

ORDINANCE NO. 1442

AN ORDINANCE TO AMEND AND RE-ENACT SECTION 11-15
OF THE CODE OF THE CITY OF JAMESTOWN, NORTH DAKOTA,
PERTAINING TO CIVIL SERVICE

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF JAMESTOWN, NORTH DAKOTA, that Section 11-15 of the Code of the City of Jamestown, North Dakota, is hereby amended and re-enacted to read as follows:

SECTION 11-15. Salary Plan.

(a) *Preparation.* The personnel director shall prepare and submit for approval of the finance and legal committee a salary plan applicable to all positions in the civil service classification annually. Salary ranges shall be linked directly to the position classification plan and shall be determined with due regard to ranges of pay for other classes, requisite qualifications, prevailing rates of pay for comparable work in other public and private employment in the area, cost of living factors, the financial policy of the city, the city's ability to pay, and other economic considerations. The plan shall consist of minimum and maximum rates of pay for each class of position and such intermediate rates as are considered necessary and equitable.

(b) *Adoption.* Following approval of the pay plan by the finance and legal committee, the plan shall be submitted to the city council for its consideration and adoption. The council shall not increase or decrease any individual salary item but shall act solely with respect to classes of positions as established by the classifications and pay plans. Upon adoption by the city council, no position shall be assigned a salary higher than the maximum or lower than the minimum salary provided for the class of position unless such salary schedule for the class is amended.

(c) *Amendment.* When changes in responsibilities of work of classes, living costs, recruiting experience, prevailing rates of pay, the city's financial condition and policies, or other pertinent conditions warrant such action, the finance and legal committee shall prepare recommended changes to the plan and submit them to the city council for consideration.

(d) *Administration.*

- (1) *Rate of pay.* The minimum rate of pay for a class shall be paid upon appointment to the class. Appointment at a rate above the minimum may be paid if, in the opinion of the appointing authority, it is justified on the basis of exceptional qualifications or lack of available eligibles at the minimum rates. Appointments above the minimum rate shall not be a rate higher than that paid to those currently employed in the same class or position below the grade of foreman.

If a former employee is re-employed in a class which he previously held, the appointing authority may make such appointment at the same rate of pay which the employee had been receiving at the termination of his service.

- (2) *Salary increases.* Annual salary adjustments shall be based on the salary schedule and ranges established or other forms of adjustments as set by the city council.
- (3) *Total compensation.* Any salary rate established for an employee shall represent the total compensation for the employee, not including reimbursement for official travel. Except as otherwise provided in these rules, no employee shall receive the pay from the city in addition to the salary authorized under the schedules provided in the pay plan for services rendered by him/her either in the discharge of ordinary

duties or any additional duties which may be imposed upon him/her or which he/she may undertake or volunteer to perform, provided that any cost of living bonus authorized by the city council shall not be considered as additional pay. No reward, gift, or other form of compensation in addition to regular compensation shall be received from any source by employees for the performance of their duties.

- (4) *Part time pay.* Whenever an employee works for a period less than the regular established number of hours per department schedule, the amount paid shall be proportionate to the time actually employed. The payment of a separate salary from two (2) or more departments for duties performed in each is permissible if the total salary received is not in excess of the maximum rate of pay for the class.
- (5) *Pay for seasonal employees.* Employees hired or seasonal employment shall be paid at an hourly rate as established by the city council with such rate to be not less than the minimum pay rate as established by the state of North Dakota.
- (6) *Overtime pay and compensatory time.*
 - (a) Non-exempt and exempt employees (As defined in Fair Labor Standards Act).
 - (b) Prior approval to work overtime shall be attained from the department head for hours in excess of forty (40) hours per week.

In an effort to meet the requirements of the Fair Labor Standards Act (FLSA) and to achieve consistency in the payment of overtime throughout the City of Jamestown, the following positions have been identified as being "exempt." These individuals will not be paid overtime or awarded compensatory time on an accumulated basis. At the discretion of the department heads, the employees may be awarded compensatory time for putting in more time than the standard work week. Any compensatory time awarded to these exempt employees will be recorded by the departments.

All employees not listed below will either receive overtime at the rate of one and one-half (1½) times the regular pay for each hour worked over forty (40) hours in a week, or per established schedule, or be awarded compensatory time in accordance with FLSA.

Civic Center and visitors promotion

Promotion director
Building and operations manager
Market and sales manager

Engineering

City engineer
Assistant city engineer

Finance and assessment

City auditor
Deputy auditor
City assessor

Fire Department

Fire chief

Forestry

City forester

Inspection

Building inspector
Plumbing and mechanical inspector
Electrical inspector

Police Department

Police chief
Assistant police chief
Captain
Lieutenant

Public works

Street foreman
Sanitation foreman

Utilities

Superintendent
Assistant superintendent

In the event of a natural disaster, declared emergencies, health matters, or shortage in personnel, unforeseen overtime requirements may arise. Any of these exempt positions may be authorized some payment in recognition for the duties performed during a declared emergency.

(7) Hourly and daily rates.

- a. Hourly rates shall be determined by dividing the annual salary by the number of hours normally scheduled per year for that position.
- b. Hourly rates for part time personnel shall be that rate as established by the city council.
- c. Daily rates shall be determined by dividing the annual salary by the annual work days (two hundred sixty (260) days).

ATTEST:

Jeff Fuchs, City Administrator

APPROVED:

Katie Andersen, Mayor

Introduced by Council Member Gumke

Seconded by Council Member Brubakken

First Reading: June 24, 2014

Second Reading: July 7, 2014

Final Passage: July 7, 2014

Roll Call No. 7 showed: 5 ayes, 0 nays, 0 absent.