

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Adoption of Resolution No. 325 amending the Employee Handbook regarding compensation of employees assigned to twelve hour shifts to respond to inclement weather, natural disasters or other similar emergency events
DEPARTMENT:	Public Works/Parks, Recreation & Cultural Services/Human Resources
PRESENTED BY:	Dick Deal, Parks, Recreation & Cultural Services Director Mark Relph, Public Works Director Marci Wright, Human Resources Director
ACTION:	<input type="checkbox"/> Ordinance <input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Motion <input type="checkbox"/> Discussion <input type="checkbox"/> Public Hearing

PROBLEM/ISSUE STATEMENT:

Stormy winter weather periodically demands special storm response by City staff. A significant storm requires employees to work unusually long shifts in uncomfortable and at times risky conditions. In order to make our storm response more efficient, effective and predictable, City staff have been working to establish clearer, more consistent procedures. As a result of this work, staff is now recommending some changes that require City Council approval to implement.

RESOURCE/FINANCIAL IMPACT:

In developing these proposals, staff has attempted to balance employee needs for safety and appropriate compensation with the City's responsibility to wisely manage the City's limited financial resources. We believe we have developed recommendations that would reward employees in a manner consistent with the City's defined labor market, maintain employee safety and be manageable within existing City resources.

RECOMMENDATION

Adopt Resolution No. 325 amending the Employee Handbook regarding compensation of employees assigned to twelve hour shifts to respond to inclement weather, natural disasters or other similar emergency events

Approved By: City Manager **JU** City Attorney **IS**

INTRODUCTION

Over the past several weeks, staff has been working with employees who are the primary responders during storm events to debrief last winter's storms and identify employee concerns and areas where the City could improve the efficiency and effectiveness of our response. As a result, staff has formulated recommendations concerning the following issues:

1. Shift differential
2. Pay to transition employees to required 12-hour shifts
3. Pay for meal breaks
4. Compensation when storm events close City Hall

Staff discussed these recommended changes with the City Council on April 23, 2012. A copy of the staff report for that evening can be found at <http://cosweb.ci.shoreline.wa.us/uploads/attachments/cck/Council/Staffreports/2012/Staffreport042312-9d.pdf>. Tonight staff is recommending that Council adopt the recommended changes.

BACKGROUND

Generally the City experiences a significant storm event, most typically a snow storm, three or four times a winter. Historically the City has placed a small number of employees on 12-hour shifts for the duration of the storm. Many of the details of these storm shifts have varied from year to year, from the hours of the shifts, the employees involved, the number of staff required.

This spring staff is devoting resources to creating clearer, more consistent processes and procedures for future storm event operations. Over the past several weeks, staff has been debriefing this winter's storms and identifying employee concerns and areas where the City could improve the efficiency and effectiveness of our response. In addition to standard storm debrief sessions, the Directors of Public Works (PW), Parks, Recreation and Cultural Services (PRCS) and Human Resources (HR) have conducted several meetings with the PW and PRCS staff assigned to Hamlin Yard and with Customer Response Team staff.

During the meetings, employees raised a variety of operational concerns and suggestions for improvement for future operations. The majority of the issues raised related to scheduling and communications issues. PW and PRCS plan to have a team of supervisors and employees formulate procedural recommendations over the course of the summer. The goal of this work effort is the establishment of written operational procedures in the fall, in advance of the next winter storm season.

A few of the issues raised concerned a proposal to change compensation-related policies, requiring approval of Council. Several proposed ideas were discussed and considered. These were narrowed to the issues of greatest concern to the employees and, as a result, staff has formulated recommendations for Council's consideration concerning the following issues:

1. Shift differential

2. Pay to transition employees to required 12-hour shifts
3. Pay for meal breaks
4. Compensation when storm events close City Hall

DISCUSSION

In order to limit these proposed new policies to only the situations intended, staff will be recommending that for any approved new policies to apply, the City Manager must officially declare the assignment of employees to 12-hour shifts. These policies would then apply only to employees so assigned.

