

Washington Metropolitan Area Transit Authority
Board Action/Information Summary

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TITLE:

At Will Employment

PURPOSE:

To reinforce Metro's safety culture, expand the population of non-represented at-will employees across Metro to include all middle-level supervisors and managers in salary grades 12 to 15.

DESCRIPTION:

At-will employment is defined as employment undertaken without a contract and that may be terminated at any time, by either the employer or the employee, with or without cause. Current Metro policy stipulates that only senior management (typically director level and above) and executive management are at-will employees. By expanding the population of at-will employees to include all mid-level supervisors and managers, Metro can reinforce to employees that every employee is responsible and accountable for safety at all times.

This proposal creates a new category of at-will employment, Middle Management Employee. Mid-level managers will typically be supervisory/management positions at a salary grade level of 12 to 15. Any Middle Management Employee termination must be reviewed and approved by the General Manager. Mid-level management employees will continue to accrue annual leave based on years of service in accordance with the Annual Leave Policy (PPPM 6.2), but 50% of the leave accrual will vest on January 1 and 50% on July 1 of every year.

FUNDING IMPACT:

No impact on funding

RECOMMENDATION:

Board approval to expand the population of non-represented at-will employees across Metro to include all middle-level supervisors and managers in salary grades 12 to 15.



WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

At Will Employment

Finance and Administration Committee

February 18, 2010



Purpose

Approval to:

- Expand non-represented “at will” employee population to include all supervisors and/or managers in salary grades 12 to 15
 - Includes superintendents and front-line supervisors
- Revise Policy 4.1 Employment Categories of the Personnel Policies and Procedures Manual (PPPM) to reflect expanded “at will” classification and Policy 6.2 Annual Leave to reflect new accrual changes



“At Will” Employment

- Legal doctrine stating that an employment relationship may be terminated by the employee or employer at any time and for any or no reason
 - Current “at will” policy only applies to Executive Management and Senior Management (i.e. director level and above)



Leveraging At Will Employment to Drive Accountability

- Safety Action Plan
 - Develop safer organization through partnership of employees, union, management and safety experts that:
 - Instills a safety mindset
 - Improves day-to-day safety for employees and riders
 - Establishes performance measures to ensure measurable progress
 - *Holds each and every employee accountable for safety*
- Expanding “at will” population to include middle management increases accountability across Metro



Recommendations

Approval to:

- Expand non-represented “at will” employee population to include all supervisors and/or managers in salary grades 12 to 15
 - Includes superintendents and front-line supervisors
- Revise Policy 4.1 Employment Categories of the Personnel Policies and Procedures Manual (PPPM) to reflect expanded “at will” classification and Policy 6.2 Annual Leave to reflect new accrual changes

SUBJECT: REVISIONS TO THE PERSONNEL POLICIES AND PROCEDURES MANUAL

RESOLUTION
OF THE
BOARD OF DIRECTORS
OF THE
WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

WHEREAS, The WMATA Compact provides that the General Manager is responsible for all activities of Metro, subject to the Board of Director's policy direction; and

WHEREAS, The Board of Directors holds the General Manager fully accountable for the successful operation of Metro and recognizes that the General Manager requires the flexibility to recruit, appoint, and remove management-level employees to accomplish the policy directives established by the Board of Directors and his own initiatives; and

WHEREAS, Consistent with the WMATA Compact, the General Manager proposes creating a new employment category designated "Middle Management Employee," who will serve at the pleasure of the General Manager and will be subject to termination/separation at any time, with or without cause; and

WHEREAS, Middle Management Employees will be employees in positions that demand a level of increased accountability for the day-to-day operations within their departments and will typically be supervisory/management positions at salary grades 12 to 15; and

WHEREAS, The General Manager will be authorized to designate positions that qualify as Middle Management level positions and will personally review and approve all terminations/separations of employees in this employment category; and

WHEREAS, The Personnel Policies and Procedures Manual (PPPM) requires amendment to create the new category, entitled "Middle Management Employee," and to provide the General Manager with the appropriate latitude; and

WHEREAS, Staff proposes revising PPPM 4.1 to reflect the foregoing changes, and deleting the following language from PPPM 4.1:

- (1) All categories of "Temporary Employee," except a "Limited Duration Temporary" employee, who can work only up to a maximum of 364 days except in extenuating circumstances;
- (2) The provision that allows an incumbent of a position designated as "Executive Management" or "Senior Management" to vacate the position and be placed in a

vacant position for which s/he is qualified on a noncompetitive basis or to receive Reduction in Force benefits if such vacant position is not available within three months of the designation;

- (3) All references to accrual of annual leave for employees because such annual leave accrual provisions are properly addressed in PPPM 6.2 (Annual Leave); and

WHEREAS, Staff proposes revising PPPM 6.2 (Annual Leave) to establish that Middle Management Employees will accrue annual leave based on their years of service, but 50% of their leave will vest on January 1 and 50% on July 1 of every year; now, therefore be it

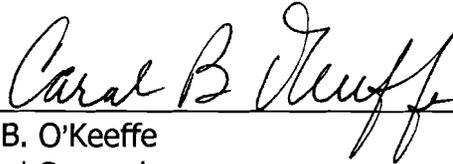
RESOLVED, That the Board of Directors approves PPPM Policy No. 4.1 (Employment Categories), as amended, attached as Attachment A, which establishes the Middle Management Employee category of employees who will serve at the pleasure of the General Manager, provides that the General Manager will be required to review and approve all terminations of employees in this category, and makes additional administrative changes outlined therein; and be it further

RESOLVED, That the Board of Directors approves PPPM Policy No. 6.2 (Annual Leave), as amended, attached as Attachment B, that provides that Middle Management Employees will accrue annual leave based on their years of service, but 50% of their annual accrual will vest on January 1 and 50% on July 1 of every year; and be it further

RESOLVED, That the General Manager is authorized to make any further changes to Metro's policies and procedures that are necessary to effect this Resolution; 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. 4.1

Title: Categories of Employment

Page 1 of 6

I. POLICY

Washington Metropolitan Area Transit Authority (Metro) has established categories of employment to assure that the work of Metro is performed in the most effective and cost efficient manner and complies with all applicable laws and regulations.

