

TO: Mayor Robinson and City Council

FROM: Jeffrey L. McCormick, Chief of Police

SUBJECT: Excessive hours worked by exempt employees during storm event

DATE: September 26, 2018

BACKGROUND

On September 20, 2018 at approximately 7 pm the City of Cannon Falls was struck by what has been determined by the National Weather Service to be two tornados and straight line winds. There was extensive damage to trees, powerlines and property. During that event a massive amount of city resources were utilized over a several day period, that included non-exempt and exempt employees.

The City Personnel Policy was modified in 2016 after the flooding events the City experienced where the cost of exempt employees was not able to be included in the reimbursed expenses. This is the first event since the policy was modified to have occurred. Because of the damage from the storm and loss of power the Mayor declared a State of Emergency, which remained in effect until the morning of September 24, 2018.

During this event the EMS Chief, Public Works Director and I, worked very long days lasting through the weekend. Under the City Personnel Policy the Council has the ability to provide exempt employees with overtime compensation for the additional hours worked, which would be eligible expense when costs are totaled for State and/or Federal reimbursement.

Here is the section from the Personnel Policy. Taken from page 27 of the November 21, 2017 version:

The City Council may approve to allow additional compensation at an overtime rate to exempt employees beyond their normal salary and hours worked in excess of 40 hours, in situations where the city is receiving reimbursement for the exempt employee's additional work from either a contracted or grant reimbursement, or due to emergency event that the Mayor has made declaration of an local emergency and exempt employees are required to work hours beyond normal to address the emergency, and the Council has approved the extra pay and the City has become eligible for reimbursement of expenses resulting from the emergency event.

When this policy was being drafted the City Attorney was consulted and he advised that paying over-time to exempt employees is allowed under the Fair Labor and Standard Act, should the City choose to do so under terms of the policy.

At this time I know that the County has made a Declaration of Disaster, which has been forwarded to the State. The Mayor spoke with the Governor to update him on the damage

caused and needs of the City, but the process for State and Federal Disaster Declarations can take a few weeks.

As exempt employees, all the department heads are salary and would make adjustments to our schedules to be able to be absent in consideration of extraordinary time expenditures, this event has created as allowed by the Personnel Policy. This memo is being prepared to better allow myself as the Emergency Manger to determine costs and to allow the Department Heads to know if they should make adjustments to their schedules once things return to normal.

REQUESTED COUNCIL ACTION

Staff is seeking direction from the City Council on how the additional hours should be handled. If the City Council's direction is to include those hours for over-time reimbursement, than a motion approving the payment of over-time for the EMS Chief, Public Works Director and the Police Chief for hours worked in excess of 40 hours a week for the pay periods that include September 20, 2018 through September 30, 2018 is requested.