The following is a summary of the compensation issues discussed with employees and the staff recommendations for each:

1. **Shift Differential**—during a storm event, employees have traditionally been assigned to 12-hour shifts, in order to provide around the clock service to our citizens. Assignment to these shifts causes employees to work much longer days than normal and to work much different hours than normal. The change in shift normally comes with relatively little notice—even with much improved weather forecasting the timing and type of storms in the Pacific Northwest remains difficult to predict. Changing to working the 12-hour shifts can be very disruptive to the home lives of employees.

In past years, the 12-hour shifts were most commonly noon to midnight and midnight to noon. More recently 9:00 am – 9:00 pm/9:00 pm – 9:00 am shifts have been used and the City intends to use these shifts into the future.

The possibility of shift differential has been discussed internally for several years and the City has done three surveys of comparable jurisdictions on this issue—in 2007, 2011 and 2012.

In the recent discussion with employees, two different proposals emerged for shift differential – a \$3 shift differential and time and one-half pay as a shift differential. Staff is recommending the \$3 shift differential and this has been incorporated into Resolution No. 325.

- **3 Shift Differential:** A proposal to pay \$3 an hour for all hours worked outside of an employee's normal shift. This proposal would work as follows:
 - Assume Employee A and Employee B both normally work a schedule of 7:00 am – 4:00 pm (with a 1 hour unpaid lunch break).
 - Employee A is assigned to the 9:00 pm – 9:00 am night shift. For each full night shift worked, Employee A will receive 10 hours of shift differential pay from 9:00 pm until 7:00 am to compensate for hours that Employee A does not normally work.
 - Employee B is assigned to the 9:00 am – 9:00 pm day shift. For each full day shift worked, Employee B will receive 5 hours of shift differential pay from 4:00 pm until 9:00 pm to compensate for hours that Employee B does not normally work.

- The rationale for this proposal:
 - \$3/hour is the same rate the City pays for standby pay so the rate has a tie to an existing standard;
 - Changing to a 12-hour shift is disruptive to all employees required to make this change. This approach pays some additional compensation for the inconvenience to all employees making the change of shift;
 - The “night” shift is a more difficult change for most employees to make and this approach pays more to employees working the 9:00 pm -- 9:00 am shift for the additional inconvenience
 - The overall cost of this additional \$3/hour under this approach is minimal to the City—a rough estimate of additional salary cost per storm event is \$1,260. Even assuming four storm events in a year, the total additional salary cost should be well below \$10,000.
 - The cost estimate is based on the following assumptions:
 - Most storm events last three or four days--assume a 4 day storm event
 - Four sets of two 12-hour shifts (4 “day” and 4 “night”)
 - Seven equipment operators per shift
 - Seven “day shift” employees working a total of 140 hours at the additional \$3 rate (5 hours per shift x 4 shifts = 20 hours per employee x 7 employees = 140 hours)
 - Seven “night shift” employees working a total of 280 hours at the additional \$3 rate (10 hours per shift x 4 shifts = 40 hours per employee x 7 employees = 280 hours)
 - Comparable survey data varies on this issue and falls short of the City’s five or more jurisdiction threshold to use the market data to formulate a recommendation based solely on this data. Of the eight jurisdictions where there is relevant, current data:
 - Three jurisdictions report they do not pay a shift differential in this type of situation
 - Five jurisdictions pay something—Four of these pay an additional percentage or dollar amount per hour
 - This additional amount per hour (percentages converted to dollar amounts using our salaries) range from 55 cents to just over \$3

2. **Transitioning Employees into Required 12-hour Shifts**—most typically, the decision to assign employees to a 12-hour shift has been made during a normal working day. When employees are working at the time this decision is made, the City’s primary interest is to have “night shift” employees home as soon as possible to rest and prepare to return for the night shift. Employees have expressed concerns that if they go home “mid-shift” and the weather changes and 12-hour shifts don’t occur as planned, they may end the week with less than 40 hours worked and be required to use leave to make up the difference. In the past, some employees have been so concerned

about this possibility, they have chosen to work through their normal shift and returned to the “night shift” with less time off than the City would prefer.

