

hours and 4 of the hours the employee worked each week were nightshift hours compensated at a premium rate of an extra \$5 per hour, the employee's total straight time earnings would be \$620 (fixed salary of \$600 plus \$20 of premium pay for the 4 nightshift hours). In this case, the regular rate of pay in each of these weeks is \$16.53 and \$12.92, respectively, and the employee's total compensation would be calculated as follows: For the 37.5 hour week the employee is owed \$620 (fixed salary of \$600 plus \$20 of non-overtime premium pay, with no overtime hours); and for the 48 hour week \$671.68 (fixed salary of \$600 plus \$20 of non-overtime premium pay, and 8 hours of overtime at one-half times the regular rate of \$12.92 for a total overtime payment of \$51.68). This principle applies in the same manner regardless of the reason for the hourly premium rate (e.g., weekend hours).

(3) *Example.* If during the course of 2 weeks this employee works 37.5 and 48 hours and the employee received a \$100 productivity bonus each week, the employee's total straight time earnings would be \$700 (fixed salary of \$600 plus \$100 productivity bonus). In this case, the regular rate of pay in each of these weeks is \$18.67 and \$14.58, respectively, and the employee's total compensation would be calculated as follows: For the 37.5 hour week the employee is owed \$700 (fixed salary of \$600 plus \$100 productivity bonus, with no overtime hours); and for the 48 hour week \$758.32 (fixed salary of \$600 plus \$100 productivity bonus, and 8 hours of overtime at one-half times the regular rate of \$14.58 for a total overtime payment of \$58.32).

(c) Typically, such fixed salaries are paid to employees who do not customarily work a regular schedule of hours and are in amounts agreed on by the parties as adequate compensation for long workweeks as well as short ones, under the circumstances of the employment as a whole. Where the conditions for the use of the fluctuating workweek method of overtime payment are present, the Act, in requiring that "not less than" the prescribed premium of 50 percent for overtime hours worked be paid, does not prohibit paying more. On the other hand, where all the facts indicate that an employee is being paid for overtime hours at a rate no greater than that which the employee receives for nonovertime hours, compliance with the Act cannot be rested on any application of the fluctuating workweek overtime formula.

(d) The fixed salary described in paragraph (a) of this section does not vary with the number of hours worked

in the workweek, whether few or many. However, employers using the fluctuating workweek method of overtime payment may take occasional disciplinary deductions from the employee's salary for willful absences or tardiness or for infractions of major work rules, provided that the deductions do not cut into the minimum wage or overtime pay required by the Act.

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## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 100

[Docket No. USCG-2020-0157]

RIN 1625-AA08

#### Regattas and Marine Parades; Great Lakes Annual Marine Events

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of enforcement of regulation.

**SUMMARY:** The Coast Guard will enforce various special local regulations for annual regattas and marine parades in the Captain of the Port Detroit zone. Enforcement of these regulations is necessary and intended to ensure safety of life on the navigable waters immediately prior to, during, and after these regattas or marine parades. During the aforementioned period, the Coast Guard will enforce restrictions upon, and control movement of, vessels in a specified area immediately prior to, during, and after regattas or marine parades.

**DATES:** The regulations in 33 CFR 100.911 will be enforced at specified dates and times between July 10, 2020 and September 26, 2020.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this document, call or email Tracy Girard, Prevention Department, telephone (313) 568-9564, email [Tracy.M.Girard@uscg.mil](mailto:Tracy.M.Girard@uscg.mil).

**SUPPLEMENTARY INFORMATION:**

The Coast Guard will enforce the following special local regulations listed in 33 CFR part 100, Safety of Life on Navigable Waters, on the following dates and times:

(1) § 100.911(a)(4) *Motor City Mile, Detroit, MI.* This special local regulation will be enforced from 7 a.m. to 12 p.m. on July 10, 2020.

(2) § 100.911(a)(6) *Roar on the River, Trenton, MI.* This special local

regulation will be enforced from 10 a.m. to 6 p.m. each day from July 17, 2020 until July 19, 2020.

(3) § 100.911(a)(9) *Detroit Hydrofest Power Boat Race, Detroit, MI.* This special local regulation will be enforced from 7 a.m. to 7 p.m. each day from August 21, 2020 until August 23, 2020.

(4) § 100.911(a)(10) *Bay City Rock the River (formerly known as Bay City Grand Prix) Powerboat Races, Bay City, MI.* This special local regulation will be enforced from 8 a.m. to 7 p.m. July 11, 2020 and July 12, 2020. In the case of inclement weather on July 11 or July 12, 2020, this special local regulation will be enforced from 8 a.m. to 7 p.m. on July 13, 2020.

(5) § 100.911(a)(12) *Michigan Championships Swimming Events, Detroit, MI.* This special local regulation will be enforced from 7 a.m. to 2 p.m. on September 6, 2020.

(6) § 100.911(a)(14) *Frogtown Race Regatta, Toledo, OH.* This special local regulation will be enforced from 7 a.m. to 5 p.m. on September 26, 2020.

*Special Local Regulations:*

In accordance with § 100.901, entry into, transiting, or anchoring within these regulated areas is prohibited unless authorized by the Coast Guard patrol commander (PATCOM). The PATCOM may restrict vessel operation within the regulated area to vessels having particular operating characteristics.

Vessels permitted to enter this regulated area must operate at a no-wake speed and in a manner that will not endanger race participants or any other craft.

The PATCOM may direct the anchoring, mooring, or movement of any vessel within this regulated area. A succession of sharp, short signals by whistle or horn from vessels patrolling the area under the direction of the PATCOM shall serve as a signal to stop. Vessels so signaled shall stop and shall comply with the orders of the PATCOM. Failure to do so may result in expulsion from the area, a Notice of Violation for failure to comply, or both.

