

Chapter 4 EMPLOYMENT STATUS

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4-1 FLSA Definitions

To facilitate provisions of the Fair Labor Standards Act, employees shall be classified as either exempt or nonexempt, regarding eligibility for overtime payment. They shall be defined as:

- A. Exempt.** Positions of a managerial, administrative, or professional nature, as prescribed by Federal and State Labor Statutes shall be exempt from minimum wage and mandatory overtime payment regulations.
- B. Nonexempt.** Positions of clerical, technical, or service nature, as defined by Federal and State Labor Statutes, which are covered by provisions for minimum wage and mandatory overtime payment regulations.

4-2 Appointed Positions

The following enumerated positions constituting officers, managers, fire department appointments and/or department heads shall be appointed and serve at the pleasure of the Mayor and City Council:

- A. City Treasurer
- B. City Recorder
- C. Public Works Director
- D. Fire Chief
- E. Parks and Recreation Director
- F. City Administrator
- G. Landfill Director

Appointed employees are part of the pay and benefit system applicable to all employees and shall be subject to policies contained in this Manual, with the following exceptions:

Appointed employees are at-will employees, and are appointed and may be suspended or terminated by the Mayor with the advice and consent of the City Council with or without cause or prior notice. As at-will employees, appointed employees shall have no right to appeal the suspension or termination of their employment.

4-3 Introductory Employees

All new employees who are hired by the City are required to serve at least 6 months in an introductory status.

During the introductory period, except during times due to promotion, the employee is at will and may be terminated at any time, with or without cause or prior notice.

An unpaid leave of absence shall not be considered part of any introductory period.

Promotion. Any promotion to a position with significant differences in job responsibility shall be subject to a introductory period of 6 months. During the introductory period the employee's abilities and performance will be evaluated by the department head. If in the sole discretion of the City, the City determines that the employee's performance is unsatisfactory, the City shall notify the employee in writing of his/her failure to complete the introductory period and the employee will be reinstated, if available, to their previous position, or if available another position of equal remuneration for which they are qualified. However, if the cause for rejection during the promotional introductory period was sufficient grounds for dismissal from both positions, the employee may be dismissed in accordance with the City's formal disciplinary procedures.

Reinstatement. The introductory period for a former employee being reinstated may be for a period less than 6 months if reinstatement is to the same department and to the same position previously held, or 6 months if the reinstatement is to a different department or to a different position within the same department to which the employee was previously assigned.