II. SCOPE

The purpose of this policy is to define the employment categories and the Fair Labor Standards Act (FLSA) exemption status of Metro employees. The Board of Directors' changes to any Personnel Policy that affect employment categories and/or employment conditions shall supersede the provisions of this and all other WMATA Personnel Policies which may address employment categories and/or employment conditions.

III. DEFINITIONS**A. Employment Groups**

An employee is any person hired by Metro and on its payroll on a salaried or wage basis, who is not a consultant or contractor for Metro. Metro has two (2) employment groups: represented employees and non-represented employees.

1. Represented Employee – refers to any employee who is within a unit of employees represented by an exclusive bargaining representative and whose terms and conditions of employment are set forth in their respective collective bargaining agreements.
2. Non-represented Employee – refers to any employee who is not within a unit of employees represented by an exclusive bargaining representative.

Pursuant to the FLSA, employees are classified as exempt or non-exempt. Exempt employees include any executive, administrative, outside sales or professional employee as defined under the FLSA. These employees are not required to be paid overtime for work performed in excess of forty (40) hours in a work week.

Non-exempt group includes any employee who does not qualify as an executive, administrative, outside sales, or professional employee as defined under the FLSA. These employees are required to be paid overtime at the rate of one and one-half times their regular rate of pay for all hours worked beyond forty (40) hours in the work week, in accordance with federal wage and hour laws.

B. Employment Categories

Regular Employee – refers to an employee hired by Metro to work on a regular basis for no specific duration and is entitled to certain Metro benefits as indicated

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below. Employees in this category are subject to all Metro Personnel Policies and Procedures to all Metro Personnel Policies and Procedures. The types of regular employees are as follows:

- a. Full-time Regular Employee – refers to an employee working a regular bi-weekly work schedule of 75 hours or 80 hours, and who is eligible to receive health and welfare benefits and accrues leave. Full-time regular employees, in some circumstances, may have a bi-weekly work schedule of less than 75/80 hours, but not less than 60 hours.
 - b. Part-time Regular Employee – refers to an employee working up to 29 hours per work week on a regular basis, is paid on an hourly basis, and is eligible to receive limited health and welfare benefits to include prorated leave accruals. An employee hired to work less than 20 hours per work week is not eligible to receive prorated leave accruals. A part-time regular employee is not eligible to participate in the WMATA Retirement Plan; however, the employee is eligible to participate in the WMATA Defined Contribution Retirement Plan and Metro's Deferred Compensation Program.
 - c. Middle Management Employee – refers to a regular employee subject to certain employment policies, procedures, and conditions as defined in Section C.
 - d. Senior Management Employee – refers to a regular employee subject to certain employment policies, procedures, and conditions as defined in Section C.
 - e. Executive Management Employee – refers to a regular employee subject to certain employment policies, procedures, and conditions as defined in Section C.
2. Temporary Employees – refers to any person hired by Metro to work for a specified or unspecified period of time with other than a full-time or part-time regular status who is entitled to limited or none of the employee benefits provided to regular employees, as indicated below.

Employees in this category may be dismissed at any time with or without cause when in the best interest of Metro. Employees in this category are subject to all Metro Personnel Policies and Procedures, but are not covered by Personnel Policy No. 1.7, Employee Dispute Resolution nor are they eligible to receive benefits under Personnel Policy No. 4.6 Reduction in Force. The types of temporary employees are:

- a. Limited Duration Temporary – refers to an employee hired to carry out a specific assignment or project. This employee may only work for a maximum of 364 consecutive calendar days. On the 364th day this employee will be required to leave Metro for a minimum period of

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90 days. After 90 days this employee is eligible for rehire in a temporary employee status. A Temporary of Limited Duration is eligible to receive statutory benefits and standard leave accruals only.

This employee may be hired to work on capital project initiatives with specified scope, defined milestones, and deliverable expectations. Capitally funded employees' assignments may terminate at any time if the capital dollars are reallocated.

- b. Intern – refers to a high school or college student working at Metro on a work-study or other formal program for credit, experience and/or pay for a limited period of time. Rate of pay is based on educational level. Interns are not eligible to participate in any of Metro's benefit programs.

Under limited circumstances, as supported by a business need justification, the assignment of a Limited Duration employee may be extended for a maximum period of 180 days with written approval by the General Manager and the Director of Human Resources.

C. Employment Conditions

Employees have the right to resign at any time. Likewise, Metro is not obligated to guarantee continued employment under any circumstances. An employee's job performance and/or conduct is expected to be fully satisfactory. The employment conditions and policies applicable to the various employment categories are:

1. Regular Employees - may be dismissed only for cause. Cause for dismissal includes, but is not limited to, job performance and/or conduct by an employee which is less than fully satisfactory. Middle Management, Senior Management and Executive Management employees may be dismissed at any time with or without cause when in the best interest of Metro.
2. Probationary Period. The first year of employment for a new employee in a full-time or part-time regular position is a probationary period. Current full-time regular and current part-time regular employees who move to a different position because of a voluntary promotion, transfer, demotion or because of a disciplinary demotion are subject to a probationary period of six months.

A newly hired probationary employee may be separated from Metro at any time without cause and has no eligibility under Personnel Policy No. 1.7, Employee Dispute Resolution. Separation must be recommended by the Office Director, with the concurrence of Human Resources.

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Successful completion of probation is not automatically achieved at the end of an employee's probationary period. If the supervisor is unable to assess performance at the end of a probationary period, the supervisor may request that the probationary period be extended for a period not to exceed 90 calendar days. The request for extension must be in writing with the concurrence of the Office Director and the Director of Human Resources. The reason for the extension must be a valid, job-related concern including, but not limited to, remediation, extended sick leave, or other circumstances when it is in the best interests of Metro. A current employee who is probationary because of a voluntary move to a different position or because of a disciplinary demotion has no recourse under Personnel Policy No. 1.7, Employee Dispute Resolution, for matters pertaining to performance during the probationary period.

