

**Placer County Deputy Sheriff's Association/County of Placer
Labor Negotiations – 2021/22**

**County Proposal No. 6
January 4, 2022**

I. Amend Article 9, Section 9.3:

9.3- HOLIDAY

County holidays will be administered according to the following provisions:

- a. For county holidays falling on a Saturday, employees shall be entitled to a holiday the preceding Friday. For county holidays falling on a Sunday employees shall be entitled to a holiday the following Monday.
- b. Holiday Pay - A declared holiday constitutes eight working hours granted as time off with pay for full time employees. Part-time employee's holiday hours shall be pro-rated on the basis of his/her standard/scheduled hours to a 40-hour week. Rounding will occur to one decimal place
 - 1) Example: $29 \text{ standard hours} / 40\text{-hour week} = .725 \times 8 = 5.8$ holiday hours off with pay.
- c. Holiday Overtime - When an employee works on a county holiday regardless of whether the day is the employee's regular workday or regular day off (RDO), the employee shall be entitled to overtime compensation, or compensatory time off for actual hours worked in addition to holiday pay.
 - 1) Example: A full-time employee who works eight hours on a holiday would receive eight hours of overtime at time and one half of his/her base hourly rate in addition to eight hours of holiday pay paid at his/her base hourly rate of pay; or two and one-half times his/her base hourly rate.
 - 2) A part-time employee who works on a holiday shall be entitled to either holiday overtime, or compensatory time off regardless of the number of hours he/she has worked in the holiday week.
- d. If an employee works on a holiday on what would have been an employee's regular work day, the earnings received for working on the

holiday, up to a maximum of 8 hours, is a PERSable earning reported as special compensation ONLY when working on the holiday is not discretionary due to the business being performed, i.e., Jail. Employees shall receive pay for time worked (up to eight hours) in the pay period the time was earned. This provision will be monitored for compliance with the Public Employees' Retirement System's (PERS) requirements.

- 1) Any hours worked over 8 on a holiday are considered regular overtime and not reportable to PERS.
- e. An employee who works on a holiday at the discretion of the supervisor or manager is not eligible to have the compensation reported to PERS as special compensation.
 - f. The work schedule or RDO of an employee on a 9/80 alternative work schedule may not be changed to accommodate holiday work schedule issues.
 - g. Employees on alternative works schedules shall be required to use leave balances when a holiday falls on a regularly scheduled work day to make up the difference between the holiday hours and the number of hours he/she would normally have worked. The only exceptions to this provision are:
 - 1) The employee obtains written approval to work additional hours at a straight time rate during the holiday week to substitute for leave hours, or
 - 2) The employee works on the holiday and requests, in writing, to use hours worked, applied at straight time, to his/her regularly assigned number of hours.
 - h. In the event an employee is on authorized sick leave and a county holiday falls on any regularly scheduled workday of an employee working a 9/80 pay period involving more than an eight hour workday, an additional one hour sick leave shall be charged against such employee's accrued sick leave time. In the case of a 4/10 pay period program, an additional two hours' sick leave shall be charged against such employee's accrued sick leave time.
 - 1) The appropriate number of hours shall be charged against an employee's sick leave balance for any other workday alternative. For example, an additional four hours' sick leave shall be charged for full-time employees on 12 hour shifts.

- i. A supervisor may adjust a part-time employee's work schedule during a holiday week with five (5) calendar days advance notice so that the employee does not receive more paid hours than he/she would normally be paid.
 - 1) If the pro-rated paid holiday hours result in the employee receiving less pay than he/she would normally be scheduled to receive during a holiday week, his/her vacation, holiday credit or compensatory time off balance will be charged for the additional hour(s), unless the employee requests, in writing, that his/her leave balances not be used.
 - 2) Vacation, holiday credit or compensatory time off hours cannot be used to pay a part-time employee for more hours than he/she would normally receive.
- j. An employee must be in a paid status on his/her regularly scheduled workday preceding a holiday to be eligible to receive paid holiday hours.
- k. Holiday Credit Accounts
 - 1) A holiday credit account will be created for the purpose of banking holiday hours that are earned by either a full-time or part-time employee for a holiday that falls on the employee's regularly scheduled day off. This holiday credit account is different than and not subject to the same rules of use as vacation, sick leave, CTO and/or other leave accounts and may be used only pursuant to the terms contained in this section.
 - 2) For county holidays falling on a full-time employee's RDO for employees working other than a normal Monday through Friday schedule (i.e. 9/80, 4/10, etc.) such employees shall have an additional eight hours credited to his/her holiday credit account.
 - 3) A part-time employee shall be paid for county holidays that fall on his/her normal day off, at their base hourly rate of pay, in the same ratio as their hourly work schedule bears to the normal work schedule of a full-time employee unless he/she requests, in writing, that the holiday hours be added to his/her holiday credit account.
 - 4) Any request to use holiday credit banked for personal time off must be made at least forty-eight (48) hours in advance. Holiday credit

banked hours may be used for integration with Workers' Compensation (WC) benefits.

