

EDINBURGH TOWN COUNCIL

ORDINANCE NO. 2020 - 15

AN ORDINANCE AMENDING TOWN CODE ON FIRE DEPARTMENT

WHEREAS, the Edinburgh Town Council of the Town of Edinburgh ("Council") passed Ordinance 2019-17 that established a department that provides for the prevention and extinction of fires, rescue services, code enforcement, fire prevention, emergency medical care, and emergency management;

WHEREAS, Ordinance 2019-17 provided amendments (the "Municipal Code") to create the fire department for the Town of Edinburgh;

WHEREAS, the Council desires to amend the Municipal Code regarding the compensation and work schedule policy of the firefighters and associated personnel of the Edinburgh Fire Department;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF EDINBURGH, INDIANA, THAT:

- I. **SECTION 1. AMENDING MUNICIPAL CODE.** The Edinburgh Town Council amends the Municipal Code, Title III, Chapter 37 (Fire Department), as follows:

a. **The following language shall be added to Section 37.04 Personnel:**

i. (R) - Attendance & Punctuality

1. Firefighters shall report at their scheduled shift start time. If the Firefighter is unable to report for the shift on time or it is necessary to call off regarding the shift, the Firefighter shall call the on-duty officer in charge to report the absence or that the Firefighter will be arriving late. After doing so, the Firefighter shall log into Fire Manager system and submit a request for time off. The on-duty officer in charge will be responsible for relaying this information to the officer in charge of the shift or the Fire Chief and will attempt to fill the hours in the event a reported absence adversely affects staffing.

Excessive absenteeism may result in the inability to be assigned to a dedicated shift or submit hours on the shift schedule. Excessive absenteeism may also result in disciplinary action.

ii. (S) - Reserve firefighter request for time off

1. Reserve firefighters of the Department who are scheduled for a shift or assigned to a dedicated shift may request approval for time off with advanced notice to the officer in charge of the shift or the Fire Chief.
2. In the event requested time off will adversely affect the daily staffing, the reserve firefighter must be asked to trade the hours or attempt to give them away.

iii. (T) - Regular pay & Overtime

1. Overtime will be paid to members of the Fire Department who are firefighters, paramedics, EMT's, rescue workers, ambulance personnel, hazardous material workers and reserve firefighters who have worked over two hundred twelve (12) hours during the Fire Department's twenty-eight (28) day work period.
2. Other employees of the Fire Department, such as dispatchers, alarm operators, equipment repair, maintenance workers, and others who are not employees in fire protection activities as defined by 29 C.F.R.553.210 (a) will be paid overtime when they have worked more than (40) hours in a workweek.
3. Overtime compensation is paid to all non-exempt employees at the rate outlined in the Fair Labor Standards Act.
4. Firefighters and reserve firefighters must receive authorization from the Fire Chief or his designee prior to working unscheduled overtime. It is the employee's responsibility to record and verify regular hours and overtime hours on their time sheet.

5. Overtime compensation will be compensated to employees at a rate of:
 - a. One and a half (1 ½) times the regular rate of pay for each hour of overtime work (overtime pay); or
 - b. One and one-half (1 ½) hours of compensatory time for each hour of overtime work.
6. Each employee has the option of receiving either overtime pay or compensatory time off for their overtime hours worked.

Employees must inform the Fire Chief as to whether they want to receive overtime pay or compensatory time off.
7. The Fire Department retains the option to pay overtime in additional salary in lieu of providing compensatory time off in any workweek or work period. This substitution will not affect subsequent granting of compensatory time off in future workweeks or work periods.
8. Overtime pay will be paid along with regular pay on the employee's paycheck. Compensatory time off will be placed in a compensatory time bank. Employees may not accrue more than twenty-four (24) hours of compensatory time.
9. Payments for unused compensatory time may be made at any time and shall be paid at the regular rate earned by the employee at the time the employee receives such payment.
10. Employees may request to use their compensatory time off.