3. At Will Employees – are special categories of Regular Employees subject to specific terms and conditions of employment. At will employees may be dismissed at any time for any reason with or without cause. Incumbents of these positions serve at the pleasure of the General Manager. They are entitled to the benefits and working conditions provided to regular employees and are subject to Metro Personnel Policies except Policy No. 1.7, Employee Dispute Resolution. Newly hired at will employees are not subject to the one year probationary period. The dismissal of an at-will employee must be reviewed and approved by the General Manager prior to employee notification.
 - a. Middle Management Employees – employees in positions that have been designated "Middle Management" by the General Manager because the nature of the position demands a level of increased accountability for the day to day operations within their department. Positions in this category are typically supervisory/ management positions at salary grades 12 to 15 regardless of salary plan.
 - b. Senior Management Employees - employees in positions that have been designated "Senior Management" by the General Manager because the nature of the position demands extreme confidentiality, and/or the position is tasked with carrying out policy directives. Positions in this category are typically at salary grade 16 or 17 regardless of salary plan. Internal job posting for the recruitment of candidates is not required.
 - c. Executive Management Employees - are the officers of Metro. Executive management employees serve in positions that are

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designated as Executive Management positions by the Compact, the Board of Directors and/or the General Manager. Internal job posting for the recruitment of candidates is not required. The GM may recommend Executive Management Positions to the Board of Directors. All such positions must be approved by the Board of Directors. Executive Management positions approved by the Board of Directors are listed in Addendum 1 to this policy.

The GM is authorized to establish separation conditions and benefits for Executive and Senior Management employees, as well as for employees of other categories, who are separated from Metro.

D. Retirees, Consultants and Contractors

1. A retiree in the WMATA Retirement Plan or a retiree in the WMATA Defined Contribution Retirement Plan is not eligible for rehire by Metro in any employment category. In the event it becomes necessary to retain the services of a retiree to perform a specific or unique scope of work for a specified duration, such services will be retained through a procurement action in accordance with Metro's Procurement Regulations for professional and technical consultant contracts.
2. Consultants and contractors whose responsibilities are covered by letter agreement or contract, are not employees of Metro and receive no benefits.

II. RESPONSIBILITY

Human Resources is responsible for general administration of this policy.

III. AFFECTED EMPLOYEES

All non-represented employees and all temporary employees.

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**ADDENDUM 1
Executive Positions**

1.0 PURPOSE

To provide a list of positions designated as executive management.

2.0 EXECUTIVE MANAGEMENT POSITIONS

General Manager
Deputy General Manager, Administration
Deputy General Manager, Operations
Chief of Staff
General Counsel
Assistant General Manager, Access Services
Assistant General Manager, Bus Operations
Assistant General Manager, Planning and Joint Development
Assistant General Manager, Rail Operations
Assistant General Manager, Transit Infrastructure and Engineering Services
Board Secretary
Chief Communications Officer
Chief Financial Officer*
Chief Human Resources Officer
Chief Information Officer
Chief, Metro Transit Police Department
Chief Performance Officer
Chief Safety Officer
Inspector General

3.0 RESPONSIBILITY

Human Resources is responsible for maintaining and issuing a current list of executive positions.

** Designated as both Comptroller and Treasurer for Compact purposes. These functional responsibilities are delegated within the Department of Finance.*

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~~Washington Metropolitan Area Transit Authority
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~~Policy No. 4.1 Revision 7 Title: Employment Categories~~

~~Approved by: WMATA Board of Directors Date: December 9, 2002~~

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I. POLICY

~~The Authority Washington Metropolitan Area Transit Authority (Metro) has established various categories of employment to assure that the work of the Authority Metro is performed in the most effective and cost efficient manner and in accordance complies with all applicable laws and regulations.~~

II. SCOPE

~~The purpose of this policy is to define the employment categories and the Fair Labor Standards Act (FLSA) exemption status of Authority Metro employees. The Board of Directors' changes to any Personnel Policy that affect employment categories and/or employment conditions shall supersede the provisions of this and all other WMATA Personnel Policies which may address employment categories and/or employment conditions.~~

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III. DEFINITIONS

A. Employment Groups

~~An employee is any person hired by the Authority Metro and on its payroll on a salaried or wage basis, who is not a consultant or contractor for the Authority Metro. Metro has two (2) employment groups: represented employees and non-represented employees. There are two (2) employment groups at the Authority:~~

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- ~~1. Represented Employee -- refers to any employee who is within a unit of employees represented by an exclusive bargaining representative and whose terms and conditions of employment are set forth in their respective collective bargaining agreements.~~

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- ~~2. Non-represented Employee -- refers to any employee who is not within a unit of employees represented by an exclusive bargaining representative.~~

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~~Pursuant to the FLSA, employees are classified as exempt or non-exempt. Exempt employees include any executive, administrative, outside sales or professional employee as defined under the FLSA. These employees are not required to be paid overtime for work performed in excess of forty (40) hours in a work week.~~

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~~Non-exempt group includes any employee who does not qualify as an executive, administrative, outside sales, or professional employee as defined under the FLSA. These employees are required to be paid overtime at the rate of one and one-half times their regular rate of pay for all~~

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hours worked beyond forty (40) hours in the work week, in accordance with federal wage and hour laws.

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~~3. The exempt group includes any executive, administrative, outside sales or professional employee as defined under the FLSA. These employees are not required to be paid overtime for work performed in excess of forty (40) hours in a work week.~~

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~~4. The non-exempt group includes any employee who does not qualify as an executive, administrative, outside sales, or professional employee as defined under the FLSA. These employees are required to be paid overtime at the rate of one and one-half times their regular rate of pay for all hours worked beyond forty (40) hours in the work week, in accordance with federal wage and hour laws.~~

B. Employment Categories

~~1. Regular Employees -- refers to an employees hired by the AuthorityMetro to work on a regular basis for~~

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~~no specific duration and is and entitled to certain AuthorityMetro benefits as indicated~~

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Policy No. indicated below: Employees in this category are subject **4.1** **Title:**
Categories of Employment **Page 2 of 6**

~~below. Employees in this category are subject to all Metro Personnel Policies and Procedures to all AuthorityMetro Personnel Policies and Procedures. The types of regular employees are as follows:~~

~~a. Full-time Regular Employee -- refers to an employee working a regular bi-weekly an employee hired to work a regular bi-weekly~~

~~a. work schedule of 75 hours or 80 hours, and who is eligible to receive s-health and welfare benefits and accrues leave. Each regular weekly work schedule in the biweekly period shall not exceed 40 hours. Full-time regular employees, in some circumstances, may have a bi-weekly work schedule of less than 75/80 hours, but not less than 60 hours.~~

