

RESOLUTION NO. 2022-104

REMOVING SECTIONS 644.01 WORK WEEK AND HOURS, 644.02 COMPENSATION, 644.03 PAYROLL CHECKS, 644.04 PAYROLL DEDUCTIONS, 644.05 OVERTIME AND 644.06 CALL-OUT POLICY FOR EXEMPT EMPLOYEES FROM THE CODIFIED RULES AND REGULATIONS OF THE GREATER CLEVELAND REGIONAL TRANSIT AUTHORITY AS DUPLICATIVE OF PERSONNEL POLICIES 400.01, 400.02, 400.03, 400.04, 400.05 AND 400.06, RESPECTIVELY, AND AMENDING THOSE PERSONNEL POLICIES

WHEREAS, pursuant to Resolution No. 1989-176, the Board of Trustees of the Authority codified the resolutions establishing its policies and procedures; and

WHEREAS, the Authority has conducted a review and determined that Sections 644.01 Work Week and Hours, 644.02 Compensation, 644.03 Payroll Checks, 644.04 Payroll Deductions, 644.05 Overtime and 644.06 Call-out Policy for Exempt Employees, should be removed because they duplicate Personnel Policies 400.01, 400.02, 400.03, 400.04, 400.05 and 400.06; and

WHEREAS, the Authority has also determined that Personnel Policies 400.01, 400.02, 400.03, 400.04, 400.05 and 400.06 should be updated.

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Greater Cleveland Regional Transit Authority, Cuyahoga County, Ohio:

Section 1. That Sections 644.01 Work Week and Hours, 644.02 Compensation, 644.03 Payroll Checks, 644.04 Payroll Deductions, 644.05 Overtime and 644.06 Call-out Policy for Exempt Employees are hereby removed from the Codified Rules and Regulations of the Greater Cleveland Regional Transit Authority and retained as Sections 400.01, 400.02, 400.03, 400.04, 400.05 and 400.06 of the Personnel Policies.


Section 2. That Personnel Policies 400.01, 400.02, 400.03, 400.04, 400.05 and 400.06 are hereby amended to read as specified in Attachment A hereto.

Section 3. That the Board of Trustees hereby waives the fourteen-day period provided for in Article XI, Section 2 of the Bylaws.

Section 4. That this resolution shall become effective immediately upon its adoption.

Attachment A - Personnel Policies 400.01 – 400.06

Adopted: November 15, 2022



President

Attest:



Secretary-Treasurer

ATTACHMENT A TO RESOLUTION

Section 400 – Compensation & Benefits

A. Employee Compensation

400.01 WORK WEEK AND HOURS

The normal work week for full-time non-bargaining non-exempt Authority employees is forty (40) hours, generally five days per week, eight hours per day with a lunch period of uniform duration established by the department director. Lunch periods are unpaid and employees must be relieved from duty during this time.

A flextime program allows an employee to choose, within specified limits, the daily hours of work preferred. Thus, employees in a particular department or section may have different starting and finishing times, but will work the same required number of hours per week.

A flextime program shall be approved at the discretion of an employee's department director. A department director shall not approve flextime for employees in any department where it is determined that the normal operation of the Authority cannot be maintained.

400.02 COMPENSATION

Compensation practices shall comply with sound personnel management principles. Efforts shall be made to compensate employees fairly and equitably in accordance with applicable laws and regulations. Employees subject to collective bargaining agreements shall be compensated in accordance with the terms and conditions of those agreements.

In accordance with Article IV, Section 2 of the Greater Cleveland Regional Transit Authority Bylaws, the Board will set pay ranges for each grade of classified positions, as well as the pay ranges for all unclassified positions, subject to any legal or contractual limitation. The pay ranges will include both minimum and maximum compensation for each grade of classified positions and each unclassified position.

The Deputy General Manager- Human Resources as designated by the General Manager, Chief Executive Officer will determine the compensation of each individual employee within the pay range determined by the Board for that grade or position.

Any employee promoted to a higher classification shall advance to the pay range designated for the classification at a rate within the range that reflects internal equity and/or market competitiveness as determined by the Deputy General Manager-Human Resources as designated by the General Manager, Chief Executive Officer.

If a new position is established, the Deputy General Manager – Human Resources shall develop a job description and job title for the new position, evaluate the new position to designate the appropriate grade level and pay range, and assign the new position a classification number.

