

APPENDIX "E"

MAY 17, 2022 BOARD OF SUPERVISORS AGENDA

EFFECTIVE MAY 16, 2022**SECTION 100 – FOOTNOTES**

- O. Effective May 16, 2022 ~~February 26, 2018~~, a uniform allowance of \$38.46 ~~\$26.92~~ per pay period shall be provided for employees in the classifications of Assistant Sheriff and Undersheriff. This allowance will continue during periods of paid time off; however, the allowance will be discontinued when the entire pay period consists of dock time or other unpaid time off.
- a. Employees in the classifications listed below will have their State Bar of California dues paid by the County (excluding extra-help employees).
- | | | |
|--------------------------------|---|-----------------------------------|
| ▪ Assistant County Counsel | ▪ Chief Deputy County Counsel | ▪ Principal Deputy County Counsel |
| ▪ Assistant District Attorney | ▪ Chief Deputy District Attorney | ▪ Public Defender |
| ▪ Assistant Public Defender | ▪ County Counsel | ▪ Senior Deputy County Counsel |
| ▪ Chief Child Support Attorney | ▪ Deputy County Counsel I / II / III / IV | |
| ▪ Chief Defense Attorney | ▪ <u>District Attorney</u> | |

SECTION 500 – BASIS AND TIME OF PAY**518 Shift Premium**

- 518.1 Management employees (all levels) are not eligible for shift premium. For unrepresented employees, read Salary Resolution Section 518 in its entirety. For represented employees refer to the applicable Memorandum of Understanding to determine appropriate shift premium. ~~For Supervising Communications Dispatcher refer to Salary Resolution Section 100 – Footnotes, Footnote “c.”~~ For extra-help employees refer to Salary Resolution Section 1100 - Extra Help.
- 518.2 Unrepresented employees, working a regular day shift consisting of scheduled regular hours between 5:00 a.m. and 7:00 p.m., shall not be eligible for shift premium when the entire eight (8) hour shift falls between these hours. Regular day shift employees shall not be eligible for shift premium for any extra hours worked which extends into the hours of 7:00 p.m. to 5:00 a.m.

Unrepresented employees required to work a regular shift, other than a regular day shift as defined above, by either rotation or assignment, any portion of which occurs between the hours of 7:00 p.m. and 5:00 a.m., is eligible for shift premium and shall be paid in addition to their basic compensation a ~~four~~ six percent (~~4~~ 6%) premium for all ~~or any portion of~~ hours occurring between these hours.

Unrepresented employees working a flexible work schedule which extends into the hours of 7:00 p.m. to 5:00 a.m. shall not be eligible for shift premium.

518.6 Shift Premium in Relation to Overtime

~~Unrepresented employees working a regular day shift, as defined in Section 518.2 above, shall not be paid shift premium for any extra hours worked (e.g., overtime) which extends into the hours of 7:00 p.m. to 5:00 a.m.~~

Whenever an unrepresented employee who is eligible for shift premium, as defined above, is required to perform overtime work between the hours of 7:00 p.m. and 5:00 a.m., such employee's basic compensation plus the shift premium will be used in determining any cash payment for overtime hours worked.

Unrepresented employees working a regular day shift, as defined in Section 518.2 above, shall not be paid shift premium for any extra hours worked (e.g., overtime) which extends into the hours of 7:00 p.m. to 5:00 a.m. Exception: if any employee who works a regular day shift performs an entire overtime shift that begins or concludes between the hours of 7:00 p.m. and 5:00 a.m., he/she is eligible for shift premium for that overtime shift for all work hours which occur after 7:00 p.m. and before 5:00 a.m. Additionally, employees working a regular day shift flexible work schedule which extends into the hours of 7:00 p.m. to 5:00 a.m. shall not be eligible for shift premium.

~~518.7 Shift Premium During Temporary Reassignment~~

~~Shift premium shall not be paid during periods of temporary reassignment.~~

534 Cellular Telephone Stipend Pilot Project - Additional Compensation

Employees whose duties require issuance of a County owned cellular telephone may have previously been able to voluntarily enroll in the Cellular Telephone Stipend pilot project in lieu of the use of a County owned cellular telephone. Any compensation received by such employees because of enrollment in the pilot project shall be part of the employees' "lawful compensation" for purposes of Section 41 of the Fresno County Charter. Employees who are not currently enrolled in the program prior to May 16, 2022 and whose duties require the use of a cellular telephone may not enroll in this program and will be issued a County owned cellular telephone.

534.1 Cellular Telephone Stipend Pilot Project

The Cellular Telephone Stipend Pilot Project permits qualified enrolled employees the option to receive a Twenty-Five Dollar (\$25.00) monthly stipend for using their personal cellular telephone in the course of their duties in lieu of utilizing a County owned cellular telephone.

Section 534.1 shall apply to employees in management and unrepresented classifications, excluding extra-help. For represented classifications, refer to the applicable Memorandum of Understanding.

~~534.2 Employees, who volunteer to participate in the pilot project, must meet the following conditions:~~

- ~~1. Be a County of Fresno employee in a permanently allocated position;~~
- ~~2. Currently assigned a County owned cellular telephone;~~
- ~~3. Have the approval of his/her department head; and~~
- ~~4. Return the County owned cellular telephone upon enrollment in the pilot project~~

SECTION 800 - OVERTIME

811 Overtime Defined

811.1 Overtime is authorized work performed by an employee in excess of eight (8) hours a day or over forty (40) hours in a workweek. A day is defined as the period between 12:01 a.m. to midnight.

