

RESOLUTION 20-21 – TEMPORARY REVISIONS TO PERSONNEL MANUAL TO INCREASE THE ANNUAL LEAVE MAXIMUM ACCUMULATION PROVISIONS THROUGH 2022.

WHEREAS, the Delaware River and Bay Authority (the “Authority”) Personnel Manual (the “Manual”), adopted in March 1994 and periodically amended, most recently in January 2020, sets forth policies, procedures and benefits associated with Authority employment; and

WHEREAS, as provided in the Manual in Section X. Employee Benefits, Permanent Full-Time Employees, Subsection O. Annual Leave Eligibility and Pay Rate provides for “All permanent full-time employees to receive credit for and accumulate annual leave for each complete calendar month of service. Accrual of annual leave begins on the date of hire as a permanent full-time employee. Annual leave carried into a new year may not exceed the maximum accumulations listed above. This determination is made on December 31 of each year, and although it is possible to accrue in excess of the maximum rate during the year, only the authorized maximum may be carried forward”; and

WHEREAS, the Authority encourages all permanent full-time employees to take their annual leave time during the calendar year to balance work and family; and

WHEREAS, the public safety health pandemic across the nation and especially in the states where our permanent full-time employees work and live have been in different phases of lockdown and reopening since March 2020; and

WHEREAS, our permanent full-time employees have worked combinations of on-site, telework, and/or standby during this public safety health pandemic to comply with the States of New Jersey and Delaware directives; and

WHEREAS, our permanent full-time employees have not been able to take much if any of their accrued annual leave during the COVID-19 pandemic and this is expected to continue through the remainder of 2020 due to the public health crisis; and

WHEREAS, by not using accrued annual leave during the COVID-19 pandemic, over 30% of our permanent full-time employees will lose hours of accumulated annual leave in excess of the maximum allowed to be carried into another calendar year under our current policy; and

WHEREAS, the rate of annual leave accumulation will remain unchanged; and

WHEREAS, it is in the best interests of the Authority and its employees to temporarily allow the increase of annual maximum leave carryover until December 31, 2022 to provide the ability to exhaust accrued unused annual leave over a two (2)-year period; and

WHEREAS, this temporary revision will allow employees to carryover in excess of the current maximum by up to 120 hours for all years of service into 2021 and carryover in excess of the maximum by up to 60 hours for all years of service into 2022 and utilize all excess maximum annual leave by December 31, 2022; and

WHEREAS, the Personnel Committee recommends the acceptance of this temporary revision for permanent full-time employees in annual leave maximum accumulation only for years 2020 and 2021 at the rates specified above; and

WHEREAS, in the event that a permanent full-time employee resigns, retires, or employment is terminated for any reason or the employee dies while in the service of the Authority, the employee or the employee’s estate shall only be paid for accrued unused Annual Leave up to the original established maximum annual accumulations, not the revised maximum annual accumulation; and

WHEREAS, these temporary actions are specific to the ongoing circumstances around the impact of the COVID-19 pandemic and do not constitute a past practice or precedent.

NOW, THEREFORE, BE IT RESOLVED that the Delaware River and Bay Authority hereby authorizes temporary revision to the annual leave maximum carryover to expire on December 31, 2022 as stated below.

The rate of accumulation shall remain unchanged.

For calendar year 2020, the amount of maximum annual leave that may be carried over into 2021 shall be as follows:

Years of Service	Rate of Accumulation	Maximum Accumulation
Less than 5	8 hours/month (96/yr.)	320 hours
5 or more but less than 10	10 hours/month (120/yr.)	360 hours
10 or more but less than 15	12 hours/month (144/yr.)	400 hours
15 or more but less than 20	14 hours/month (168/yr.)	440 hours
20 or more	16 hours/month (192/yr.)	520 hours

For calendar year 2021, the amount of maximum annual leave that may be carried over into 2022 shall be as follows:

Years of Service	Rate of Accumulation	Maximum Accumulation
Less than 5	8 hours/month (96/yr.)	260 hours
5 or more but less than 10	10 hours/month (120/yr.)	300 hours
10 or more but less than 15	12 hours/month (144/yr.)	340 hours
15 or more but less than 20	14 hours/month (168/yr.)	380 hours
20 or more	16 hours/month (192/yr.)	460 hours