400.03 PAYROLL CHECKS

The anticipated annual salary received by an exempt employee, as defined by the Fair Labor Standards Act ("FLSA"), is divided into twenty-six equal parts. Exempt employees will receive the same, predetermined weekly salary for each week in which work is performed in accordance with state and federal law. Payroll checks, therefore, cover a full two-week period, starting on Sunday morning of the first week and terminating on Saturday of the second week. Non-exempt employees will be paid their regular rate of pay for all hours up to forty (40) worked in each seven-day work period, and time and a half their regular rate for any overtime hours worked past forty (40) hours thereafter, as authorized by the immediate supervisor and approved by the department director.

The GCRTA utilizes a direct deposit program and all employees are encouraged to avail themselves of this service.

400.04 PAYROLL DEDUCTIONS

There are two types of payroll deductions that the Authority shall be authorized to make from employee wages:

(a) **Mandatory:** Mandatory payroll deductions are made for applicable federal, state and local withholding taxes; the Ohio Public Employees Retirement System ("OPERS"); and all court-mandated deductions. Social Security tax is deducted for Medicare for employees hired after April 1, 1986.

(b) **Voluntary:** Employees may authorize deductions from wages for such items as healthcare, vision, and dental insurance, life insurance, U.S. Savings Bonds, charity choice contributions, agency fee/union dues, credit union deductions, deferred compensation contributions, and additional tax deductions beyond those required by law. For those employees subject to withholding payments mandated by a court or a child support enforcement agency ("CSEA"), the Authority is mandated by law to notify the court or CSEA of any lump sum payment of one hundred fifty dollars (\$150.00) or more. The Authority is further mandated by law to hold said lump sum payment for thirty (30) days after the payment date and upon order of the court or CSEA, to pay any specified amount of the lump sum payment to the Division of Child Support.

The GCRTA may otherwise deduct money from an exempt employees' salary for full day absences for personal reasons or as otherwise permitted by applicable federal and state law.

400.05 OVERTIME

Overtime is defined as hours worked beyond the normal forty (40) hour work week. In accordance with the Fair Labor Standards Act ("FLSA"), positions are classified as exempt or non-exempt from the wage and hour provisions based on the nature of the duties. Non-exempt positions are subject to a minimum wage and time and one-half rates of pay for hours worked beyond forty (40) hours in one week. Typically, this includes clerical, technical, and unskilled

positions. Exempt positions are not subject to the wage and hour provisions if the nature of the duties meets defined criteria. Typically, this includes executive, administrative, and professional positions. For those employees designated as eligible for overtime (non-exempt), additional time worked beyond the normal work week must be authorized by the immediate supervisor and approved by the department director. Employees will be paid for all hours actually worked, but employees who work overtime without prior authorization may be subject to disciplinary action.

For purposes of this section, the number of hours worked shall be deemed to include only hours actually worked.

Supervisors shall not authorize work in excess of forty (40) hours for non-exempt employees unless an appropriation in the department budget is available for payment.

In lieu of overtime payment for non-bargaining, non-exempt employees, a supervisor and a non-exempt employee may agree in advance to accrue compensatory time on a time and one-half basis for hours worked in excess of forty (40) hours in one week. At no time will any non-exempt employee accrue more than forty (40) hours of compensatory time. Accrued compensatory time off may be granted to the employee by his or her supervisor at a mutually convenient time.

Payment for accrued compensatory time not used upon termination of employment shall be calculated at the average regular rate of pay for the final three years of employment, or the final regular rate received by the employee, whichever is higher.

Employees in exempt positions, as defined in the FLSA, shall not receive compensation, either by payment of overtime or by compensatory time off, for additional time worked beyond the normal work week, except as stated in the Call-Out Policy.

400.06 CALL-OUT FOR EXEMPT EMPLOYEES

The salaries of exempt employees are based on compensation for performance of a job rather than hours worked. In general, it is expected that an exempt employee will work overtime, when requested, without additional compensation in order to accomplish a specific assignment. However, it is recognized that business circumstances can arise which create a need for an employee to be called-out in response to an emergency or other unusual or special circumstance. When such situations occur, eligible exempt employees may receive call-out compensation at the discretion of the General Manager, Chief Executive Officer or their designee.



