

ORDINANCE NO. 1429

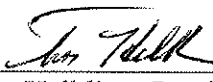
An Ordinance to Amend and Re-enact
Section 20-7-6 of the Mandan Code of Ordinances
Relating to Compensatory Leave

Be it Ordained by the Board of City Commissioners as follows:


Sec. 20-7-6. Compensatory leave.

- (a) Compensatory leave may be permitted upon mutual agreement of the employee and the department director. All compensatory leave is time off in lieu of payment for overtime pay. Compensatory leave for all employees, except as provided in this section, shall be allocated at the premium rate of 1½ hours for each hour worked in excess of the standard workweek or work period. To determine the number of hours worked by an employee within a week or work period, time spent on vacation, sick, or other paid leave will not be counted. Holidays will be counted as time worked in calculating compensatory leave, but compensatory leave will be awarded only on an hour-for-hour basis, until actual time worked exceeds the standard work period.
- (b) All compensatory leave earned, except as provided in this section, by an employee constitutes a financial liability of the city, subject to the following restrictions:
 - (1) Once an employee has accumulated more than 50 hours of compensatory leave, the department director may, in conjunction with payroll, elect for the employee to begin receiving overtime pay instead of accumulating additional compensatory leave. After a compensatory leave balance of 60 hours has been reached, the employee will be returned to overtime pay by payroll.
 - (2) There will not be an annual carryover of unused compensatory leave. The city will pay compensatory leave annually on the last pay date of the calendar year. Any compensatory leave earned during that pay period will be paid out immediately and will not be carried forward into the next calendar year.
- (c) Exempt employees are exempt from overtime payment requirements of the Fair Labor Standards Act. However, these exempt employees may also accumulate compensatory leave at an hour-for-hour rate for time worked beyond the standard workweek. Exempt employees will not be permitted to carry a compensatory leave balance of more than 60 hours. Exempt employees will not be paid for unused compensatory leave and all unused compensatory leave will be forfeited at the end of the final payroll of the calendar year that includes December 31. Any compensatory leave accrued during the final payroll of the calendar year that includes December 31 may be carried forward into the next calendar year.

By: _____


Tim Helbling, President, Board of
City Commissioners

Attest:



James Neubauer, City Administrator

First Consideration: July 18, 2023

Second Consideration and Final Passage: August 1, 2023