

RESOLUTION NO. 17-26

**RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MAMMOTH LAKES,
STATE OF CALIFORNIA, REPEALING RESOLUTIONS 95-12 AND 13-28, AND
ADOPTING THE FOLLOWING POLICIES: ALTERNATIVE WORK SCHEDULE;
FAMILY AND MEDICAL LEAVE; PAID SICK TIME; AND, TRANSITIONAL
RETURN TO WORK**

WHEREAS, the Town Council is authorized under the provisions of Ordinance 89-06 to adopt rules for the administration of the personnel system created in said ordinance; and,

WHEREAS, given a new resolution (Resolution 17-04, establishing Personnel Rules) has been adopted providing updated recruitment and selection procedures as part of the Personnel Rules, it is appropriate to repeal Resolution 13-28 adopting earlier recruitment and selection procedures; and,

WHEREAS, given the length of time that has passed since the adoption of Resolution 95-12 on April 5, 1995 and the recent modifications to the Family and Medical Leave Act, it is necessary to adopt an updated Family and Medical Leave policy; and,

WHEREAS, it is desirable to have an Alternative Work Schedule policy in place in order to promote a healthy work-life balance and allow employees to work a flexible work schedule; and,

WHEREAS, in accordance with California Labor Code, section 245 *et seq.*, it is necessary to adopt a Paid Sick Time policy in order to allow limited-term employees paid sick days to address their medical needs; and,

WHEREAS, it is desirable to have a Transitional Return to Work policy in place in order to assist injured employees who are temporarily precluded from performing their normal duties in returning to work.

NOW, THEREFORE, BE IT RESOLVED, the Town Council of the Town of Mammoth Lakes does hereby repeal Resolutions 95-12 and 13-28 and adopt the following policies: Family and Medical Leave, as provided in Exhibit A; Alternative Work Schedule, as provided in Exhibit B; Paid Sick Time, as provided in Exhibit C; and, Transitional Return to Work, as provided in Exhibit D.

APPROVED AND ADOPTED THIS 17TH DAY OF MAY, 2017.



SHIELDS RICHARDSON, Mayor

ATTEST:



JAMIE GRAY, Town Clerk



**TOWN OF MAMMOTH LAKES
POLICIES AND PROCEDURES**

**SUBJECT: ALTERNATIVE WORK
SCHEDULE (9/80) POLICY**

Number: 100.01
Effective Date: 02/2015
Revised:
Authority: Town Council
Adopted by Resolution No.: R17-26
Town Manager: *Dan Hille*

I. Purpose and Scope

The purpose of this policy is to set rules and procedures related to the establishment and administration of an alternative work schedule, commonly referred to as “9/80”. This policy applies to all regular, full-time employees within the Town of Mammoth Lakes (“Town”) competitive service.

II. Definitions

9/80 Alternative work schedule: The 9/80 alternative work schedule shall consist of eight (8) work days of nine (9) hours and one work day of eight (8) hours for a total of 80 hours during a pay period. The eight (8) hour workday must be on the same day of the week as the employee’s regularly scheduled day off. Under the 9/80 schedule, one calendar week shall consist of 44 hours (four nine (9) hour days and one eight (8) hour day) and the second calendar week will consist of 36 hours (four nine (9) hour days and one (1) day off).

Flex day: The flex day shall be an eight (8) hour day and should be scheduled for Friday for all employees. Extenuating circumstances may warrant the selection of a day other than Friday but it must be approved by the Department Head, with notice to the Town Manager. The flex day must be the same day of the week as the employee’s eight (8) hour work day that occurs in the preceding and subsequent work weeks (e.g. if the employee’s regularly scheduled day off is each alternate Friday, then the employee shall be scheduled to work eight hours the preceding and subsequent Fridays).

9/80 FLSA Workweek: Under the Fair Labor Standards Act the workweek is defined as “a fixed and regularly recurring period of seven (7) consecutive 24 hour periods (168 hours).” The 9/80 work week begins on the employee’s eight (8) hour day, exactly four (4) hours after the scheduled start time and ends exactly three (3) hours and 59 minutes after the scheduled start time on the same day the following week. For example, if your eight (8) hour work day is on Friday, and you are scheduled to work 8:00 a.m. to 5:00 p.m., your new work week begins at noon on Friday, and ends at 11:59 a.m. the following Friday.