TITLE/DESCRIPTION: REMOVING CERTAIN SECTIONS FROM THE CODIFIED RULES AND REGULATIONS OF THE GREATER CLEVELAND REGIONAL TRANSIT AUTHORITY AND AMENDING THE CORRESPONDING PERSONNEL POLICIES	Resolution No.: 2022-104
	Date: November 10, 2022
	Initiator: Human Resources
ACTION REQUEST: <input checked="" type="checkbox"/> Approval <input type="checkbox"/> Review/Comment <input type="checkbox"/> Information Only <input type="checkbox"/> Other _____	

- 1.0 **PURPOSE/SCOPE:** This resolution will remove Sections 644.01 Work Week and Hours, 644.02 Compensation, 644.03 Payroll Checks, 644.04 Payroll Deductions, 644.05 Overtime and 644.06 Call-out Policy for Exempt Employees from the Codified Rules and Regulations (“Code”) of the Greater Cleveland Regional Transit Authority as duplicative of Personnel Policies 400.01, 400.02, 400.03, 400.04, 400.05 and 400.06, respectively. This resolution will also amend those Personnel Policies.

- 2.0 **DESCRIPTION/JUSTIFICATION:** The Policies and Procedures of the Board of Trustees were codified in 1989, pursuant to Resolution 1989-176. The Code Book is now undergoing a comprehensive review and update so that the Code will conform to the current structure and operations of the Authority.

 Human Resources provisions are located in three places: (1) the Code Book, which provides the broad, overarching guidance for the Authority enacted by the Board of Trustees; (2) the Personnel Policies, which govern day-to-day operations and are approved by the Board of Trustees and (3) the Personnel Procedures, which contain detailed procedures that are not approved by the Board of Trustees. The proposed amendment will remove provisions from the Code Book that are exact duplicates of certain Personnel Policies and amend the affected Personnel Policies.

- 3.0 **PROCUREMENT BACKGROUND:** Does not apply.

- 4.0 **AFFIRMATIVE ACTION/DBE BACKGROUND:** Does not apply.

- 5.0 **POLICY IMPACT:** Adoption of the resolution will eliminate the duplication of provisions in the Code Book and the Personnel Policies and update the Personnel Policies.

- 6.0 **ECONOMIC IMPACT:** Does not apply.

- 7.0 **ALTERNATIVES:** Not adopting this resolution. Not adopting this resolution would leave the same provisions in both the Code Book and the Personnel Policies and would leave the Personnel Policies without certain clarifications.

- 8.0 **RECOMMENDATION:** This resolution was discussed at the November 1, 2022 Committee of the Whole meeting and recommended for consideration by the full Board of Trustees. It is recommended that this resolution be adopted.

- 9.0 ATTACHMENTS: A. Red-line of proposed removal of Sections 644.01, 644.02, 644.03, 644.04, 644.05 and 644.06
B. Red-line of proposed amendments to Personnel Policies 400.01, 400.02, 400.03, 400.04, 400.05 and 400.06

Recommended and certified as appropriate to the availability of funds, legal form and conformance with the Procurement requirements.



General Manager, Chief Executive Officer

ATTACHMENT A TO STAFF SUMMARY

EMPLOYEE COMPENSATION

644.01 WORK WEEK AND HOURS.

~~(a) The normal work week for full-time non-bargaining non-exempt Authority employees is forty hours, generally five days per week, eight hours per day with a lunch period of uniform duration established by the department director. Lunch periods are unpaid and employees should be relieved from duty during this time.~~

~~(b) A flextime program allows an employee to choose, within specified limits, the daily hours of work preferred. Thus, employees in a particular department or section may have different starting and finishing times, but will work the same required number of hours per week.~~

~~(c) A department head shall not approve flextime for employees in any department where it is determined that the normal operation of the Authority cannot be maintained.~~

~~(Res. 2001-119. Passed 8-21-01; Res. 2013-95. Passed 9-17-13.)~~

644.02 COMPENSATION.

~~(a) Compensation practices shall comply with sound personnel management principles. Efforts shall be made to compensate employees fairly and equitably in accordance with applicable laws and regulations. Employees subject to collective bargaining agreements shall be compensated in accordance with the terms and conditions of those agreements.~~

