

AGENDA
MAPLEWOOD CITY COUNCIL –WORK SESSION
TUESDAY, JUNE 11, 2024 @ 6:30 PM
CITY COUNCIL CHAMBERS
7601 MANCHESTER ROAD, MAPLEWOOD, MO 63143
OR VIA TELECONFERENCE

Zoom link: <https://us02web.zoom.us/j/89588450567?pwd=VFo1QkYxS0FHMTx6ZXhsNEY5c0Vmdz09>
Passcode: 730195
Dial in: (305) 224-1968
Webinar ID: 895 8845 0567

1. Call to Order
2. Roll Call
3. Motion to Excuse Councilmembers
4. Proposed Revisions to Chapter 38 – Personnel, Article III. – The Compensation Plan; Article VI. – Eligible List; Article IX. – Hours of Work, Leaves of Absence and Other Benefits; and Article XI. – Appeals, Grievances and Investigations
 - a. Sec. 38-78: Overtime and Compensatory Time
 - b. Sec. 38-166: Reemployment List
 - c. Sec. 38-246: Holidays
 - d. Sec. 38-247: Personal Time Off (PTO)
 - e. Sec. 38-312: Grievance Procedure
5. Proposed Revisions to Article VII. – Boards, Commissions and Authorities, Division 1. - Generally
 - a. Sec. 2-361: Boards and Commissions
6. Adjournment

Memorandum



To: Mayor & City Council
From: Amber Withycombe, City Manager
Date: June 6, 2024
Re: Proposed Revisions to Chapter 38 – Personnel, Article III. – The Compensation Plan; Article VI. – Eligible List; Article IX. – Hours of Work, Leaves of Absence and Other Benefits; and Article XI. – Appeals, Grievances and Investigations

The enclosed suggested revisions to key sections of **Chapter 28 – Personnel** provide needed updates to conform to federal labor law and to support provisions in the proposed Fire Department Collective Bargaining Agreement.

Sec. 38-78. Overtime and compensatory time.

- a) ~~Positions classified as non-exempt are subject to the overtime under the provisions of the Fair Labor Standards Act (FLSA) are eligible for overtime compensation. The city manager shall determine the exemption status of all positions in accordance with the FLSA.~~
- b) ~~Positions classified as exempt positions are not subject to the overtime under the provisions of the FLSA and are therefore not eligible for overtime compensation. Exempt employees must be expected to devote such time as may be required outside of normal business hours to carry out their duties, including time outside of normal business hours.~~
- c) ~~Non-exempt employees shall not be permitted to work in excess of their normal work schedule except when an emergency exists or overtime work is necessary to carry out the normal and essential services of the city. Overtime or arrangements for overtime work, inasmuch as possible, shall must be approved in advance by the department head in accordance with the established policies and procedures implemented by the city manager. Employees working unapproved overtime shall be subject to discipline. Employees shall be paid for overtime work at the rate of time and a half 1.5 times the of the employee's hourly regular rate. normal hourly rate for the assigned position classification, provided funds are available. At the request of the employee concerned and with the approval of the department head and/or in the event funds are not available, an employee may be granted compensatory time off at the rate of time and a half for hours worked in lieu of cash compensation for overtime work.~~
- a)d) ~~An emergency means a sudden and unforeseen happening that, in the opinion of the department head or authorized supervisor, requires the unscheduled services of an employee to protect the health, welfare and safety of the community. Employees shall be required to work overtime in these circumstances, and disciplinary action may be taken against employees who without good or sufficient reason refuse to work overtime or fail to appear when scheduled to work overtime.~~
- b) ~~Unless authorized by the city council, the city manager and department heads shall not be compensated for overtime work.~~
- e) ~~If a supervisor and a non-exempt employee agree, the supervisor may compensate a non-exempt employee with compensatory time instead of overtime pay. Like overtime, compensatory time is credited at 1.5 hours for every hour of time overtime pay would otherwise be required times the employee's hourly rate. Employees may use compensatory time within a reasonable period after request, unless such use would unduly disrupt operations. Generally, this will mean that compensatory time can be used for the same reasons on the same terms as personal time off.~~
- f) ~~The maximum compensatory time accrual for non-exempt employees, with the exception of non-exempt, uniformed Fire Department personnel, is eighty (80) hours of accrued compensatory time. For non-exempt, uniformed Fire Department personnel, the maximum accrual is one-hundred six (106) hours of accrued compensatory time.~~
- g) ~~Employees may be required to use their accrued compensatory time to cover absences instead of utilizing other paid time off and prior to unpaid-taking leaves of absence as unpaid.~~
- h) ~~Employees may be required to take time off to reduce compensatory time balances. As much advance notice as possible/practicable should be given to employees when mandating the use of compensatory time. The city may, within its discretion, cash out employees' compensatory time balance at any time.~~
- i) ~~Employees separating from the city will be paid lump-sum for unused accrued compensatory time balances. Payment will be at the employee's hourly regular rate at the time of separation or the average regular rate received by such employee during the last 3 years of the employee's employment, whichever is higher.~~