- **Proposal—Pay to Transition Assigned Employees into the 12-hour Shift**—pay employees sent home to rest and prepare for the “night shift” for the balance of their normal shift. This proposal would work as follows:
 - An employee is at work and is scheduled to work until 4:00 pm. The employee normally takes an hour lunch at noon.
 - At 11:00 am the City Manager declares a 12-hour shift. The employee, assigned to the night shift, is sent home at 11:00 to rest and report to work at 9:00 pm for the night shift.
 - The employee receives four hours of transition pay—one hour from 11:00 to noon and three hours from 1:00 pm – 4:00 pm.
- The rationale for this proposal:
 - This approach is consistent with current City policy 5.05 Inclement Weather (although it has not been previously applied in this fashion);
 - This section of the Employee Handbook states “in the event that the City Manager advises employees not to report to work or to leave early due to inclement weather or natural disaster, such time will be paid time off and not charged” to available leave;
 - In past situations, the City Manager has not been involved in this level of operational decisions and also employees have not been truly directed to leave (since employees have been allowed to work through their normal shift);
 - In the future, the decision to go to the 12-hour shift will be a City Manager decision and employees will be directed to go home to rest;
 - The estimated cost is minimal—we estimate \$3,000 additional salary cost per year based on the following:
 - Assuming four storm events in a year;
 - Assuming seven employees are sent home with pay for four hours each at the start of each storm event for a total of 112 hours of pay;
 - Assume top hourly rate for a Maintenance Worker II of \$27.17
 - In the interest of having a cohesive intact policy concerning 12-hour shifts and also to assure employees of the clear practice in the future, staff is recommending this proposal be adopted and be clearly provided for in the new policy.

3. **Pay for Meal Breaks**—during storm events, especially at the height of storms, crews have minimal opportunity for meal and rest breaks. While the City’s clear policy is to ensure that employees receive the breaks that they are entitled to, a 12-hour shift during a storm is very long and tiring. Scheduling employees into these shifts and accommodating meal breaks can be complicated. Past practice at the City has varied about how break times and meals have been provided.

- **Proposal—Pay for Meal Breaks**--during the declared 12-hour shifts, employees shall be paid for required meal breaks
- The rationale for this proposal:
 - Paying for meal breaks can make scheduling of employees easier, clearer and more consistent. Employees are paid for the entire shift they work and extra unpaid time for meals does not have to be factored into the scheduling;
 - Alternative suggestions about meal breaks included the City providing food in some manner for employees. In the past, the City has done this but it does not appear there has been a consistent practice, leading to some confusion by employees about how meals will be handled. Also finding a restaurant or store open and available during some storm events can be difficult if not impossible;
 - There is no “hard dollar” cost for this—employees will continue to be paid for a 12-hour shift. There is a “soft dollar” cost in that the meal break(s) that occur would be paid and thus the total “hours” worked shorter. However, employees receiving the appropriate breaks are safer and likely more productive employees;
 - In reviewing policies of our comparable jurisdictions we did not find a clear, consistent practice in handling meals. We did discover jurisdictions who provided meals and who paid for meal breaks.
 - Staff is recommending that meals breaks be paid.

4. **Premium Pay for Work on Days When City Hall is Closed**—the current City policy, as applied to these employees under these circumstances, is to pay them time and one-half for actual time worked during the City Hall closure. This policy generally works well when applied to office workers at City Hall. However, this current policy has been a source of significant dissatisfaction as applied to this work group working 12-hour shifts.

