

Washington Metropolitan Area Transit Authority
Board Action/Information Summary

<input checked="" type="radio"/> Action <input type="radio"/> Information	MEAD Number: 101033	Resolution: <input checked="" type="radio"/> Yes <input type="radio"/> No
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TITLE:

Modification to Compensatory Time, Policy 6.7

PURPOSE:

To receive Board approval to amend the Compensatory Time policy to provide exempt, non-represented employees payment for hours worked in excess of bi-weekly work hours and the delegation of approval to the General Manager for subsequent changes to Compensatory Time, Policy 6.7.

DESCRIPTION:

Metro's Personnel Policy and Procedure 6.7, Compensatory Time, adopted on September 20, 2001, permits exempt, non-represented employees to earn, without prior approval, compensatory time for hours worked in excess of bi-weekly work hours as a result of unusual and non-routine circumstances, up to 160 hours in a calendar year, and providing that no more than 80 such hours may be carried over to the subsequent year.

While the Compensatory Time policy provides time off for exempt employees for hours worked in excess of bi-weekly work hours, on regularly scheduled days off or on Metro-designated holidays, it does not allow for these employees to receive payment under operationally-necessary special circumstances.

Exempt employees are required to work a significant number of hours in excess of biweekly work hours to directly support Metro's largest Capital Improvement Program in its history and to directly support operations during weather-related events, major incidents or operational emergencies. Allowing operationally-necessary exempt employees to utilize accrued compensatory time would negatively impact staffing requirements for the critical Metro goals of bringing the infrastructure to a state of good repair, and effectively responding to emergencies arising from weather, other natural causes, major incidents or other operational emergencies.

Addendum 1, Exempt Employee Compensation for Hours Worked in Excess of Bi-Weekly Work Hours, to Personnel Policy 6.7, Compensatory Time establishes the guidelines for paying any exempt employee for hours worked in excess of bi-weekly work hours. These guidelines include providing a written justification of why granting compensatory time would be inconsistent with current or planned staffing needs or other major operational considerations.

The granting of compensation for hours worked in excess of bi-weekly work hours requires approval of the Chief Human Resources Officer and must be in direct support of a qualifying event or circumstance. A qualifying event or circumstance is defined as a specific and limited circumstance that has a significant impact upon Metro operations. Compensation for hours worked in excess of bi-weekly work hours, as applicable to exempt, non-represented employees, is to be paid out on an hour-for-hour basis at the employee's normal hourly rate, without a calendar-year limit. Employees at the Office Director level and above are ineligible to accrue compensatory time and/or payment for hours worked in excess of bi-weekly work hours.

Metro's critical service needs require the earliest possible adoption of the Addendum, which will allow for a more comprehensive review of the Compensatory Time policy at a later date.

FUNDING IMPACT:

The funding impact will be determined by the number of qualifying events. The cost of work performed during planned station and infrastructure closings for capital improvements will be fully reimbursed by the approved capital project.	
Project Manager:	Geoff Imperatore
Project Department/Office:	Department of Human Resources

RECOMMENDATION:

Approval of Addendum 1, Exempt Employee Compensation for Hours Worked in Excess of Bi-weekly Work Hours, to Compensatory Time, Policy 6.7, and grant authorization to the General Manager to make all other changes to further update Compensatory Time, Policy 6.7.

SUBJECT: EXEMPT EMPLOYEE COMPENSATION FOR HOURS WORKED IN EXCESS OF BI-WEEKLY WORK HOURS

2011-06
RESOLUTION
OF THE
BOARD OF DIRECTORS
OF THE
WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

WHEREAS, The Board adopted Resolution #2001-04 directing the General Manager to adopt a policy and procedures for FLSA-exempt non-represented ("Exempt Employees"), and FLSA-exempt Local 2 employees in accordance with the collective bargaining agreement with WMATA, for job classifications below Office Directors or equivalent to earn compensatory time; and