~~(b) In accordance with Article IV, Section 2 of the Greater Cleveland Regional Transit Authority Bylaws, the Board will set pay ranges for each grade of classified positions, as well as the pay ranges for all unclassified positions, subject to any legal or contractual limitation. The pay ranges will include both minimum and maximum compensation for each grade of classified positions and each unclassified position, with the maximum compensation for each being not less than 150 percent of the minimum. The CEO, General Manager/Secretary-Treasurer will determine the compensation of each individual employee within the pay range determined by the Board for that grade or position.~~

~~(c) Any employee promoted to a higher classification shall advance to the pay range designated for the classification at a rate within the range that reflects internal equity and/or market competitiveness as determined by the CEO, General Manager/Secretary-Treasurer.~~

~~(d) If a new position is established, the Director of Human Resources shall~~

~~develop a job description and job title, evaluate the position to designate the appropriate grade level and pay range, and assign a classification number.
(Res. 2002-96. Passed 5-21-02; Res. 2013-95. Passed 9-17-13.)~~

~~644.03 PAYROLL CHECKS.~~

~~(a) The anticipated annual salary received by an exempt employee, as defined by FLSA, is divided into twenty-six equal parts. Exempt employees will receive the same, predetermined weekly salary for each week in which work is performed in accord with State and Federal law. Payroll checks, therefore, cover a full two-week period, starting on Sunday morning of the first week and terminating on Saturday of the second week. Non-exempt employees will be paid their regular rate of pay for all hours up to forty worked in each seven-day work period and time and a half their regular rate for overtime hours worked thereafter.~~

~~(b) The GCRTA utilizes a direct deposit program and all employees are encouraged to avail themselves of this service.
(Res. 2001-119. Passed 8-21-01; Res. 2013-95. Passed 9-17-13.)~~

~~644.04 PAYROLL DEDUCTIONS.~~

~~(a) There are two types of payroll deductions that the Authority shall be authorized to make from employee wages:~~

- ~~(1) Mandatory. Mandatory payroll deductions are made for Federal, State and local withholding taxes; the Public Employees Retirement System (PERS); and all court-mandated deductions. Social Security tax is deducted for Medicare for employees hired after April 1, 1986.~~
- ~~(2) Voluntary. Employees may authorize deductions from wages for such items as hospitalization insurance, life insurance, U.S. Savings Bonds, charity choice contributions, agency fee/union dues, credit union deductions, and deferred compensation contributions~~

~~(b) For those employees subject to withholding payments mandated by the Court or the Child Support Enforcement Agency, the Authority is mandated by law to notify the Court or CSEA of any lump sum payment of one hundred fifty dollars (\$150.00) or more. The Authority is further mandated by law to hold said lump sum payment for thirty days after the payment date and upon order of the Court or CSEA, to pay any specified amount of the lump sum payment to the Division of Child Support.~~

~~(c) The GCRTA may otherwise deduct money from an exempt employee's salary for full day absences for personal reasons or as otherwise permitted by applicable Federal and State law.
(Res. 2001-119. Passed 8-21-01; Res. 2013-95. Passed 9-17-13.)~~

~~644.05 OVERTIME.~~

~~(a) Overtime is defined as hours worked beyond the normal work week. In accordance with the Fair Labor Standards Act, positions are classified as exempt or non-exempt from the wage and hour provisions based on the nature of the duties. Non-exempt positions are subject to a minimum wage and time and one-half rates of pay for hours worked beyond forty in one week. Typically, this includes clerical, technical, and unskilled positions. Exempt positions are not subject to the wage and hour provisions if the nature of the duties meets defined criteria. Typically, this includes executive, administrative, and professional positions. For those employees designated as eligible for overtime (non-exempt), additional time worked beyond the normal work week must be authorized by the immediate supervisor and approved by the department director. Employees will be paid for all hours actually worked, but employees who work overtime without prior authorization may be subject to disciplinary action.~~

~~(b) For purposes of this section, the number of hours worked shall be deemed to include only hours actually worked.~~

~~(c) Supervisors shall not authorize work in excess of forty hours for non-exempt employees unless an appropriation in the department budget is available for payment.~~

~~(d) In lieu of overtime payment and for non-bargaining employees, a supervisor and a non-exempt employee may agree in advance to accrue compensatory time on a time and one-half basis. At no time will any non-exempt employee accrue more than forty hours of compensatory time. Accrued compensatory time off may be granted to the employee by his or her supervisor at a mutually convenient time.~~

