

ORDINANCE NO. 18-34

AN ORDINANCE PERTAINING TO PERSONNEL POLICIES AND PROCEDURES, AMENDING SECTION 17-1-6-162, DIVISION 17-1-6, ARTICLE 17-1, CHAPTER 17, LAWTON CITY CODE, 2015, INCREASING THE NUMBER OF FIXED HOLIDAYS BY ADDING AS HOLIDAYS (1) THE FRIDAY AFTER THANKSGIVING AND (2) CHRISTMAS EVE [WHEN CHRISTMAS EVE FALLS ON A MONDAY, TUESDAY, WEDNESDAY OR THURSDAY], PROVIDING FOR SERVERABILITY, AND DECLARING AN EFFECTIVE DATE.

ORDINANCE

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Lawton, Oklahoma, that:

Section 1. Section 17-1-6-162 is hereby amended to read as follows:

17-1- 6-162 Holidays.

A. Subject to the provisions below, regular ~~Regular~~ employees shall be entitled to ~~eleven~~ twelve (11-12) holidays per year, with the exception being when Christmas Eve falls on a Monday, Tuesday, Wednesday or Thursday. In years when Christmas Eve falls on a Monday, Tuesday, Wednesday or Thursday, regular employees shall then be entitled thirteen (13) holidays for that year. The holidays shall consist of ~~six~~ either seven or eight fixed holidays (depending upon whether Christmas Eve falls on a Monday through Thursday) as designated herein and five flexible holidays.

B. Regular and regular part-time employees shall sustain no loss of pay for any biweekly payroll period in which a fixed holiday occurs which would normally be an employee's work day unless the employee is on leave without pay the day before or after the fixed holiday.

C. The following fixed holidays are hereby designated and shall be observed in accordance with the following provisions:

January 1-New Year's Day;

Memorial Day;

July 4-Independence Day;

Labor Day;

Thanksgiving Day, ~~and~~

Friday after Thanksgiving.

Christmas Eve (when this day falls on a Monday, Tuesday, Wednesday or Thursday); and
Christmas.

1. The department directors shall notify the human resources director by July 1 of each fiscal year the name and position of all shift employees. In lieu of overtime, all shift employees shall receive a holiday credit of eight hours or an additional eight hours of pay for each of the ~~six~~ fixed holidays, either seven or eight, as applicable. If the fixed holiday leave credit is not used during the fiscal year, shift employees shall be paid annually for all unused fixed holiday leave credits. The annual payment shall be made on the first non-payday Friday in May.
2. In lieu of overtime, regular, non-exempt employees and shift employees who are not scheduled to work on a fixed holiday, but who are called on to work and do work on a fixed holiday, shall be paid for all hours actually worked on the fixed holiday at a rate which is one and one-half times their regular rate of pay. Such compensation shall be in addition to the regular payment for the fixed holiday and shall be paid at the next available payroll period following the fixed holiday.
3. It is the right of the immediate supervisor to determine who shall, to provide necessary services, work on a designated fixed holiday~~;~~.
4. For those designated fixed holidays (excluding Christmas Eve) which fall on a weekend:
 - a. If the holiday falls on a Saturday, the preceding Friday will be considered the holiday (excluding Christmas Eve); and
 - b. If the holiday falls on a Sunday, the following Monday shall be considered the holiday (excluding Christmas Eve)~~;~~.
5. If an employee is sick, the employee will not be charged sick leave for the designated fixed holiday authorized during the absence~~;~~.
6. If an employee is on vacation, the employee will not be charged vacation leave for the designated fixed holiday observed during the absence~~;~~ ~~and~~.
7. Should the city council declare special fixed holidays, they shall be observed in accordance with the provisions of this section.

D. Flexible holidays may be observed by regular employees and regular part-time employees on a date mutually agreeable to the employee, the employee's immediate supervisor and the department director and shall be in accordance with the following provisions:

1. Regular employees with at least one year of current continuous service as of July 1 shall be allowed forty (40) hours flexible holiday time, to be used during the next fiscal year. Regular part time employees shall be allowed twenty (20) hours of flexible holiday time.

2. Regular employees and introductory employees with less than a year of current continuous service, shall be allowed a prorated amount of flexible holiday time based on the relationship of the months of service remaining during the fiscal year to twelve (12) months' service.
3. In submitting a request for flexible holiday time and in considering the request, the employee, the employee's supervisor, and the department director shall consider the level of service which must be provided by the city activity and the needs and desires of the employee.
4. Regular employees, regular part time employees and introductory employees must use their flexible holidays before the last payroll period in June of each year or otherwise unused flexible holidays will be lost and there shall be no compensation paid therefore.
5. Regular employees, regular part-time employees and introductory employees who separate from city service during the fiscal year will have flexible holiday time prorated at the rate of four (4) hours per month for the months of July through April of the current fiscal year. If an employee leaves service during these months and has used more than the accrued amount of flexible leave, the amount used over the accrued amount will be deducted from final payouts due the employee. If an employee leaves during the months of May and June, no deduction will be made as they will have accrued the full forty (40) hours flexible holiday time as of April 30 of the current fiscal year. Reimbursement shall be based on the employees regular hourly rate of pay at the time of separation.

Section 2. Severability. If any section, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, said portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion of this ordinance.

Section 3. Effective Date. The provisions of this ordinance shall become effective thirty (30) days after its passage.

ADOPTED and APPROVED by the Council of the City of Lawton, Oklahoma this 23rd day of October, 2018.

FRED L. FITCH, MAYOR

ATTEST:

TRACI L. HUSHBECK, CITY CLERK

APPROVED as to form and legality this 23rd day of October, 2018.

FRANK V. JENSEN, CITY ATTORNEY