

RESOLUTION NO. 12-013

A RESOLUTION OF THE CITY OF KETCHUM, IDAHO, AUTHORIZING EXEMPT EMPLOYEES TO BE COMPENSATED FOR HOURS WORKED IN EXCESS OF A NORMAL WORK WEEK UNDER CERTAIN CIRCUMSTANCES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, certain employees of the City of Ketchum are classified as exempt under the Fair Labor Standards Act and generally are not eligible for compensation for hours worked in excess of the normal forty-hour work week; and

WHEREAS, in certain rare circumstances, exempt employees may be requested to mobilize to assist other local, state, or federal governmental units in response to a disaster, emergency, or fire; and

WHEREAS, the City of Ketchum recognizes that when these employees assist other governmental units in response to disasters, emergencies, or fires, they may work more than their normal forty-hour work week; and

WHEREAS, the City of Ketchum finds it to be in the best interests of allowing the payment of additional compensation for those hours worked in excess of forty hours within a week to fairly compensate those employees who assist other governmental units in responding to disasters, emergencies, or fires;

NOW THEREFORE, be it resolved by the City Council of the City of Ketchum, Idaho, as follows:

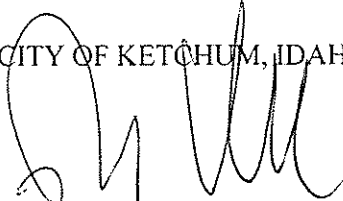
Section 1. That City of Ketchum exempt employees may be eligible for all hours worked when requested by a governmental unit in response to a disaster, emergency, or fire as provided in the attached Exhibit A, attached hereto and incorporated herein by this reference.

Section 2. That prior resolutions in conflict with this resolution shall be of no effect to the extent of the conflict.

Section 3. That if any portion of this resolution, including the incorporated Exhibit A, is declared void or otherwise unenforceable by a court of competent jurisdiction, the remainder will remain in effect to the extent practical without the voided provision.


Section 4. That this resolution shall be in effect retroactive to August 1, 2012 upon its passage by the City Council of the City of Ketchum.

Passed and approved this 20th day of August, 2012.

CITY OF KETCHUM, IDAHO


Randy Hall, Mayor

ATTEST:



Sandra E. Cady, CMC
City Treasurer/Clerk

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Exhibit A

Emergency Response Pay for Exempt Employees

Generally. Neither the Fair Labor Standards Act nor City of Ketchum policy requires the payment of overtime to exempt employees. The City recognizes that in certain, rare circumstances, certain exempt employees other than Department Heads may be granted additional pay under the terms of this policy. Additional compensation provided to exempt employees does not conflict with the salary basis of pay, and does not compromise an employee's exempt status. The City finds it to be in the best interests of the citizens of the City that certain employees participate in activations in response to emergencies, disasters, or fires and that it is fair and equitable to compensate employees who participate when called accordingly.

Emergency Response Pay. The City of Ketchum will provide its employees considered exempt under the Fair Labor Standards Act with emergency response pay for every hour worked in excess of forty hours during their normal work week when responding to a federal, state, or local emergency pursuant to (1) an agreement between the City and the state of Idaho, the federal government, and/or another governmental unit; or (2) a request of the City by another governmental unit to respond to a declared emergency, disaster, or fire. Emergency response pay will be calculated at the normal hourly rate plus benefits for those hours exceeding forty hours in one week, or at the rate provided by any agreement between the City and other governmental unit.

Requirements for Eligibility. In addition to the provisions above and elsewhere in this policy, the following requirements must be met for an employee to be eligible for emergency response pay: (1) An employee may be eligible for emergency response pay when the requesting governmental unit agrees to reimburse the City for that pay. (2) Payment of emergency response pay must not be inconsistent with any agreement between the City and the state of Idaho, federal government, and/or other governmental unit, particularly any pay and reimbursement provisions of any such agreement. (3) All documentation required for reimbursement must be produced to the applicable City department head or other governmental unit to be eligible for emergency response pay.