WHEREAS, In accordance with Resolution #2001-04 and by WMATA's Personnel Policies and Procedures Manual (PPPM), the General Manager adopted and the Board of Directors approved Policy No. 6.7 – Compensatory Time Off, which permits Exempt Employees to earn, with prior approval, compensatory time for hours worked in excess of 80 hours per bi-weekly pay period (or on regularly scheduled days off or on holidays) as a result of unusual and non-routine circumstances, up to 160 hours in a calendar year, and providing that no more than 80 such hours may be carried over to the subsequent year; and

WHEREAS, Although the Board adopted Resolution #2008-13, which delegated to the General Manager the authority to amend, revise or repeal many policies and procedures consistent with Policy No. 1.2 - Personnel Philosophy; this delegation does not include Policy No. 6.7 – Compensatory Time Off; and

WHEREAS, The Compensatory Time Policy provides time off for Exempt Employees for hours worked in excess of 80 hours in a bi-weekly pay period, on regularly scheduled days off or on WMATA-designated holidays, but it does not allow for these employees to receive payment under operationally-necessary special circumstances; and

WHEREAS, Exempt Employees are required to work a significant number of hours in excess of bi-weekly work hours to directly support Metro's largest Capital Improvement Program in its history, to directly support operations during weather-related events, major incidents or operational emergencies; and

WHEREAS, Allowing operationally-necessary Exempt Employees to utilize accrued compensatory time would negatively impact staffing requirements for the critical

WMATA goals of bringing the infrastructure to a state of good repair and effectively responding to emergencies arising from weather, other natural causes, major incidents or other operational emergencies; and


WHEREAS, The best interests of WMATA require the earliest possible adoption of a policy whereby Exempt Employees can be paid for excess hours, with authorization and approval, in limited circumstances, when necessary to meet WMATA's critical service needs and do not allow for a comprehensive review of the Compensatory Time Policy at this time; now, therefore be it

RESOLVED, That the Board of Directors hereby approves the attached Addendum 1 to Policy No. 67 - Compensatory Time Off entitled, "Exempt Employee Compensation for Hours Worked in Excess of Bi-Weekly Work Hours," to establish the guidelines for paying any Exempt Employee, upon an Assistant General Manager's request (which shall include a written explanation of why granting compensatory time would be inconsistent with current or planned staffing needs or other major operational considerations) and approval of the Chief Human Resources Officer for hours worked in excess of his or her scheduled work hours (75 or 80 hours in WMATA's bi-weekly pay period) and in direct support of a Qualifying Event or Circumstance (a defined term covering specific and limited circumstances that have significant impact upon WMATA operations), hour-for-hour at his or her base hourly rate, without a calendar-year limit; and be it further

RESOLVED, That the Board of Directors hereby authorizes and directs the General Manager to make all other changes to WMATA's PPPM necessary to effect the attached Addendum 1, and to further update Policy No. 6.7 - Compensatory Time; and be it finally

RESOLVED, That this Resolution shall be effective immediately.

Reviewed as to form and legal sufficiency,



Carol B. O'Keeffe
General Counsel

**Washington Metropolitan Area Transit Authority
PERSONNEL POLICIES AND PROCEDURES MANUAL**

Policy No. 6.7

Title: Compensatory Time

Page 1 of 5

1.0 POLICY

- 1.01 The Authority recognizes that due to business/operational necessity, non-represented employees in job classifications below Office Directors or equivalent, who are exempt from the provisions of the Fair Labor Standards Act (FLSA) have occasion(s) to be assigned work/projects that require excess time over and above employees' approved daily work hours, biweekly work schedules, or biweekly work hours.
- 1.02 This policy addresses the provision of Compensatory Time Off, which must be preauthorized and earned as a result of unusual and non-routine circumstances. These unusual and non-routine circumstances may be caused by a sudden increase in the workload to overcome productive time loss due to a mechanical or technical failure, or to meet the demands of a business/organization crisis or necessity.
- 1.03 The accrual of Compensatory Time Off defined in this policy is not a vested right and has no cash value at any time, except as provided in Addendum 1 to this Policy. Compensatory Time Off shall be granted at the sole, management discretion of Officers, Department Heads, and Chief Operating Officers, Office Directors or equivalents, or his/her designees and must be consistent with fulfilling the mission and business necessity and goals of the Authority.