Fair Labor Standards Act (FLSA): The Fair Labor Standards Act is a federal law that sets minimum wage, overtime pay, equal pay, recordkeeping, and child labor standards for employees who are covered by the Act.

FLSA Exempt: FLSA exempt employees are not eligible for overtime compensation.

FLSA Non-Exempt: FLSA non-exempt employees are eligible for overtime compensation.

Pay Period: The Town’s regular pay period begins at 12:00 a.m. (midnight) on Monday, and ends at 11:59 p.m. on Sunday two weeks later.

III. Policy

A. General Provisions

Through this policy and the associated Memoranda of Understanding (MOUs), the Town Manager authorizes each Department Head to offer at their discretion, the 9/80 alternative work schedule. It is intended that the 9/80 work schedule will enable employees to work alternate hours to accommodate department needs as well as the employee’s personal needs. More specifically, it will reduce the commute trips for employees, thereby reducing their commute costs as well as reducing the overall environmental impact of Town of Mammoth Lakes employees commuting to their work place. However, it is important to note that the 9/80 schedule is not an entitlement. The 9/80 schedule shall not be provided at the expense of service to the public and must not adversely affect the department’s ability to provide coverage or maintain

service levels. The Town Manager and Department Heads, at their discretion, may discontinue participation in the 9/80 schedule for the organization, by individual, group, or division, if it is determined that service levels are not being maintained under the 9/80 work schedule or for any reason deemed appropriate by management. Department Heads, with a 14-day notice to the employee, may discontinue the employee's authorization to participate in the 9/80 alternative work schedule program if concerns develop regarding the employee's performance, departmental operations, attendance or for any other reason deemed appropriate.

IV. Procedures and Approval

- A. Approval of a 9/80 alternative work schedule including the selection of the work days and times, and the flex day, shall be based on business needs and requires approval from the employee's immediate supervisor and Department Head.
 - 1. Generally, employees are expected to be at work during regular Town administrative office business hours (8:00 a.m. -5:00 p.m.). Friday is the preferred day to be utilized as the flex day. However, the Department Head may approve a different day of the week for individual employees on a case-by-case basis.
 - 2. Employees may select varying work start and end times for their nine (9) hour days starting from 7:00 a.m. and ending at 6:00 p.m. The eight (8) hour workday should be 8:00 a.m. to 5:00 p.m. Variation from this schedule must be approved by their manager and should be an uncommon occurrence.
 - 3. The Town office will remain closed between 12:00 p.m. – 1:00 p.m. Employees may choose to work a half hour lunch, however, they must still be available at the office from 8 a.m. – 12 p.m. and 1 p.m. – 5 p.m. For example, an employee could work 7:30 a.m. - 5:00 p.m. with a half hour lunch between 12:30 p.m. - 1:00 p.m. This will ensure we preserve scheduled office hours for the public. Employees must have Department Head approval if they take a shortened lunch break.
 - 4. The Town office will continue to be open to the public from 8:00 a.m. to 12:00 p.m. and 1:00 p.m. to 5:00 p.m., Monday to Thursday.
- B. A copy of the approved 9/80 Work Schedule Authorization Form (see Appendix A) must be forwarded to Payroll at least 14 days prior to the employee beginning the 9/80 schedule to allow sufficient time to process the authorization form.
- C. Due to FLSA requirements to pay overtime if more than 40 hours are worked in one work week, once the flex day is designated, non-exempt employees may not alter their scheduled day off without a permanent change to the work schedule.
- D. Employees may change their work schedule no more than twice within a calendar year. Changes to the schedule are discouraged and require Department Head approval.
- E. If an employee is required to work on their flex day, (which may include training or attendance at conferences), non-exempt employees may be asked to change their work schedule for that week so that hours worked in the Town workweek do not create overtime. For example, if an employee is required to work eight (8) hours on their flex day, the supervisor may request that the employee work four seven (7) hour days that week, instead of four nine (9) hour days, so that the total number of hours for the workweek does not exceed 40. All overtime needs to be pre-authorized by the affected employee's supervisor.
- F. Flexing the work shift on the eight (8) hour workday for a non-exempt employee is not permitted unless specifically authorized by the Department Head.

