

AGENDA ITEM 5 C
Consent Item

MEMORANDUM

DATE: July 3, 2008
TO: El Dorado County Transit Authority
FROM: Mindy Jackson, Executive Director
SUBJECT: Personnel Policies Related to Holidays and Overtime for Employees Working 4/10 Schedules

REQUESTED ACTION:

BY MOTION, Approve Revised Holiday and Overtime Policies

BACKGROUND

The Executive Director met with several Transit Dispatchers to discuss a request to consider ten (10) hours of holiday pay on designated holidays for employees working 4/10 shifts. The following recommendation to revise personnel policies related to holiday compensation will provide a more equitable benefit when employees work a 4/10 shift and allow management to appropriately staff departments with 4/10 schedules as required to provide adequate support for providing public transportation.

The Executive Director is also recommending that floating holidays be credited to new employees hired before the first pay date in July. Current policy provides the same floating holiday benefit to new hires regardless of hire date.

El Dorado Transit Dispatch Center

- El Dorado Transit provides public transit services seven (7) days a week
- Dispatch center hours required to support public transit
 - Monday – Friday 4:30 AM to 8:00 PM
 - Saturday and Sunday 7:30 AM to 5:30 PM
- Five (5) full-time shifts are staffed with one (1) Transit Dispatcher each to provide appropriate level of staffing
 - ***Five day eight hour shifts (5/8):***
 - Monday through Friday 4:30 AM to 1:30 PM
 - Monday through Friday 7:00 AM to 4:00 PM
 - ***Four day ten hour shifts (4/10):***
 - Monday through Thursday 7:30 AM to 6:30 PM

- Tuesday through Friday 9:00 AM to 8:00 PM
- Friday and Monday 9:00 AM to 8:00 PM
- & Saturday and Sunday 7:30 AM to 5:30 PM

Holiday pay policies per The El Dorado County Transit Authority Personnel Policies and Procedures Manual, (Manual) generally provide the following (current and revised policy language included in separate section of report):

- Section 8.3 Compensation for Holidays established twelve (12) holidays each calendar year.
- Section 8.3 Compensation for Holidays provides eight (8) hours of holiday pay for each designated holiday for full-time employees.
- Section 8.1 Scheduled Holidays provide holiday pay for one (1) in-lieu holiday
- Section 4.4 Overtime – Non-Exempt Employees states that overtime will be defined as any authorized work over forty (40) in one week. “Time worked” includes all hours including holiday pay.
- Article 2 – Definitions defines pay status to include time when an employee is absent on a paid holiday.

DISCUSSION

It is necessary to staff the dispatch center during the hours noted above to provide adequate support for El Dorado Transit’s seven-day-a-week operation. El Dorado Transit management and Transit Dispatchers agreed to revise the dispatch 4/10 shifts to 5/8 shifts for a period of time to comply with the holiday compensation policy. This work schedule shift resulted in a critical gap in dispatch support. The most effective shift schedules are noted above in the background information with two (2) 5/8 shifts and three (3) 4/10 shifts.

Since it is not feasible to shift the 4/10 schedules to 5/8 schedules, employees working a 4/10 shift under current policies must use either two (2) hours of discretionary time or work an additional two (2) hours during the week for a full forty (40) hour week. Working an additional two (2) hours over a three (3) or four (4) day period requires the 4/10 employees to work eleven (11) or twelve (12) hour shifts.

Review of the holiday pay policy and practice found that the application of overtime pay to 4/10 employees during weeks that include holidays did not provide equity under current overtime policies. Holiday pay is being used to calculate overtime per adopted policy 4.4 Overtime – Non-Exempt Employees. As per the policy, employees on 4/10 shifts during a holiday week, when their regular day off is a designated holiday automatically receive overtime on their last regularly scheduled day equal to the hours of holiday pay.

Comparison of holiday and overtime pay for 4/10 and 5/8 shifts are provided below:

Employee working a 4/10 schedule Tuesday through Friday with a Monday holiday:

Sun	Mon	Tue	Wed	Thur	Fri	Sat
---	Holiday	10	10	10	10	---
	8 hours holiday pay	10 hours regular pay	10 hours regular pay	10 hours regular pay	2 hours regular pay and 8 hours overtime pay	

Employee paid: Holiday pay 8 hours
 Regular pay 32 hours
 Overtime 8 hours

Employee working 5/8 schedule with Monday holiday:

Sun	Mon	Tue	Wed	Thur	Fri	Sat
---	Holiday	8	8	8	8	---

Employee paid: Holiday pay 8 hours
 Regular pay 32 hours

The outcomes of complying to currently adopted policies:

- Employees in 4/10 schedules to must work two (2) additional hours or use discretionary leave to make up the difference between 8 and 10 hours of holiday pay resulting in shifts of 11 or 12 hours.
- Dispatch center hours not adequately covered when 4/10 schedules are shifted to 5/8 schedules. Frequency: Ten (10) weeks per year.
- Current policies provide an inequity in calculating overtime between 4/10 and 5/8 shifts.
- In-lieu holiday policy provides for eight (8) hours of holiday which is inconsistent with proposed ten (10) hours of holiday pay for employees working 4/10 shifts.

Proposed policy revisions are includes in strike and underline format on the following pages.

