



City of Rio Communities Council Special Workshop
City Council Chambers - 360 Rio Communities Blvd
Rio Communities, NM 87002
Monday, October 07, 2024 3:00 PM
Agenda

Please silence all electronic devices.

Call to Order

Attendees

Pledge of Allegiance

Public Comment: The Council will take public comments in written format. These should be emailed to admin@riocommunities.net through 2:00 PM on Monday, October 7, 2024. These comments will be distributed to all Councilors for review. ***If you wish to speak during the public comment session***, the Council will allow each member of the public to three (3) minutes to address the Council. Both the public and Council will follow rules of decorum. Give your name and where you live. The public will direct comments to the City Council. Comment(s) will not be disruptive or derogatory.

The Council will not take action or engage in discussion regarding the comments made or received, but when appropriate the matters raised may be referred to staff or others for further review. Both the public and Council will follow rules of decorum. Derogatory Comments or matters under litigation will not be allowed and any person or persons addressing the Council are liable for their own statements, not the Council. Statements are limited to a maximum of 3 minutes duration. Please give your name and where you live for the record.

Discussion – General Fund Revenue

Discussion – Veteran’s Day Celebration

Discussion – Police Department/Fire Department Change To a 14 Day Work Period

Adjourn

**Please join us from the comfort and safety of your own home by entering the following link: @
<https://www.facebook.com/riocommunities>**

NOTE: THIS AGENDA IS SUBJECT TO REVISION UP TO 72 HOURS PRIOR TO THE SCHEDULED MEETING DATE AND TIME (NMSA 10-15-1 F). A COPY OF THE AGENDA MAY BE PICKED UP AT CITY HALL, 360 RIO COMMUNITIES BLVD, RIO COMMUNITIES, NM 87002. IF YOU ARE AN INDIVIDUAL WITH A DISABILITY WHO IS IN NEED OF A READER, AMPLIFIER, QUALIFIED SIGN LANGUAGE INTERPRETER OR ANY OTHER FORM OF AUXILIARY AND OR SERVICE TO ATTEND OR PARTICIPATE IN THE MEETING, PLEASE CONTACT THE MUNICIPAL CLERK AT 505-861-6803 AT LEAST ONE WEEK PRIOR TO THE MEETING OR AS SOON AS POSSIBLE.

8.4 Pay Periods. Each pay period shall be bi-weekly. Under unusual circumstances checks may be issued early, but only upon the request of the Department Head and with the concurrence of the City Manager and Finance Officer/Treasurer.

8.4 Work Periods/Pay Periods.

8.4.1 Employees not engaged in the fire service or law enforcement.

A. The basic work period for all non-exempt employees not engaged in the fire service or law enforcement shall consist of forty (40) hours in a regularly recurring seven (7) day work period

8.4.2 Fire Service Employees

A. The basic work period for all non-exempt members of the fire service is a regular and recurring fourteen (14) consecutive-day work period for all fire service employees. The work period begins at each employee's shift start and ends fourteen (14) consecutive twenty-four-hour periods later.

B. "Fire service employees" include a firefighter, paramedic, emergency medical technician, rescue worker, ambulance personnel or hazardous materials worker IF the employee is trained in fire suppression and has the legal authority and responsibility to engage in fire suppression. See: 29 CFR §§553.210(a)(1) and 553.210(a)(2).

8.4.3 Law Enforcement Employees

A. The basic work period for all non-exempt law enforcement employees is a regular and recurring fourteen (14) consecutive-day work period for all law enforcement personnel. The work period begins at each employee's shift start and ends fourteen (14) consecutive twenty-four-hour periods later.

B. Law enforcement employees include employees who are a uniformed or plain clothed member of a body of officers and subordinates who are empowered by State statute or local ordinance to enforce laws designed to maintain public peace and order and to protect both life and property from accidental or willful injury, and to prevent and detect crimes, who have the power to arrest, AND who is presently undergoing or have undergone or will undergo on-the-job training and/or a course of instruction and study which typically includes physical training, self-defense, firearm proficiency, criminal and civil law principles, investigative and law enforcement techniques, community relations, medical aid and ethics. See: 29 CFR §§553.211(a)(1), 553.211(a)(2), and 553.211(a)(3).

