



## Legislation Details (With Text)

**File #:** 18-1970      **Version:** 1

**Type:** Agenda Item      **Status:** Approved

**File created:** 12/19/2018      **In control:** Board of Supervisors

**On agenda:** 1/29/2019      **Final action:** 1/29/2019

**Title:** Human Resources Department recommending the Board adopt and authorize the Chair to sign the negotiated Letter of Agreement to the Memorandum of Understanding between the County of El Dorado and El Dorado County Probation Officers Association representing the Probation bargaining unit.

FUNDING: N/A

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. A - PR Letter of Agreement Premium Compensation 1-29-19, 2. B - Approved Blue Route 1-29-19, 3. Executed Letter of Agreement EDCPOA

Date	Ver.	Action By	Action	Result
1/29/2019	1	Board of Supervisors	Approved	Pass

Human Resources Department recommending the Board adopt and authorize the Chair to sign the negotiated Letter of Agreement to the Memorandum of Understanding between the County of El Dorado and El Dorado County Probation Officers Association representing the Probation bargaining unit.

**FUNDING:** N/A

**DISCUSSION / BACKGROUND**

County and EDCPOA, representing employees in the PR bargaining unit, have an executed MOU for the period of July 1, 2016 - December 31, 2019. The implementation of the Fenix payroll system has subsequently necessitated modifications to overtime, compensatory time, and part-time employee prorated holiday leave.

These modifications include:

- Restricting compensatory time off (CTO) accrual to only Fair Labor Standards Act (FLSA)-required overtime (those hours beyond forty [40] in a work period, or beyond eighty [80] if a FLSA 207 [K] exemption applies). This change is necessary to ensure payroll administration of CTO in Fenix is FLSA compliant. Employees currently have the choice to receive cash for overtime, or with Department Head approval, may instead receive CTO at a rate of one and one half hours for each hour of overtime worked. With this change, overtime compensation not required by the FLSA, also known as contract overtime, will be compensated in cash and will not be eligible for CTO. As there is no change to contract overtime duties or FLSA overtime work hours, there is no known cost impact to this change.
- Modify existing references to “overtime rate” for call-back compensation and compensation for

working as part of essential service during a building closure to the term “premium rate” in order to distinguish between FLSA-required overtime and non-FLSA required overtime (“contract overtime”) compensation rates and CTO accrual eligibility; and to clarify that such premium is paid regardless of number of hours worked during a FLSA work period. The premium rate is equal to the contract overtime compensation rates already prescribed in the MOU; therefore there is no known cost impact to this change.

- Modify existing language related to the calculation of holiday pay for part-time employees from “percentage of hours worked” to “in proportion to the employee’s Full-Time Equivalency (FTE).” This change is necessary for part-time employees to receive pro-rated holiday pay in Fenix. This change could result in part-time employees receiving a greater number of holiday pay hours than they may have received previously (as paid leave time taken does not reduce holiday hours when calculated by FTE), though any cost impact is unknown.

County and EDCPOA have reached an agreement to amend the MOU to modify these provisions as necessary to be administered by Payroll in the Fenix system.

The LOA shall become of full force and effect upon approval and adoption by the Board of Supervisors and shall remain in effect until modified by a successor MOU.

#### **ALTERNATIVES**

N/A

#### **PRIOR BOARD ACTION**

This LOA amends the MOU adopted by the Board of Supervisors on April 3, 2018, Resolution 044-2018, Legistar item 18-0252.

#### **OTHER DEPARTMENT / AGENCY INVOLVEMENT**

El Dorado County Probation Officers Association

#### **CAO RECOMMENDATION / COMMENTS**

It is recommended that the Board approve this item.

#### **FINANCIAL IMPACT**

Holiday leave has no cash value for employees in this bargaining unit. Therefore, there is no financial impact for this item.

#### **CLERK OF THE BOARD FOLLOW UP ACTIONS**

- 1) Human Resources will provide the Clerk with three (3) original LOAs for the Chair to sign upon ratification by EDCPOA; and
- 3) The Clerk will return two (2) original LOAs to Misty Garcia in Human Resources once fully executed by the Chair, and retain one (1) fully executed agreement for the Board.

#### **STRATEGIC PLAN COMPONENT**

Good Governance

#### **CONTACT**

Tameka Usher, Director of Human Resources