2.0 PURPOSE

- 2.01 To provide guidelines for the consistent administration and application of Compensatory Time Off to FLSA-exempt non-represented employees and Local 2 employees in job classifications below Office Directors or equivalent, who are defined as being exempt from the wage and hour provisions of the FLSA.

3.0 SCOPE

- 3.01 The Compensatory Time Off may be granted to exempt non-represented employees and Local 2 employees in job classifications below Office Directors or equivalent. Local 2 employees may earn Compensatory Time Off in accordance with the collective bargaining agreement with WMATA.

4.0 DEFINITIONS

- 4.01 Bi-weekly Work Hours are an employee's approved fixed regularly recurring hours during a bi-weekly pay period. For example work hours for full-time employees who are required to work 75 hours, or 80 hours in job classifications below Directors or equivalent.
- 4.02 Bi-weekly Work Schedule is an employee's approved schedule of work days during a biweekly pay period.

REVISION:	APPROVED BY:	DATE:
6.7/2		

**Washington Metropolitan Area Transit Authority
PERSONNEL POLICIES AND PROCEDURES MANUAL**

Policy No. 6.7

Title: Compensatory Time

Page 2 of 5

- 4.03 Compensatory Time Off is paid time-off the job which is earned and accrued by non-represented employee and for Local 2 employees in accordance with the collective bargaining agreement, when he/she has actually worked (1) in excess of eighty (80) hours in a biweekly pay period, (2) on regularly scheduled days off (e.g., weekends), or (3) on WMATA designated holidays.
- 4.04 Daily Work Hours are an employee's approved scheduled hours of work for each day of work during a biweekly pay period.
- 4.05 Exempt Employees are employees who are not covered by the FLSA wage and hour provision. Such non-represented employees in exempt positions are covered by this policy. They are paid on a salary basis at a specified minimum level, regularly exercise discretion, and primarily perform FLSA-exempt work.
- 4.06 Regularly Scheduled Days Off are fixed, recurring days on which an employee is scheduled to be off work. An employee is not in a leave status.

NOTE: In accordance with the FLSA; exempt employees are not required to be compensated for hours actually worked that exceed 40 hours per week.

5.0 RESPONSIBILITY

- 5.01 Officers, Department Heads, and Office Directors or equivalents are responsible for managing and authorizing the use of Compensatory Time Off. Management retains the right to approve Compensatory Time Off.

6.0 PROCEDURES

- 6.01 When requesting excess time over and above your approved daily hours, bi-weekly schedules or bi-weekly work hours (1) make written request for approval via e-mail or memorandum to your supervisor, (except in emergency cases) (2) record the preauthorized Compensatory Time that was earned on the electronic time sheet using the earned code CPTM and (3) request use of Compensatory Time Off, by submitting an electronic leave slip to your supervisor using the used code COFF.
- 6.02 FLSA-exempt non-represented employees in job classifications below Office Directors or equivalent shall earn one hour of Compensatory Time Off for each hour that is actually worked (1) in excess eighty (80) hours in a bi-weekly pay period, (2) on regularly scheduled days off (e.g., weekends), or (3) on WMATA designated holidays. Local 2 employees may accrue Compensatory Time Off hours in accordance with the collective bargaining agreement with WMATA.
- 6.03 No employee may earn more than 160 hours of Compensatory Time Off in a calendar year.

REVISION:	APPROVED BY:	DATE:
6.7/2		

**Washington Metropolitan Area Transit Authority
PERSONNEL POLICIES AND PROCEDURES MANUAL**

Policy No. 6.7

Title: Compensatory Time

Page 3 of 5

- 6.04 A maximum of eighty (80) hours of Compensatory Time Off hours earned during a calendar year may be carried forward from one calendar year to the next.
- 6.05 Compensatory Time Off hours that are carried over to the next calendar year shall be used by the end of the year following the calendar year in which they are earned.
- 6.06 Compensatory Time Off may be used in conjunction with annual or sick leave when requesting paid time-off.

7.0 EXCEPTIONS

All FLSA-exempt non-represented employees in Office Directors or equivalent job classifications and above and all employees who are covered by the wage and hour provision of the FLSA.

