

MEMORANDUM

To: City Council

From: David J. Deutsch
City Manager

Subject: Holiday Pay – Emergency Ordinance O-6-09

Date: May 26, 2009

Emergency Ordinance O-6-09 addresses the matter of fairly compensating employees for holidays when they are not scheduled to work a particular day that a holiday falls on, but still are required to work a full week otherwise during the week the holiday falls.

The City has been paying some employees impacted in this fashion by adding an additional day to their pay each week when a holiday occurs that they are not scheduled to work. Since they are already scheduled to be off when the holiday occurs they would not otherwise receive the benefit of the holiday unless they received this additional payment. Because of certain provisions in the City's Personnel Ordinance, this reimbursement for the extra day is compensated at one and one-half times the employee's salary rather than at regular time. In essence, what this does is to allow for additional compensation to employees over and above their regular salaries.

What is proposed by this ordinance is to compensate employees who are regularly scheduled not to work a holiday, but are still scheduled to work a full week when a holiday occurs, the opportunity to use the holiday they did not receive within the next 60 days from the date of the holiday with appropriate notice and approval of their supervisor. This will treat these employees consistently with other employees who took the holiday on the day it was provided. It will eliminate the need to pay employees who are not scheduled to work on a holiday, but otherwise work a full week, at one and one-half times over and above their current salaries.

This proposed ordinance change has been reviewed with the employees most directly impacted by this modification.

This Emergency Ordinance, will be introduced on June 1, 2009, considered by Council on June 15, 2009, and if approved by Council on June 15, 2009, would become effective on July 1, 2009 since this is an Emergency Ordinance.

Staff Recommendation

Because Ordinance O-06-09 resolves an issue of the City providing additional compensation to an employee who is not scheduled to work a holiday, but is scheduled to work a full week, by replacing this practice with allowing an employee who is not scheduled to work a holiday, who is otherwise scheduled to work a full week, to use this holiday within a 60 day period after the date of the holiday. This is fair and consistent with how employees who normally benefit from regularly scheduled holidays are treated. Staff supports the enactment of Ordinance O-06-09.

Attachment

DJD/JLF/adf

EMERGENCY ORDINANCE
OF THE COUNCIL OF THE CITY OF BOWIE, MARYLAND,
AMENDING CHAPTER 2, “ADMINISTRATION”, ARTICLE II,
“PERSONNEL SYSTEM”, DIVISION 7, “BENEFITS - LEAVE,
INSURANCE, RETIREMENT, ETC.”; SECTION 2-55, “HOLIDAYS”,
IN ORDER TO PROVIDE FOR THE SUBSTITUTION OF A
FLOATING HOLIDAY IN LIEU OF A REGULAR CITY HOLIDAY IN
CASES IN WHICH AN EMPLOYEE IS OTHERWISE SCHEDULED
TO WORK A FULL WORK WEEK DURING A WEEK IN WHICH
THERE IS A REGULAR CITY HOLIDAY

WHEREAS, pursuant to Article 23A of the Annotated Code of Maryland, the Council of the City of Bowie, Maryland (the “City Council”) has the authority to pass such ordinances as it deems necessary to preserve peace and good order, to secure persons from danger and destruction and to protect the health, comfort and convenience of the citizens of the municipality; and

WHEREAS, pursuant to this authority, the City Council has enacted certain regulations pertaining to City employment, which are codified in Chapter 2, “Administration”, of the City Code, Article II, “Personnel system”, Division 7, “Benefits - Leave, Insurance, Retirement, etc.”; and

WHEREAS, Section 2-55, “Holidays”, sets forth the City’s regulations relating to granting of holidays and the method of calculation of compensation for employees with respect to said holidays; and

WHEREAS, it has come to the attention of the City Council that the City has been incurring unexpectedly large payroll obligations for employees who are being paid for holidays falling during weeks in which the employee otherwise works a full schedule of forty hours; and

WHEREAS, in order to reduce the budgetary impacts of holiday compensation without penalizing employees by reducing the number of paid holidays they receive, the City Council has determined that it is in the City's best interests to amend the City's policy regarding holidays; and

WHEREAS, for the reasons stated hereinabove, the City Council desires to amend Chapter 2, Section 2-55 to require that employees who are scheduled to work a full schedule during a week in which there is a designated City holiday but who are not scheduled to work on the designated holiday will receive, in lieu of the designated City holiday, a floating holiday to be used during another week on a day upon which the employee would otherwise be scheduled to work, provided that the employee will be required to use the floating holiday within sixty days of the regular City holiday for which it has been substituted; and

WHEREAS, the City Council desires to codify existing City policy allowing City employees to take the Friday following Thanksgiving as a holiday; and

WHEREAS, in order to realize the greatest budgetary benefit of the change in policy regarding holidays, the City Council has determined that the public interest urgently requires that the change be implemented prior to the first pay period of the fiscal year beginning July 1, 2009 and that this Ordinance shall therefore be deemed an Emergency Ordinance.

