

## **ARTICLE 9     HOURS OF WORK.**

### **9.1.    *WORK PERIODS AND HOURS OF WORK.***

- A.**     The regular work week shall consist of five (5) working days of eight (8) hours each from and including Sunday through the following Saturday. The first shift of the work week shall be the first shift wherein the majority of its scheduled hours follow 12:01 AM Sunday.
- B.**     Where alternate work schedules are established in accordance with the provisions outlined below, alternative beginning and ending work weeks may be established by the department head on either Monday or Friday for the purpose of minimizing overtime liability.

### **9.2.    *ALTERNATE WORK SCHEDULES.***

- A.**     An alternate work schedule is defined as a variation of the standard workweek, which for most employees is five eight-hour days between the hours of 8:00 a.m. and 5:00 p.m. Alternate schedules include 4-10 schedules, 9-80 schedules, hours from 7:00 a.m. to 3:30 p.m. and other schedules, but in each case the schedule will result in employees working a fixed schedule of 40 hours per week or 80 hours biweekly.
- B.**     The Sheriff may establish a twelve-hour shift under the following conditions:
  - 1.     Shifts will be assigned by Sheriff's management and will not be changed without prior notice. All leave and holidays shall be accrued on the same basis as a standard 5/8 shift assignment, so that no advantage will be gained by the 12-hour shift schedule. Pay for work on a holiday will consist of eight hours holiday: four hours regular, and eight hours of holiday overtime.
  - 2.     Any return to the standard 5/8 schedule shall remain at the discretion of Sheriff's management and may be implemented upon a minimum of fourteen (14) days prior notice to the Association or, if on a single position, to the affected employee. Such periods shall not apply to emergencies or individual circumstances that are unplanned.
  - 3.     Overtime shall be based upon hours worked over eighty-four (84) hours in a biweekly pay period. Thus, seven shifts would consist of (eighty) 80 hours of straight time base pay and four (4) hours of straight time overtime pay.

4. Beginning with the first full payroll period of FY 2012-2013, all hours worked over eighty (80) in a biweekly pay period shall be paid at the rate of time and one-half; subsection B. 3 immediately above shall become inoperable after that change.

**C.** The establishment of alternate work schedules, other than 12 hour shifts, shall be subject to the following:

1. An alternate schedule shall be established and approved in writing by the department head and the County Administrative Officer with notice to the Personnel Officer and the Association.
2. The department head may, at any time, cause any employee or group of employees to revert to a standard work schedule permanently or temporarily. Except in cases of an emergency, the department head shall provide an employee with fourteen (14) days advance notice of a permanent schedule change and/or twelve (12) hours notice of a temporary change.
3. During payroll periods which contain a holiday, employees may be required to revert to a standard work schedule.
4. The usage of accrued leave balances such as vacation, sick leave and other paid time off, shall be on an hour-for-hour basis (e.g., an employee on a 4/10 schedule who misses a day because of illness shall be charged ten [10] hours sick leave for that day).

### **9.3. REST PERIODS.**

When practical, employees shall be granted a fifteen (15) minute paid rest period during each half of a work shift of four hours or longer. Unless otherwise approved by the department head, such breaks shall not be taken within one (1) hour of the employee's starting time, quitting time, or meal break and shall not be accumulated or used to supplement meal breaks, arrive at work late, or leave work early.

### **9.4. MEAL PERIODS.**

An unpaid meal period of up to one hour shall be part of the normal daily work schedule for a full-time employee. Such meal period shall occur at approximately the midpoint (after 4 hours) of the shift and be approved by the employee's supervisor. Some work schedules may include a meal period within the scheduled duty hours. In such cases the employee shall be so notified in writing and no specific off duty meal time shall be granted.

### **9.5. OVERTIME.**

All regular full-time employees covered by this agreement shall be compensated for overtime in accordance with the following provisions:

