

**ORDINANCE NO. 2017-07-20B**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OVERTON, TEXAS AMENDING ORDINANCE NO. 2014-12-18A - APPENDIX C, CHAPTER 6 ABSENCES & LEAVES, CHANGING THE TITLE OF THE CHAPTER, AMENDING SECTION 6.02, DELETING SECTION 6.03, AMENDING SECTION 6.14 AND ADDING SECTION 6.15; PROVIDING FOR A SEVERABILITY CLAUSE, AND AN EFFECTIVE DATE.**

**WHEREAS**, policies governing the granting of leave time for employees is well established by practice and statutes under Federal Employment Law; and

**WHEREAS**, Chapter 6-0 of the City of Overton Personnel Rules and Regulations addresses the issue of Leave and Absences covering employees of the City of Overton; and

**WHEREAS**, certain provisions of the rules and regulations in Chapter 6-0 of the current Rules and Regulations require changes to allow for more flexibility and fairer administration of leave benefits among different categories of employees; and

**WHEREAS**, the City Council has determined that said changes are in the best interests of the citizens of the City of Overton by helping to establish a stable and fairly compensated work force that provides the services essential to the community;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OVERTON TEXAS:**

**SECTION 1.** That the findings set out in the preamble to this Ordinance are hereby in all things approved.

**SECTION 2.** That Appendix C of the City of Overton Code of Ordinances - Personnel Policies and Procedures the title of Chapter 6 is hereby amended to:

**“TIME, ATTENDANCE, HOLIDAYS & LEAVES”**

**SECTION 3.** That Section 6.02 PERSONAL TIME OFF LEAVE of Chapter 6 of Appendix C of the Code of Ordinances of the City of Overton, Texas is hereby amended to read as follows:

**6-02. PERSONAL TIME OFF (PTO) LEAVE**

Regular full-time or part-time employees that are generally scheduled for 32 hours per week shall be eligible to earn personal time off (PTO) at rates defined in the following table (Table 6-2) shown below:

**City of Overton**  
**PTO Accrual Rates for Regular Full-time and Part-time Employees**  
**ORDINANCE 2017-07-20B -**

**Table 6-2**

Level	Years of Continuous Service	Accrual Rates in hours (per years of service)			
		All Regular Full-Time Employees*	32 hrs/wk Part-time Employees	Uniformed Police Officers Only	% Diff From Non-Police Personnel.
1	0 ≤ 5	120.12	96.20	126.10	4.978%
2	>5 ≤ 10	140.14	112.06	147.16	5.009%
3	>10	160.16	128.18	168.22	5.032%

Hours worked per year				
Work Year(hrs.)	2080	1664	2184	5.000%

Personal time off leave shall be administered according to the following terms and conditions:

- (a) Employees shall not be eligible to take personal time off leave until completion of 6 months of employment, with the exception that employees (full-time and part-time) may be paid for any of the City-designated holidays which occur during that 6 month period. After 6 continuous months of employment, paid time off is available for use based on the number of hours in the PTO account; and is deducted from that account each pay period in which it is used. Employees will not be paid more than what has accrued in the account.
- (b) Any scheduled or unscheduled time away from work after the 6 month probationary period may be paid from available hours in the employee’s PTO account.
- (c) Personal time off leave shall not accrue for any pay period during which an employee works less than half the standard number of paid days for his or her type of job unless prior written approval is obtained from the City Manager.
- (d) Except for sworn police officers, all other regular full-time employees may accrue a balance of no more than 200 hours of personal time off leave during their employment with the City. However, employees may be compensated for personal time off pay should their work situation require their presence and cause the employee to exceed the maximum days accumulation allowed, provided such has received prior written approval from the City Manager.
- (e) Sworn police officers may accrue a balance of no more than 250 hours of personal time off leave during their employment with the City. If at the beginning of the first pay period in December of each year, a sworn police officer has a balance in excess of 210

hours in their PTO account, they may be eligible to receive payment for up to 42 hours of PTO time in a lump sum payment for the unused hours.

- (f) When a regularly scheduled holiday occurs during the period of an employee's personal time off, the employee will not have to use PTO time for the amount of the holiday allowed.
- (g) Personal time off leave shall be charged only for time during which the employee would ordinarily have worked.
- (h) Employees being laterally transferred, promoted, or demoted shall retain any accrued personal time off leave.
- (i) Personal time off leave shall not be taken in advance of it being earned, except in emergencies with the approval of the City Manager.
- (j) Personal time off leave credits are not transferable between employees, except as allowed under Section 6-15.
- (k) If an employee's accumulated personal time off has been exhausted, the PTO pay of that employee shall be discontinued until he or she returns to work.

