elements:

- A. Non-exempt employees will be paid straight time for all hours worked through 40 in one week. Overtime compensation will not be paid for hours worked in excess of eight per day.
- B. Non-exempt employees will be paid time-and-one-half for hours worked in excess of 40 hours in one week.
- C. Sworn Police Officers and Non-exempt employees who work on a City holiday will receive holiday pay at their regular rate of pay for hours worked. Sworn Police Officers may take time off in lieu of holiday payment.
- D. Only hours actually worked will be used to calculate overtime pay. Paid time off for holidays, vacation, sick leave, compensatory leave, act of nature or any leave of absence will not be considered as "hours worked."
- E. Overtime worked by non-exempt employees must be authorized in advance by the Department Manager or designee. Any overtime not authorized immediately or in advance will not be compensated.
- F. Compensation time off in lieu of overtime payments is allowed. Accumulation of compensatory time is limited to 32 regular hours at one and one half times the rate, which

equals to 48 overtime hours for non-exempt employees. Overtime and compensatory time is not allowed for part-time employees unless they exceed 40 work hours a week.

- G. If an employee is "Called Back" to work, that employee is entitled to be compensated at a rate of one and one half times for a minimum of two (2) hours; except in those cases when the call back period continues into the regularly scheduled shift whereupon straight time pay will commence. Exception to this policy will occur for Sworn Police Officers who will earn three (3) hours of overtime for call back.
- H. **The City may place a Utility employee "On Call," which refers to an off duty employee holding his/herself available to immediately respond as directed by management. Assigned "on call" duty shall be on an as-needed basis. The employee assigned such duty shall receive twenty five dollars (\$25.00) per day as well as the call back payment as described in Section G above.**