~~(e) Payment for accrued compensatory time not used upon termination of employment shall be calculated at the average regular rate of pay for the final three years of employment, or the final regular rate received by the employee, whichever is higher.~~

~~(f) Employees in exempt positions, as defined in the Fair Labor Standards Act, will not receive compensation, either by payment of overtime or by compensatory time off, for additional time worked beyond the normal work week, except as stated in the Call-Out Policy.~~

~~(Res. 2001-119. Passed 8-21-01; Res. 2013-95. Passed 9-17-13.)~~

~~644.06 CALL-OUT POLICY FOR EXEMPT EMPLOYEES.~~

~~The salaries of exempt employees are based on compensation for performance of a job rather than performance on a time basis. In general, it is expected that an~~

ATTACHMENT B TO STAFF SUMMARY

Section 400 – Compensation & Benefits

A. Employee Compensation

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The ~~CEO, Deputy General Manager- Human Resources as designated by the~~ General Manager/~~Secretary-Treasurer, Chief Executive Officer~~ will determine the compensation of each individual employee within the pay range determined by the Board for that grade or position.

Any employee promoted to a higher classification shall advance to the pay range designated for the classification at a rate within the range that reflects internal equity and/or market competitiveness as determined by the ~~Deputy General Manager-Human Resources as designated by the~~ CEO, General Manager/Secretary-Treasurer, Chief Executive Officer.

If a new position is established, the ~~Director of~~Deputy General Manager – Human Resources shall develop a job description and job title for the new position, evaluate the new position to designate the appropriate grade level and pay range, and assign the new position a classification number.

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The anticipated annual salary received by an exempt employee, as defined by [the Fair Labor Standards Act \("FLSA"\)](#), is divided into twenty-six equal parts. Exempt employees will receive the same, predetermined weekly salary for each week in which work is performed in accordance with state and federal law. Payroll checks, therefore, cover a full two-week period, starting on Sunday morning of the first week and terminating on Saturday of the second week. Non-exempt employees will be paid their regular rate of pay for all hours up to [forty \(40\)](#) worked in each seven-day work period, and time and a half their regular rate for [any](#) overtime hours worked [past forty \(40\) hours](#) thereafter, [as authorized by the immediate supervisor and approved by the department director](#).

The GCRTA utilizes a direct deposit program and all employees are encouraged to avail themselves of this service.

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There are two types of payroll deductions that the Authority shall be authorized to make from employee wages:

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(b) **Voluntary:** Employees may authorize deductions from wages for such items as [hospitalization, healthcare, vision, optical, and dental](#) insurance, life insurance, U.S. Savings Bonds, charity choice contributions, agency fee/union dues, credit union deductions, ~~and~~ deferred compensation contributions, [and additional tax deductions beyond those required by law](#). For those employees subject to withholding payments mandated by ~~the a Court~~ [court](#) or ~~the a Child Support support Enforcement enforcement Agency agency~~ [\("CSEA"\)](#), the Authority is mandated by law to notify the ~~Court court~~ [court](#) or CSEA of any lump sum payment of one hundred fifty dollars (\$150.00) or more. The Authority is further mandated by law to hold said lump sum payment for thirty (30) days after the payment date and upon order of the ~~Court court~~ [court](#) or CSEA, to pay any specified amount of the lump sum payment to the Division of Child Support.

The GCRTA may otherwise deduct money from an exempt employee's salary for full day absences for personal reasons or as otherwise permitted by applicable federal and state law.

400.05 OVERTIME

Overtime is defined as hours worked beyond the normal [forty \(40\) hour](#) work week. In accordance with the Fair Labor Standards Act [\("FLSA"\)](#), positions are classified as exempt or non-exempt from the wage and hour provisions based on the nature of the duties. Non-exempt positions are subject to a minimum wage and time and one-half rates of pay for hours worked

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Supervisors shall not authorize work in excess of forty (40) hours for non-exempt employees unless an appropriation in the department budget is available for payment.

In lieu of overtime payment and for non-bargaining, non-exempt employees, a supervisor and a non-exempt employee may agree in advance to accrue compensatory time on a time and one-half basis for hours worked in excess of forty (40) hours in one week. At no time will any non-exempt employee accrue more than forty (40) hours of compensatory time. Accrued compensatory time off may be granted to the employee by his or her supervisor at a mutually convenient time.

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400.06 CALL-OUT FOR EXEMPT EMPLOYEES

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