



Item Number: 4

City Council / Board of Directors

Written Communications

Meeting of: September 20, 2022

Submitted By:

Sophie Smith, Deputy City Manager
Josie Trevino, Human Resources Officer

Subject:

Adoption of Resolution No. 22-096 Regarding Overtime Pay for Battalion Chiefs

Recommendation:

That the Honorable City Council adopt Resolution No. 22-096, providing overtime pay for Battalion Chiefs.

Fiscal Impact:

No additional appropriation is requested. Due to salary savings created by vacancies, the approved Fiscal Year 2022-2023 Budget is projected to be sufficient to absorb any additional costs associated with this item.

Background:

On January 16, 2018, the Victorville City Council took action to re-establish a City operated Fire Department and directed staff to begin formation. It also authorized certain personnel positions for the department. On December 18, 2018, the City Council adopted Resolution 18-097 which initially established the rates of compensation and fringe benefits for the members of the Fire Department. On March 30, 2019, the City officially transitioned its fire service from the San Bernardino County Fire Protection District to its own City Fire Department.

Among the positions previously approved is the Battalion Chief position. Currently, the Department has three (3) Battalion Chiefs and one (1) Battalion Chief/Deputy Fire Marshal. The three Battalion Chiefs work a 48/96 shift consisting of two consecutive 24-hour periods on-duty followed by 96 hours off-duty. The Battalion Chief/Deputy Fire Marshal follows a 9/80 schedule.

When the Department was re-established, the Battalion Chief position was determined to fall into the "exempt from overtime" provisions under the Fair Labor Standards Act (FLSA).

Discussion:

Despite being overtime exempt, Battalion Chiefs currently receive straight time pay for additional shifts worked beyond their normal 48/96 work schedule. Additionally, they also qualify for Executive Leave in lieu of overtime, such as other City “exempt” employees.

Because questions had been raised as to the appropriateness of the “exempt from overtime” classification for the Battalion Chief positions, a legal analysis was recently conducted by the City’s Fire Labor Legal Counsel to examine this issue. The legal analysis concluded that the Battalion Chief and Battalion Chief/Deputy Fire Marshal positions are, in fact, properly categorized as “exempt from overtime” provisions of the FLSA.

However, in examining this issue, staff researched other fire departments to understand how the industry handles the Battalion Chief and like-positions with regard to payment of overtime. It appears the payment of overtime wages for Battalion Chief positions is common, although not necessarily required by the FLSA.

In order to remain competitive with other fire departments, and to continue to attract and retain qualified employees, staff recommends that both the straight pay time and Executive Leave for Battalion Chiefs be replaced with overtime pay for extra hours actually worked per pay period, based on the standard 112 hour pay period for the Battalion Chief classification.

Due to the 9/80 schedule, the Battalion Chief-Deputy Fire Marshal will remain ineligible for overtime pay, while remaining eligible for Executive Leave.

The attached Resolution No. 22-096 outlines the specific changes that will pertain to the Battalion Chiefs. The allowance of overtime pay for the Battalion Chief position is a voluntary action of the City, which goes above and beyond what is required by the FLSA and is recommended by staff in order to remain competitive in the industry. If approved, this change will be incorporated into the currently approved FY 22-23 Table of Compensation and Benefits Resolution.

Staff remains available for any comments or questions regarding this item.

Attachments: A. Resolution No. 22-096