

**METROPOLITAN EXPOSITION RECREATION COMMISSION**

**Resolution No. 13-28**

For the purpose of adopting changes to the Metropolitan Exposition Recreation Commission (MERC) Personnel Policies Section 16.1 Holidays by adding an additional holiday that falls on the day after Thanksgiving for full-time, non-represented employees.

**WHEREAS**, MERC is authorized to adopt personnel policies pursuant to Metro Code Sections 2.02.010(b) and 6.01.040(a); and

**WHEREAS**, MERC periodically updates the MERC Personnel Policies (the Personnel Policies) in accordance with both legal requirements and agency wide policies; and

**WHEREAS**, MERC wants to add the day after Thanksgiving as an annual holiday for full-time non-represented employees; and


**WHEREAS**, employees that defer this holiday must take the deferred holiday within the same fiscal year.

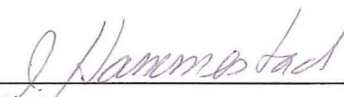
**THEREFORE BE IT RESOLVED:**

That MERC adopts the changes to Section 16.1 of the MERC Personnel Policies attached hereto.

Passed by the Commission on November 6, 2013.

Approved As to Form:  
Alison R. Kean, Metro Attorney

By:   
Nathan A.S. Sykes, Deputy Metro Attorney

  
Chair

  
Secretary/Treasurer

## EXHIBIT A

### 16.1 Holidays

The following shall be considered holidays for full-time employees. However, Personal Days (16.1 C) cannot be utilized by employees in their initial probationary period.

<u>HOLIDAY</u>	<u>DATE</u>
New Year's Day	January 1
Martin Luther King, Jr.'s Birthday	Third Monday in January
President's Day	Third Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	First Monday in September
Veteran's Day	November 11
Thanksgiving Day	Fourth Thursday in November
Friday Following Thanksgiving Day	Fourth Friday in November
Christmas Day	December 25
Three Personal Days	Open

A. Exempt employees working on a holiday will be compensated at their regular rate of pay and the holiday will be accrued to be taken at a later date within the same fiscal year. Non-exempt employees who work on a holiday and are eligible for overtime compensation shall receive one-and-one-half (1 1/2) time compensation for the time worked if the employee has actually worked 40 hours during the week in which the holiday occurs. If the employee has not worked 40 hours during the week in which the holiday occurs, payment for time worked will be at straight time. Additional holiday compensation does not apply to personal days (16.1 D).

B. For those individuals who work more than eight (8) hours a day (*i.e.*, 9, 10, or 12 hour days) as their normal schedule, the number of holiday hours paid for personal and recognized holidays shall be equal to the number of hours in their regular workday.

C. The three (3) personal days may be used at the employee's discretion during the fiscal year in which they accrue.

Employees hired between July 1 and October 31 will receive three (3) personal days; employees hired between November 1 and February 29 will receive two (2) personal days; and employees hired between March 1 through June 30 will receive one (1) personal day. Requests to use personal days will be handled as vacation leave (16.2C). If the personal holidays are not taken within the fiscal year, they will be lost.

Personal days cannot be utilized by employees in their initial probationary period.

Employees hired between January 1 and June 30 may carry their personal holiday(s) earned during probation until the end of the following fiscal year.

D. Whenever a holiday falls on Saturday, the preceding Friday shall be observed as the holiday. Whenever a holiday falls on a Sunday the following Monday shall be observed as the holiday. Full-time employees working an irregular workweek shall receive the same number of holidays as employees working a regular workweek unless otherwise defined in a collective bargaining agreement.

## MERC STAFF REPORT

### **Agenda Item/Issue:**

Adopting changes to the Metropolitan Exposition Recreation Commission (MERC) Personnel Policies Section 16.1 Holidays by adding an additional holiday that falls on the day after Thanksgiving for full-time, non-represented employees.

**Resolution No.:** 13-28

**Presented by:** Teri Dresler, General Manager Visitor Venues

**Date:** November 6, 2013

### **Background and Analysis:**

In 2011, MERC approved Resolution 11-24 authorizing the addition of the Friday after Thanksgiving to the list of holidays for one year only, for full time non-represented MERC employees as a part of a package of new compensation strategies. At the time of the 2011 resolution Metro, agency wide, had instituted the addition of the day after Thanksgiving as a holiday for non represented staff. MERC elected to pilot the holiday for one year only. The addition of this new holiday in the MERC venues did not have a negative budget impact nor did it affect the productivity of staff. The positive morale outcome of adding this holiday far outweighed any concerns management may have had. Approval of this resolution will bring equity across the entirety of Metro with the day after Thanksgiving being designated a holiday agency wide for non represented staff.

If, due to the needs of their facility an employee is unable to take the day after Thanksgiving as a holiday, the employee will be able to schedule it at a later date during the same fiscal year with approval of their manager. Exempt employees working on the holiday will be compensated at their regular rate of pay. Non-exempt employees who work on the holiday and are eligible for overtime compensation will receive overtime compensation for the time worked only for any hours over forty (40) worked in the week in which the holiday occurs. If the employee has not worked 40 hours during the week in which the holiday occurs, payment for time worked will be straight time. In no circumstances will the employee receive holiday pay and pay for hours worked. Represented staff scheduled to work the Friday after Thanksgiving will be paid in accordance with applicable language in the collective bargaining agreement.

The Resolution also adds language that clarifies that all deferred holidays must be taken within the same fiscal year. This has been past practice but the personnel policies did not specify that employees who defer their holidays due to business reasons are expected to use them within the same fiscal year.

### **Resolution:**

That MERC adopts the change to the Personnel Policies Section 16.1 Holidays by adding an additional holiday that falls on the day after Thanksgiving for full-time, non-represented employees. It also adds language that stipulates that deferred holidays must be taken within the same fiscal year. All other provisions of Section 16.1 remain the same.

### **Long Range Fiscal Impact:**

There are no fiscal impacts if this resolution is approved.

### **Recommendation:**

Staff recommends that the Commission approve Resolution 13-28 for the purpose of adopting changes to the Metropolitan Exposition Recreation Commission (MERC) Personnel Policies Section 16.1 Holidays by adding an additional holiday that falls on the day after Thanksgiving for full-time, non-represented employees.