Section 1. NOW THEREFORE, BE IT ORDAINED AND ENACTED, by the Council of the City of Bowie, Maryland that Chapter 2, "Administration," Article II, "Personnel System," Division 7, "Division 7. Benefits - Leave, Insurance, Retirement,

etc.”, Section 2-55, “Holidays”, of the City Code be and is hereby amended to read as follows:

Sec. 2-55. Holidays.

(a) EXCEPT AS PROVIDED IN SUBSECTION (I) BELOW, the following days shall be recognized and observed as paid holidays:

- | | | |
|---|------------------|----------------------|
| New Year's Day | Memorial Day | Veteran's Day |
| M.L. King Jr. Day | Independence Day | Thanksgiving Day AND |
| THE FRIDAY IMMEDIATELY FOLLOWING THANKSGIVING DAY | | |
| President's Day | Labor Day | Christmas Day |

In supplement to the above holidays, two additional holidays shall be granted to employees who may take a day of their own choosing. Advance notice of two (2) days shall be given to the Department Head, or, in the case of the Department Heads, to the City Manager.

* * *

(I) ANY EMPLOYEE WHO IS SCHEDULED TO BE OFF WORK ON A DAY OTHERWISE RECOGNIZED AS A CITY HOLIDAY PURSUANT TO SUBSECTION (A) HEREOF SHALL RECEIVE, IN LIEU OF SUCH HOLIDAY, A FLOATING HOLIDAY, WHICH THE EMPLOYEE MAY USE ON A DAY OF THE EMPLOYEE'S CHOOSING UPON WHICH THE EMPLOYEE WOULD OTHERWISE BE SCHEDULED TO WORK A FULL SHIFT, PROVIDED:

(1) THAT THE EMPLOYEE'S REQUEST TO SCHEDULE A FLOATING HOLIDAY GRANTED UNDER THIS SUBSECTION MUST BE SUBMITTED TO THE EMPLOYEE'S SUPERVISOR AT LEAST ONE WEEK PRIOR TO THE BEGINNING OF THE PAY PERIOD DURING WHICH THE EMPLOYEE DESIRES TO SCHEDULE THE FLOATING HOLIDAY.

(2) THAT THE EMPLOYEE MUST SCHEDULE A FLOATING HOLIDAY GRANTED UNDER THIS SUBSECTION TO BE USED WITHIN SIXTY (60) DAYS OF THE REGULAR CITY HOLIDAY FOR WHICH THE FLOATING HOLIDAY HAS BEEN SUBSTITUTED OR SUCH FLOATING HOLIDAY WILL BE FORFEITED; AND

(3) THAT AN EMPLOYEE WHO IS SCHEDULED TO USE A FLOATING HOLIDAY PURSUANT TO THIS SUBSECTION MAY NOT BE SCHEDULED TO WORK ANY AMOUNT OF TIME DURING THAT PAY PERIOD THAT, WHEN ADDED TO THE FLOATING HOLIDAY, EXCEEDS EIGHTY (80) HOURS FOR THAT PAY PERIOD WITHOUT THE APPROVAL OF THE CITY MANAGER OR HIS DESIGNEE.

Section 2. BE IT FURTHER ORDAINED, by a vote of at least 2/3 of the members of the City Council, that this Emergency Ordinance shall become effective upon July 1, 2009, provided that a fair summary of this Ordinance is published at least once prior to the date of passage and at least once within ten (10) days after the date of passage in a newspaper having general circulation in the City.

INTRODUCED by the Council of the City of Bowie, Maryland at a regular meeting on the 1st day of June, 2009.

PASSED by the Council of the City of Bowie, Maryland at a regular meeting on the _____ day of June, 2009.

ATTEST:

THE CITY OF BOWIE, MARYLAND

Pamela A. Fleming
City Clerk

By: _____
G. Frederick Robinson, Mayor

APPROVED AS TO FORM AND SUFFICIENCY:

Robert H. Levan, City Attorney