



Birmingham-Jefferson County Transit Authority  
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**Report to the Board  
Human Relations Committee**

Wednesday, August 19, 2009

**Opening:** The meeting was called to order by the Committee Chairman, Frank Galloway, at 10:50 a.m. in the Executive Briefing Room, located at Central Station, 1735 Morris Avenue, Birmingham, Alabama 35203.

**Members Present:** Frank Galloway and Johnnye P. Lassiter

**Members Absent:** Brian Hamilton

**Others Present:** Debra Anderson-Burse, Jacquese Gary, Barbara Lawson, Tracy Lewis, Richard Nardecchia, Kevin Palmer, Wytangy Peak, Joi Scott, and Collina Washington

**Adoption of the Agenda:** The agenda was adopted by general consent.

**Items for Information and/or Discussion:**

Travel Policy

Since there is a moratorium on travel, Mr. Galloway postponed this discussion for another meeting.

Update from Legal Counsel on BJCTA Guidelines and Legal Liabilities for Employees Working Multiple Shifts Without Rest

Joi Scott, Legal Counsel, reported that she had been working with Brian Hamilton on this matter. She referred to the Labor Union Contract Agreement where there is a nine hour rest period mentioned. Ms. Scott would like an opportunity to review the hours worked with William Copling, Interim Executive Director. Mr. Galloway said that the BJCTA should be sure to not develop a policy that was contrary the provisions in the Labor Contract or to the good common sense of safety matters.

Update on Reclassification of Employee Status (exempt or non-exempt)

Ms. Scott confirmed that the BJCTA is handling the classifications properly. There remain a few more job summaries to be reviewed.

Update from Legal Counsel on Whether or Not an Hourly Paid Employee Can Elect Compensatory Time, Rather Than Receiving Overtime Pay

Ms. Scott referred to an email from Ken Simon, Legal Counsel, to Director Doris Powell and reported that because the BJCTA is a public organization, compensatory time is

allowed for hourly paid employees. The current BJCTA policy is very vague and does not prohibit an employee from receiving compensatory time; nor does it define either compensatory time or overtime pay. The compensatory time given to an hourly paid employee should be paid at least 1.5 times the overtime hours worked. The employee has the right to elect whether to receive compensatory time or overtime pay. There is no limit to when an employee can take the compensatory time as long as it does not roll over to a new year. In the Union contract, the hourly paid employees receive overtime pay for all time in excess of 40 hours, without option.

Johnnye P. Lassiter asked if the timesheets reflect compensatory time taken. Debra Anderson-Burse, Director of Administration and Risk Management, reported that the supervisors are responsible for keeping records of compensatory time accruals and currently, there is no consistency at the BJCTA in tracking compensatory time. Tracy Lewis, Accounting Specialist, reported that there is a specific place on the timesheet where an employee could record their compensatory time used. The Committee requested to receive a copy of a timesheet and the employee absence tracking spreadsheet.

In response to Rev. Patrick Seller's question, Richard Nardecchia reported that overtime is currently suspended for administrative employees.

#### Cost Comparison and Reduction of Overtime

Ms. Burse apologized for not having the report available for discussion. Mr. Galloway requested that the report be submitted as soon as possible.

#### Travel and Leave Approval

Since there is a moratorium on travel, Mr. Galloway postponed this discussion for another meeting.

#### **Resolutions for Consideration & Recommendation:**

**Resolution No. 2009-24** - Authorizing Adoption of the BJCTA Drug and Alcohol Program Policy was moved by Johnnye P. Lassiter; seconded by Frank Galloway and forwarded to the full Board for its consideration, with changes requested.

**Old Business** – None

**New Business** – None

**Adjournment** – The meeting was adjourned.

Minutes submitted by: Barbara Lawson, Administrative Assistant

Date: \_\_\_\_\_

Approved by: \_\_\_\_\_  
Frank Galloway, Committee Chairman