

# Ordinance No. 00090

[Council Minutes 96/07/15](#)

## ORDINANCE NO. 90

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AN ORDINANCE of the City Council of the City of Lakewood, Washington, relating to employment and employees, and providing for an amendment to the City=s pay and compensation plan, affecting FLSA-exempt employees

WHEREAS, the City Council of the City of Lakewood has enacted through Ordinance No. 2, Ordinance No. 3 and amendments thereto, a pay and compensation plan for employees of the City; and

WHEREAS, even though the pay and compensation plan of the City includes identified salaries and vacation accrual, those provisions do not take into account circumstances where the position and/or job requirements of certain employees dictate that they work hours in excess of a normal work week; and

WHEREAS, although a number of employees of the City are entitled to receive over-time compensation (compensation computed at one and one-half (1

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WHEREAS, even though the pay and compensation plan of the City includes identified salaries and vacation accrual, those provisions do not take into account circumstances where the position and/or job requirements of certain employees dictate that they work hours in excess of a normal work week; and

WHEREAS, although a number of employees of the City are entitled to receive over-time compensation (compensation computed at one and one-half (1 2) times the normal hourly rate) for time worked in excess of 40 hours per week, a number of employees, including those employees who, generally, are required to put in longer hours, are exempt from the provisions of the Fair Labor Standards Act (FLSA), it would be appropriate to provide a mechanism for addressing the extra time worked by such employees, for which compensation would not otherwise be provided.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKEWOOD, WASHINGTON, DO ORDAIN as Follows:

Section 1. That the Fair Labor Standards Act (FLSA) shall be used by the City Manager to determine and identify employees who serve in positions exempt from the provisions of the FLSA in terms of eligibility for compensation, either as over-time or compensatory time for hours worked in excess of 40 hours per week; and

Section 2. That as compensation for the extra time and long hours worked by those employees who are determined to be exempt from the provisions of FLSA and who do not receive over-time and/or compensatory time at one and one-half the regular hourly rate of compensation for hours worked in excess of 40 hours per week (FLSA-exempt employees) of the City, additional benefits for such employees shall be as follows:

### MANAGEMENT TIME

Time-off with pay shall be available as management time, to be scheduled with the approval of the employee=s supervisor as

follows:

(1) The City Manager shall identify and categorize the FLSA-exempt employees of the City based upon their employment requirements, and the amount of time that they are required to work. The initial category descriptions and included positions shall be as shown on the list set forth herein below, provided that the City Manager shall be authorized to evaluate and categorize these and other FLSA positions as changes in work requirements occur and as new employment positions are developed and established for the City.

(2) Based on the categorical determinations made by the City Manager, FLSA-exempt employees shall be allowed up to six (6) days per year as management time, as determined by the City Manager, which management time shall be used during the year received.

(3) For exceptional, unusual and/or heavy workloads, the City Manager may authorize additional time-off with pay as warranted. It is provided that any additional time-off with pay for the City Manager shall be approved by the City Council.

(4) Management time shall not be compensated other than as paid time-off from work. In the case of resignation, retirement or termination of employment, any accrued, unused management time shall be forfeited.

Section 3. Severability. If any portion of this Ordinance or its application to any person or circumstances is held invalid, the remainder of the Ordinance or the application of the provision to other persons or circumstances shall not be affected.

Section 4. Effective Date. That this Ordinance shall be in full force and effect five (5) days after publication of the Ordinance Summary.

ADOPTED by the City Council this 15th day of July, 1996.

CITY OF LAKEWOOD

Attest: /S/

/S/ Bill Harrison, Mayor

Alice M. Bush, CMC, City Clerk

Approved as to Form:

/S/

Daniel B. Heid, City Attorney

=s pay and compensation plan, affecting FLSA-exempt employees

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Alice M. Bush, CMC, City Clerk

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Daniel B. Heid, City Attorney

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