

EXHIBIT "B"

**Letter of Agreement
Between the County of El Dorado
And The
Operating Engineers Local Union No. 3 Trades and Crafts Unit**

Whereas, the January 1, 2014 – December 30, 2016 Memorandum of Understanding between the County of El Dorado (County) and the Operating Engineer Local Union No. 3 Trades and Crafts bargaining unit (Union), currently offers the ability for the Transportation Division to implement a 4/10 or 9/80 work schedule during the summer months for road, mechanic, and related crews as provided in Article 6, Section 1.C of the agreement, and

Whereas, the County and Union wish to clarify the terms and conditions for the Transportation Division to implement a 4/10 or 9/80 work schedule for road, mechanic, and related crews as provided in Article 6, Section 1.C of the agreement, therefore

This Letter of Agreement (LOA) is to memorialize the agreement reached between the County and Union, through their duly authorized representatives to modify Article 6, Sections 1 C. and F. of the agreement as follows:

ARTICLE 6. DAYS AND HOURS OF WORK, PREMIUMS AND BONUSES

Section 1. Work Schedule

- C. The Transportation Division may authorize a 4/10 or a 9/80 work schedule for road, mechanic and related crews with a minimum of five (5) working days advance notice to affected employees. The Transportation Division may cancel such work schedule by giving the employees thirty (30) days' notice unless otherwise agreed to in writing by the affected employees. The Transportation Division agrees to continue employees assigned to a night shift in their standard 5/8 work schedule unless otherwise agreed to in writing by the affected employee(s), or due to circumstances in which the department believes it is reasonable to assign the employee back to day shift during the week.
- a. Employees working a 4/10 work schedule will work four (4) days at ten (10) hours a day on a weekly basis. For employees working a 4/10 work schedule, each employee's designated FLSA workweek will be the same as the standard 5/8 work schedule and shall begin on Saturday at 12:00 a.m. and end at 11:59 p.m. the following Friday.
 - b. Employees working a 9/80 work schedule will work four workdays of nine (9) hours each week, and one (1) workday of eight (8) hours every two weeks with a corresponding day off on that same day in the other week. For employees working the 9/80 work schedule, each employee's designated FLSA 7-day workweek (168 hours in length) shall begin exactly four hours after the start time of his/her eight hour shift on the day of the week that corresponds with the employee's alternating regular day off. For purposes of overtime compensation as provided in Section 2 of this Article, employees on a 9/80 work schedule will be provided overtime in excess

of 40 hours of "time worked" as defined in Section 2(B) within the FLSA 7-day workweek defined above in this subsection for the 9/80 work schedule.

- c. Sick and vacation pay continues to accrue for employees on an alternative work schedule at the rates and under the conditions outlined in the current MOU. Any approved leave of absence will be recorded as time away at the hours the employee would typically have worked during the period of leave under the assigned alternative work schedule.
 - d. Pursuant to Article 9, Section 1(E) of the MOU, paid holidays for employees on an alternative work schedule are paid as an eight (8) hour day. Therefore, to receive full pay on a paid holiday while on an alternative work schedule, the employee shall use and record one (1) or two (2) hours of accrued leave, depending on the employee's alternative work schedule, on their timecard for that holiday day.
 - e. Pursuant to Article 9, Section 1(C) of the MOU, if a holiday falls on a Sunday, the following Monday shall be observed as the holiday in lieu thereof. If a holiday falls on a Saturday, the preceding Friday shall be observed as the holiday in lieu thereof. Furthermore, pursuant to Article 9, Section 1(C)(1), if an employee works a nonstandard (rather than Monday through Friday) work schedule, their first day off shall be treated as if it was a Saturday and their second day off as if it was a Sunday.
- F. Notwithstanding B. and C, above, the Director of Human Resources, at his/her discretion, and upon recommendation of the Department Head, may approve an alternative work schedule on a trial basis. Alternative work schedules proposed by the Union shall be submitted to the Department Head and the Director of Human Resources. Department initiated alternative work schedules shall be submitted to the Union. Upon request by the Union, management shall discuss any proposed alternative work schedules before reaching a decision on implementation. Decisions on implementation and the reasons therefore shall be communicated to the Union.


FOR THE COUNTY



Pamela Knorr
Human Resources Director

Date: 10/10/16


Chairman, Board of Supervisors



Ron Mikulaco, Chair

Date: _____

FOR THE UNION



Van Riviere
Business Representative

Date: 10/12/16

ATTEST: James Mitrusin
Clerk of the Board of Supervisors

By: Deputy Clerk

Date: _____