As of December 31, 2022, the Annual leave carried into a new calendar year may not exceed the maximum accumulations listed below (reverts back to the original established maximum accumulation):

Years of Service	Rate of Accumulation	Maximum Accumulation
Less than 5	8 hours/month (96/yr.)	200 hours
5 or more but less than 10	10 hours/month (120/yr.)	240 hours
10 or more but less than 15	12 hours/month (144/yr.)	280 hours
15 or more but less than 20	14 hours/month (168/yr.)	320 hours
20 or more	16 hours/month (192/yr.)	400 hours

Resolution 20-21 Executive Summary Sheet

Resolution: TEMPORARY REVISIONS TO PERSONNEL MANUAL TO INCREASE THE ANNUAL LEAVE MAXIMUM ACCUMULATION PROVISIONS

THROUGH 2022.

Committee: Personnel Committee

Committee Date: July 21, 2020

Board Date: July 21, 2020

Purpose of Resolution:

To temporarily revise the maximum accumulation of annual leave due to COVID-19 restrictions which have prevented permanent full-time employees from taking leave. Over 30% of permanent full-time employees will lose time if maximum accumulation amount is not increased. Increase of maximum accumulation of annual leave by up to 120 additional hours into year 2021 and up to 60 additional hours into year 2022. All excess accumulated annual leave must be used by December 31, 2022.

Background for Resolution:

During the COVID-19 pandemic, many permanent full-time employees have been unable to use accumulated annual leave. Annual leave carried into a new calendar year may not exceed the maximum accumulations listed below. This determination is made on December 31 of each year, and although it is possible to accrue in excess of the maximum rate during the year, only the authorized maximum may be carried forward. This temporary revision would allow permanent full-time employees to carryover in excess of the maximum by up to 120 hours for all years of service into 2021 and carryover in excess of the maximum by up to 60 hours for all years of service into 2022 and utilize all excess maximum annual leave by December 31, 2022.

The current annual leave accrual is as follows:

Years of Service	Rate of Accumulation	Maximum Accumulation
Less than 5	8 hours/month (96/yr.)	200 hours
5 or more but less than 10	10 hours/month (120/yr.)	240 hours
10 or more but less than 15	12 hours/month (144/yr.)	280 hours
15 or more but less than 20	14 hours/month (168/yr.)	320 hours
20 or more	16 hours/month (192/yr.)	400 hours

Permanent full-time employees carrying over in excess of the above maximum annual leave will be strongly encouraged to use the excess carryover annual leave first in 2021 and 2022 before using all other paid non-sick leave. All excess maximum annual leave must be used by December 31, 2022.

For years 2021 and 2022, in the event that a permanent full-time employee resigns, retires, or employment is terminated for any reason or the employee dies while in the service of the Authority, the employee or the employee's estate shall only be paid for accrued unused Annual Leave up to the original established maximum annual accumulations, not the revised maximum annual accumulation.

These temporary actions are specific to the ongoing circumstances around the impact of the COVID-19 pandemic and do not constitute a past practice or precedent.

The rate of accumulation shall remain unchanged.

For calendar year 2020, the amount of maximum annual leave that may be carried over into 2021 shall be as follows:

Years of Service	Rate of Accumulation	Maximum Accumulation
Less than 5	8 hours/month (96/yr.)	320 hours
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For calendar year 2021, the amount of maximum annual leave that may be carried over into 2022 shall be as follows:

Years of Service	Rate of Accumulation	Maximum Accumulation
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10 or more but less than 15	12 hours/month (144/yr.)	340 hours
15 or more but less than 20	14 hours/month (168/yr.)	380 hours
20 or more	16 hours/month (192/yr.)	460 hours

As of December 31, 2022, the annual leave carried into a new calendar year may not exceed the maximum accumulations listed below (which is current prior to this resolution):

Years of Service	Rate of Accumulation	Maximum Accumulation
Less than 5	8 hours/month (96/yr.)	200 hours
5 or more but less than 10	10 hours/month (120/yr.)	240 hours
10 or more but less than 15	12 hours/month (144/yr.)	280 hours
15 or more but less than 20	14 hours/month (168/yr.)	320 hours
20 or more	16 hours/month (192/yr.)	400 hours