

**CITY OF EL PASO, TEXAS
AGENDA ITEM
DEPARTMENT HEAD'S SUMMARY FORM**

DEPARTMENT: Human Resources Department
AGENDA DATE: August 16, 2022
PUBLIC HEARING DATE: August 30, 2022
CONTACT PERSON AND PHONE: Araceli Guerra, Managing Director, 915-212-1241
DISTRICT(S) AFFECTED: All
STRATEGIC GOAL: Goal 6: Set the Standard for Sound Governance and Fiscal Management

SUBJECT:

An Ordinance amending Ordinance 8064 (Classification and compensation Plan) to amend Section 4.5 (Observed Holidays) to add Cesar Chavez Day.

BACKGROUND / DISCUSSION:

On June 22, 2022. City Council directed the City Manager to implement the workweek changed in honor of Cesar Chavez Day and to request that this day be honored going forward as an official City Holiday with the least budgetary impact.

PRIOR COUNCIL ACTION:

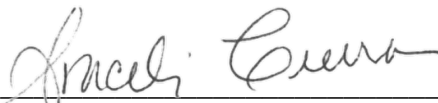
On September 19, 2020. Ordinance 8064 was amended to implement the workweek changed in honor of June 19 (Juneteenth) and to request that this day be honored going forward as an official City holiday.

AMOUNT AND SOURCE OF FUNDING:

FY 22 budget for each department

*****REQUIRED AUTHORIZATION*****

DEPARTMENT HEAD:



(If Department Head Summary Form is initiated by Purchasing, client department should sign also)

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE 8064 (CLASSIFICATION AND COMPENSATION PLAN) TO AMEND SECTION 4.5 (OBSERVED HOLIDAYS) TO ADD CESAR CHAVEZ DAY.

WHEREAS, On March 31, 1927 Cesar Chavez was born. He was an American farm worker, labor leader, and civil rights activist; and

WHEREAS, in 2014 President Barack Obama declared March 31st as Cesar Chavez Day a national holiday to celebrate the birth and legacy of the civil rights and labor rights activist; and

WHEREAS, the City Council of the City of El Paso desires to add Cesar Chavez Day to the list of holidays observed by the City pursuant to the City's Classification and Compensation Plan.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

- 1. That Section 4.5 (OBSERVED HOLIDAYS) of Ordinance 8064 (CLASSIFICATION AND COMPENSATION PLAN), is amended as follows:**

4.5 OBSERVED HOLIDAYS

The following days are hereby declared holidays observed by all the City departments, provided that the provisions of this section shall not apply to members of the Fire Department or to members of the Police Department. who are covered by collective bargaining agreements with the City. (Amended 10/03/95, 6/1/10, 10/2/2018)

1. First day of January (New Year's Day)
2. Third Monday in January (Martin Luther King Holiday)
3. Thirty-first day of March (Cesar Chavez Day) (Added _____)
4. Last Monday in May (Memorial Day)
5. June 19 (Juneteenth)
6. Fourth day of July (Independence Day)
7. First Monday in September (Labor Day)
8. Eleventh Day in November (Veterans' Day)(Amended 10/02/2018)
9. Fourth Thursday in November (Thanksgiving Day)

10. The Friday following the fourth Thursday in November (Day after Thanksgiving)(Amended 02/24/09, 06/25/09, 8/25/09)

11. Twenty-fifth Day in December (Christmas Day)

12. Employee's Birthday

When any holiday falls on a Saturday, the preceding business day shall be the day on which the holiday shall be observed by the City departments, provided however that the City Manager or designee shall have the authority to determine the appropriate day of observation of such holiday for employees who are scheduled to work on the holiday. (Amended 6/1/10)

When any holiday falls on a Sunday, the following business day shall be the day on which the holiday shall be observed by the City departments, provided however that the City Manager or designee shall have the authority to determine the appropriate day of observation of such holiday for employees who are scheduled to work on the holiday. (Amended 6/1 /10)

Provided however, when the first day of January (New Year's Day) or the twenty-fifth day in December (Christmas Day) fall on a Saturday or Sunday, the preceding business day or the following business day shall be the day on which the holiday shall be observed by the City departments, as determined by the City Manager, who shall also have the authority to determine the appropriate day of observation of such holiday for employees who are scheduled to work on the holiday. (Added 6/1/10)