~~The regular bi-weekly work schedule, if less than 75/80 hours for positions filled by employees in this category, shall be approved by the Director, Office of Human Resource Management Services (HRMS). Employees in this category may work in either FLSA exempt or non-exempt positions as defined above.~~

~~b. Part-time Regular Employee -- refers to an employee hired to workworking up to 29 hours~~

~~b. per work week on a regular basis, who is paid on an hourly basis, and receives only those benefits prescribed by law is eligible to receive~~

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limited health and welfare benefits to include and prorated leave accruals. An employee hired to work less than 20 hours per work week is not entitled eligible to receive prorated leave accruals. A part-time regular employee is not eligible to participate in the WMATA Retirement Plan; however, this type of the employee is eligible to participate in the WMATA Defined Contribution Retirement Plan and the Authority's Metro's Deferred Compensation Program.

c. Middle Management Employee – refers to a regular employee subject to certain employment policies, procedures, and conditions as defined in Section C.

d. Senior Management Employee – refers to a regular employee subject to certain employment policies, procedures, and conditions as defined in Section C.

e. Executive Management Employee – refers to a regular employee subject to certain employment policies, procedures, and conditions as defined in Section C.

2. Senior Management Employee – a regular employee subject to certain special employment policies, procedures and conditions as defined in Section C.

Temporary Employees – refers to any person hired by the Authority Metro to work for a specified or unspecified period of time with other than a full-time or part-time regular status who is entitled to limited or none of the employee benefits provided to regular employees, as indicated below.

Employees in this category may be dismissed at any time with or without cause when in the best interest of Metro. Employees in this category are subject to all Metro Personnel Policies and Procedures but are not covered by Personnel Policy No. 1.7, Employee Dispute Resolution nor are they eligible to receive benefits under Personnel Policy No. 4.6 Reduction in Force. The types of temporary employees are:

a. Limited Duration Temporary – refers to an employee hired to carry out a specific assignment or project. This employee may only work for a maximum of 364 consecutive calendar days. On the 364th day this employee will be required to leave Metro for a minimum period of

Policy No. 4.1 Title: Categories of Employment

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90 days. After 90 days this employee is eligible for rehire in a temporary employee status. A Temporary of Limited Duration is eligible to receive statutory benefits and standard leave accruals only.

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This employee may be hired to work on capital project initiatives with specified scope, defined milestones, and deliverable expectations. Capitally funded employees' assignments may terminate at any time if the capital dollars are reallocated.

- b. Intern – refers to a high school or college student working at Metro on a work-study or other formal program for credit, experience and/or pay for a limited period of time. Rate of pay is based on educational level. Interns are not eligible to participate in any of Metro's benefit programs.

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Under limited circumstances, as supported by a business need justification, the assignment of a Limited Duration employee may be extended for a maximum period of 180 days with written approval by the General Manager and the Director of Human Resources.

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- a. Full time Temporary of Long term Duration – an employee hired to work a regular bi-weekly work schedule of 75 hours or 80 hours, but not less than 60 hours, without regular status, for an undefined period of time but not less than a 12 month/365 day duration, unless funding designated for the employee's position becomes unavailable or is otherwise terminated. The employee is entitled to all statutory and Authority benefits provided for full-time regular employees except severance and participation in the WMATA Retirement Plan. This employee is eligible to participate in the WMATA Defined Contribution Retirement Plan and the Authority's Deferred Compensation Program.
- b. Full time Temporary of Limited Duration – an employee hired to work full time, as described above, for a specified maximum period of 365 calendar days or less to carry out a specific assignment or project. This employee is entitled only to statutory benefits and leave accruals.
- c. Part time Temporary of Limited Duration – an employee hired to work up to 20 hours per work week for a specified maximum period not to exceed 12 months to carry out a specific assignment or project. This employee is entitled only to statutory benefits.

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- 3. Intern – a high school or college student working at the Authority on a work-study or other formal program for credit, experience and/or pay for a limited period of time. Rate of pay is based on educational level. When the intern is paid by the Authority, the intern will be treated as a temporary employee for benefit purposes. The Director, HRMS is responsible for determining which temporary category will apply to a particular type of intern. As noted above, the length and type of assignment will determine benefit entitlement.

C. Employment Conditions

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~~Non-represented employees~~ have the right to resign at any time. Likewise, the AuthorityMetro is not obligated to guarantee continued employment under any circumstances. ~~An employee's~~ job performance and/or conduct is expected to be fully satisfactory. The employment conditions and policies applicable to the various employment categories are:

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~~1. Regular Employees - may be dismissed only for cause, (except for Executive and Senior Management employees). Cause for dismissal includes, but is not limited to, job performance and/or conduct by an employee which is less than fully satisfactory. A long, but not all-inclusive, list of examples of actions, inactions, behavior, conduct and performance which can constitute cause for disciplinary action, up to and including dismissal, is found in Personnel Policy No.1.6, Disciplinary Actions. For employment conditions for Executive Management Employees and Senior Management Employees, reference C-2. Middle Management, Senior Management and Executive Management employees may be dismissed at any time with or without cause when in the best interest of Metro.~~

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~~2. Probationary Period. The first year of employment for a new employee in a full-time or part-time regular position is a probationary period. Current full-time regular and current part-time regular employees who move to a different position-s because of a voluntary promotion, transfer, demotion or because of a disciplinary demotion are subject to a probationary period of one year six months.~~

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~~Successful completion of the one-year, new employee probationary period, or of the designated probationary period for an employee who changes positions, is attained when a performance evaluation indicating that the employee's performance evaluation is fully satisfactory or better, as defined by whatever performance evaluation system is in force and applies to that employee, is received by the Office of HRMS. Successful completion of probation is not automatically achieved at the end of an employee's probationary period. If the supervisor is unable to assess performance at the end of a probationary period, the supervisor may request that the probationary period be extended for a period not to exceed 90 calendar days. The request for extension must be in writing with the concurrence of the Office Director and must be approved or disapproved by the Director, ODEV, who will inform the Director, HRMS of the decision. The reason for the extension must be a valid, job-related concern including, but not limited to, remediation, extended sick leave, or other circumstances when it is in the best interests of the Authority. Requests for exceptions to the 90-day maximum extension period must be directed to the Deputy General Manager,~~

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Department of Workforce Development (DGM, WFDA) by the appropriate Officer/Department Head. Exceptions may be approved by the DGM, WFDA.

