Washington Metropolitan Area Transit Authority Board of Directors' Administration Committee

APPROVAL OF AN ADDITIONAL PROVISION REGARDING EMPLOYEES CALLED UP FOR MILITARY DUTY

Office of Compensation and Benefits

December 8, 2005

PURPOSE

To request that the Administration Committee recommend to the Board of Directors approval of a change to Personnel Policies and Procedures Manual (PPPM) 6.5, Other Paid Leaves, to allow WMATA non-represented employees that are called up for active military duty to receive a pay supplement which will be deemed salary when their WMATA base salary exceeds their active military duty pay and allowance

BACKGROUND

• WMATA has been monitoring the issue of payment of salary differentials to employees called up for active military duty for several years

• Three surveys of MD, VA and DC have been conducted (11/2001, 11/2002, 2/2004)

• The first two surveys indicated some paid a differential and some did not, with little change from 2001 to 2002

• The third survey indicated that MD, VA and DC were providing some payment of differentials with various limits on time and amount

DISCUSSION

- Current WMATA Policy: No provision for payment of a differential when called to active duty in policy or union contracts

- Identified Employees Called to Active Duty

Category	Employees Called
Non-represented	3
Represented	32

- Average Duration for Leaves: 16 months

DISCUSSION (CONT'D)

• Recent contacts with representatives in MD, VA and DC focused on factors involved in decisions to change policy and experience to date

• States/DC Action in 2002/2003

State	Differential Paid	Period
Maryland (SB 505)	over base	12 months, renewable
Virginia (EO 44)	over base + allowances	duration of active duty
DC (DC Act 14-225)	over base	6 months, renewable

• MD, VA and DC Experience

Inclusion of allowances (such as food) has significant impact on reducing the amount of the supplement

COST EXPECTATIONS

- Approach

Category	Action
Non-represented	Implement pay supplement (deemed salary) 1/1/2006
Represented	Include in collective bargaining process

- Anticipated Cost Per Year

	Non-represented	Represented
Expected Number of Employees:	2	15
Probability of a Differential:	.5	.5
Anticipated Monthly Differential:	$600	$600
Annual Anticipated Cost:	$7K	$54K

FISCAL IMPACT

FY2006 cost, estimated to be less than $25K, can be accommodated in the Salary Base

RECOMMENDATION

WMATA adopt the provisions of the following Proposed Pay Supplement (deemed salary) for WMATA non-represented employees called to active duty:

- Effective date: January 1, 2006
- Employee provides military orders and Leave and Earnings Statement
- Supplement is calculated as excess of base pay over military salary including allowances
- Supplement is payable from beginning of leave without pay (not before 1/1/2006) to discharge from active duty, or WMATA's determination that reemployment is unlikely under the Uniformed Services Employment and Reemployment Rights Act, whichever occurs sooner

The Pay Supplement would also be offered to the Union and included in the Collective Bargaining Process

PRESENTED AND ADOPTED:

SUBJECT: Revision of the Personnel Policies and Procedures Manual (PPPM), Section 6.5 to Provide for a Pay Supplement to WMATA Non-Represented Employees Called Up for Active Military Duty

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

WHEREAS, The Washington Metropolitan Area Transit Authority (WMATA) currently has no provision in its Personnel Policies and Procedures Manual (PPPM), Section 6.5, Other Paid Leaves, or union contracts for payment of a salary supplement for employees who are called to active military duty; and

WHEREAS, Surveys of the local jurisdictions conducted by WMATA have found that all jurisdictions are providing some payment of a salary supplement with various limits on time and amount; and

WHEREAS, WMATA wishes to offer benefits consistent with the local jurisdictions and to provide support to those employees in active military service by revising PPPM 6.5, Section 1.C, to provide a pay supplement to employees on active military duty who are on leave without pay; and

WHEREAS, The pay supplement will be deemed salary and calculated as the excess of base pay over military pay, including allowances (monies provided for specific needs, such as food or housing); and

WHEREAS, Employees called to active military duty must provide military orders and Leave and Earnings Statements, and the pay supplement will be payable from the beginning of leave without pay for active military duty (not before 1/1/2006) to discharge from active duty or, WMATA's determination that reemployment with WMATA is unlikely in accordance with 38 U.S.C. § 4312 (d) of the USERRA, whichever occurs sooner; now, therefore be it

RESOLVED, That PPPM 6.5, Section I.C, is revised to include additional language as shown in Exhibit A, that allows WMATA non-represented employees called to active military duty who are on leave without pay to receive a pay supplement (which will be deemed salary) when their WMATA base salary exceeds their active military duty pay and allowances; and be it further

RESOLVED, That this Resolution shall take effect on January 1, 2006, for non-represented employees, and will be included in the collective bargaining process for represented employees.

Approved as to form and legal sufficiency:

Carol B. O'Keeffe
General Counsel

EXHIBIT A

Effective January 1, 2006, employees called to active military duty who are on leave without pay will be eligible for a pay supplement (which will be deemed salary) when their WMATA base salary exceeds their active military duty pay and allowances (monies provided for specific needs, such as food or housing). The supplement is calculated as the excess of WMATA base pay over military salary including allowances. It is payable from the beginning of the leave without pay status (but not before 1/1/2006) to discharge from active duty or WMATA's determination that reemployment with WMATA is unlikely in accordance with 38 U.S.C. § 4312 (d) of the Uniformed Services Employment and Reemployment Rights Act. Employees are required to provide their military orders and Leave and Earnings Statements in order to qualify for the pay supplement.