In addition to the above days, the following days are also declared to be holidays observed by the City departments: (Amended 6/1/10)

1. Any day designated as a holiday by City Council.

A) Holiday Worked. Any department head who finds it necessary to do so, may request some or all employees of his department to report for work on any of these legal holidays.(Amended 02/24/09, 3/6/12)

The department head may do either of the following when employees work a holiday:

1. Arrange for the employee to accrue the holiday and permit the time off within the specified period (12 months of the accrued holiday), or (Amended 02/24/09)
2. Pay employee the holiday, plus the actual numbers of hours worked at straight time. If employee works more than eight hours on a holiday, see Section 3.13 for method of overtime payment. In either case, the department head shall keep a record and report on such overtime work on holidays on the regular payrolls and

on such reports as may be prescribed by the Human Resources Director.
(Amended 08/28/07 and 02/24/09)

B) Holiday On Scheduled Day Off. Whenever a holiday falls on the employee's scheduled day off, the department head may do either of the following:

1. Arrange for the employee to accrue the holiday and permit the time off within the specified period (12 months of the accrued holiday), or (Amended 02/24/09)
2. Pay the employee the holiday. (Amended 02/24/09)

C) Holiday Accrual. If an employee is allowed to accrue the holiday, the number of hours credited for 8 hours per day, 40 hours per week will be eight (8) hours, for 10 hours per day, 40 hours per week will be ten (10) hours. The maximum accrual for holiday leave time shall not exceed the number of declared legal holidays excluding the birthday holiday. Accrued holidays must be used within 12 months of the accrued holiday and must be taken in the same increment in which it was accrued. (Amended 10/03/95, 3/6/12, 9/17/13)

D) Limitation of Payment or Accrual. An employee whose scheduled workday falls on an observed holiday is limited to one payment or accrual for that observed holiday. (Added 6/1/10)

E) Employee's Birthday. In case of emergency, when the employee's services are needed on his/her birthday, the employee may be required by the department head to work on that day or shift but shall be given equal time off on another day or shift. If the employee's birthday falls on a day on which he would be entitled to be off for some other reason, the birthday holiday may be taken on the next regular work day, provided, however, if work schedules cannot be arranged or if emergencies exist, and only in these cases, the department head may schedule the holiday time off on another day or another shift. (Amended 02/24/09)

Any birthday holiday not taken on the employee's birthday but rescheduled in accordance with the above provisions must be scheduled and taken within fourteen calendar days before or fourteen calendar days after the employee's birthday. (Amended 08/28/07, 02/24/09)

F) Hours of Holiday Pay. The amount of holiday pay for employees who work 40 hours per week, 5 days per week, shall be 8 hours per holiday. The amount of holiday pay for employees who work 40 hours per week, 4 days per week, shall be 10 hours per holiday. Regular part-time employees who work an average of 20 or more hours per week shall be paid holiday pay of a prorated amount of hours based on the average number of paid hours, excluding overtime, in the two pay periods immediately preceding the holiday pay

period. The City Manager shall designate the appropriate work week for employees for purposes of determining holiday pay. (Amended 05/08/90, 3/6/12)

2. **Except as amended herein, Ordinance 8064 shall otherwise remain in full force and effect.**

PASSED AND APPROVED this _____ day of _____, 2022.

THE CITY OF EL PASO

Oscar Leeser
Mayor

ATTEST:

Laura D. Prine
City Clerk

APPROVED AS TO FORM:

Ramona Frazier

Ramona Frazier
Assistant City Attorney

APPROVED AS TO CONTENT:

Araceli Guerra

Araceli Guerra
Human Resources Director

ORDINANCE 8064
SECTION 4.5 (OBSERVED HOLIDAYS)
WITH TRACK CHANGES

ORDINANCE 8064, SECTION 4.5 (OBSERVED HOLIDAYS)

AMENDMENT WITH TRACK CHANGES

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When any holiday falls on a Saturday, the preceding business day shall be the day on which the holiday shall be observed by the City departments. provided however that the City Manager or designee shall have the authority to determine the appropriate day of observation of such holiday for employees who are scheduled to work on the holiday. (Amended 6/1/10)

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