

ORDINANCE D-2485-19

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF CARMEL,
INDIANA, AMENDING CHAPTER 2, ARTICLE 3, DIVISION 2-40(6)(d)
OF THE CARMEL CITY CODE**

Synopsis: This ordinance allows exempt employees participating in disaster relief outside the City of Carmel to be paid overtime wages at the reimbursement rate of a federal, state or local government agency.

WHEREAS, in 2016, the Carmel Common Council adopted Ordinance D-2341-16, which enabled exempt employees participating in disaster relief outside the City of Carmel to be paid overtime wages when those wages will be reimbursed to the City by a federal, state or local government agency; and

WHEREAS, the current ordinance does not enable exempt employees to be paid at the reimbursement rate allowed by outside agencies for overtime wages; and

WHEREAS, the City wishes to maximize the use of resources available from outside agencies.

NOW, THEREFORE, BE IT ORDAINED, by the Common Council of the City of Carmel, Indiana, as follows:

Section 1. The foregoing Recitals are incorporated herein by this reference.

Section 2. Chapter 2, Article 3 Division I, Section 2-40(d)(6) of the Carmel City Code, should be and the same is hereby amended to read as follows:

“(6) *Exempt employees; compensatory time.*

a) Exempt employees are expected to work the hours necessary to fulfill their responsibilities, and are not entitled to overtime pay.

b) Exempt employees shall receive compensatory time off, on an hour-for-hour basis, for hours actually worked over 40 in a regular work week. Exempt employees shall not receive compensatory time off for hours worked in excess of 37½ but less than 40 in a regular workweek.

40 c) Exempt employees may not at any time accrue more than 50 hours of
41 compensatory time off. Once an employee accrues 50 hours, all further accruals cease
42 until the balance drops below 50 hours. Except, however, that exempt golf course
43 employees may earn an unlimited amount of compensatory time off during the golf
44 season (March 1 through December 1).
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46 d) All accrued compensatory time off may be carried forward indefinitely,
47 except that golf course employees must use all hours earned during each golf season prior
48 to March 1 of the year immediately following. All compensatory time off not used by
49 March 1 shall be forfeited. Exempt employees are not entitled to be paid for accrued
50 compensatory time off while employed by the City or at the time of separation from the
51 City. Except, however, exempt employees who participate in disaster relief outside of the
52 City may be paid the ~~straight-time reimbursement~~ rate for hours worked in excess of ~~40 in~~
53 ~~a work week~~ ~~their required weekly hours~~ if the pay is being reimbursed by another
54 federal, state or local government agency ~~on an hour for hour basis.~~”

55 Section 3. The remaining provisions of City Code Section 2-40 are not affected by this
56 Ordinance and shall remain in full force and effect.
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58 Section 4. Should any provision or portion of this Ordinance be declared by a court of
59 competent jurisdiction to be invalid for any reason, the remaining provisions shall not be affected
60 so long as they can, without the invalid provision, be given the effect intended by the Common
61 Council in adopting this Ordinance. To this end, the provisions of this Ordinance are severable.
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63 Section 5. All prior City ordinances or parts thereof that are inconsistent with any
64 provision of this Ordinance are hereby repealed as of the effective date of this Ordinance.
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66 Section 6. This Ordinance shall be in full force and effect from and after the date of its
67 passage, execution by the Mayor.
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82 **PASSED** by the Common Council of the City of Carmel, Indiana this ____ day of
83 _____ 2019, by a vote of _____ ayes and _____ nays.

84 **COMMON COUNCIL FOR THE CITY OF CARMEL**

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Jeff Worrell, President

Anthony Green

Laura D. Campbell, Vice-President

H. Bruce Kimball

Ronald E. Carter

Kevin D. Rider

Sue Finkam

101 ATTEST:

Christine S. Pauley, Clerk-Treasurer

108 Presented by me to the Mayor of the City of Carmel, Indiana this ____ day of
109 _____ 2019, at _____ .M.

Christine S. Pauley, Clerk-Treasurer

115 Approved by me, Mayor of the City of Carmel, Indiana, this ____ day of
116 _____ 2019, at _____ .M.

James Brainard, Mayor

120 ATTEST:

Christine S. Pauley, Clerk-Treasurer