- 5) All holiday credit banked hours not used by the end of the pay period for the last pay check of the calendar year, after adjusting the balance for any hours earned or used during that same pay period, shall be paid in cash in the last pay check of the calendar year. No holiday credit hours will carry forward into the following calendar year.
- 6) Compensation for any holiday credit banked hours balance not used at the time of termination shall be included in the employees final pay check.
- 7) While on a leave of absence, employees will be required to use all holiday credit hours prior to going into an unpaid status. If integrating with Worker's Compensation benefits, unpaid hours will be authorized for only the amount of time required for integration purposes.

II. Amend County Code § 3.04.240 and 3.04.820:

3.04.240 Procedure to secure overtime pay.

A. When overtime necessary to provide essential county service has been authorized by the department head, each employee working overtime shall submit to his or her department head a written statement within one working day, stating:

1. His or her name;
2. The date and hours overtime worked; and
3. The nature of the service performed during such overtime.

B. Deputy Sheriffs Unit. Overtime shall be compensated for in pay or compensatory time off at one and one-half time such employee's regular rate.

1. Required Overtime. Overtime required to be worked by the appointing authority or his or her authorized representative shall be compensated for at one and one-half time such employee's regular rate. The hours shall be compensated for in pay or compensatory time off at the discretion of the appointing authority.

2. Compensatory Time Cash Out. ~~All holiday worked compensatory time (HWCT) earned and not used by the last day of the pay period that results in the last paycheck of the calendar year shall be cashed out.~~ Compensatory time earned (CTE) and not used by the last day of the pay period that results in the

last paycheck of the calendar year shall be carried forward into the next calendar year up to a maximum of eighty (80) hours. All CTE accumulated within the county's calendar year in excess of eighty (80) hours must be taken as time off or cashed out within the calendar year that it is earned or it shall be paid in cash on the last pay date of the calendar year (which is the same as the IRS tax year). CTE carry-over (up to the eighty (80) hour maximum) will be transferred to a restricted CTE account. Bargaining unit members will be allowed to use the hours in the restricted CTE account as time off only. The restricted CTE account may never have a balance greater than eighty (80) hours.

C. PPEO Represented and Confidential Employees. Overtime earned shall be paid at one and one-half times the employee's regular rate of pay or, in lieu of overtime pay can be received as compensatory time earned (CTE) at one and one-half times the number of overtime hours worked.

1. The appointing authority or designee shall approve overtime prior to the time worked. CTE balances will comply with FLSA legal limits.

2. Subject to the provisions of this subsection, overtime earned may be paid in cash or taken in the form of compensatory time off at the option of the employee. CTE may be taken at any time as compensatory time off (CTO) with the prior approval of the appointing authority or designee; however, if the requested time off is denied, the employee may request payment in cash in lieu of CTO at the employee's current rate of pay.

3. Employees shall submit requests to use CTE as time off within a reasonable time period prior to the requested date(s). In keeping with FLSA requirements, approval of this request may be permitted unless the supervisor determines that use of CTE would unduly disrupt the operations of the department.

4. Compensatory time earned and not used by the last day of the pay period that results in the last paycheck of the calendar year shall be carried forward into the next calendar year up to a maximum of eighty (80) hours. All CTE accumulated within the county's calendar year in excess of eighty (80) hours must be taken as time off or cashed out within the calendar year that it is earned or it shall be paid in cash on the last pay date of the calendar year (which is the same as the IRS tax year). CTE carry-over (up to the eighty (80) hour maximum) will be transferred to a restricted CTE account. Bargaining unit members will be allowed to use the hours in the restricted CTE account as time off only. The restricted CTE account may never have a balance greater than eighty (80) hours.

5. While on a leave of absence, employees will be required to use all CTE balances prior to going into an unpaid status. If integrating with State Disability Insurance (SDI), Paid Family Leave (PFL) or Workers' Compensation benefits, unpaid hours will be authorized for only the amount of time required for

integration purposes.

3.04.820 Holiday overtime and rate of pay.

DSA Represented, PPEO Represented and Confidential Employees.

A. When an employee works on a county holiday regardless of whether the day is the employee's regular workday or regular day off (RDO), the employee shall be entitled to overtime compensation, or compensatory time off for actual hours worked in addition to holiday pay. (Example: A full-time employee who works eight hours on a holiday would receive eight hours of overtime at time and one half of his or her base hourly rate in addition to eight hours of holiday pay paid at his or her base hourly rate of pay.)

B. Part-time employees who work on a holiday shall be entitled to either holiday overtime or CTO regardless of the number of hours they have worked in the holiday week.

C. Holiday Worked Pay (HWP). If an employee works on a holiday on what would have been an employee's regular work day, the earnings received for working on the holiday, up to a maximum of eight hours, is a PERS-able earning reported as special compensation only when working on the holiday is not discretionary due to the business being performed, i.e., jail, dispatch, wastewater treatment plant, ACCESS, etc. Employees shall receive pay for time worked (up to eight hours) in the pay period the time was earned. This provision will be monitored for compliance with the Public Employees' Retirement System's (PERS) requirements.

1. Any hours worked over eight on a holiday are considered regular overtime and not reportable to PERS.

2. An employee who works on a holiday at the discretion of the supervisor or manager is not eligible to have the compensation reported to PERS as special compensation.