**SECTION 4.** That Section 6.03 Accrual of Chapter 6 of Appendix C of the Code of Ordinances of the City of Overton, Texas is deleted:

**6-03. ACCRUAL-DELETED**

**SECTION 5.** That Section 6.14 Separation Benefits of Chapter 6 of Appendix C of the Code of Ordinances of the City of Overton, Texas is hereby amended to read as follows:

**6-14 SEPARATION BENEFITS**

Employees will receive cash payment for remaining PTO upon separation of employment if:

- (a) They have been employed for 6 months or more in a full-time or part-time position.
- (b) Give proper written notice (2 week/4 week depending on the position) and work the notice period. No PTO can be taken during the notice period.
- (c) Document the final timecard noting "Pay remaining PTO" and have supervisor sign and forward to Payroll.

Employees who leave without proper notice or who are terminated involuntarily, forfeit PTO balances and will be paid only for work performed during their last pay period of employment.

**SECTION 6.** That Section 6.15 Donation of Paid Time Off (PTO) of Chapter 6 of Appendix C of the Code of Ordinances of the City of Overton, Texas is hereby added to read as follows:

**6-15 DONATION OF PAID TIME OFF (PTO)**

Employees may donate unused PTO hours from their account balance under the following conditions:

- (a) The beneficiary of such donations has been determined by the City Manager to be in sufficient need as demonstrated by a written medical directive.
- (b) The donor employee may only donate up to 25% of the current balance in their PTO account as of the date of the donation and make such donation only once in a 12 month period.
- (c) Donated PTO hours will be converted to the beneficiary’s PTO account by dividing the donated hours by the current pay rate of the beneficiary to calculate the net hours donated and added to the beneficiary’s PTO balance.
- (d) The City Secretary shall maintain a permanent record of pledged hours by each employee and control the use of such hours as needed by the benefitting employee.

**SECTION 7.** That the City Manager is directed to develop and implement the specific forms and procedures needed to administer each provision of the added or amended Sections of Chapter 6 in strict adherence to principals of general accounting practices GAAP and the policies described herein.

**SECTION 8.** That if any article, paragraph, subdivision, clause, phrase, or provision of this ordinance shall be adjudged invalid, or be held unconstitutional, the same shall not affect the validity of the ordinance as a whole or any part or provision thereof other than the part so declared to be invalid or held to be unconstitutional.

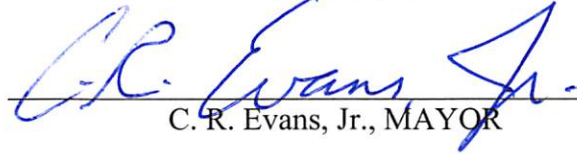
**SECTION 9.** That all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict only; provided, however, that the repeal of an ordinance by this ordinance does not affect the prior operation of the ordinance or any prior action taken under it, any obligation or liability previously acquired, accrued, or incurred under such prior ordinance, any violation of the prior ordinance or any penalty, forfeiture, or punishment incurred under said ordinance before its repeal, and any investigation, proceeding, or remedy under said prior ordinance and the penalty, forfeiture, or punishment imposed as a result of such investigation, proceeding, or remedy shall be imposed as if the prior ordinance had not been repealed.

**SECTION 10.** That this Ordinance shall be effective from and after its date of passage and publication as required by law.

PRESENTED AND APPROVED THIS 20<sup>th</sup> DAY OF July, 2017 BY A VOTE OF 4 AYES, 0 NAYS, 0 ABSTENTIONS, AT A REGULAR MEETING OF

**THE CITY COUNCIL OF THE CITY OF OVERTON, TEXAS.**

**CITY OF OVERTON:**

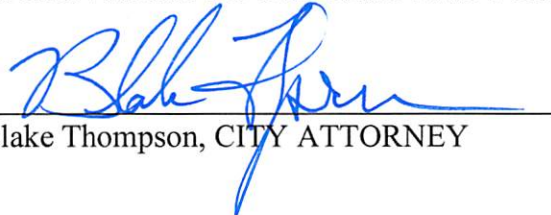
  
\_\_\_\_\_  
C. R. Evans, Jr., MAYOR

ATTEST:

  
\_\_\_\_\_  
Rachel Gafford, CITY SECRETARY



APPROVED AS TO CONTENT AND FORM:

  
\_\_\_\_\_  
Blake Thompson, CITY ATTORNEY