

COUNCIL COMMUNICATION

Meeting Date: January 11, 2022	Agenda Item: 10J	Agenda Location: Consent Calendar	Goal(s):	Legal Review: <i>TY</i>	<input checked="" type="checkbox"/> 1 st Reading <input type="checkbox"/> 2 nd Reading
Subject: An ordinance amending Subsection 54-303 of the City Code related to compensation for working holidays.					
Recommended by: Chris Molison <i>CM</i>				Approved by: Kevin S. Woods <i>KW</i>	
Presenter(s): Stephen Kelley, Deputy Fire Chief Tricia Hinton-Potter, Human Resources Director				Ordinance previously introduced by: _____	

SYNOPSIS:

The proposed ordinance amends existing sections of Chapter 54 of the City Code related to compensation for working holidays. This amendment to the Personnel Code will allow non-union employees assigned to a 56-hour per week schedule to be eligible to receive holiday pay in a lump sum for those holidays accrued but not used. In addition, there are other administrative changes that reflect current practice.

RECOMMENDATION:

Staff recommends Alternative No. 1, approval of the ordinance amending Chapter 54 of the City Code related to compensation for holiday pay.

BUDGET/STAFF IMPLICATIONS:

None.

ALTERNATIVES:

1. Approve the ordinance as presented.
2. Do not approve the ordinance.

BACKGROUND (ANALYSIS/NEXT STEPS/HISTORY): (includes previous City Council action)

Prior to 2019, Section 54-303 of the City Code allowed non-union employees assigned to a 56-hour per week schedule to be eligible to be paid holiday pay in a lump sum for those holidays accrued but not used. In 2018, as part of several other changes to Chapter 54 of the City Code, language was added to discontinue this practice as it was viewed as an additional cost and administrative expense to the City that seldom was applied. With the implementation of the change in language, it was realized that the 2018 revisions negatively impacted the Fire Department, which is the only department with non-union employees assigned to a 56-hour per week schedule, due to the operation and service they provide to residents.

Human Resources and the Fire Department have determined it is in the best interest of the City to allow for this lump sum to be paid as it was previously for this specific group of employees. This change will be effective for 2021.

INTRODUCED BY: _____

AN ORDINANCE AMENDING SUBSECTION 54-303 OF THE CITY CODE RELATED TO COMPENSATION FOR WORKING HOLIDAYS.

WHEREAS, City Council desires to amend Section 54-303 of the City Code related to compensation for working holidays for employees assigned to a 56-hour per week schedule, to revise language to reflect current practices when a holiday occurs on Saturday or Sunday for non-union employees, and for other clean up items.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF THORNTON, COLORADO, AS FOLLOWS:

1. Section 54-303 of the Thornton City Code is hereby amended by the addition of the words double-underlined and the deletion of the words stricken to read as follows:

Sec. 54-303. - Compensation for working holidays.

- (a) Regular non-exempt~~Career service~~ employees who are required to work on a holiday shall be compensated for such work in accordance with the provisions of the FLSA and Section 54-82.
- (b) If a city holiday falls on a full-time Regular non-exempt~~career service~~ employee's regularly scheduled day off and the employee does not work on such holiday, the employee shall receive eight hours of additional compensation at the base hourly rate.
- (c) Regular full-time exempt employees scheduled to work holidays shall receive eight ~~(12 for 56-hour per week schedule)~~ hours of holiday administrative leave for each official city holiday worked. If a city holiday falls on a Regular full-time exempt employee's regularly scheduled day off, the employee shall receive eight ~~(12 for 56-hour per week schedule)~~ hours of holiday administrative leave. Unused holiday leave will not carry over to the next calendar year accrue or be paid out at the end of the calendar year in which it accrues if not used. Employees assigned to a 56-hour per week schedule are eligible to be paid at the end of the calendar year for holiday leave accrued but not used. This amount will be paid at 12 hours per official city holiday at the employee's base hourly rate and does not include floating holidays.
- (d) Temporary employees who are required to work on a holiday shall be compensated for such work in accordance with the provisions of the FLSA.

- (e) If a holiday falls on a Saturday or Sunday and is, therefore, officially observed on a Friday or Monday, an employee who is required to work on such Saturday or Sunday shall be compensated as if the employee worked on the day on which the holiday is observed by the city; ~~provided, however, that if such employee also works on the day that the holiday is legally observed, the employee shall elect which day is considered a holiday for purposes of such employee's compensation.~~
2. If any portion of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the constitutionality or validity of the remaining portions of this ordinance. City Council hereby declares that it would have passed this ordinance and each part hereof irrespective of the fact that any one part be declared unconstitutional or invalid.
 3. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portions hereof are hereby repealed to the extent of such inconsistency or conflict.
 4. The repeal or amendment of any provision of the Code by this ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings, and prosecutions for the enforcement of the penalty, forfeiture, or liability, as well as for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.
 5. This ordinance shall take effect on January 1, 2022.

INTRODUCED, READ, PASSED on first reading, ordered posted in full, and title ordered published by the City Council of the City of Thornton, Colorado, on _____, 2022.

PASSED AND ADOPTED on second and final reading on _____, 2022.

CITY OF THORNTON, COLORADO

Jan Kulmann, Mayor

ATTEST:

Kristen N. Rosenbaum, City Clerk

THIS ORDINANCE IS ON FILE IN THE CITY CLERK'S OFFICE FOR PUBLIC INSPECTION.

APPROVED AS TO LEGAL FORM:

Tami Yellico, City Attorney

PUBLICATION:

Posted at City Hall, Margaret W. Carpenter Recreation Center, Thornton Active Adult Center, and Trail Wind Recreation Center after second reading.

Published on the City's official website after first reading on _____, 2022, and after second and final reading on _____, 2022.