

CITY OF WINCHESTER, VIRGINIA

CITY COUNCIL AGENDA ITEM

CITY COUNCIL MEETING OF: September 22, 2015

RESOLUTION ORDINANCE DESCRIPTION/PRESENTATION

ITEM TITLE: Resolution Amending Sections 1.6, 3.9J, 6.2, and 7.8, of the City of Winchester's Comprehensive Employee Management System

PUBLIC HEARING DATE:

The initiating Department Director will place below, in sequence of transmittal, the names of each department that must initial their review in order for this item to be placed on the City Council agenda. The completion of review only addresses the readiness of the issue for Council consideration. This does not address the recommendation for approval or denial of the issue.

Review:

Celeste Broadstreet	Completed	07/30/2015 1:59 PM
Mary Blowe	Completed	07/30/2015 2:15 PM
Anthony Williams	Completed	08/04/2015 3:58 PM
Eden Freeman	Completed	09/01/2015 4:33 PM

Celeste Broadstreet

Celeste Broadstreet, Assistant Director of Finance 7/30/2015



APPROVED AS TO FORM:


CITY ATTORNEY


Eden Freeman, City Manager 9/1/2015

CITY COUNCIL ACTION MEMO

To: Honorable Mayor and Members of City Council
From: Celeste Broadstreet, Assistant Director of Finance
Date: September 22, 2015
Re: Resolution Amending Sections 1.6, 3.9J, 6.2, and 7.8, of the City of Winchester's Comprehensive Employee Management System

THE ISSUE: Amendments to Sections 1.6, 3.9J, 6.2, and 7.8, of the City of Winchester's Comprehensive Employee Management System (CEMS) are required to accommodate for recommended changes to the City's new hire probationary period, holiday and floater day policy, and existing outside/secondary employment policies.

RELATIONSHIP TO STRATEGIC PLAN: Goal Four: Improve City Services and Advance the City's Strategic Plan Goals by Promoting a Culture of Transparency, Efficiency and Innovation.

BACKGROUND: The City of Winchester's Comprehensive Employee Management System was adopted by the Common Council of the City of Winchester in July 1979 and governs all City employees except those specifically exempted as stated with system. City Staff has prepared amendments to Sections 1.6, 3.9J, 6.2, and 7.8, within CEMS that alter existing policies pertaining to City of Winchester new hire probationary period, holiday and floater day policy, and outside/secondary employment. The amendment to section 1.6 increases the new hire probationary period from six (6) months to nine (9) months. The amendments regarding outside/secondary employment adds an administrative process for an employee desiring to have outside/secondary employment. The amendment to section 6.2 adds two authorized holidays - Martin Luther King, Jr. day and Veterans Day to the City's holiday schedule and reduces the floater days from five (5) to three (3) days.

BUDGET IMPACT: Floater hours for 2015 were granted at the start of the year. No hours will be deducted from those already granted. If approved, employees will receive an additional holiday in calendar year 2015, Veterans Day. The two additional holidays will add approximately \$34,000 in overtime costs to the General Fund. No budget impact for the other changes.

OPTIONS:

1. Approve the attached resolution
2. Modify and approve the attached resolution
3. Reject the attached resolution

RECOMMENDATIONS: City Staff recommends the approval of the attached resolution.

**RESOLUTION AMENDING SECTIONS 1.6, 3.9J, 6.2, AND 7.8, OF THE CITY
OF WINCHESTER'S COMPREHENSIVE EMPLOYEE MANAGEMENT
SYSTEM**

WHEREAS, the City of Winchester's Comprehensive Employee Management System (CEMS) was adopted by the Winchester Common Council of the City of Winchester in July 1979; and,

WHEREAS, CEMS governs all City employees except those specifically exempted as stated within the system; and,

WHEREAS, CEMS has been periodically amended by City Staff and the Winchester Common Council since its inception to accommodate for various changes within the administration; and,

WHEREAS, City Staff has prepared amendments to Sections 1.6, 3.9J, 6.2, and 7.8 of the CEMS; and,

WHEREAS, these amendments alter existing policies pertaining to the City's probationary period, holiday and floater days, and secondary employment stipulations.

NOW therefore be it RESOLVED the City of Winchester Common Council hereby adopts the proposed amendments to Sections 1.6, 3.9J, 6.2, and 7.8 of the City of Winchester's Comprehensive Employee Management System.

1.6 Types of Employment

A. Probationary Employee

One who has not completed the requisite probation period. This shall be defined as the first ~~six (6)~~ nine (9) calendar months of employment, ~~re-employment~~ or promotion to new position for most City employees. The probationary period for uniformed members of the Fire and Rescue Department and employees working as Benefit Programs Workers and Social Workers in the Department of Social Services shall be a maximum of twelve (12) months. The probationary period for Communications Specialists in the Emergency Communications Center will start on the date of hire and conclude ~~six (6)~~ nine (9) months after completion of training and certification. The probationary period for sworn members of the Police Department shall begin on the date of hire and conclude a maximum of twelve (12) months from the date they successfully complete the basic training academy.

