

ORDINANCE NO. 1617

**AN ORDINANCE AMENDING ORDINANCE NO. 1510
KNOWN AS THE PERSONNEL RULES,
POLICIES AND PROCEDURES ORDINANCE**

BE IT ORDAINED BY THE CITY OF FAIRHOPE GOVERNING BODY OF THE CITY OF FAIRHOPE, FAIRHOPE, ALABAMA, as follows:

Section 1. The ordinance known as the Personnel Rules, Policies, and Procedures Ordinance (No. 1510), adopted 14 April 2014, together with the Personnel Handbook of the City of Fairhope, be and the same hereby is changed and altered in respect to the certain sections below:

SECTION - III. Hours of Work and Attendance

3.02. Recording Time Worked

All employees must accurately record all hours worked in the manner prescribed by the City. Employees failing to accurately record time are subject to discipline. An employee may not record another employee's time or allow another employee to record his or her time. Employees shall not alter or falsify their own or another employee's time record. Violation of these rules is a ground for immediate dismissal.

Exempt, salaried employees do not have to clock in and will be paid from schedule. *Exempt* employees, however, must still advise the Payroll Administrator or City Accountant of sick days taken and vacation time scheduled.

3.04. Breaks and Meal Periods

Employees generally will receive one fifteen-minute paid break during the morning. Supervisors will arrange the time of the break to ensure City business and services are not unduly interrupted. Breaks cannot be combined with meal periods to extend the meal period, and employees may not leave work early *in lieu* of taking their break.

Meal periods are scheduled by the employee's Department Head. Scheduled meal periods may vary depending on department workloads. Employees will be completely relieved from duty during the scheduled meal period, which shall be at least 30 minutes and no longer than 60 minutes. Meal periods are unpaid. An employee may *not* work during the scheduled meal break unless the Department Head instructs or authorizes the employee to work during the meal break. If an employee is instructed or authorized to work during the meal period, *the entire meal period time must be reported as time worked to ensure non-exempt employees are paid for the time.*

All *non-exempt* employees (*that is*, employees paid overtime pay for all hours worked in excess of 40 hours in a work week as provided in *Personnel Rule 4.04*) will have an *automatic deduction* from their regularly scheduled work hours each work day for the unpaid meal period of at least 30 minutes and not longer than 60 minutes. This includes Police support staff and Police administrative personnel working regular eight-hour shifts.

The City expects employees to take their full unpaid meal period each scheduled work day at the time designated by the Department Head. However, if an employee is *instructed* or *authorized* by his or her Department Head or immediate supervisor to work during the meal period, the entire meal period will be treated as hours worked and will be recorded as such to ensure that non-exempt employees are properly paid for the time. Thus, if an employee is instructed or authorized to work *through* the meal period or is directed to return to work during the meal period and his or her meal break is thereby interrupted the employee's immediate supervisor or Department Head must promptly email the Payroll Administrator or City Accountant, who are authorized to override the automatic deduction to ensure that the meal period is treated as hours worked for payroll purposes.

Ordinance No. 1617

Page – 2 -

To ensure the accuracy of time records, each employee's supervisor or the supervisor's designated assistant is responsible for editing each *non-exempt* employee's time card each day. Any changes on the employee's time card must be approved and initialed by the supervisor promptly. The supervisor must digitally approve and submit to the Payroll Administrator or City Accountant each employee's time card no later than 10:00 a.m. on payroll Mondays.

Exempt salaried employees are paid to perform specific jobs, not for the number of hours worked. Accordingly, *exempt* salaried employees are not paid extra for performing work during the scheduled meal breaks.

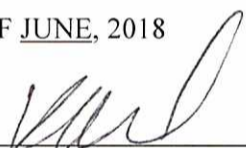
Employees working extra shifts or special events (parades for example) are required to take at least a one-half hour unpaid meal period after their regularly scheduled workday and before beginning the extra shift.

Section 2. Any ordinance, resolution, or part(s) thereof, in conflict with said "Personnel Rules, Policies, and Procedures – 2014," Section – III. Hours of Work and Attendance, 3.02 Recording Time Worked and 3.04 Breaks and Meal Periods is hereby repealed.

Section 3. If any section or provision of this ordinance, or of "Personnel Rules, Policies, and Procedures – 2014", be declared invalid or unconstitutional by judgment or decree shall not affect any other section or provision.

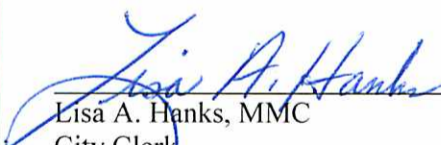
Section 4. This Ordinance shall take effect immediately upon its due adoption and publication as required by law.

ADOPTED THIS 11TH DAY OF JUNE, 2018



Karin Wilson, Mayor

Attest:



Lisa A. Hanks, MMC
City Clerk

Ord. No. 1617 Published in
FAIRHOPE COURIER
on Wednesday, June 27, 2018
Hanks City Clerk