A newly hired probationary employee may be separated from the AuthorityMetro at any time without cause and has no eligibility under Personnel Policy No. 1.7, Employee Dispute Resolution. Separation must be recommended by the Office Director, with the concurrence of Human Resources.
the Director, HRMS.

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Successful completion of probation is not automatically achieved at the end of an employee's probationary period. If the supervisor is unable to assess performance at the end of a probationary period, the supervisor may request that the probationary period be extended for a period not to exceed 90 calendar days. The request for extension must be in writing with the concurrence of the Office Director and the Director of Human Resources. The reason for the extension must be a valid, job-related concern including, but not limited to, remediation, extended sick leave, or other circumstances when it is in the best interests of Metro. A current employee who is probationary because of a voluntary move to a different position or because of a disciplinary demotion has no recourse under Personnel Policy No. 1.7, Employee Dispute Resolution, for matters pertaining to performance during the probationary period.

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A current employee who is probationary because of a voluntary move to a different position or because of a disciplinary demotion has no recourse under Personnel Policy No. 1.7, Employee Dispute Resolution, for matters pertaining to performance during the probationary period unless the employee is terminated by the Authority. The employee is subject to Personnel Policy No. 1.6, Disciplinary Actions, and has rights under Personnel Policy No. 1.7, Employee Dispute Resolution, for non-performance related matters during the probationary period.

3. At Will Employees – are special categories of Regular Employees subject to specific terms and conditions of employment. At will employees may be dismissed at any time for any reason with or without cause. Incumbents of these positions serve at the pleasure of the General Manager. They are entitled to the benefits and working conditions provided to regular employees and are subject to Metro Personnel Policies except Policy No. 1.7, Employee Dispute Resolution. Newly hired at will employees are not subject to the one year probationary period. The dismissal of an at-will employee must be reviewed and approved by the General Manager prior to employee notification. Executive and Senior Management Employees are special categories of Regular employees subject to special conditions and requirements:

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a. Middle Management Employees – employees in positions that _____ have been designated "Middle Management" by the General _____ Manager because the nature of the position demands a level of _____ increased accountability for the day to day operations within their _____ department. Positions in this category are typically supervisory/ _____ management positions at salary grades 12 to 15 regardless of _____ salary plan.

b. Senior Management Employees - employees in positions that _____ have been designated "Senior Management" by the General _____ Manager because the nature of the position demands extreme _____ confidentiality, and/or the position is tasked with carrying out _____ policy directives. Positions in this category are typically at salary _____ grade 16 or 17 regardless of salary plan. Internal job posting for _____ the recruitment of candidates is not required.

c. Executive Management Employees - are the officers of the Authority Metro. _____ Executive management employees serve in positions that are _____

Policy No. 4.1 Title: Categories of Employment Page 5 of 6

a. _____ designated as Executive Management positions by the Compact, the Board of Directors and/or the General Manager. Internal job _____ posting for the recruitment of candidates is not required. Chief Executive Officer (GM/CEO). Incumbents of these positions serve at the pleasure of the GM/CEO and may be separated/ terminated at any time, with or without cause. Executive Management employees are subject to WMATA Personnel Policies except as noted in C-2.c.

The GM/CEO _____ may recommend Executive Management Positions to the Board of _____ Directors. All such positions must be approved by the Board of _____ Directors. Executive Management positions approved by the _____ Board of Directors are listed in Addendum 1 to this policy.

b. Senior Management Employees – employees in positions that have been _____ Designated "Senior Management" by the GM/CEO because the nature of the position demands extreme confidentiality, and/or the position is tasked with carrying out policy directives, and/or the position has an indirect reporting relationship to the GM/CEO. Incumbents of these positions may be separated/terminated at any

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~~time, with or without cause. Senior Management employees are subject to WMATA Personnel Policies except as noted in C-2.e.~~

~~Senior Management positions designated by the GM/CEO are listed in Addendum 1 to this policy.~~

~~e. Special Conditions and Requirements Both Executive Management and Senior Management positions/employees are entitled to the benefits and working conditions provided to regular employees and are subject to WMATA Personnel Policies, unless otherwise directed by the Board of Directors, with the following exceptions:~~

- ~~1) Internal job posting for the recruitment of candidates is not required;~~
- ~~2) incumbents receive 27 annual leave days every January 1st and shall initially receive a prorated number of annual leave days during the first calendar year of service in the Executive or Senior Management category based on the date of hire, or the date of promotion/transfer, into the category. Incumbents may accumulate and carry over not more than 45 days from one calendar year to the next; and~~
- ~~3) Incumbents do not have access or rights to the provisions of Policy No. 1.7, Employee Dispute Resolution.~~

The GM/CEO is authorized to establish separation conditions and benefits for Executive and Senior Management employees, as well as for employees of other categories, who are separated from Metro.

~~Terms of any employment contract approved by the Board of Directors for Executive and Senior Management employees, as well as for other employees, supersede this policy. The DGM, WFDA shall maintain a current list of all Board approved "Executive Management" positions and positions designated "Senior Management" by the GM/CEO. The Board of Directors shall be provided a copy of the current list of Executive Management and Senior Management positions at least annually.~~

~~If an existing regular position with an incumbent is designated an "Executive Management" or "Senior Management" position, the incumbent shall be notified of the change in the position status. If the incumbent is offered and accepts the newly designated executive management or senior management position, the employee is subject to employment conditions for an "Executive Management" or "Senior Management" employee as outlined herein. If the incumbent declines the newly designated executive management or senior management position, the affected employee shall vacate the position and may be placed in a vacant position for which he or she is qualified on non-competitive basis. In the event the affected employee is unable to find a position for which he or she is qualified within three (3) months of the designation, the employee will be separated from~~

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the Authority under provisions of Personnel Policy No. 4.6, Reduction-In-Force.