The probationary period is provided as a means for both the employee and supervisor to determine the employee's suitability for further employment. Either party may terminate employment during or at the conclusion of the probationary period without prejudice.

There is no appeal provided a new employee who is released during the probationary period except where discrimination based on race, color, religion, national origin, political affiliation, gender, age, or disability is claimed.

Probationary employees may take earned leave with pay during the probationary period with prior approval of the Department Head and advice of the ~~Administration~~ Human Resources Director.

3.9

J. Secondary Employment

The City shall not permit an employee who is already employed with the City in a full-time capacity to accept a secondary job *with the City* without the prior authorization of the City Manager. Employees must complete the *Outside/Secondary Employment Request Form* and submit to Human Resources.

7.8 Outside Employment

No employee shall engage in any other employment, or in any private business, or in the conduct of a profession during the hours he is employed to work for the City; or outside such hours to an extent that is likely to affect his efficiency as an employee of the City, that is likely to violate the City's Code of Ethics, or that is likely to be in violation of the Virginia Conflict of Interests Act. Employees may take occasional part-time jobs elsewhere if in the opinion of the Department Head there is no conflict with working hours or conflict with interests of the City. *The City Manager shall outline the purpose and scope of outside employment by Administrative Policy. Prior to an employee accepting outside employment the employee must obtain approval from the City Manager by completing the Outside/Secondary Employment Request Form.*

6.2 Holidays and Floater Days

The City shall observe the following ~~10~~ holidays and other such holidays as may be prescribed by the City Council:

- New Year's Day
- **Dr. Martin Luther King, Jr. Birthday**
- Memorial Day
- Independence Day
- Labor Day
- **Veterans Day**
- Thanksgiving Day
- day after Thanksgiving
- Christmas Eve
- Christmas Day

In addition to the ~~eight (8)~~ **ten (10)** scheduled holidays listed, all classified employees shall be granted ~~five (5)~~ **three (3)** floater days off during the calendar year at an accrual rate of ~~three and one-third (3.33)~~ **two (2.00)** hours per month. The floater days shall be taken in a manner mutually agreeable to the employee and the employee's Department Head, but must be taken off during the calendar year in which they are granted. The floater days shall not be charged against accumulated annual leave. Payment for floater days shall be authorized only by the Department Head with prior approval by the ~~Administration~~ **Human Resources** Director to cover emergencies and unusual working requirements in departments with twenty-four (24) hour operations. A classified employee may take a floater day(s) prior to accrual, however, in the event of termination, the employee shall be charged for a floater day(s) taken but not accrued. Employees hired during the calendar year shall be authorized to take only the amount accruable for the balance of that calendar year.

All classified employees of the City shall be granted ~~full~~ pay for holidays under the following conditions.

- ~~Employees in a~~ Classified part-time **employees** status shall be entitled to holiday benefits only if the holiday is observed on their normally scheduled workday. Holiday pay **for classified part-time employees shall be at their normal hourly rate of pay for the regularly scheduled hours up to eight (8) hours.**
- Classified employees required to work on authorized holidays shall be paid their normal hourly rate of pay for regularly scheduled hours plus holiday pay **for each authorized holiday worked or the employee may elect with supervisor approval to receive a day of compensatory time off with pay for each authorized holiday worked.**
- **Full-time classified non-exempt non-essential employees who work a voluntary flex schedule shall adjust their work schedule for the holiday week so the holiday is one of the employee's scheduled days.**
- **Full-time classified non-exempt employees in twenty-four (24) hour operations who are not scheduled to work the holiday shall be paid for their regularly scheduled hours plus holiday pay at the employee's normal hourly rate for each authorized holiday not worked or the employee may elect with supervisor approval to receive compensatory time off with pay for each authorized holiday not worked.**
- **Full-time classified employees whose regular daily schedule is less than 12 hours shall be paid holiday pay equal to eight (8) hours at their normal rate of pay for each authorized holiday or receive eight (8) hours of compensatory time at straight time.**

Full-time classified employees whose regular daily schedule is 12 hours or more shall be paid (10) hours of holiday pay. Full-time classified employees whose regular daily schedules are a combination of different daily hours shall be paid eight (8) hours of holiday pay.

- If a holiday falls within an employee's annual leave, it will be charged to holiday pay rather than annual leave. If an employee is sick on a holiday he is scheduled to work, the day will be charged as sick *leave* rather than holiday pay.
- An employee must work or be in an approved leave status with pay the last workday before and the next workday following a holiday in order to be paid for the holiday,
- When a holiday falls on a Saturday, the preceding Friday shall be observed; when the holiday falls on a Sunday, the following Monday shall be observed. The City Manager may adjust the schedule to accommodate special circumstances.
- *Holiday and Floater days count as hours worked for overtime purposes.*