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- ~~c) Compensatory time shall not be allowed to accumulate in excess of 40 hours and must be taken as time off within the calendar year in which it is earned. In no event shall any employee be paid cash equivalent for compensatory time and upon death or termination of employment for any reason, no employee shall receive a cash payment as the equivalent of the compensatory time previously allowed and accumulated.~~
 - ~~d) Whenever an employee qualified for overtime is held over because of an emergency, he shall receive overtime payment or compensatory time credit at the rate of time and a half for all hours worked in excess of his regular work shift.~~
 - ~~e)j) An emergency means a sudden and unforeseen happening that, in the opinion of the department head or authorized supervisor, requires the unscheduled services of an employee to protect the health, welfare and safety of the community. Employees shall be required to work overtime when the same is necessary, and disciplinary action may be taken against employees who without good or sufficient reason:
 - ~~a. Refuse to work overtime.~~
 - ~~b. Fail to appear when scheduled to work overtime.~~
 - ~~c. Having indicated he would work overtime, fail to appear.~~~~
 - ~~f) The city manager shall require monthly reports of overtime and compensatory time from all department heads.~~

(Comp. Ords. of 3-28-2006)

Sec. 38-166. Reemployment list.

A reemployment list composed of those persons having been released from the city service without prejudice and not of their own volition, but because of a reduction in working force in a department, shall be maintained. Except as may be required by the terms of a collective bargaining agreement between the city and a duly-appointed bargaining agent of a group of city employees, those persons with the longest continuous employment in the city positions shall be placed at the top of the list for consideration for first reemployment rights.

(Comp. Ords. of 3-28-2006)

Sec. 38-246. Holidays.

Except as may be required by the terms of a collective bargaining agreement between the city and a duly-appointed bargaining agent of a group of city employees:

- (a) All employees of the city shall receive their regular compensation for the following legal holidays or parts thereof, or any other day proclaimed as a holiday, by which the public offices of the city are closed. All regular, full-time employees are eligible for twelve (12) paid holidays in each calendar year, as follows:

New Year's Day

Martin Luther King, Jr. Day

Washington's Birthday Presidents' Day

Memorial Day

Juneteenth National Independence Day

Fourth of July Independence Day

Labor Day

Thanksgiving Day and the Friday of

Day after Thanksgiving day "weekend" (said Friday in lieu of Veterans Day)

Christmas Day and

December 26 (d) Day after Christmas)

Personal holiday Holiday (see subsection (g) of this section)

- (b) Except for employees regularly scheduled to work on a shift basis when a holiday falls on a Saturday, the preceding Friday shall be observed as the legal holiday, and W when the legal holiday falls on Sunday, the following Monday shall be observed as the legal holiday.
- (c) All regular, full-time employees of the city service shall receive their regular compensation for the paid holidays stated in these personnel rules and regulations.
- (d) All regular, full-time employees required to work on a holiday shall be paid at double their normal rate of pay for that holiday or given compensatory time off equivalent compensatory time at two times the employee's hourly rate.
- (e) Any official holiday stated in these rules and regulations which shall occur during an employee's scheduled vacation paid time off period shall not be counted as a day of vacation.
- (f) Any employee shall forfeit his-their right to payment for any holiday if he-the employee has an unexcused absence on the last regular work day preceding such holiday or on the next regular work day following such holiday.
- (g) All regular, full-time Permanent employees may take one additional holiday each calendar year in addition to regularly scheduled holidays. This is to be a holiday scheduled with the approval of the department head and, as much as possible, to meet the requests of the employee to observe a special occasion of his-their choosing. If not taken in the calendar year, this holiday is forfeited.

(Comp. Ords. of 3-28-2006; Ord. No. 5970 , § I, 11-9-2021)

Sec. 38-247. Personal Time Off (PTO).

- a) Personal time off (PTO) is a combination of traditional paid vacation leave and paid sick leave into one program. PTO allows greater flexibility for employees and eliminates the need to determine why leave is being requested or used, other than in connection with an unexpected illness or injury as described in subsection (i) below. PTO leave can be used for any reason, such as for traditional vacation, illness of an employee or a family member of the employee or for emergency situations.
- b) All full-time, permanent part-time and probationary employees ~~that have been employed a minimum of six consecutive months~~ shall be entitled to earn and accrue PTO leave with pay pursuant to the monthly earning and accrual rate based on years of service as set forth below:

| Years of Service | 8 & 12 Hour Shift Employees | 48 Hour Shift Employees |
|---------------------------|-----------------------------|-------------------------|
| Up to 5 years of service | 12.0 hours per month | 15.90 hours per month |
| 5 to 9 years of service | 14.67 hours per month | 19.43 hours per month |
| 10 to 14 years of service | 17.34 hours per month | 22.96 hours per month |
| 15 to 19 years of service | 20.0 hours per month | 26.50 hours per month |
| 20 + years of service | 22.67 hours per month | 30.03 hours per month |

c) Given that PTO encompasses both vacation and sick leave, and recognizing the potential need for sick leave before PTO use is permitted, newly-hired employees shall be permitted to use accrued PTO within their initial six months of employment, provided they submit a doctor's note justifying such absence(s).

