

RESOLUTION 903

Resolution to amend the City Administrator Employment Agreement With The City of West Branch between Matthew Muckler and the City of West Branch

WHEREAS, the City of West Branch, IA City Administrator is compensated on an annual salary basis (as defined in FLSA regulations); and,

WHEREAS, the City of West Branch, IA City Administrator's primary duty is managing the enterprise; and,

WHEREAS, the City of West Branch, IA City Administrator must customarily and regularly direct the work of at least two or more other full-time employees or their equivalent; and,

WHEREAS, the City of West Branch, IA City Administrator has the authority to hire or fire other employees, or the City Administrator's suggestions and recommendations as to the hiring, firing, advancement, promotion or any other change of status of other employees must be given particular weight; and,

WHEREAS, the City of West Branch, IA City Administrator therefore qualifies for the executive employee exemption detailed in Section 13(a)(1) of the FLSA; and,

NOW THEREFORE BE IT RESOLVED, that the City of West Branch, IA City Administrator position is exempt pursuant to Section 13(a)(1) of the Fair Labor Standards Act (FLSA) and that the following subsection D will be added to Section 4. Salary and Compensation of the Employment Agreement between Matthew Muckler and the City of West Branch:

D. The employee is an exempt employee pursuant to Section 13(a)(1) of the Fair Labor Standards Act and is not eligible for compensation time or overtime.

This Resolution is to be effective August 17, 2010.

Passed and approved this 16th day of August 2010.

By: _____
Jim Oaks, Mayor Pro Tem

ATTEST:

Dawn Brandt, Deputy City Clerk