



Town of Upper Marlboro

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MEMORANDUM

To: Board of Town Commissioners
From: Mayor Sarah Franklin & Department Heads
Date: Tuesday June 21st, 2022
Re: Discussion of possible Handbook Amendments

Commissioners,

There are two handbook amendments that have been discussed in the last few months to clarify and expand some of the policies in the Town's Employee Handbook. The two areas are with regard to overtime pay and with regard to randomized drug testing. Each topic is outlined below.

Overtime Pay

Currently, there is some confusion and inconsistency in how overtime pay is paid out for Town employees. I have gathered the following information from our HR Firm, Insurity, and believe we need to incorporate this into the handbook to provide clarity on how overtime hours are paid.

Guide to Wage Payment and Employment Standards

Overtime Final Rule Overtime is payment to an employee of one and one-half (1.5) times the regular hourly wage for work performed in excess of 40 hours in a 7-day week. For some occupations in Maryland, overtime is calculated based on a different period of time. Certain farm workers, for example, receive overtime for hours worked over 60 in a week. However, under state and federal laws, some employers are exempt from the requirement to pay overtime, and some employees are exempt from the right to receive it. Leave hours, including vacation, sick time, holiday, etc., are not counted toward the accumulated hours in a week for overtime purposes. Overtime is calculated on hours actually worked.

Source: <https://www.dllr.state.md.us/labor/wagepay/wpotgenl.shtml>

There is currently a holiday pay category that is paid at double time for work on Holidays. Town Staff would also like to recommend the following consideration regarding overtime pay options:

- 2-hour Call-back minimum- Staff is recommending establishing as minimum hour requirement if staff is called into Town after hours or on weekends to handle an emergency situation. If the call-back event takes less than 2hrs the employee will be paid for two full hours, over ever if the event is longer than 2hrs the employee is paid for actual time worked. This call-back applies only to hourly workers.
- On-call Pay – When a PW staff member is on call for inclement weather or other emergency events they will receive a on call rate of their regular hourly pay plus \$1.00.

- Event Pay – This would be a special pay category that would provide staff time-and-one-half pay for any hours worked for special Town events. (In consideration of this, we should also consider charging outside events for staff hours so as not to incur costs for outside events.)

We hope this will provide the necessary information for a discussion on this matter. The next steps will be drafting a modification to the handbook that incorporates the Board's decisions and approving that update at the next regular Town meeting.

Drug Testing

The Town will be required to drug test its Public Safety officers as part of a randomized drug testing program starting this fall. These programs assign each employee a number and then numbers are selected from a larger number pool each month or quarter. As we are looking at randomized testing for some of our employees, the question has arisen: Do we want to implement this policy for all staff that is authorized to drive a Town vehicle?