e)d) Each employee who begins active employment with the city on or prior to the 15th day of the month shall accumulate PTO leave hours for a full month. No PTO leave hours will be accrued or earned for any employee who begins active employment with the city after the 15th day of each month or for any partial month worked actively by the employee at the time of employment separation.

e)e) Permanent part-time employees shall be granted PTO according to the above schedule at the regular part-time salary and in proportion to time worked.

e)f) Temporary and seasonal employees are not eligible for PTO.

f)g) PTO must be requested by employees, and is subject to the review and approval by a supervisor in advance of its use, except in circumstances beyond the employee's control.

g)h) Accumulation of PTO hours for all non-fire department employees shall not exceed 480 hours. No PTO hours shall accrue beyond such 480 hours during employment with the city. Unused PTO accrual shall be paid upon termination of employment, except for termination during or prior to the end of a probationary period or failure of the employee to provide at least a two-week notice of resignation.

h)i) Accumulation of PTO credit for all fire department employees working the 48-hour shift schedule shall not exceed 648 hours. No PTO hours shall accrue beyond such 648 hours. Unused PTO accrual shall be paid upon termination of employment, except for termination during or prior to the end of a probationary period or failure of the employee to provide at least a two-week notice of resignation.

i)j) If PTO is available, all eight-hour employees with one to five years of service must take a minimum of three consecutive work days off with PTO within a 12-month period beginning January 1 of each year. All eight-hour employees with five or more years of service must take a minimum of five consecutive work days off with PTO within a 12-month period beginning January 1 of each year.

j)k) If time off is available, all police department employees that work 12-hour shifts with one to five years of service must take a minimum of two consecutive shifts with PTO within a 12-month period beginning January 1 of each year. All police department 12-hour shift employees with five or more years of service

must take a minimum of three consecutive shifts off with PTO within a 12-month period beginning January 1 of each year.

~~k)~~ l) If time off is available, all fire department employees that work 24-hour shifts with one to five years of service must take a minimum of two consecutive days (48 hours) with PTO within a 12-month period beginning January 1 of each year. All fire department 48-hour shift employees with five or more years of service must take a minimum of three consecutive work days (72 hours) off with PTO within a 12-month period beginning January 1 of each year.

~~l)~~ m) An employee who is absent because of unexpected illness or injury shall inform the employee's immediate supervisor of such fact no later than one hour ~~after~~ before starting time unless otherwise provided for and set forth in department rules and regulations, and failure to do so within a reasonable time may be cause for denial of PTO for the period of absence. Department heads may require a medical certificate after two consecutive days off before approving PTO leave with pay due to unexpected illness or injury. Any such certificate shall be transmitted to the City Manager with the report of requested PTO due to unexpected illness or injury for entry in employee's records.

(Comp. Ords. of 3-28-2006; Ord. No. 5897, § I, 12-11-2018; Ord. No. 6022 , § I, 9-12-2023)

Sec. 38-312. Grievance procedure.

For grievances other than suspensions, dismissals, or reductions in pay (which must be ~~appealed directly~~ to commenced with the civil service commission directly at subsection (5) herein), or as otherwise provided by the terms of a collective bargaining agreement between the city and a duly-appointed bargaining agent of a group of city employees, the following procedure must be followed:

- (1) *Oral report.* An employee who has a grievance shall first present his grievance to his immediate supervisor.
- (2) *Written report.* If the oral grievance presentation fails to resolve the grievance, the employee may, within three calendar days, submit a written grievance report to his immediate supervisor. Within five calendar days after receiving such grievance, the immediate supervisor shall furnish the employee with a written reply to the grievance.
- (3) *Appeal to department head.* If the written reply to the grievance is not satisfactory to the employee, he may, within ten calendar days after receiving a reply, submit the grievance in writing to his department head. The department head shall confer with the aggrieved employee and/or his authorized representative before rendering a decision. Such decision shall be reduced to writing and shall be delivered to the aggrieved employee within ten calendar days of the date on which the grievance was received by the department head.
- (4) *Appeal to the city manager.* If the department head's response fails to resolve the grievance, the employee may, within five calendar days of receipt of the department head's decision, submit the grievance in writing to the city manager. Within ten calendar days of the receipt of such a grievance, the city manager shall hear matters pertaining to the grievance in any manner that the city manager deems appropriate. The city manager shall forward a copy of his decision to the employee concerned and the appropriate department head within 30 calendar days of his receipt of the grievance.
- (5) *Appeal to the civil service commission.* If the decision of the city manager, in the opinion of the employee, is not satisfactory, he may, within five calendar days of the receipt of such decision, appeal same in writing to the civil service commission. Within ten calendar days of receipt of such appeal, the civil service commission shall hear matters pertinent to the appeal/grievance. In any case, an advisory opinion will be rendered within 30 calendar days of receipt of the request by the civil service commission to the city manager with a copy sent to the city council. The city manager will give full consideration to such opinion before making a final and binding decision on the appeal.