Since City Hall can only be “closed” during its normal working hours (8 – 5) and since the rare City Hall “closures” have historically been for two or three hours at the end of a work day (typically to allow employees to drive home before roads get snowier and more impassable), only the employees working the “day” 12-hour shifts have gotten this additional pay. This practice seems nonsensical to these crews since in reality the City Hall “closure” has no more impact on the day shift crew than those working at night and thus, is difficult to explain why only the day shift gets additional pay (other than the explanation of “it’s the policy”).

- **Proposal—Award Equal Compensatory Time to All 12-Hour Shift Employees Working on the Calendar Day City Hall is Closed**—all employees who work on that day would receive compensatory time equal to the hours that day that City Hall was closed. This proposal would work as follows:
 - City Hall closes early, at 3:00 pm on Thursday, to allow employees to leave early to go home due to a heavy snow storm.

- Employee A is assigned to the night shift and works on Thursday from midnight to 9:00 am (end of the Wednesday night shift) and from 9:00 pm to midnight (start of the Thursday night shift).
- Employee B is assigned to day shift and works on Thursday from 9:00 am to 9:00 pm.
- Both A and B would receive 2 hours of time on the books (in addition to whatever pay they received for their work that day).
- The rationale for this proposal:
 - The proposal would treat all 12-hour shift employees in a similar and fair manner;
 - The artificial (in this arena) distinction of whether a 12-hour shift employee was working during the specific time City Hall was “closed” would be eliminated (note: the current application is particularly ironic to a “night shift” employee since almost their entire 12-hour shift is worked while City Hall is “closed” yet they rarely receive the special compensation);
 - The use of compensatory time has no “hard dollar” cost if used as “time off”;
 - These City Hall closures are rare—many storm events occur without any “closure---so the amount of compensatory time will likely be very low;
 - Employees believe this is a fair resolution to what has been perceived as a very unfair policy.
 - Staff was unable to identify a comparable jurisdiction that had a policy similar to our current policy on City Hall “closures.”
 - Staff is recommending adoption of this proposal.

RESOURCE/FINANCIAL IMPACT

Financial impacts are as outlined above and taken as a whole are estimated to be minimal. Due to difficulty in accurately predicting the number and length of storms and due to the fact that some of the proposals do not involve “hard dollar” costs, budget numbers are estimates. Staff anticipates the total cost of the proposed package is likely to be less than \$15,000.

RECOMMENDATION

Adopt Resolution No. 325 amending the Employee Handbook regarding compensation of employees assigned to twelve hour shifts to respond to inclement weather, natural disasters or other similar emergency events

ATTACHMENTS

Attachment A Resolution No. 325

ATTACHMENT A

RESOLUTION NO. 325

A RESOLUTION OF THE CITY OF SHORELINE, WASHINGTON, ADOPTING REVISIONS TO PERSONNEL POLICIES TO ESTABLISH RULES FOR COMPENSATING EMPLOYEES ASSIGNED TO WORK DURING STORM EVENTS.

WHEREAS, the City Council has adopted benefits and working conditions in the Employee Handbook first adopted in 1999; and

WHEREAS, in staff debriefing this winter's storms, Directors of Public Works (PW), Parks, Recreation and Cultural Services (PRCS) and Human Resources (HR) conducted several meetings with the PW and PRCS staff assigned to Hamlin Yard and with Customer Response Team staff; and

WHEREAS, as a result of this evaluation, staff recommends compensation rules be amended for employees assigned to 12-hour shifts typically used during storm events to avoid inequities to those employees; now therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON AS FOLLOWS:

Section 1. New Section . A new section 5.045 of the Employee Handbook is adopted to read as set forth in Exhibit A hereto.

ADOPTED BY THE CITY COUNCIL ON May 14, 2012.

