



MICHAEL N. FEUER
CITY ATTORNEY

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REPORT NO. _____

REPORT RE:

APR 0 3 2014

**DRAFT ORDINANCE AMENDING SECTIONS 4.113 AND 4.114 OF THE
LOS ANGELES ADMINISTRATIVE CODE PERTAINING TO OVERTIME FOR FAIR
LABOR STANDARDS ACT (FLSA) NON-EXEMPT EMPLOYEES AND SALARIED
FLAS-EXEMPT EMPLOYEES, RESPECTIVELY, TO REFERENCE A NON-
REPRESENTED CLASSIFICATION AND MODIFY THE LEVEL FOR SALARIED
EMPLOYEES**

The Honorable City Council
of the City of Los Angeles
Room 395, City Hall
200 North Spring Street
Los Angeles, California 90012

Honorable Members:

Pursuant to your request, this Office has prepared and now transmits for your consideration the enclosed draft ordinance, approved as to form and legality. This ordinance would amend Sections 4.113 and 4.114 of the Los Angeles Administrative Code pertaining to overtime for FLSA non-exempt employees and salaried FLSA-exempt employees, respectively, to reference a non-represented classification and modify the level for salaried employees.

Council Rule 38 Referral

A copy of the draft ordinance was sent, pursuant to Council Rule 38, to the City Administrative Officer (CAO). The CAO recommends adoption of this ordinance.

The Honorable City Council
of the City of Los Angeles
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If you have any questions regarding this matter, please contact Senior Assistant City Attorney Zna Portlock Houston at (213) 978-7182. She or another member of this Office will be present when you consider this matter to answer any questions you may have.

Very truly yours,

MICHAEL N. FEUER, City Attorney

By



DAVID MICHAELSON
Chief Assistant City Attorney

DM:ZPH:lh
Transmittal

ORDINANCE NO. _____

An ordinance amending Sections 4.113 and 4.114 of the Los Angeles Administrative Code pertaining to overtime for FLSA non-exempt employees and salaried FLSA-exempt employees, respectively, to reference a non-represented classification and modify the level for salaried employees.

**THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:**

Section 1. Subsection (b) of Section 4.113 of the Los Angeles Administrative Code is amended in its entirety to read as follows:

(b) Rate of Compensation for Overtime - Overtime compensation for employees who are employed in a class or pay grade (if the class has multiple pay grades) with a first step regular biweekly rate, without bonuses, below the first step regular biweekly rate for the class and pay grade of Senior Personnel Analyst I, Code 9167-1, shall be in time off at the rate of one and one-half (1½) hours for each hour of overtime worked or in cash at one and one-half (1½) times the employee's regular rate of pay. The method of overtime compensation shall be at the discretion of the employee's appointing authority.

Sec. 2. Subsection (a) of Section 4.114 of the Los Angeles Administrative Code is amended in its entirety to read as follows:

(a) Salaried Employees - Employees who qualify for exemption from the Fair Labor Standards Act (FLSA) overtime provisions based upon duties and who are assigned to a class or pay grade, if the class has multiple pay grades, with a first step biweekly rate, without bonuses, at or above the first step regular biweekly rate for the class and pay grade of Senior Personnel Analyst I, Code 9167-1, shall be treated as salaried employees as defined by the FLSA. Salaried employees will be paid the predetermined salary for each biweekly pay period and shall not receive overtime compensation. Salaried employees shall not be subject to any deductions from salary or any leave banks for any authorized absence from work for less than a full workday when these absences are occasional partial-day absences from work that are authorized by the appropriate supervisor designated by management. Partial-day absences that are long-term or recurring (e.g., intermittent leave/reduced work schedule for purposes of Family/Medical Leave) are subject to deductions from salary or leave banks. Salaried employees shall not be subject to disciplinary suspension for periods of less than a workweek (salaried employees can only be suspended in increments of a full FLSA workweek) unless based on violations of a safety rule of major significance or misconduct.

Sec. 3. This ordinance shall be operative upon publication pursuant to Charter Section 252(g).

Sec. 4. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that this ordinance was passed by the Council of the City of Los Angeles, at its meeting of _____.

HOLLY L. WOLCOTT, Interim City Clerk

By _____
Deputy

Approved _____

Mayor

Approved as to Form and Legality

MICHAEL N. FEUER, City Attorney

By *ZNA Portlock Houston*
ZNA PORTLOCK HOUSTON
Senior Assistant City Attorney

Date 4/3/2014

File No. _____