

GREENWOOD COMMON COUNCIL

ORDINANCE NO. 23-02

**AN ORDINANCE AMENDING SECTION 2-78 OF CHAPTER 2, ARTICLE 8 OF THE
GREENWOOD MUNICIPAL CODE (1993) RELATING TO OVERTIME POLICY, TO
ADDRESS WORK WEEKS THAT INCLUDE A PAID HOLIDAY OR HOLIDAYS**

WHEREAS, the Common Council of the City of Greenwood, Indiana (the "Council") recognizes that employee benefits are an important aspect of compensation paid to City employees;

WHEREAS, the Mayor, City Controller, and Human Resources Director have reviewed the City's overtime policy to ensure it is in accordance with the Fair Labor Standards Act and recommend changes to provide employees fair compensation for hours worked;

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF GREENWOOD, INDIANA, THAT:

Section 1. Greenwood Municipal Code (1993), as amended, Article 2, Section 2-78 shall be amended to read as follows:

Sec. 2-78 Overtime Policy

(a) Full-time exempt employees who are excluded from the overtime provisions of the Fair Labor Standards Act of 1938, as amended, (hereinafter "FLSA") 29 U.S.C. 201, et seq., shall receive no overtime pay; instead, they will be allowed to have compensatory time off for all hours worked in excess of forty (40) hours per week. However, during work weeks where an actual work week of forty (40) hours is not possible because the work week includes a paid holiday or holidays set by the Mayor and Common Council, all exempt employees excluded from the overtime provisions of the FLSA shall be allowed compensatory time off for hours worked in excess of the employee's total regular non-holiday work hours that week. Said compensatory time must be taken by an employee within the calendar year in which it is accrued except that not more than eighty (80) hours of accrued compensatory time may be carried over from one year until the next. This compensatory time shall be taken only when approved by a Department Head, who shall adjust time off in order to provide for continuous and efficient department operations.

(b) All non-exempt employees not exempt or excluded from the overtime provisions of the FLSA shall be paid one and one-half (1-1/2) times their regular hourly rate as defined in the FLSA for hours worked in excess of forty (40) hours during the work week. However, during work weeks where an actual work week of forty (40) hours is not possible because the work week includes a paid holiday or holidays set by the Mayor and Common Council, all non-exempt employees not excluded from the overtime provisions of the FLSA shall be paid one and one-half (1-1/2) times their hourly rate as defined in the FLSA for hours worked in excess of the employee's total regular non-holiday work hours that week. The Department Head shall be required to keep accurate records in order to follow the above guidelines.

(c) All employees falling within the 7(k) provisions of the FLSA shall be paid one and one-half (1-1/2) times their regular hourly rate as defined in the FLSA for hours worked in excess of the maximum hours allowed for their established work week.


(d) Exempt employees in the City Court, Probation, and Clerk's Office who work a 37.5 hour work week will be allowed to have compensatory time off for all hours worked in excess of 37.5 hours per week. However, during work weeks where an actual work week of 37.5 hours is not possible because the work week includes a paid holiday or holidays set by the Mayor and Common Council, all exempt employees excluded from the overtime provisions of the FLSA shall be allowed compensatory time off for hours worked in excess of the employee's total regular non-holiday work hours that week. Said compensatory time must be taken by an employee within the calendar year in which it is accrued except that not more than seventy-five (75) hours of accrued compensatory time may be carried over from one year until the next.

Section 2. This Ordinance shall supersede any contrary provisions contained in Common Council Ordinances 85-35, 89-65, 03-52, 12-14, 15-01, and 15-56. Any provisions of the Greenwood Municipal Code (1993), as amended, or Ordinances 85-35, 89-65, 03-52, 12-14, 15-01, and 15-56 not in conflict herewith shall remain in full force and effect.

Section 3. The sections, paragraphs, sentences, clauses, phrases, and words of this Ordinance are separable, and if any word, phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared unconstitutional, invalid, or unenforceable by the valid judgment or decree of a Court of competent jurisdiction, such unconstitutionality, invalidity, or unenforceability shall not affect any of the remaining words, phrases, clauses, sentences, paragraphs, and sections of this Ordinance.

Section 4. This Ordinance shall be in full force and effect from and after its passage, approval, and publication according to law.

PASSED AND ADOPTED by the Common Council of the City of Greenwood, Indiana, this 22nd day of February, 2023.


Michael Campbell, President
Greenwood Common Council

ATTEST:

I hereby certify that the foregoing within and attached ordinance was duly passed by the Common Council of the City of Greenwood, Indiana, at a meeting thereof held on the 22nd day of February, 2023, by the following vote:

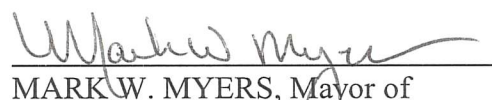
AYE: NAY:

Ronald Bates	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Michael Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Linda S. Gibson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ezra J. Hill	<input checked="" type="checkbox"/>	<input type="checkbox"/>
J. David Hopper	<input checked="" type="checkbox"/>	<input type="checkbox"/>
David Lekse	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Bradley Pendleton	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Michael Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Erin Betron	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The foregoing within and attached ordinance passed by the Common Council of the City of Greenwood, Indiana, on the 22nd day of February, 2023, is presented by me this 24 day of February, 2023, at 10:10 o'clock Am., to the Mayor of the City of Greenwood, Indiana.


Jeannine Myers, Clerk

The foregoing within and attached ordinance passed by the Common Council of the City of Greenwood, Indiana, on the 22nd day of February, 2023, is approved by me this 24th day of February, 2023, at 11:00 o'clock Am.


MARK W. MYERS, Mayor of
the City of Greenwood, Indiana