Keith A. McGlashan, Mayor

ATTEST:

Scott Passey, City Clerk

5.045 Twelve Hour Shift Policy (Non-Exempt Employees)

From time to time the City Manager may determine the need to assign City employees to work 12-hour shifts in order to effectively respond to inclement weather, natural disasters or other similar emergency events. The provisions of this policy apply in the case where the City Manager makes a declaration assigning employees to a “City Manager designated 12-hour shift”.

- A. **Pay to transition assigned employees into the 12-hour shift.** When employees are working at the time the City Manager declares a 12-hour shift, night shift employees shall be sent home with pay to rest and prepare for the night shift. This period of pay shall cover the time between the declaration of the 12-hour shift until the end of their regularly scheduled work day.
Example: An employee is at work and is scheduled to work until 4:00 pm. The employee normally takes a half hour lunch at noon. At 11:00 am the City Manager declares a 12-hour shift. The employee, assigned to the night shift, is sent home at 11:00 to rest and report to work at 9:00 pm for the night shift. The employee receives 4½ hours pay—1 hour from 11:00 to noon and 3½ hours from 12:30 pm – 4:00 pm.
- B. **Shift Differential.** In recognition of the inconvenience of having to work unusual hours with very little notice and under conditions that are generally difficult due to weather or other uncomfortable conditions, employees assigned to the declared 12-hour shift shall receive an additional \$3 per hour shift differential for all hours worked beyond their normal assigned shift. When an employee is working a 12-hour shift on a day they are not normally scheduled to work, all hours worked shall be considered to be “beyond their normal assigned shift”. *An example of how the policy would apply:* Assume the following facts:
- Both Employee A and Employee B normally work a schedule of 7:00 am – 4:00 pm (with an hour unpaid lunch break).
 - Employee A is assigned to the 9:00 pm – 9:00 am night shift. For each full night shift worked, Employee A will receive 10 hours of shift differential pay from 9:00 pm until 7:00 am to compensate for hours that Employee A does not normally work. This same amount of differential pay will apply regardless of which day of the week the work is being performed.
 - Employee B is assigned to the 9:00 am – 9:00 pm day shift. For each full day shift worked, Employee B will receive 5 hours of shift differential pay from 4:00 pm until 9:00 pm to compensate for hours that Employee B does not normally work. This same amount of differential pay will apply regardless of which day of the week the work is being performed.
- C. **Pay for meal breaks.** During the declared 12-hour shifts, employees shall be paid for required meal breaks.

D. Premium Pay for work on days when City Hall is closed. In the event that the City Manager closes City Hall for any period of time during any normal work day during the period of the declared 12-hour shift, any employee assigned to the 12-hour shift who works during the calendar day the City Hall is closed shall receive straight time “comp time” for the time that City Hall is closed, in addition to their pay for their shift. For the purposes of a full day City Hall closure, the “time closed” shall be 8 hours.

Example: The City experiences severe snow storms and the City Manager declares a 12-hour shift beginning on Monday and the 12-hour shifts continue through the weekend. During the work week, due to the snow, the City Manager closes City Hall for the entire work day on Wednesday. In addition the City Manager closes City Hall 2 hours early on Thursday to allow employees at work to drive home safely.

- Employee A is assigned to the night shift and works the night shift on both Wednesday and Thursday as scheduled. In addition to appropriate pay for the hours worked, Employee A will receive 10 hours of comp time. (8 hours for having worked on Wednesday and 2 hours for having worked on Thursday).
- Employee B is assigned to the day shift and works the day shift both Wednesday and Thursday as scheduled. In addition to appropriate pay for the hours worked, Employee B will receive 10 hours of comp time. (8 hours for having worked on Wednesday and 2 hours for having worked on Thursday).
- Employee C is assigned to the day shift and is scheduled to work both Wednesday and Thursday; however, Employee C works Wednesday but then calls in sick and does not work as scheduled Thursday. Employee C will receive 8 hours comp time. (8 hours for having worked on Wednesday but 0 hours for Thursday).