

RESOLUTION NO. 16-002

A RESOLUTION OF THE CITY OF KETCHUM, IDAHO, RESCINDING AND REPEALING RESOLUTION 12-013 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, Resolution 12-013 allowed certain exempt employees to be compensated for work beyond their normal 40 hour week; and

WHEREAS, the City of Ketchum has determined that compensating those exempt employees assisting other governmental units in response to disasters, emergencies, or fires for all hours worked in excess of the normal forty-hour work week will cost the City of Ketchum funds beyond what it is actually reimbursed by such other governmental units; and

WHEREAS, the City of Ketchum finds it to be in the best interests of the City to rescind and repeal Resolution 12-013;

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

Section 1. That Resolution 12-013, attached hereto as Exhibit A, is hereby repealed and rescinded, and shall be of no further force or effect as of the effective date hereof.

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 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 June 6th, 2016 upon its passage by the City Council of the City of Ketchum.

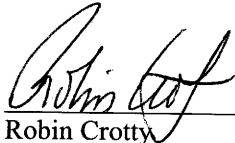
Passed and approved this 6th day of June, 2016.

CITY OF KETCHUM, IDAHO



Nina Jonas, Mayor

ATTEST:



Robin Crotty
Interim City Clerk

RESOLUTION NO. 12-013

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 be 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.