2. ~~Temporary Employees - employees who are hired and work, on an other than regular basis, at the convenience of the Authority and subject to the following conditions based on type of employee within the category:~~

a. ~~Full-time Temporary of Long-term Duration - is not covered by Personnel~~

~~Policies No.1.6, Disciplinary Actions, and No.1.7, Employee Dispute Resolution, but is subject to other WMATA Personnel Policies and Procedures, except for the benefit limitations previously noted in B.2. This employee is not entitled to severance or separation benefits and is subject to termination with or without cause or notice in accordance with Personnel Policy 4.5, Termination From Employment.~~

b. ~~Full-time Temporary of Limited Duration - is not covered by Personnel Policies No. 1.6, Disciplinary Actions, and No. 1.7,~~

~~Employee Dispute Resolution, but is subject to other WMATA Personnel Policies and Procedures. This employee is not entitled to WMATA employee benefits, except for leave accrual, and is entitled only to statutory benefits. This employee is not entitled to severance or separation benefits and is subject to termination with or without cause or notice in accordance with Personnel Policy 4.5, Termination From Employment.~~

c. ~~Part-time Temporary of Limited Duration - is entitled only to statutory benefits and is subject to the same conditions described in 3.b, above, except that no leave accrual is allowed.~~

Individuals on assignment from temporary employment agencies are the employees of the agencies and are not Authority employees.

3. ~~A retiree in the WMATA Retirement Plan or a retiree in the WMATA Defined Contribution Retirement Plan is not eligible for rehire by the Authority in any employment category. In the event it becomes necessary to retain the services of a retiree to perform a specific or unique scope of work for a specified duration, such services will be retained through a procurement action in accordance with the Authority Procurement Regulations for professional and technical consultant contracts. Reference The WMATA Procurement Manual.~~

D. ~~D-~~ Retirees, Consultants and Contractors

1. ~~A retiree in the WMATA Retirement Plan or a retiree in the WMATA Defined Contribution Retirement Plan is not eligible for rehire by Authority Metro in any employment category. In the event it becomes necessary to retain the services of a retiree to perform a specific or unique scope of work for a specified duration, such services will be retained through a procurement~~

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action in accordance with AuthorityMetro's Procurement Regulations for professional and technical consultant contracts.

2. Consultants and contractors whose responsibilities are covered by letter-agreement or contract, are not employees of AuthorityMetro and receive no benefits.

II. RESPONSIBILITY

The DGM, WFDA Human Resources is responsible for general administration of this policy.

III. AFFECTED EMPLOYEES

All non-represented employees and all temporary employees.

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PROPOSED

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Title: Employment Categories

CATEGORY	DEFINITION & SPECIAL CONDITIONS	DURATION	BENEFITS
Full-Time Regular	Works full-time: 75 (TA) - 80 hours (TS) per two-week period in an approved position. Subject to one-year probationary period.	Unlimited	All statutory and WMATA benefits, in force during time of employment. Covered by Personnel Policies & Procedures (Policy Manual).
Part-Time Regular, 20-29 hours per week	Works less than full time, between 20 and 29 hours per week in an approved position. Subject to one-year probationary period.	Unlimited	Entitled to pro-rated annual and sick leave. Receives other statutory benefits (e.g., Social Security) only as required by law.
Part-Time Regular less than 20 hours per week	Works less than 20 hours a week in an approved position. Subject to one-year probationary period	Unlimited	Covered only by statutory benefits such as Social Security.
Full-Time Temporary, Long-term Duration	Works full-time for an undefined period of time in a position authorized for long-term temporary	Normally at least 366 calendar days & indefinite further duration, unless funding ceases in less than 366 days, or employee is	All statutory and WMATA benefits, except severance pay or participation in WMATA Retirement Plan. Participation in Defined Contribution Retirement Plan. No eligibility

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	<p>appointment. Duration may be governed by available funding of the specific position or work to be performed. Subject to termination with or without cause or notice</p>	<p>otherwise terminated</p>	<p>under Personnel Policy 1.7 or others as specified in Policy Manual.</p>
<p>Full-Time Temporary, Limited-Duration</p>	<p>Works for 365 calendar days or less in a full-time position authorized for limited-duration temporary appointment. Subject to termination with or without cause or notice</p>	<p>365 days or less, or until otherwise terminated.</p>	<p>Entitled only to statutory benefits; annual and sick leave.</p>
<p>Part-Time Temporary (less than 37.5 hours per week)</p>	<p>Works less than full time on a particular project for a period not to exceed 12 months</p>	<p>365 days or less, or until otherwise terminated</p>	<p>Entitled only to statutory benefits.</p>
<p>Intern</p>	<p>Must be a high school, college, or graduate student whose work at WMATA forms a recognized part of his/her academic program.</p>	<p>Duration of Academic Program</p>	<p>If paid by the Authority, same as temporary employee. To be determined by Director HRMS.</p>

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<p>Executive Management</p>	<p>The GMGR is an Executive Management employee selected by the Board and serves at the Board's pleasure. An incumbent will tender a resignation when requested by the Board. Executive Management positions are approved by the Board. Incumbents are selected by the General Manager/CEO (GM/CEO) and are approved by the Board. All serve at the pleasure of the GM/CEO and the incumbents may be separated/terminated by the GM/CEO with or without cause. Terms of any employment contract approved by the Board supersede this policy.</p>	<p>Unlimited</p>	<p>Entitled to all statutory and WMATA benefits, but incumbents (other than GM/CEO) serve at the pleasure of the GM/CEO. No eligibility under Personnel Policy 1.7 herein. 27 days annual leave credited on Jan. 1st of each year while employed here. Prorated 27 days credited for 1st calendar year on date of hire/promotion/transfer to this category.</p>
<p>Senior Management</p>	<p>Positions designated Senior Management by the General Manager because of the extreme confidential</p>	<p>Unlimited</p>	<p>Entitled to all statutory and WMATA benefits. Incumbents can be separated/terminated with or without cause. No eligibility under Personnel Policy 1.7</p>

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	nature of positions. Reports to GM/CEO or Officer. Can be separated/ terminated with or without cause.		herein. 27 days annual leave credited as above.
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Washington Metropolitan Area Transit Authority
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Policy No. 4.1 Title: Categories of Employment Page 6 of 6

Policy No. 4.1

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Employment Categories

ADDENDUM 1

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Executive & Senior Management Positions

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1.0 PURPOSE

To provide a list of positions designated as executive and senior management.