Under Section 7(k) of the FLSA, the work period for designated Unit 1 law enforcement personnel and Unit 2 security personnel, as defined therein, is established as a fourteen (14) day work period (see Salary Resolution Section 511). Consequently, the maximum non-overtime hours for FLSA purposes alone are established at eighty-six (86) hours for the fourteen (14) day work period. FLSA overtime liability will be incurred for hours worked beyond the eighty-sixth (86th) hour. This FLSA overtime requirement does not preclude designated Unit 1 and Unit 2 members from any other overtime payments provided by Memoranda of Understanding provisions or paragraph one above.

811.1.1 Consistent with other provisions of Salary Resolution Section 800 - Overtime, overtime shall also include all authorized ~~consecutive~~ continuous hours worked over eight (8) hours in a day and which extend an employee's shift into a new day. A day is defined as 12:01 a.m. to midnight. Hours worked immediately preceding a shift that extends into a new day would also be considered overtime. ~~This provision shall include hours worked before or at the end of a normal work schedule. This provision shall include additional hours worked before or at the end of an employee's shift, but shall not include hours worked for an additional, consecutive shift worked on a new day. However, overtime paid in this setting shall not be included in any overtime/ double-time overtime computation for regularly assigned work hours on the new day. (This section applies to extra-help, unrepresented, and Units 2, 3, 4, and 11 employees only. For all other representation units refer to appropriate MOUs and sideletter agreements.)~~

~~811.2 If any employee is called in on his/her scheduled day off to work a shift vacancy, compensation will be at the rate of time and one half (1½), except as provided in Salary Resolution Section 812.1.~~

811.3 For purposes of determining overtime worked, refer to Salary Resolution Section 511 for the normal workweek definition. A day is defined as the period between 12:01 a.m. to midnight.

812.1.3 Agricultural/Standards Specialist I/II/III and Supervising may accrue up to a maximum of eighty (80) hours at any given time in Compensatory Time Off. Anything over the maximum accrued balance herein specified will be paid in cash automatically.

- 812.1.4 Where indicated in Memoranda of Understanding, and for unrepresented classifications, with the exception of the classifications noted in Salary Resolution Section 812.1.3 above, an employee eligible to receive overtime and in a permanent position in a department designated below may accrue Compensatory Time Off (CTO) up to a maximum of twenty-four (24) hours.

Departments where CTO accrual is permissible:

Agriculture
Behavioral Health
County Clerk
County Counsel
District Attorney
Human Resources
Internal Services
Library
Public Health
Public Works & Planning ~~(excluding Parks and Recreation)~~
Sheriff
Social Services

- 812.1.6 Employees may request to be paid in cash at anytime for accrued CTO. Employees shall be paid in cash upon separation for any remaining balance. Accrued hours may be paid off annually in cash at a time selected by the department head, at his/her discretion.

Payments of accrued CTO hours shall be calculated using the employee's regular rate of pay at the time the employee receives such payment. Additionally, prior to any promotion or departmental transfer, employees must either cash out or use all accrued CTO and Holiday Time Off balances.

EFFECTIVE JULY 11, 2022

SECTION 100 – FOOTNOTES

- z. Employees in the classifications of Chief of Investigations, Deputy Chief of Investigations, Assistant Sheriff and Undersheriff who possess a POST Management Certificate shall be compensated at a rate of seven ~~five~~ percent (7~~5~~%) above their base salary. If at any time a POST Management Certificate is required as a condition of employment for either the position of Chief of Investigations, Deputy Chief of Investigations, Assistant Sheriff or Undersheriff, the 7~~5~~% incentive pay shall cease immediately for such particular classification.

EFFECTIVE JULY 10, 2023

SECTION 100 – FOOTNOTES

- z. Employees in the classifications of Chief of Investigations, Deputy Chief of Investigations, Assistant Sheriff and Undersheriff who possess a POST Management Certificate shall be compensated at a rate of eight ~~seven~~ percent (8 ~~7~~%) above their base salary. If at any time a POST Management Certificate is required as a condition of employment for either the position of Chief of Investigations, Deputy Chief of Investigations, Assistant Sheriff or Undersheriff, the 8 ~~7~~% incentive pay shall cease immediately for such particular classification.

EFFECTIVE JULY 8, 2024

SECTION 100 – FOOTNOTES

- z. Employees in the classifications of Chief of Investigations, Deputy Chief of Investigations, Assistant Sheriff and Undersheriff who possess a POST Management Certificate shall be compensated at a rate of nine ~~eight~~ percent (9 ~~8~~%) above their base salary. If at any time a POST Management Certificate is required as a condition of employment for either the position of Chief of Investigations, Deputy Chief of Investigations, Assistant Sheriff or Undersheriff, the 9 ~~8~~% incentive pay shall cease immediately for such particular classification.

EFFECTIVE APRIL 1, 2025

SECTION 100 – FOOTNOTES

- z. Employees in the classifications of Chief of Investigations, Deputy Chief of Investigations, Assistant Sheriff and Undersheriff who possess a POST Management Certificate shall be compensated at a rate of ten ~~nine~~ percent (10 ~~9~~%) above their base salary. If at any time a POST Management Certificate is required as a condition of employment for either the position of Chief of Investigations, Deputy Chief of Investigations, Assistant Sheriff or Undersheriff, the 10 ~~9~~% incentive pay shall cease immediately for such particular classification.