EL DORADO COUNTY TRANSIT AUTHORITY

PERSONNEL POLICIES AND PROCEDURES MANUAL

Prepared: February 1, 1996

Revised: November 6, 1997

Revised: March 5, 1998

Revised: February 3, 2000

Revised: June 1, 2000

Revised: November 1, 2001

Revised: October 10, 2003

Revised: June 3, 2004

Revised: September 1, 2005

Revised as approved: January 20, 2007-During FY 2005/2006

Proposed Revision: July 3, 2008

ARTICLE 2 - DEFINITIONS

PAY STATUS means whenever an employee is at work, absent on a paid holiday **(except for holiday pay on a 4/10 shift)**, absent on leave with pay, or absent on authorized compensatory time off.

ARTICLE 4 – EMPLOYEE HOURS OF WORK AND WORKING CONDITIONS

4.4 Overtime – Non-Exempt Employees

The Executive Director or his/her designee may require and shall authorize in advance the performance of any overtime work. If prior authorization is not feasible because of emergency conditions, a confirming authorization must be made on the next regular working day.

A. Employees working regular five (5) day eight (8) hour (5/8) schedules

Overtime for non-exempt employees shall be defined as any authorized time worked over forty (40) hours in one work week. “Time worked” includes all hours in pay status for employees **working regular 5/8 shifts.**

B. Employees working regular four (4) day ten (10) hour (4/10) schedules

Overtime for non-exempt employees shall be defined as any authorized time worked over forty (40) hours in one work week. “Time worked” includes all hours in pay status with the exception of holiday pay for employees working 4/10 shifts.

All overtime shall be earned at the rate of one and one-half (1-1/2) hours for each one (1) overtime hour worked. Non-exempt employees shall be paid for overtime earned either in cash, or upon the employee’s request and with the supervisor’s approval, as compensatory time off which is earned at the overtime rate. Overtime shall be paid at the employee’s base hourly rate of pay or in accordance with the FLSA.

Time worked as overtime shall not be used to earn fringe benefits or to serve out probation or merit increase periods.

Overtime shall be reported in increments to the nearest one-tenth of an hour (six minute units).

ARTICLE 8 – HOLIDAYS

8.1 Scheduled Holidays

The EDCTA shall designate specific days as EDCTA holidays. Paid holidays shall be authorized for full- and part-time employees only. The following days are designated as official EDCTA holidays:

1. January 1 – New Year’s Day
2. January (Third Monday) – Martin Luther King Jr. ’s Birthday
3. February 12 – Lincoln’s Birthday * (Floating Holiday)
4. February (Third Monday) – President’s Day
5. May (Last Monday) – Memorial Day
6. July 4 – Independence Day
7. September (First Monday) – Labor Day
8. October (Second Monday) – Columbus Day
9. November 11 – Veteran’s Day
10. November – Thanksgiving Day
11. November – Friday after Thanksgiving
12. December 24 – Christmas Eve
13. December 25 – Christmas Day
14. Every day appointed by the President or Governor, upon concurrence by the EDCTA, for a public fast, Thanksgiving or holiday.

*Floating Holiday in Lieu of Lincoln’s Birthday

~~*Regular employees shall be entitled to up to eight (8) hours of a floating holiday time.~~

A. Employees working 5 day 8 hour (5/8) shifts

Employees working 5/8 schedules shall receive eight (8) hours of floating holiday pay, not to exceed eight (8) hours for any one (1) day, provided they are in pay status on both their regularly-scheduled work days immediately preceding and following the floating holiday.

B. Employees working 4/10 schedules shall received ten (10) hours of floating holiday pay, not to exceed ten (10) hours for any one (1) day, provided they are in pay status on both their regularly-scheduled work days immediately preceding and following the floating holiday.

Regular employees in pay status during pay period 01 will be credited with the floating holiday. Newly hired regular employees, hired after pay period 01, but before the first pay date in July, shall be entitled to a floating holiday.

~~This time will be credited in the first full pay period of calendar year.~~ Floating holidays shall be taken at a time agreeable to both the employee and the appointing authority. Part-time employees shall receive this floating holiday on a pro rated basis. Lincoln's Birthday will not be considered a holiday for payroll purposes. Floating holiday time must be used by the last full pay period of the calendar year and is not subject to payoff provision. Any unused holiday time will be lost.

8.3 Compensation for Holidays

~~Full- and part-time employees shall receive holiday pay for all authorized holidays at their current hourly rate. not to exceed eight (8) hours for any one (1) day, provided they are in pay status on both their regularly-scheduled work days immediately preceding and following the holiday. Part-time employees shall be entitled to receive holiday pay in proportion to the percentage of full-time hours worked during the bi-weekly pay period, which includes a holiday.~~

A. Full-Time Employees working 5 day 8 hour (5/8) schedules

Employees working 5/8 schedules shall receive eight (8) hours of holiday pay, not to exceed eight (8) hours for any one (1) day, provided they are in pay status on both their regularly-scheduled work days immediately preceding and following the holiday.

B. Full-Time Employees working 4 day 10 hours (4/10) schedules

Employees working 4/10 schedules shall receive ten (10) hours of holiday pay, not to exceed ten (10) hours for any one (1) day, provided they are in pay status on both their regularly-scheduled work days immediately preceding and following the holiday.

C. Part-Time Employees

Part-Time employees shall be entitled to receive holiday pay in proportion to the percentage of hours worked during the bi-weekly pay period, which includes a holiday.

FISCAL IMPACT

Funds budgeted in fiscal year 2008/2009. Projected difference between current policy and proposed policy is a difference of \$1,070.

Current policy budget:	\$38,689.
Proposed policy revision budget	\$37,619.