- A. Work beyond the assigned work period below must be expressly approved by the department head or his/her designee in advance. Unless specifically authorized in advance, employees may not begin work more than fifteen minutes prior to the regular starting time, take work home, or otherwise engage in overtime work.
- B. Except as indicated in Section 9.2.B.3 and 9.2.B.4 all eligible employees shall be entitled to premium overtime compensation at a rate of one-and-one-half (1-1/2) times each hour worked in excess of forty (40) hours in a 7 day work period.
- C. Overtime will be computed on actual minutes worked, adjusted to the nearest increment of six (6) minutes. Only those hours actually worked, vacation or holiday credit hours taken, jury duty hours served and paid travel time may be used to qualify for overtime compensation. All time lost as a result of an accepted job-related injury or illness will be considered as hours worked for purposes of overtime compensation.
- D. Eligible employees shall be entitled to compensatory time off or cash payment as overtime compensation. The department head or his/her designee shall determine the form of overtime compensation based on operational needs. Cash payments shall be made in the pay period in which the overtime is earned. Compensatory time off shall accrue and may be used upon approval of the department head or his/her designee. Compensatory time off may be accumulated up to sixty (60) hours (forty [40] hours at time-and-one-half). The department head may, upon the request of an employee and with the concurrence of the Personnel Director, extend the limit on accumulated compensatory time off in excess of sixty (60) hours. Hours accumulated in excess of the maximum accruals shall be paid in cash at the appropriate overtime rate.

The department head, at his or her sole discretion, may authorize pay for any or all of the employee's accumulated compensatory leave off if budgeted funds are available. The pay will be processed on the next regular payroll for inclusion in the subsequent pay check.

~~During an annual window period established by the Department Head, employees may request pay for up to 20 hours of their accrued compensatory time. It is the Department Head's discretion, based upon budgeted funds identified to grant as available for that purpose, to grant some, all, or none of the hours requested. Such payment shall be based on the employee's base wage step only, without shift differential or other add-ons. It is the intention of the parties that the Department Head retain maximum discretion but that such decision to offer the payoff of CTO be made in a non-discriminatory manner. The decision of the Department Head shall be final and not subject to the Grievance Procedure of this Agreement~~

- E. Upon separation from County employment or transfer to a management classification, employees shall be paid in cash for accumulated compensatory time off at the appropriate rate.

- F. Unless otherwise provided, the workweek on which overtime calculations will be based shall begin each Sunday at midnight (12:01 AM) and each workday shall be begin daily at midnight (12:01 AM).

## **9.6. STANDBY.**

### **A. Assignment.**

A department head may assign employees to standby. Association employees assigned standby shall be compensated at a rate of \$2.50 per hour while so assigned. Standby duty shall cease during the hours for which callback is paid.

### **B. Requirements.**

In order for an employee to become eligible for standby pay, the employee must be assigned to standby status by his/her department head requiring the employee to:

1. Review the projected standby assignment schedule within the deadlines established by the applicable department;
2. Wear a County-provided pager and/or carry a County-provided cellular phone during standby assignment;
3. Contact the department/dispatch and respond to the callback location within the time period established by the department head;
4. Respond to callbacks during scheduled standby time unless s/he has notified the department of the name of another qualified employee who will respond;
5. Refrain from activities that impair his/her ability to perform assigned duties;
6. Request mileage reimbursement for callback responses performed in non-County vehicles within one month after mileage costs are incurred;
7. Receive permission to transport non-County employees in County vehicles no later than the last working day prior to standby assignment; and
8. Accept the applicable standby pay as referred to in subsection (a) as full consideration for any inconvenience the standby assignment may pose.

**C. On Call/Subject to Call.**

Standby pay is to be distinguished from the uncompensated status of being "subject to call" or "on call", wherein an employee returns to work during off-duty hours in response to being called, but is not required to meet the standby criteria.

**9.7. CALLBACK FROM STANDBY.**

Any employee, when called back to duty from standby status, shall be compensated for the hours actually worked at one and one-half (1-1/2) times the equivalent hourly rate of their regular salary. The minimum for each callback from standby duty shall be one (1) hour. Such time worked shall not include travel time between an employee's residence and his/her regularly assigned work location.

**9.8. CALLBACK WHILE NOT ON STANDBY.**

- A.** An employee not on standby status who is called back to work shall be credited with a minimum of two (2) hours pay.
- B.** Should callback time become contiguous with regular work hours, time worked shall not be credited as callback and the minimum time period shall not apply.

**9.9. CALLBACK FROM VACATION.**

An employee called in to work during his/her regularly scheduled vacation period shall be compensated at a rate one and one-half (1-1/2) times his/her regular rate of pay for all time worked. "Regularly scheduled vacation period" means vacation approved at least twenty-four (24) hours in advance.

**9.10. RELEASE FROM DUTY.**

When the best interest of the County requires the immediate removal of the employee from his/her position, any employee may be released from regularly assigned duties with pay and benefits by the Department Head, or his/her designee, for a period not to exceed eighty (80) working hours upon the approval of the Personnel Director. Upon showing of good cause by the appointing authority, such release from duty may be extended in eighty (80) work hour increments for a maximum of twelve (12) months upon approval of the Personnel Director.