If it is deemed necessary for the protection of life and property, the PATCOM may terminate the marine event or the operation of any vessel within the regulated area.

In accordance with the general regulations in § 100.35 of this part, the Coast Guard will patrol the regatta area under the direction of a designated Coast Guard Patrol Commander (PATCOM). The PATCOM may be contacted on Channel 16 (156.8 MHz) by the call sign "Coast Guard Patrol Commander."

Under the provisions of 33 CFR 100.928, vessels transiting within the regulated area shall travel at a no-wake speed and remain vigilant for event participants and safety craft. Additionally, vessels shall yield right-of-way for event participants and event safety craft and shall follow directions given by the Coast Guard's on-scene representative or by event representatives during the event.

The "on-scene representative" of the Captain of the Port Detroit is any Coast Guard commissioned, warrant, or petty officer who has been designated by the Captain of the Port Detroit to act on his behalf. The on-scene representative of the Captain of the Port Detroit will be aboard either a Coast Guard or Coast Guard Auxiliary vessel. The Captain of the Port Detroit or his designated on scene representative may be contacted via VHF Channel 16.

The rules in this section shall not apply to vessels participating in the event or to government vessels patrolling the regulated area in the performance of their assigned duties.

This document is issued under authority of 33 CFR 100.35 and 5 U.S.C. 552 (a). If the Captain of the Port determines that any of these special local regulations need not be enforced for the full duration stated in this document, he may suspend such enforcement and notify the public of the suspension via a Broadcast Notice to Mariners.

Dated: May 13, 2020.

**Jeffrey W. Novak,**

*Captain, U. S. Coast Guard, Captain of the Port Detroit.*

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**BILLING CODE 9110-04-P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 100

[Docket Number USCG-2020-0038]

RIN 1625-AA08

### Special Local Regulations; Sector Ohio Valley Annual and Recurring Special Local Regulations Update

**AGENCY:** Coast Guard, DHS.

**ACTION:** Final rule.

**SUMMARY:** The Coast Guard is amending and updating its special local regulations relating to recurring marine parades, regattas, and other events that take place in the Coast Guard Sector Ohio Valley area of responsibility

(AOR). This rule informs the public of regularly scheduled events that require additional safety measures through the establishing of a special local regulation. Through this rulemaking the current list of recurring special local regulations is updated with revisions, additional events, and removal of events that no longer take place in Sector Ohio Valley's AOR. When these special local regulations are enforced, certain restrictions are placed on marine traffic in specified areas.

**DATES:** This rule is effective June 8, 2020.

**ADDRESSES:** To view documents mentioned in this preamble as being available in the docket, go to <https://www.regulations.gov>, type USCG-2020-0038 in the "SEARCH" box and click "SEARCH." Click on Open Docket Folder on the line associated with this rule.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this rule, call or email Petty Officer Riley Jackson, Sector Ohio Valley, U.S. Coast Guard; telephone (502) 779-5347, email [Riley.S.Jackson@uscg.mil](mailto:Riley.S.Jackson@uscg.mil).

#### SUPPLEMENTARY INFORMATION:

##### I. Table of Abbreviations

CFR	Code of Federal Regulations
COTP	Captain of the Port Sector Ohio Valley
DHS	Department of Homeland Security
FR	Federal Register
NPRM	Notice of proposed rulemaking
§	Section
U.S.C.	United States Code

##### II. Background Information and Regulatory History

The Captain of the Port Sector Ohio Valley (COTP) is establishing, amending, and updating its current list of recurring special local regulations codified under 33 CFR 100.801 in Table 1, for the COTP Ohio Valley zone.

On February 14, 2020, the Coast Guard published a notice of proposed rulemaking (NPRM) titled Sector Ohio Valley Annual and Recurring Special Local Regulations Update (85 FR 8499). There we stated why we issued the NPRM, and invited comments on our proposed regulatory action related to those recurring regulated areas. During the comment period that ended March 16, 2020, no comments were received.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making it effective less than 30 days after publication in the **Federal Register**. Delaying the effective date of this rule would be impracticable and contrary to the public interest because immediate action is necessary to

respond to the potential safety hazards associated with these marine events.

##### III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 46 U.S.C. 70041 (previously 33 U.S.C. 1233 The Coast Guard is amending and updating the special local regulations under 33 CFR part 100 to include the most up to date list of recurring special local regulations for events held on or around navigable waters within the Sector Ohio Valley AOR. These events include marine parades, boat races, swim events, and others. The current list under 33 CFR 100.801 requires amending to provide new information on existing special local regulations, include new special local regulations expected to recur annually or biannually, and to remove special local regulations that are no longer required. Issuing individual regulations for each new special local regulation, amendment, or removal of an existing special local regulation creates unnecessary administrative costs and burdens. This rulemaking reduces administrative overhead and provides the public with notice through publication in the **Federal Register** of the upcoming recurring special local regulations.

##### IV. Discussion of Comments, Changes, and the Rule

As noted above, we received no comments on our NPRM published February 14, 2020. There are no changes in the regulatory text of this rule from the proposed rule in the NPRM.

##### V. Regulatory Analyses

We developed this rule after considering numerous statutes and Executive orders related to rulemaking. Below we summarize our analyses based on a number of these statutes and Executive orders, and we discuss First Amendment rights of protestors.

###### A. Regulatory Planning and Review

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. Executive Order 13771 directs agencies to control regulatory costs through a budgeting process. This rule has not been designated a "significant regulatory action," under Executive Order 12866. Accordingly, this rule has not been reviewed by the Office of Management and Budget (OMB), and pursuant to OMB guidance it is exempt from the requirements of Executive Order 13771.