(Board Copy)
Washington Metropolitan Area Transit Authority

METRO ELECTRONIC ACTION DOCUMENT

IDENTIFICATION			
MEAD ID:	99142	ACTION:	N/A
AWARD VALUE:	(Not yet awarded)	CONTRACT: (Proposed)	
FUND SOURCES: (View)		CONTRACTOR:	
LAST MODIFIED:	12/02/2005		

DESCRIPTION	
SUBJECT:	Pers Pol & Proc Man (PPPM) 6.5 to be revised regarding non-rep employees called for military duty
PURPOSE:	To request the Administration Committee's recommendation to and the Board of Directors' approval of a resolution (1) to approve the policy changes to the PPPM necessary to allow WMATA non-represented employees who are called up for active military duty and are on leave without pay to receive a pay supplement (which will be deemed salary) when their WMATA base salary exceeds their active military duty pay and allowances, and (2) to recognize that the Proposed Pay Supplement will be included in the collective bargaining process.

ORIGINATION					
INITIATOR				DEPARTMENTAL APPROVAL	
JAMES DAVIS on 11/21/2005				Approved by SCOTT II , WILLIAM 11/21/2005	
PHONE:	202-962-1160	OFFICE:	HRMP	DEPT:	Administrative Services

COORDINATION (ROUTING)		
OFFICE	NAME	ACTION/DATE
AGMW (5110)	SCOTT II, WILLIAM	Approved 11/21/2005
(1120)	BARTLETT, HAROLD	Approved 11/23/2005
CFO1 (2110)	WOODRUFF, HARRY	Approved 12/01/2005
COUN (1410)	O'KEEFFE, CAROL	Approved 12/02/2005

FINAL APPROVALS	
OFFICE	NAME/ACTION
BEMR	Approved for by HAROLD BARTLETT on 11/23/2005
HR_CMTE	Approved for AGMW by WILLIAM SCOTT II on 11/21/2005
BUDGET_CMTE	
BEMR	Approved for by HAROLD BARTLETT on 12/02/2005
GM	GMGR CEO William F. Scott II
BOARD	BOARD WMATA (Not Yet Approved)

Washington Metropolitan Area Transit Authority

METRO ELECTRONIC ACTION DOCUMENT

NARRATIVE

DISCUSSION:

The Authority currently has no provision in its policy or union contracts for payment of a differential when employees are called to active military duty. This is an issue that the Authority has been monitoring for several years. It has involved conducting surveys of the local jurisdictions in 2001, 2002, and again in 2004. The first two surveys indicated that only some of the jurisdictions paid a differential. The third survey indicated that all jurisdictions were providing some payment of differentials with various limits on time and amount.

Recent contacts with local jurisdiction representatives have focused on the factors involved in the decisions to change their policy and their experience to date. It was found that in 2003, state-level action occurred in both Maryland (Senate Bill 505) and Virginia (Executive Order 44) requiring that employees called to active military duty be provided with differential pay, and the District of Columbia's Act 14-225 was also renewed. In Virginia the payment of allowances is also added to military base pay and the representatives advised that the inclusion of allowances (monies provided for specific needs, such as food or housing) has significant impact on reducing the amount of the supplement.

To offer benefits consistent with the local jurisdictions and to provide support to those employees in military service, the Authority is now proposing a Pay Supplement be provided to employees called to active duty and who are on leave without pay. The provisions of the Proposed Pay Supplement are as follows:

(1) Effective date - January 1, 2006 for non-represented employees,

(2) Employee provides military orders and Leave and Earnings Statement,

(3) Supplement is calculated as excess of base pay over military pay including allowances (monies provided for specific needs, such as food or housing), and

(4) Supplement is payable from beginning of leave without pay (not before 1/1/2006) to discharge from active duty or WMATA`s determination that reemployment with WMATA is unlikely in accordance with 38 U.S.C. § 4312 (d) of the Uniformed Services Employment and Reemployment Rights Act (USERRA), whichever occurs sooner.

For non-represented employees, the pay supplement would be implemented on 1/1/2006. The pay supplement would be included in the collective bargaining process for represented employees.

ALTERNATIVE:

The Authority would maintain the current policy which contains no provision for payment of a differential when employees are called to active military duty.

IMPACT ON FUNDING:

The FY2006 cost, which is estimated to be less than $25,000, can be accommodated in the Salary Base.

AFFIRMATIVE ACTION AND DBE REQUIREMENTS:

Not applicable.

RECOMMENDATION:

That the Administration Committee recommend to the Board of Directors that it: (1) approve a revision to PPPM 6.5, Section I.C, to allow WMATA non-represented employees who are called up for active military duty and who are on leave without pay to receive a pay supplement when their WMATA base salary exceeds their active military duty pay and allowance; and (2) recognize that the Proposed Pay Supplement will be included in the collective bargaining process.