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2.0 EXECUTIVE MANAGEMENT POSITIONS

General Manager

Deputy General Manager, Administration

Deputy General Manager, Operations

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~~Chief~~Chief of Staff

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General Counsel

~~Assistant General Manager, Chief Engineer/Project Management~~

~~Assistant General Manager, Access Services~~

~~Assistant General Manager, Bus Operations~~

~~Assistant General Manager, Customer and Media Communications~~

~~Assistant General Manager, Finance/Chief Financial Officer*~~

~~Assistant General Manager, Planning and Joint Development~~

~~Assistant General Manager, Rail Operations~~

~~Assistant General Manager, Transit Infrastructure and Engineering Services~~

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~~Assistant General Manager, System Safety and Risk Management~~

~~Assistant General Manager, Workforce Development and Administration~~

Board Secretary

Chief Communications Officer

Chief Financial Officer*

Chief Human Resources Officer

Chief Information Officer

Chief, Metro Transit Police Department

Chief Performance Officer

Chief Safety Officer

~~Chief Operating Officer, Bus Service~~

~~Chief Operating Officer, Community Transportation Services~~

~~Chief Operating Officer, Operations Support~~

~~Chief Operating Officer, Rail Service~~

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Inspector General

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3.0 SENIOR MANAGEMENT POSITIONS

Auditor-General
Chief Engineer, Facilities
Chief Engineer, Systems
Chief Engineer, Vehicles
Chief, Operations Liaison
Comptroller
Deputy Chief Technology Officer
Deputy General Counsel
Director, ADA Programs
Director, Administration (CEPM)
Director, Administrative Programs and Services
Director, Business Planning and Project Development
Director, Blue and Orange Line Service
Director, Civil Rights
Director, Construction
Director, Compensation and Benefits
Director, Customer Communications
Director, Customer Service
Director, Elevator and Escalator Maintenance
Director, Employee and Labor Relations
Director, Human Resource Management Services
Director, Infrastructure Renewal Program
Director, Intergovernmental Relations
Director, Joint Development and Management
Director, Management and Budget Services
Director, Marketing and Advertising
Director, Metro Access Service
Director, Operations Control Center
Director, Operations Planning and Administrative Support
Director, Organizational Development
Director, Passenger, Vehicle, Fire/Life Safety and Emergency Management
Director, Plant Maintenance
Director, Public Affairs
Director, Quality Assurance
Director, Rail Reliability and Technical Services
Director, Red Line Service
Director, Yellow and Green Line Service
General Superintendent, Bus Maintenance
General Superintendent, Bus Transportation
General Superintendent, Car Maintenance
General Superintendent, Track Structure and System Maintenance
Managing Director, Procurement and Materials
Principal Deputy General Counsel
Treasurer
Executive Secretary to the General Manager

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4.03.0 RESPONSIBILITY

The Assistant General Manager, Workforce Development and Administration, or his/her designee, Human Resources is responsible for maintaining and issuing a current list of executive and senior management positions.

* Designated as both Comptroller and Treasurer for Compact purposes. These functional responsibilities are delegated within the Department of Finance.

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Policy No. 6.2**Title: Annual Leave****Page 1 of 2****I. POLICY**

The Washington Metropolitan Area Transit Authority (Metro) grants annual leave to eligible employees. Use of annual leave requires prior approval and is subject to work demands and requirements of Metro. In order to meet work demands and/or maintain an adequate workforce at all times, supervisors must use discretion in approving annual leave.

Annual leave is earned on a calendar basis, January 1 through December 31.

A. Annual leave is earned on the basis of continuous length of service as follows:

- 1) 13 days - less than 3 years of service.
- 2) 21 days - at least 3 years of service but less than 15 years.
- 3) 27 days - 15 or more years of service.

A previous employee of Metro who returns to Metro will accrue annual leave at the same rate as any new employee.

Annual leave may be accumulated and carried over from one year to the next as follows:

- 1) not more than 30 days - less than 15 years of service
- 2) not more than 45 days - 15 or more years of service

Upon separation from Metro, an employee shall be paid all accrued and unused annual leave at the employee's current rate of compensation.

B. Executive Management and Senior Management (typically salary grades 16 and 17) positions will earn 27 days vested on the day of hire, and January 1 of every year thereafter. Office Directors, General Superintendents and select other management positions, as designated by the General Manager will earn 27 days on a prorated basis on the date of hire, appointment or promotion, and 27 days on January 1 of every year thereafter. Not more than 45 days accumulated annual leave can be carried over from one year to the next.

C. Middle Management, typically supervisors and managers in salary grades 12 – 15 regardless of salary plan, will earn 50% of their annual accrual on January 1 and 50% on July 1 of every year. Leave will be prorated based on the date of hire, appointment or promotion and then on every January 1 and July 1 thereafter. Leave shall be carried over from one year to the next based on years of service as noted in Section A.

D. Advance Annual Leave Requests for the advancement of annual leave may be approved at the discretion of management. After one year of service, a full-time regular; or part-time regular employee working more than 20 hours per week may be granted advance annual leave. Up to a maximum of 10 days of paid annual leave may be advanced in any calendar year. An employee who has used the maximum number of advance annual leave days allowable will not be eligible for any additional days until the previously granted advanced annual leave has been repaid.



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E. Repayment of Advanced Annual Leave Advanced annual leave must be repaid by the employee in either a lump sum cash payment or by reduction of the negative balance with annual leave hours accrued per pay period. This requirement will be waived only in the case of an employee's death.

F. Transfer of Annual Leave - When an employee transfers within Metro, all continuous service will be credited when computing annual leave accrual rates. An employee who transfers from a union position to a non-represented position will be credited annual leave for the previous service in accordance with this policy. Unused, leave will be converted to conform to the workday of the new position. When an employee transfers from a non-represented position to a union position, the provisions of the union contract will prevail.

II. RESPONSIBILITY

- A. The Department of Human Resources is responsible for the administration and maintenance of this policy.
- B. Officers and Office Directors are responsible for managing and approving annual leave.

III. AFFECTED EMPLOYEES

Annual Leave - All non-represented employees, except part-time regular employees working 20-29 hours per week.