(Comp. Ords. of 3-28-2006)

Memorandum



To: Mayor & City Council
From: Amber Withycombe, City Manager
Date: June 6, 2024
Re: Proposed Revisions to Article VII. – Boards, Commissions and Authorities,
Division 1. – Generally – Sec. 2-361. Boards and commissions

The enclosed suggested revisions to **Article VII. – Boards, Commissions and Authorities, Division 1. – Generally – Sec. 2-361. Boards and commissions** are offered in response to the Council’s discussion at its May 28, 2024 meeting. As was raised at that meeting, the Council may wish to discuss the statutory requirements for the number of members serving on each board and commission. For the Council’s reference, the commissions listed below were created and/or are guided by existing ordinances that would need to be revised should any changes be made to membership requirements in Sec. 2-361. Additionally, the Housing Board of Appeals ordinance will require revision should the ‘Meetings; quorum; attendance’ provision be added to Sec. 2-361.

- [Civil Service Commission](#)
- [Design and Review Board](#)
- [Historic and Preservation Commission](#) (contains attendance provisions)
- [Housing Board of Appeals](#)
 - Sec. 12-460. - Removal of members.
Any member of the housing board of appeals may be removed by the city council for cause upon written charges and after a public hearing.
 - Sec. 12-462. - Presiding officer; quorum.
The chairperson of the housing board of appeals, or in his absence the vice-chairperson, shall preside at all meetings. Four members present shall constitute a quorum. All rulings of the board shall be upon a majority vote of all members present.
- [Human Services Commission](#)
- [Parks and Recreation Commission](#)
- [Plan and Zoning Commission](#)

PART II - CODE OF ORDINANCES
Chapter 2 - ADMINISTRATION
ARTICLE VII. - BOARDS, COMMISSIONS AND AUTHORITIES
DIVISION 1. GENERALLY

DIVISION 1. GENERALLY

Sec. 2-361. Boards and commissions.

- (a) *Creation.* The administrative service of the city shall include such ad hoc committees and standing committees, provided for in subsection (c) this section, and shall be appointed by the mayor and approved by the council.
- (b) *Membership.* The boards and commissions created herein shall be composed of the number of members, and for the terms of office designated in subsection (c) of this section to be appointed by the mayor and council.
- (c) *Names of boards; number of members.*

| Name | Number of Members |
|--|-------------------|
| Board of adjustment | 5 |
| Parks and recreation commission | 9 |
| Civil service commission | 5 |
| Plan and zoning commission | 7 |
| Board of trustees to the policemen's and firemen's fund | 5 |
| Housing board of appeals | 5 |
| Library board | 5 |
| Human services commission | 9 |
| <u>Design and review board</u> | <u>5</u> |
| <u>Historic and preservation commission</u> | <u>5</u> |
| <u>Special business district tax advisory commission</u> | <u>7</u> |
| <u>Sustainability commission</u> | <u>7</u> |

- (d) *Term of office.* All members shall serve for a term of office as set in the Charter and ordinances except those appointed to fill a vacancy occurring during the term of a member, and except that the terms of office of the original members of each board or commission shall, at the time of their appointment, be fixed by the mayor and council at such number of years as will provide for staggered terms for those thereafter appointed.
- (e) Meetings; quorum; attendance. Meetings shall be held in accordance with rules established by the commission. A simple majority of all members shall constitute a quorum for the transaction of business. The chairperson of the commission is authorized to excuse any member from attendance at a commission meeting provided that the member requested to be excused before the meeting. Any member who is absent from 50 percent of the regular commission meetings held in a calendar year shall automatically forfeit the office. Any member with unexcused absences for three consecutive regular

meetings shall automatically forfeit the office. It shall be the duty of the chairperson to promptly notify the city council of any vacancy.

(Code 1982, § 2-325; Ord. No. 4127, § 14A, 11-9-1982; Ord. No. 4162, § 1, 1-24-1984; Ord. No. 4486, § 1, 2-26-1990; Ord. No. 4604, § 1, 6-8-1993; Ord. No. 5966, § 1, 10-12-2021)