

CITY OF BLOOMFIELD, NEW MEXICO

**ORDINANCE NO. 473**

**AN ORDINANCE AMENDING ORDINANCE NO. 429, DATED MAY 26, 2009, RELATING TO ADOPTION OF THE CITY OF BLOOMFIELD EMPLOYEE HANDBOOK.**

WHEREAS, according to Section 3 of Ordinance No. 429, all amendments to the City of Bloomfield Employee Handbook must be made via amendments adopted by ordinance;

WHEREAS, the City of Bloomfield desires to amend the City of Bloomfield Employee Handbook by deleting the entirety of Section 6.9 "Call-Back and Standby Pay" and replacing said Section 6.9 with the following revised "Call-Back and Standby Pay" policy;

WHEREAS, the City intends that all other aspects of Ordinance No. 429 and the City of Bloomfield Employee Handbook remain unaltered and in full force and effect.

**THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF BLOOMFIELD THAT THE FOLLOWING CALL-BACK AND STANDBY PAY POLICY BE IN FULL FORCE AND EFFECT UPON ADOPTION OF THIS ORDINANCE:**

**Policy:**

**6.9 Call-Back and Standby Pay**

1. Policy

Non-exempt employees who are required to be on standby and who make their time after hours available for City service will be paid as provided by FLSA. Non-exempt employees, however, who are on-call and do not actually perform work related functions while on-call will not be compensated by the City for the employee's time spent on-call. Employees who are free to use their off time as they please, not required to remain on City premises but required to be reached by phone or pager, the time while on-call is not considered to be working time. The employee is not entitled to additional wages or an overtime premium by virtue of being on-call, waiting to be "paged" or "called" to come to work.

2. Definitions

a) Standby:

"Standby" occurs when an employee is on duty, and time spent on standby duty is hours of work if, for work-related reasons, the employee is restricted by official order to a designated post of duty and is assigned to be in a state of readiness to perform work with limitations on the employee's activities so substantial that the employee cannot use the time effectively for his or her own purposes. The fact that an employee's activities are substantially limited may not be based on the fact that an employee is subject to restrictions necessary to ensure that the employee will be able to perform his or her duties and responsibilities, such as restrictions on alcohol consumption or use of

certain medications. Non-exempt employees who are on standby will be paid their regular rate of pay except that if the employee exceeds the forty (40) hour workweek definition, then said employee will be compensated for the additional hours worked at the overtime rate.

Non-exempt employees who are called back after having completed a prescribed workday will be paid for additional hours worked at the overtime rate, notwithstanding the forty (40) hour workweek definition. Also, employees who are called back and are dismissed by the management before working two (2) hours will be paid for a minimum of two (2) hours.

**On-Call:**

"On-call" occurs when an employee is off duty, and time spent in an on-call status is not hours of work if - (1) the employee is allowed to leave a telephone number or carry an electronic device for the purpose of being contacted, even though the employee is required to remain within a reasonable call-back radius; or (2) the employee is allowed to make arrangements for another person to perform any work that may arise during the on-call period. Employees who are on-call and do not actually perform work related functions while on-call will not be compensated by the City for the employee's time spent on-call. However, non-exempt employees who are on-call and are called back to work will be paid their regular rate of pay except that if the employee exceeds the forty (40) hour workweek definition, then said employee will be compensated for the additional hours worked at the overtime rate.

**On-Call Pay For Firefighters:**


Non-exempt firefighters who are required to work rotating weeknight assignments that require the employee respond within five (5) minutes and be fully capable.

Day of Week	Hours	On-Call Primary
Thursday — Wednesday	10:00 p.m.— 6:00 a.m.	4 hours

Passed, Approved, Signed and Adopted this 22 day of August, 2016.

  
Scott Eckstein, MAYOR

ATTEST:

  
Erikka Martinez, CITY CLERK

(SEAL)