REVISION:	APPROVED BY:	DATE:
6.7/2		

**Washington Metropolitan Area Transit Authority
PERSONNEL POLICIES AND PROCEDURES MANUAL**

Policy No. 6.7

Title: Compensatory Time

Page 4 of 5

**ADDENDUM 1: Exempt Employee Compensation for Hours Worked in
Excess of Bi-Weekly Work Hours**

1.0 PURPOSE

To set forth the guidelines qualifications and requirements for authorizing and paying non-represented Exempt Employees for hours worked in excess of their Bi-weekly Work Hours and in direct support of a Qualifying Event or Circumstance.

2.0 QUALIFYING EVENTS OR CIRCUMSTANCES are limited to:

- A. Planned station and/or infrastructure/systems closing(s) for maintenance that require the closing of one or more stations/systems and require Exempt Employees to work hours in excess of their Bi-weekly Work Hours during and in direct support of necessary repairs or to provide alternative transportation services to Authority customers.
- B. Major incident or operational emergency (e.g. bus or rail accident, act of violence or terrorism) that affects Authority operations in such a way to make it necessary to require Exempt Employees to work hours in excess of their Bi-weekly Work Hours.
- C. Weather-related or other natural cause that significantly impacts the operations of the Authority and requires Exempt Employees to work hours in excess of their Bi-weekly Work Hours (i.e. major snowstorm, tropical storm, hurricane, tornado, flood, earthquake).

3.0 PROCEDURE

- A. Payment for Exempt Employee hours worked in excess of Bi-weekly Work Hours may not be used as a substitute for granting compensatory time. A non-represented Exempt Employee may be paid at his or her base hourly rate for each hour worked in excess of his or her Bi-weekly Work Hours only when that work was performed in direct support of a Qualifying Event or Circumstance, and his or her Department AGM obtains approval as specified in these procedures. Unless all requirements in this Addendum are met, the employee is not eligible for payment and may only request Compensatory Time as specified in PPP 6.7.
- B. To request approval of payment for hours worked in excess of Bi-weekly Work Hours an AGM shall submit the following to the Chief Human Resources Officer (CHRO) or his/her designee in writing:
 - 1. A statement substantiating that the work to be performed qualifies as an Qualifying Event or Circumstance;
 - 2. An explanation of why granting compensatory time would be inconsistent with current or planned staffing needs or other major operational considerations; and
 - 3. An estimate for work to be performed for the Qualifying Event or Circumstance for each of the employee positions who will be involved, including each involved position, base hourly rate and expected hours of work.

REVISION:	APPROVED BY:	DATE:
6.7/2		

**Washington Metropolitan Area Transit Authority
PERSONNEL POLICIES AND PROCEDURES MANUAL**

Policy No. 6.7

Title: Compensatory Time

Page 5 of 5

**ADDENDUM 1: Exempt Employee Compensation for Hours Worked in
Excess of Bi-Weekly Work Hours**

AGMs must separately request approval for each Qualifying Event or Circumstance; there will be no blanket approvals. AGMs must request approval in advance except under extraordinary circumstances, such as unpredicted emergencies. In such cases, an AGM may request retroactive approval by submitting, in addition to the items above, a description of the circumstances that prevented a request in advance of the work.

- C. The CHRO will review each request for approval, determine eligibility, and approve or decline payment.

- D. For approved Qualifying Events or Circumstances, as soon as administrative possible and in no case later than the first week of the pay period immediately after the pay period during which the approved work occurred, the AGM shall submit to the CHRO or his/her designee, a list of employees and excess hours worked, including a confirmation that all hours on the list were in excess of Bi-weekly Work Hours.

- E. If the total hours worked in excess of Bi-Weekly Work Hours are more than 20 percent greater than the estimate, the AGM will include a justification for the increase, and the increase shall be subject to CHRO approval separate from and in addition to the original underlying approval for the Qualifying Event or Circumstance.

- F. The CHRO will forward the approved list to the Payroll Office. Payroll adjustments for excess hours will not be made more than one pay period after the pay period during which the approved work occurred.

- G. The Payroll Office will track payments to Exempt Employees for hours worked in excess of their Bi-weekly Work Hours for historical and financial purposes.

REVISION:	APPROVED BY:	DATE:
6.7/2		