Cumberland Town Council
Ordinance 2016 – 6
Ordinance Amending Policies of the Employee Handbook
Regarding the Hours of Work and Overtime Threshold for
Cumberland Police Officers

Whereas, Section 00-03-32-01 of the Cumberland Town Code provides for policies for employment for Town employees and Cumberland Police Officers; and

Whereas, the Cumberland Town Council periodically reviews the provisions of these policies in order to ensure that these policies are consistent with Town practices and policies, and are compliant with federal and Indiana laws, rules, orders, and regulations, and are in the best interest of the citizens of Cumberland; and

Whereas, Sections 2.01.3, 2.03.2, 2.03.5, and Form A-2 “Notice of Rights to Elect Overtime Compensation” of the Employee Handbook dictate that the threshold for overtime compensation for a Cumberland Police Officer is based on the hours worked above 80 hours in a fourteen 14 day period; and

Whereas, the Cumberland Chief of Police and the Cumberland Town Council have reviewed this policy and find that the threshold for overtime compensation should be raised from the time worked above 80 hours to the time worked above 84 hours in a 14 day period;

It is therefore ordained that Sections 2.01.3, 2.03.2, 2.03.5, and Form A-2 “Notice of Rights to Elect Overtime Compensation” of the Employee Handbook are revised to reflect a Cumberland Police Officer works not more than 84 hours in a 14 day period and to reflect that any overtime compensation for a Cumberland Police Officer is determined by the amount of hours above 84 hours for a 14 day period. These specific amendments are attached as Exhibit “A”.

It is further ordained that all other provisions of the Employee Handbook, which are not expressly amended by this ordinance, will remain in full force and effect.

It is further ordained that this ordinance shall be effective upon adoption and be retroactively applied, beginning January 1, 2016.
Adopted this 4th day of May, 2016

A Majority of the Cumberland Town Council

Joe Siefker, President

Anna Pea, Vice President

Nicole Bell, Council Member

Brian Gritter, Council Member

Mark Reynolds, Council Member

ATTEST:

Erica Salmon, Clerk-Treasurer
2.01.3 Police Officers: Police Officer work various number of hours each week, but not more than 80-84 hours in a fourteen (14) day period. The Police Department is open at all times, but the office will be open from 8:00 a.m. to 8:00 p.m. Monday through Thursday, and 8:00 p.m. to 2:00 p.m. on Friday. The Police Chief will ensure that there is adequate coverage in the Police Department.

2.03.2 Police Officers: The Police Chief shall establish the hours of work for each police officer. Authorized overtime for all non-exempt police officers is time worked in excess of 80-84 hours in a 14 day period and may be taken either in pay or compensatory time, subject to the election of officers provided for in Subsection (C)(3) of this Section, as determined by the Police Chief. The overtime rate is determined by multiplying the hours exceeding 80-84 hours in a 14 day period by 1.5.

2.03.5 Compensatory Time Limitation and Carry Forward: Accrued compensatory time may be accumulated up to 40 hours for administrative employees and 80-84 hours for police officers. Accrued compensatory time should be used by the end of each calendar year. If work demands prevent the use of accrued compensatory time by the end of the calendar year, employees may carry unused compensatory time to the next calendar year, but supervisors should schedule work in the following year in a manner to use the compensatory time carried over within the first six months of the next calendar year. All accrued compensatory time at the time of retirement, resignation, promotion to an exempt position or termination will be paid in the next payroll cycle.

Form A-2
NOTICE OF RIGHT TO ELECT OVERTIME COMPENSATION

TO: ALL EMPLOYEES OF THE TOWN OF CUMBERLAND

Non-exempt employees of the Town of Cumberland will receive either overtime pay or compensatory time in lieu of paid overtime for all authorized overtime worked. Authorized overtime for employees is 40 hours in a 7-day period for administrative
employees and civilian employees of the Police Department and 80 84-hours in a 14-day period for police officers.

Consent to compensatory time in lieu of paid overtime shall be assumed for each eligible employee unless such employee provides a written notice of objection to the Town Manager for administrative employees, Clerk-Treasurer for employees in the Clerk-Treasurer's Office or the Chief of the Cumberland Police Department for non-exempt police officers and civilian employees of the Police Department.

I hereby make the following election (circle one):

1. Option 1: I am willing to receive compensatory time for all overtime hours;
2. Option 2: I hereby elect to receive overtime pay for my overtime hours worked rather than compensatory time for my overtime hours worked on ________________________, 2016:
3. Option 3: I hereby elect to receive overtime pay for my overtime hours worked rather than compensatory time for all of my overtime hours worked in 2016; or
4. Option 4: I make no election at this time.

Date:_____________  ____________________________________________________________________________

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