**CITY OF ROCHESTER HILLS**

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**Resources**

Pamela M. Lee, Director ext. 2521

DATE: December 22, 2003

TO: Mayor Somerville

RE: Admin Policy on POCs

I have prepared a draft of an administrative policy prohibiting full-time employees from being employed as Paid-On-Call Fire Fighters. Chief Walterhouse has requested that the City adopt such a policy and I believe it should be authorized by the Mayor as an administrative policy.

If you are comfortable with the attached policy, please sign it and have Charlotte distribute to the appropriate parties for inclusion in copies of the City's Administrative Policy Manual.

C: Administrative Directors

## CITY OF ROCHESTER HILLS
## OFFICE OF THE MAYOR

### Administrative Policy #001-2004

### Exclusion of Full-Time City Employees
### From City Service as Paid-on-Call (POC) Fire Fighters

It shall be the policy of the City of Rochester Hills that any person employed in a full-time position with the City shall not simultaneously hold the position of Paid-on-Call Fire Fighter. This policy shall be effective as of January 1, 2004.

## I.  EXCEPTIONS TO THIS POLICY

Full-time employees currently serving as POCs as of the effective date of this policy may continue to serve in this capacity provided there is no break in service for either position.

## II.  PURPOSE

1. This policy is enacted in order to address operational conflicts, as well as compensation and accounting related problems associated with employees who hold multiple jobs for the City.

2. The policy has been reviewed and is not anticipated to have an adverse affect on staffing Paid-on-Call positions.

3. Full-time Fire Fighters are currently prohibited from serving as Paid-on-Call Fire-Fighters.

PAT SOMERVILLE, Mayor
December 22, 2003

# POC Blended Rate Calculation
## *Example*

For each work week calculate:

1) POC Regular Rate x POC Hours = POC Regular Earnings
   *12.50 x 11.25 hours = 140.63*

2) POC Regular Earnings + Regular Full-Time Base Earnings (not including overtime) = Total Earnings Base
   *140.63 + 746.80 = 887.43*

3) POC Hours + Regular Hours (not including overtime) = Total Hours
   *11.25 + 40 = 51.25*

4) Total Earnings Base / Total Hours = Weighted Hourly Rate
   *887.43 / 51.25 = 17.32*

5) Weighted Hourly Rate x POC Hours = POC Earnings
   *17.32 x 11.25 = 194.85*

Difference between Regular POC Earnings and Weighted POC Earnings = $54.22 for that week. This difference varies weekly depending upon the number of hours work as a POC.

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Subpart B--The Overtime Pay Requirements
Principles For Computing Overtime Pay Based On The "regular Rate"

## § 778.115. Employees working at two or more rates.

Where an employee in a single workweek works at two or more different types of work for which different nonovertime rates of pay (of not less than the applicable minimum wage) have been established, his regular rate for that week is the weighted average of such rates. That is, his total earnings (except statutory exclusions) are computed to include his compensation during the workweek from all such rates, and are then divided by the total number of hours worked at all jobs. Certain statutory exceptions permitting alternative methods of computing overtime pay in such cases are discussed in §§ 778.400 and 778.415 through 778.421.

29 C. F. R. § 778.115

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## Subpart E--Exceptions From The Regular Rate Principles

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COMPUTING OVERTIME PAY ON THE RATE APPLICABLE TO THE TYPE OF WORK PERFORMED IN OVERTIME HOURS (SECS. 7(G) (1) AND (2))

# § 778.419. Hourly workers employed at two or more jobs.

(a) Under section 7(g)(2) an employee who performs two or more different kinds of work, for which different straight time hourly rates are established, may agree with his employer in advance of the performance of the work that he will be paid during overtime hours at a rate not less than one and one-half times the hourly nonovertime rate established for the type of work he is performing during such overtime hours. No additional overtime pay will be due under the act provided that the general requirements set forth in § 778.417 are met and;

(1) The hourly rate upon which the overtime rate is based in a bona fide rate;

(2) The overtime hours for which the overtime rate is paid qualify as overtime hours under section 7(e)(5), (6), or (7); and

(3) The number of overtime hours for which the overtime rate is paid equals or exceeds the number of hours worked in excess of the applicable maximum hours standard.

(b) An hourly rate will be regarded as a bona fide rate for a particular kind of work it is equal to or greater than the applicable minimum rate therefor and if it is the rate actually paid for such work when performed during nonovertime hours.

29 C. F. R. § 778.419

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