C. Code enforcement officers and animal control officers are not considered to be law enforcement employees for purposes of this section.

8.4.4 Pay Periods. Each pay period shall be bi-weekly. Under unusual circumstances checks may be issued early, but only upon the request of the Department Head and with the concurrence of the City Manager and Finance Officer/Treasurer.

SECTION 10: OVERTIME AND COMP TIME

A. Calculation of Overtime Compensation

1. A non-exempt employee who is not engaged in the fire service or law enforcement activities (as defined in Sections 8.4.2 and 8.4.3 of this Policy), shall not work more than the regularly assigned workweek work period without the City Manager's prior approval. Non-exempt employees who are not engaged in the fire service or law enforcement activities who work in excess of the normal 40-hours workweek during the seven-day work period shall be compensated at the rate of 1½ times the employee's regular base rate of pay for each hour of overtime worked. Overtime work will be compensated in 15-minute increments. Rates consistent with the Fair Labor Standards Act (FLSA) (29 USC 201, et seq)
 2. A non-exempt fire service employee shall not work more than the regularly assigned work period without the City Manager's prior approval. Non-exempt fire service employees who work in excess of the normal 106 hours during the fourteen (14) day work period shall be compensated at the rate of 1½ times the employee's regular base rate of pay for each hour of overtime worked. Overtime work will be compensated in 15-minute increments. Rates consistent with the Fair Labor Standards Act (FLSA) (29 USC 201, et seq)
 3. A non-exempt law enforcement employee shall not work more than the regularly assigned work period without the City Manager's prior approval. Non-exempt law enforcement employees who work in excess of the normal 86 hours during the fourteen (14) day work period shall be compensated at the rate of 1½ times the employee's regular base rate of pay for each hour of overtime worked. Overtime work will be compensated in 15-minute increments. Rates consistent with the Fair Labor Standards Act (FLSA) (29 USC 201, et seq)
- B. Working overtime without prior approval is just cause for disciplinary action, up to and including termination.
- C. Payment for overtime may be in the form of cash ("overtime pay") or compensatory time ("comp time"). In times of budgetary constraint, the City of Rio Communities, at its sole discretion, may elect to pay employees overtime in the form that best suits the City.
- D. An employee is not entitled to overtime pay or comp time unless that employee has actually worked more than 40 the normal number of hours (either 40 for employees not in the fire service or law enforcement; 106 for fire service employees; or 86 for law enforcement) in a given workweek work period. The time an employee takes off from work for a holiday, vacation, personal leave, or an illness is not considered hours worked for purposes of calculating overtime, even if the employee is paid for that time with accrued leave or accrued comp time.
- E. All City employees, including commissioned police officers and firefighters, eligible for overtime compensation may accrue a maximum balance of 120 hours of comp time. If an

employee has reached the accrual limit for comp time set forth in this paragraph, any additional overtime worked by the employee shall be paid out in the form of cash.

- F. The City strongly encourages all employees to use their accrued comp time within 6 months of earning it. Employees may use comp time at any time with the prior approval of the eligible employee's supervisor unless the granting of such time would unduly disrupt the effective functioning of the employee's department. Mere inconvenience is an insufficient basis for denial of a request to use accrued compensatory time.

- G. The City may, at any time, elect to pay out some or all of an employee's accumulated compensatory time. Such payment must be made at the regular hourly rate of pay received by the employee at the time of payment. It is within the City's sole discretion whether to pay out some or all accrued comp time.

- H. Upon an employee's retirement, resignation or termination, the City of Rio Communities shall pay the employee for the balance of the employee's accrued but unused comp time at a rate not less than the employee's final hourly pay rate ~~or the employee's average hourly rate over the last three (3) years of employment, whichever is greater. In instances where the employee has less than three (3) years of employment with the City of Rio Communities, the average pay rate for the entire period of employment shall be used instead.~~

- I. Supervisors shall monitor overtime worked and compensatory time accrued and shall encourage the use of compensatory time as the opportunity arises, in order to minimize the City of Rio Communities' overtime pay liability. The supervisors' monitoring of overtime and encouraging the use of comp time will be considered as part of the supervisors' performance evaluation.