V. Holidays, Comprehensive Leave, and Jury Duty

- A. Holiday pay shall remain at eight (8) hours. When a holiday falls on a regular nine (9) hour workday, the employee shall use one (1) hour of comprehensive leave to make up the ninth hour.
- B. Town holidays will be observed by all employees on the same day regardless of whether they participate in the alternative schedule or not. When the holiday falls on the employee's flex day, the flex day shall be observed on an adjacent workday within the same workweek.
- C. Time off from work will be charged nine (9) hours of comprehensive leave for time taken on a scheduled nine (9) hour day. Time off from work on the eight (8) hour workday will be charged eight (8) hours.
- D. Employees working a 9/80 schedule shall accumulate the same number of comprehensive leave hours per month as under the standard 10/80 workweek.
- E. Employees required to report for Jury Duty on their flex day shall not be entitled to overtime pay or compensatory time off.
- F. To the greatest extent possible, employees should attempt to schedule personal business and appointments on their flex day.

VI. Overtime

- A. Non-exempt employees shall receive overtime pay or compensatory time off at time and one-half (1 1/2) for all hours worked in excess of 40 hours in their respective FLSA scheduled workweek.
- B. 9/80 workweeks will not generally correspond with the Town's pay periods. Therefore, adjustments to overtime compensation due in accordance with the Fair Labor Standards Act cannot be calculated until the completion of the employee's workweek. This may result in one pay period's delay in the employee receiving the overtime compensation.

VII. Transition Plan

- A. When an employee transitions from a 10/80 work schedule to a 9/80 work schedule, there will be a necessary change in the beginning of the workweek. This results in a situation in which four (4) hours fall in both the old workweek and the new workweek. Any deviations from this must be approved in advance by the Department Head.
- B. All employees transitioning into a 9/80 work schedule shall be required to start the transition at the beginning of a new pay period.

VIII. Responsibility for Review

The Human Resources Manager shall be responsible for reviewing this policy as needed or at least every two years.



Human Resources Department

P.O. Box 1609, Mammoth Lakes, CA, 93546

(760) 965-3610

www.townofmammothlakes.ca.gov

Appendix A: 9/80 Work Schedule Authorization Form

Employee Name: Department:

Step 1: Determine your Flex day - Your flex day off shall be an eight (8) hour day and should be scheduled to occur on Fridays. Approval of a day other than Friday should be done through your Department Head. The flex day must be the same day of the week as your eight (8) hour day in the preceding and following calendar weeks (select one):

	Mon		Tues		Wed		Thurs		Fri
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Step 2: Indicate your new 9/80 work schedule (after transition) - The 9/80 work schedule you select must consist of four (4) nine (9) hour days and one (1) flex day in one calendar week, and four (4) nine (9) hour days, and one eight (8) hour day in the preceding and following calendar weeks. Week One Schedule is the first week of a pay period, Week Two is the second week of a pay period.

Week One Schedule					
Mon	Tues	Wed	Thurs	Fri	Total
Week Two Schedule					
Mon	Tues	Wed	Thurs	Fri	Total

Step 3: Indicate the date you will begin your new 9/80 work schedule - This date must be a Monday and be the first day of a pay period:

Step 4: Determine your new FLSA work week - Your new work week will begin exactly four (4) hours after the starting time of your eight (8) hour day, and end exactly one minute prior to that the following week. For example, if your eight (8) hour work day is on Friday, and you are scheduled to work 8:00 a.m. to 5:00 p.m., your new work week begins at noon on Friday, and ends at 11:59 a.m. the following Friday.

My new work week:					
Begins on (day of week)		at		a.m.	p.m.
Ends on (day of week)		at		a.m.	p.m.

I understand that by signing this form, I agree that I am electing to participate in a 9/80 work schedule; to adhere to the work schedule shown above; and, to abide by the terms and conditions of the Alternative Work Schedule Policy.

Employee Signature:		Date:	
Approved By:			
Supervisor Signature:		Date:	
Dept. Head Signature:		Date:	

This form must be received by Payroll at least fourteen days prior to the date indicated in Step 3.