

**RESOLUTION 20-02 – AUTHORIZING AMENDMENT TO THE PERSONNEL MANUAL-
OVERTIME PROVISION TO INCLUDE HOLIDAY HOURS AS HOURS WORKED TOWARD
OVERTIME**

WHEREAS, the Delaware River and Bay Authority (the “Authority”) Personnel Manual (the “Manual”), amended and adopted in March 1994, with numerous revisions since 1994, sets forth policies, procedures and benefits associated with Authority employment; and

WHEREAS, as stated in the Manual in Section VII. Overtime Compensation, provides for “All employees in positions paid on an hourly basis and employees classified under the Fair Labor Standards Act as “non-exempt” salaried employees are paid one and one-half (1½) times the employee’s regular hourly rate for hours worked in excess of forty (40) hours per workweek or are granted one and one-half hours off for each one (1) hour worked after forty (40) hours per workweek. For purposes of computing overtime pay, the “regular rate” paid to non-exempt salaried employees is their weekly salary divided by the number of hours in the standard workweek.”

“For the purposes of computing overtime pay, HOURS WORKED shall exclude the following types of paid leave (non-working time): sick leave, personal leave, holidays, compensatory time, or any other paid leave. Pre-approved annual leave shall be included in the calculation of hours worked;” and

WHEREAS, for represented non-exempt, permanent full-time employees, the Collective Bargaining Agreements contain language that allows for holiday hours to be included as hours worked for the purpose of computing overtime if the employee does not work on the holiday; and

WHEREAS, for non-represented non-exempt, permanent full-time employees, the Executive Director is revising the “HOURS WORKED” provision to allow holiday hours to be included as hours worked for the purpose of computing overtime pay if the employee does not work the holiday to bring parity between represented and non-represented employees; and

WHEREAS, effective February 1, 2020, and forward, HOURS WORKED for the purpose of computing overtime pay for all permanent, full-time non-exempt employees shall include the following paid leave (non-working) time: pre-approved annual leave and holiday hours; and

WHEREAS, the Personnel Committee of the Authority’s Board of Commissioners has reviewed the proposed changes and recommends approval thereof to the Commissioners; and

WHEREAS, Section VII., of the Personnel Manual will be revised in its entirety to read as follows:

Overtime Compensation; All employees in positions paid on an hourly basis and employees classified under the Fair Labor Standards Act as “non-exempt” salaried employees are paid one and one-half (1½) times the employee's regular hourly rate for hours worked in excess of forty (40) hours per

workweek or are granted one and one-half (1½) hours off for each one (1) hour worked after forty (40) hours per workweek. For purposes of computing overtime pay, the “regular rate” paid to non-exempt salaried employees is their weekly salary divided by the number of hours in the standard workweek.

For the purposes of computing overtime pay, HOURS WORKED shall exclude the following types of paid leave (non-working time): sick leave, personal leave, compensatory time, or any other paid leave. Preapproved annual leave and holiday hours shall be included in the calculation of hours worked. When the employee works on a holiday, the hours worked on the holiday are included as hours worked and the holiday hours do not. Where the Authority offers the employees the option of receiving one and one-half (1½) hours off for each one (1) hour worked after forty (40) hours per workweek, in lieu of overtime pay, it is at the employee’s option.

NOW, THEREFORE, BE IT RESOLVED that the Delaware River and Bay Authority hereby authorizes the addition of holiday hours to be included in the calculation of hours worked for the purposes of computing overtime.

Resolution 20-02 – Executive Summary Sheet

Resolution: **AUTHORIZING AMENDMENT TO THE PERSONNEL MANUAL-
OVERTIME PROVISION TO INCLUDE HOLIDAY HOURS AS
HOURS WORKED TOWARD OVERTIME**

Committee: Personnel Committee

Committee Date: January 21, 2020

Board Date: January 21, 2020

Purpose of Resolution:

To amend the definition of hours worked for the purposes of computing overtime to include holiday hours for non-represented, non-exempt, permanent full-time employees

Background for Resolution:

Currently, for full-time non-bargaining unit, non-exempt employees, for the purposes of computing overtime, hours worked does not include holiday hours.

Extra hours worked during a holiday week would be paid as straight time as the holiday hours the employee received during the week are not included as time worked toward overtime.

All three (3) Collective Bargaining Agreements have language that allow for holiday hours to count as hours worked if the employee does not work on the holiday. If the employee works on the holiday, the hours worked count and the holiday hours do not count.

An inequity exists between bargaining unit and non-bargaining unit employees in this area and this creates a disincentive to work extra hours during a holiday week. Previously, the Authority has demonstrated its intent to maintain equity among bargaining unit and non-bargaining unit employees.