

(R-92-1501)

RESOLUTION NUMBER R- 280029

ADOPTED ON MAY 26 1992

WHEREAS, the Fair Labor Standards Act was first enacted by Congress in 1938; and

WHEREAS, the Congress in enacting the Fair Labor Standards Act sought to protect hourly workers' wage and work period rights; and

WHEREAS, the Congress initially exempted public sector employers from the Fair Labor Standards Act; and

WHEREAS, the standards which have been developed to differentiate hourly workers from executive, administrative and professional workers who are exempt from the overtime payment regulations of the Fair Labor Standards Act were developed without consideration for the public employment sector; and

WHEREAS, one of these standards, the salary basis test, would define employees whose compensation is reduced for absences of less than a full day as hourly employees without regard to job function or salary level; and

WHEREAS, public sector employers, as a matter of public policy and taxpayer accountability, do not expend public funds for hours not worked; and

WHEREAS, the application of the salary basis test on public sector employers could result in executive, administrative, and professional salaried employees being classified as hourly employees eligible for premium overtime pay; and

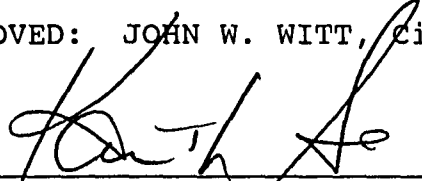
WHEREAS, overtime payments to executive, administrative and professional salaried public sector employees will create serious financial burdens on government entities already experiencing serious budget deficits; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that they hereby call upon Congress and the President of the United States to amend the Fair Labor Standards Act to exempt public sector executive, administrative and professional salaried employees from the salary basis test to determine eligibility for overtime premium payments and in particular to enact S.1670 (Seymour) and H.R.4570 (Lowery).

BE IT FURTHER RESOLVED, that the San Diego City Council directs its Department of Legislative Services and its Washington advocates to vigorously represent the City's position on this vital issue.

APPROVED: JOHN W. WITT, City Attorney

By


Kenneth K. So
Deputy City Attorney

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R. 280029

Passed and adopted by the Council of The City of San Diego on
 by the following vote:

MAY 26 1992

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ron Roberts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
John Hartley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
George Stevens	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Behr	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Valerie Stallings	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bob Filner	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

MAUREEN O'CONNOR
 Mayor of The City of San Diego, California.

(Seal)

CHARLES G. ABDELNOUR
 City Clerk of The City of San Diego, California.

By *Linda Lujan*, Deputy.

Office of the City Clerk, San Diego, California

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