

CITY OF VINELAND

ORDINANCE NO. 2014-42

AN ORDINANCE AMENDING ORDINANCE 2006-45, CHAPTER 157 OF THE CODE OF THE CITY OF VINELAND ENTITLED SALARIES AND COMPENSATION.

WHEREAS, on April 9, 2014, the Office of the State Comptroller issued an investigative report on the analysis of local government overtime and compensatory time practices (“Report”); and

WHEREAS, the Report shows how compensatory and overtime is an unnecessary payment to high level executive employees and how it represents a hidden and substantial cost to taxpayers; and

WHEREAS, the Federal Fair Labor Standard Act (FLSA) only requires employers to pay overtime compensation or provide compensatory time to non-managerial employees when they work in excess of 40 hours per week and not to executive or administrative employees; and

WHEREAS, the Office of State Comptroller suggests that governing bodies may “opt to follow the rules used for state employees and expressly prohibit their highest level and highest salaried employees (such as department heads) from receiving overtime or compensatory time under any circumstance, but permit those benefits for other exempt employees in limited circumstances such as emergencies.”; and

WHEREAS, the City Council of the City of Vineland finds it in the best interest of the City to preclude Department Directors from obtaining compensatory time or overtime for time served in their capacity as Director.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Vineland that Chapter 157 of the Code of the City of Vineland be amended as follows:

§157-4 Department Directors.

G. Notwithstanding anything herein to the contrary, no Director of the City of Vineland shall be entitled to compensatory time or overtime as defined in the Federal Fair Labor Standards Act.

BE IT FURTHER ORDAINED that any Ordinance or portion thereof which is contrary to this Ordinance shall be null and void as to that portion so contradictory, but the balance shall remain in full force and effect.

Passed first reading:

Passed final reading:

President of Council

Approved by the Mayor:

Mayor

ATTEST:

City Clerk