RESOLUTION NO. 9173

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON RELATING TO PAY FOR NON-REGULAR EMPLOYEES AND REPEALING RESOLUTION NO. 8773.

THE CITY COUNCIL OF THE CITY OF FULLERTON HEREBY RESOLVES AS FOLLOWS:

Section 1: Each person employed in a classification listed in Appendix A shall work on a part-time, seasonal, on-call, emergency, intermittent, substitute, or other irregular basis.

Section 2: Overtime Pay

- (A) With the exception of those described in paragraph (C), non-regular employees are covered by the Fair Labor Standards Act.
- (B) Covered (non-exempt) non-regular employees shall receive 1.5 times the "regular rate" (regular rate = base rate plus any increment pay) for all hours actually worked in excess of 40 hours in a seven-day work period. In lieu of cash payment, a non-exempt non-regular employee may earn compensatory time off on a time and one-half basis. No employee shall accrue more than 80 hours of accrued compensatory time. Should any such employee exceed 80 hours of accrued compensatory time, he/she shall be paid for those excess hours. All compensatory time on the books at the end of each payroll year shall be paid off, unless used by the end of the following March in accordance with established practice. Compensatory time used is not hours worked for FLSA purposes.

(C) FLSA – Exempt Employees

Any person employed by the Community Services Department to work only in recreation programs which operate no more than seven consecutive months in any calendar year, and any person employed in a professional, administrative or management capacity is not covered by (and is exempt from) the Fair Labor Standards Act.

(D) If the Fair Labor Standards Act is invalidated, set aside or otherwise held inapplicable to local governments, this Section shall not apply.

Section 3: Cancellation/Effective Date

This Resolution supersedes Resolution 8773. It is effective August 1, 2000.

ADOPTED BY THE FULLERTON CITY COUNCIL on ____August 1 . 2000.

/s/ F. Richard Jones, M.D.
F. Richard Jones, M.D., Mayor

ATTEST:		•		
/s/ Audrey K. Culve	r			
Audrey K. Culver, City Cle	rk			
	CERTIFICATE	OF CLERK		
I HEREBY CERTII Council at its regular mee			uly adopted by the Fullerton Ci, 2000, by the following vote:	ity
	COUNCILMEMBERS:	None	Bankhead, Flory, Norby	
IN WITNESS WHE	REOF, I have set my ha	and this $\frac{2nd}{}$ d	ay of August, 2000.	
		/s/ Audre	ey K. Culver	
		Audrey K. C	Culver, City Clerk	_

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Richard D. Jones, City Attorney

Mark H. Flannery, Director of Personnel