They will be permitted to use the time off within a reasonable period after making the request if the use does not unduly disrupt the operations of the Fire Department.
11. Upon termination of employment, the employee will be paid for unused compensatory time at a rate not less than:
 - a. The average regular rate received by the employee during the last three (3) years of employment; or

- b. The final regular rate received by the employee
whichever is higher.

iv. (U) - Kelly Day (Full time employees only)

1. All full-time firefighters of the Fire Department will receive a Kelly Day (assigned leave day) in order to partially reduce the Fair Labor Standards Act overtime impact on the Town. Kelly Days will be credited as a leave time bank thus not to affect the employee's hourly pay rate calculations. The employee will receive a Kelly Day during any twenty-eight (28) day period that the employee is scheduled to work ten (10) shifts.
2. At times, the employee may be asked to work their Kelly Day at the discretion of the Fire Chief in order to avoid critical staffing shortages. Additionally, the Town reserves the right to cancel or reschedule an employee's Kelly Day during a particular twenty-eight (28) day work period as needed to maintain adequate staffing levels.

v. (V) - Pay Schedule

1. Employees are paid on a weekly basis on Thursday. The pay cycle starts on Monday and includes all hours worked through Sunday. Employees will receive all earnings the week following the close of the weekly payroll cycle. Any overtime earnings will be paid the first payroll date following the completion of the twenty-eight (28) day Fair Labor Standards Act period.

vi. (W) - Time keeping rules for non-exempt employees

1. The Town will maintain strict compliance with the Fair Labor Standards Act.
2. Employees must keep accurate record of all of their work hours in the manner designated by the Town (ex; scheduling and verifying hours, submitting signed timecards in Fire Manager).

Employees must review the accuracy of the time record before submitting them to the applicable supervisor for processing.

3. Employees are responsible for reporting accurate time records and verify the exact time of the beginning and end of the shift.
4. Employees must obtain their supervisor's approval before working over and above their regularly scheduled work hours. However, employees are not required to obtain prior approval when handling emergency situations and runs that last longer than their scheduled shift.
5. In the event an employee is unable to physically sign their time sheet, the employee's supervisor may do so with the employee's consent.

II. SECTION 2. PUBLIC BENEFIT

- a. That the Edinburgh Town Council finds that this Ordinance will be in the best interest of the Town and for the benefit of the public and residence of the Town.

III. SECTION 3. REPEALER

- a. All ordinances or parts of ordinances in conflict with provisions of this ordinance are hereby repealed.
- b. This Ordinance does not affect any other sections of the Municipal Code, or other ordinances except as herein provided and all other sections of the Municipal Code, and other ordinances shall remain the same.

IV. SECTION 4. SEVERABILITY

- a. The sections, paragraphs, sentences, clauses, phrases and words of this Ordinance are separable, and if any word, phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional, invalid or unenforceable by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality, invalidity or unenforceability shall not affect any of the remaining words, phrases, clauses, sentences, paragraphs and sections of this Ordinance.

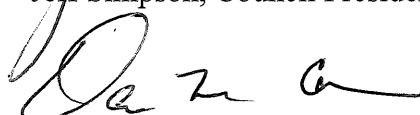
V. **SECTION 5. EFFECTIVE DATE**

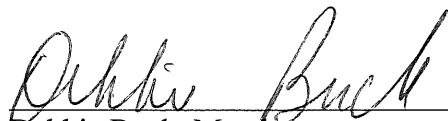
- a. This ordinance shall be in full force and effect from and after its passage,
approval and publication according to law.

ADOPTED this 27th day of July, 2020.

EDINBURGH TOWN COUNCIL


Jeff Simpson, Council President



Dawn Graham, Vice President


Debbie Buck, Member


Ryan Pierdefield, Member


Miriam Rooks, Member

ATTEST:


Scott Finley, Clerk-Treasurer