

ATTACHMENT A
Resolution No. 22-096

RESOLUTION NO. 22-096

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VICTORVILLE REGARDING OVERTIME PAY FOR BATTALION CHIEFS

WHEREAS, the City of Victorville Fire Department ("Fire Department") has in its employ Battalion Chiefs and a Battalion Chief/Deputy Fire Marshal; and

WHEREAS, it is the City of Victorville's ("City") desire to provide overtime pay to its Battalion Chiefs in lieu of currently provided Executive Leave, notwithstanding its determination that such employees are appropriately classified as exempt under the Fair Labor Standards Act (FLSA); and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF VICTORVILLE DOES HEREBY RESOLVE AS FOLLOWS:

The following are the conditions for overtime pay of Battalion Chiefs:

SECTION 1. Any overtime pay provided to the Battalion Chiefs is a benefit provided pursuant to this resolution and is not required under the FLSA; and thus, the City will compensate Battalion Chiefs' overtime at a rate which will be one and one-half times the Battalion Chief's base hourly rate.

SECTION 2. Regular hours worked each pay period will continue to be paid at a standard 112 hours and not based on the actual shift hours worked.

SECTION 3. Extra hours actually worked in a pay period will be computed as overtime based on the standard 112 hours that are paid in each pay period for the Battalion Chief classification. An example is provided in Exhibit A to this resolution for further illustration.

SECTION 4. All overtime work is subject to pre-approval by the Fire Chief; and the Fire Chief may authorize overtime for shift work or emergency incidents beyond the Battalion Chiefs' regularly scheduled assignments.

SECTION 5. Time spent in meetings and trainings outside the Battalion Chiefs' regularly scheduled assignments, as pre-approved by the Fire Chief, will be compensated at the overtime rate.

SECTION 6. The Battalion Chiefs will no longer qualify for Executive Leave under the Rule IV, Section 5 of the City's Personnel Rules and Regulations.

SECTION 7. The Battalion Chief/Deputy Fire Marshal Classification will not receive overtime pay and will continue to be eligible for Executive Leave under Rule IV, Section 5 of the City's Personnel Rules and Regulations.

SECTION 8. The changes will become effective beginning with the first full pay period after City Council approval of this resolution.

SECTION 9. In the event these changes conflict with Resolution No. 22-068 revising the Table of Organization and Compensation Schedule for FY 22-23, this Resolution No 22-096 shall supersede.

Exhibit A to Resolution No. 22-096

Example of Battalion Chiefs' Overtime Calculation

EXHIBIT A TO RESOLUTION NO. 22-096

EXAMPLE OF BATTALION CHIEFS' OVERTIME CALCULATION

Background:

The Battalion Chiefs' work a 48/96 schedule, which results in actual shift hours worked of 96 hours, 104 hours, and 136 hours in different pay periods. An average of these hours is 112 hours per pay period. To offset this fluctuation in pay periods, it was previously determined the Battalion Chiefs would be paid 112 hours each pay period, rather than have the fluctuating hours per pay period.

Overtime Calculation:

Regular hours worked each pay period will be calculated and paid at a standard 112 hours and not based on the actual shift hours worked. Extra hours worked in a pay period will be computed as overtime based on the standard 112 hours that are paid in each pay period.

As an example, a Battalion Chief who works a 24 hour backfill shift will be paid for 136 hours of which 24 of those hours will be paid at one and one-half times their regular rate of pay. If the Battalion Chief takes 24 hours of paid leave off in that same pay period, all 136 hours, including the 24 hours of the backfill shift will be paid at their regular rate due to not meeting the minimum qualification of 112 hours worked.