ATTACHMENT B

Washington Metropolitan Area Transit Authority
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Policy No. 6.2 Title: Annual Leave Page 1 of
2 RECOMMENDED CHANGES TO ANNUAL LEAVE POLICY

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Annual Leave

I. POLICY

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~~The Authority Washington Metropolitan Area Transit Authority (Metro) grants annual leave with pay to allow to eligible employees, time away from the office for personal use, rest and recreation. An employee is eligible for annual leave immediately upon employment. Use of annual leave requires prior approval and is subject to work demands and requirements of Metro. In order to meet work demands and/or maintain an adequate workforce at all times, supervisors must use discretion in approving annual leave.~~

~~The established period for earning annual leave is the calendar year. Annual leave is earned on a calendar basis, January 1 through December 31 of each year.~~

A. Annual leave is earned on the basis of continuous length of service as follows:

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- 1) 13 days - less than 3 years of service.
- 2) 21 days - at least 3 years of service but less than 15 years.
- 3) 27 days - 15 or more years of service.

~~A previous employee of Metro who returns to Metro will accrue annual leave at the same rate as any new employee.~~

~~Annual leave may be accumulated and carried over from one year to the next as follows:~~

- 1) not more than 30 days - less than 15 years of service
- 2) not more than 45 days - 15 or more years of service

~~One half of the accumulated annual leave in excess of the above limitations will be automatically converted to sick leave. Upon departing separation from the Authority Metro, an employee shall be paid all accrued and unused annual leave for the remaining annual leave balance at the employee's current rate of compensation. Approval is subject to work demands and requirements of the Office and Authority. In order to meet work demands and/or maintain an adequate workforce at all times, supervisors must use discretion in approving annual leave. To request annual leave, refer to Procedure No. 6.2.1 of this manual.~~

B. Executive Management and Senior Management (typically salary grades 16 and 17) positions will earn 27 days vested on the day of hire, and January 1 of every year thereafter. Office Directors, General Superintendents and select other management positions, as designated by HRMS the General Manager, will earn 27 days on a prorated basis on the date of hire, appointment or promotion, and 27

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C. Middle Management, typically supervisors and managers in salary grades 12 – 15 regardless of salary plan, will earn 50% of their annual accrual on January 1 and 50% on July 1 of every year. Leave will be prorated based on the date of hire, appointment or promotion and then on every January 1 and July 1 thereafter. Leave shall be carried over from one year to the next based on years of service as noted in Section A.

HRMS will issue a current list of Executive Management, Senior Management, Office Directors, General Superintendents, and other positions that are eligible under this section. Upon termination of employment, an executives and senior managers shall be paid

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CD. Advance Annual Leave – Requests for the advancement of annual leave may be approved at the discretion of management. Annual leave in excess of annual leave that is actually accrued at the time of the request. After one year of service and for good reason, a full-time regular, unlimited duration full-time temporary, or part-time regular employee working more than 20 hours per week may be granted paid advance annual leave. Depending on continuous length of service, up to a maximum of 10 days of paid annual leave may be advanced in any one calendar year. An employee who has used the maximum number of advance annual leave days allowable will not be eligible for any additional days until the previously granted advanced annual leave has been repaid.

ED. Repayment of Advanced Annual Leave – All advance annual leave granted. Advanced annual leave must be repaid by the employee in either a lump sum cash payment or by reduction of the negative balance with future compensatory time and annual leave hours accrued on a per pay period basis. This requirement will be waived only in the case of an employee's death. Repayment for advanced annual leave will not be recovered from families of deceased employees, beyond the amount recoverable through final payout of the employee's earnings. Refer to Procedure No. 6.2.II and 6.2.III, Advance Annual Leave

EE. Transfer of Annual Leave - When an employee transfers within the Authority Metro, all continuous service will be credited when computing annual leave accrual rates. An employee who transfers from a union position to a TA or TS non-represented position will be credited annual leave for the previous service in accordance with this policy. Unused, accrued annual leave will be converted to conform with the workday of the new position (TA workday - 7.5 hours; TS workday - 8 hours). When an employee transfers from a TA or TS non-represented position to a union position, the provisions of the union contract will prevail.

II. RESPONSIBILITY

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A. The Department of Human Resources is responsible for the administration and maintenance of this policy.

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B. A. Officers and Office Directors are responsible for managing and approving annual leave.

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B. The Director, Human Resources Management Services is responsible for maintaining and issuing a current list of designated management positions.

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III. AFFECTED EMPLOYEES

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Annual Leave - All non-represented employees, except part-time regular employees employees working less than 20 hours per week and part-time temporary employees. Part-time regular employees working 20-29 hours per week, accrue annual leave on a pro-rated basis. Leave will be credited on January 1

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and this date will be used to calculate the amount of leave to be credited for the remaining months before the next January 1 for each year.

Advance Annual Leave—After one year of service for all non-represented employees, except part-time regular working less than 20 hours per week, full-time temporary limited duration and part-time temporary.

III. AFFECTED EMPLOYEES

As provided for in section I.B, the following positions earn 26 days of annual leave each year:

- Assistant General Manager of Administrative Services
- Assistant General Manager of Communications
- Assistant General Manager of Finance & Program Dev.
- Assistant General Manager of Transit System Dev.
- Auditor General
- Chief Engineer
- Chief Labor Relations and Civil Rights Officer
- Chief of Metro Transit Police Department
- Chief of Operations Liaison
- Chief Operating Officer (Bus)
- Chief Operating Officer (Rail)
- Chief Safety Officer
- Chief Technology Officer of Information Technology
- Comptroller
- Deputy General Counsel
- Deputy General Manager
- Director of American with Disabilities Act
- Director of Business and Financial Planning
- Director of Business Planning and Development
- Director of Civil Rights
- Director of Construction
- Director of Customer Service
- Director of Employee & Labor Relations
- Director of Engineering and Architecture
- Director of Extensions
- Director of Financial Management
- Director of Government Relations
- Director of Human Resource Management & Planning
- Director of Infrastructure Renewal Programs
- Director of Major Capital Projects
- Director of Media Relations
- Director of Organizational Development
- Director of Operations Planning & Administrative Support
- Director of Plant Maintenance
- Director of Property Development & Management
- Director of Risk Management
- Director of Strategic Marketing & Communications
- Executive Secretary
- General Counsel
- General Manager
- General Superintendent, Car Maintenance
- General Superintendent, Rail Transportation
- General Superintendent, Bus Transportation
- General Superintendent, Bus Maintenance
- General Superintendent, Systems Maintenance

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Washington Metropolitan Area Transit Authority
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General Superintendent, Track & Structures
Managing Director of Procurement & Materials
Principal Deputy General Counsel
Secretary and Chief of Staff
Treasurer

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