



Legislation Text

File #: 15-1463, **Version:** 1

Sheriff's Office recommending the Board allow non-exempt, sworn sheriff personnel to cash out their unused "comp time" during pay period 26 or 27, whichever can be accommodated by the Payroll Division, due to confusion about when the payout could occur.

FUNDING: N/A

DEPARTMENT RECOMMENDATION

The Sheriff's Office is requesting that non-exempt, sworn Sheriff personnel be allowed to cash out their accrued, unused "comp time" from 2015 during pay period 26 or 27.

DISCUSSION / BACKGROUND

The MOU between the County and the El Dorado Sheriff's Association provides that "upon the written request of the employee, the County will pay up to the full amount of accumulated CTO time in the 25th pay period. It shall be the employee's option to determine whether all or part of the CTO is paid." The Sheriff's Office has a form that staff submits by pay period 25 if they wish to exercise their option to cash out "comp time" (CTO).

Ordinarily, pay period 25 concludes in December. However, this year pay period 25 ended early, on November 27. This led to confusion with some employees. The confusion was exacerbated by the fact that the Sheriff Department's time keeping system is based on a calendar year, and does not synchronize easily with the County's payroll system when the County pay period covers two calendar years. Sheriff personnel therefore see a different pay period number than actual County pay period.

Six sworn non-exempt personnel recognized their error after the conclusion of pay period 25. The Sheriff asked the Auditor to allow the cash out to occur in pay period 26. However, the Auditor does not have authority to make payments that contradict the clear language of County Contracts, including MOUs. Therefore, the Auditor sought a legal opinion from County Counsel.

The Board has the authority to waive a procedural requirement imposed by the MOU for employees to receive payment for lawfully incurred expenses. The employees worked authorized overtime, and under the terms of the MOU are entitled to elect between compensatory time off and payment. The error in not electing payment in a timely manner was due to a unique set of circumstances and the Sheriff's Office is taking steps to ensure it does not occur again.

Pay period 26 ended on December 11, with a pay date of December 18th. The Sheriff's Office would like for the payments to occur in pay period 26; however, if this does not provide enough time for the Payroll Division to process the payments, they would be processed in pay period 27.

The total cost involved for the 6 employees is approximately \$11,000 for cashing out approximately 275 hours of compensatory time.

ALTERNATIVES

N/A

OTHER DEPARTMENT / AGENCY INVOLVEMENT

County Counsel, Human Resources, and the Auditor's Office have all been consulted and all concur in this recommendation.

CAO RECOMMENDATION

Approve Sheriff's recommendation.

FINANCIAL IMPACT

\$11,000 in CTO would be paid out in this year rather than having 275 hours of CTO being used by the six personnel next year.

CLERK OF THE BOARD FOLLOW UP ACTIONS

N/A

STRATEGIC PLAN COMPONENT

N/A

CONTACT

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