

**Modify COUNTY PROPOSAL NO. M-4
LOCAL ONE – Coalition Negotiations 2008
Section 6 (Days & Hours of Work)/Section 7 (OT & Comp Time)
Section 12 (Holidays)/Section 58.2 (Attendant-LVN-Aide)
Presented on: July 15, 2009**

SECTION 6 – DAYS AND HOURS OF WORK is effective on March 1, 2010.

SECTION 6 - DAYS AND HOURS OF WORK

~~1. The normal work week of County employees is forty (40) hours between 12:01 a.m. Monday to 12:00 midnight Sunday, usually five (5) eight (8) hour days; for twenty-four (24) hour shift employees of the Health Services Department, the normal work week is forty (40) hours between 12:01 a.m. Sunday to 12:00 midnight Saturday. However, where operational requirements of a department require deviations from the usual pattern of five (5) eight (8) hour days per work week, an employee's work hours may be scheduled to meet these requirements. The Department Head shall prepare written schedules in advance to support all deviations encompassing the complete operational cycle contemplated.~~

6.1 Definitions

A. Regular Work Schedule: A regular work schedule is eight (8) hours per day, Monday through Friday, inclusive, for a total of forty (40) hours per week.

B. Alternate Work Schedule: An alternate work schedule is any work schedule where an employee is regularly scheduled to work five (5) days per week, but the employee's regularly scheduled two (2) days off are NOT Saturday and Sunday.

C. Flexible Work Schedule: A flexible work schedule is when the employee is regularly scheduled to work ~~other than~~ eight (8) hours per day between Monday and Friday, inclusive.

C. Flexible Work Schedule: A flexible work schedule is any schedule that is not a regular, alternate, 9/80, or 4/10 work schedule and where the employee is not scheduled to work more than 40 hours in the "workweek" as defined in Subsections F. and H., below.

D. 4/10 Work Schedule: A 4/10 work schedule is four (4) ten hour days in a seven (7) day period, for a total of forty (40) hours per week.

E. 9/80 Work Schedule: A 9/80 work schedule is where an employee works a recurring schedule of thirty-six (36) hours in one calendar week and forty-four (44) hours in the next calendar week, but only forty (40) hours in the designated workweek. In the thirty-six (36) hour calendar week, the employee works four (4) nine (9) hour days and has the same day of the week off that is worked for eight (8) hours in the forty-four (44) hour

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calendar week. In the forty-four (44) hour calendar week, the employee works four (4) nine (9) hour days and one (1) eight (8) hour day.

F. Workweek for Employees on Regular, Flexible, Alternate, and 4/10 Work Schedules: For employees on regular, alternate, and 4/10 work schedules, the workweek begins at 12:01 a.m. on Monday and ends at 12 midnight on Sunday.

G. Workweek for Employees on a 9/80 Work Schedule: The 9/80 workweek begins on the same day of the week as the employee's eight (8) hour work day and regularly scheduled 9/80 day off. The start time of the workweek is four (4) hours and one (1) minute after the start time of the eight (8) hour workday. The end time of the workweek is four (4) hours after the eight (8) hour workday start time. The result is a workweek that is a fixed and regularly recurring period of seven (7) consecutive twenty four (24) hour periods (168 hours).

H. Workweek for Twenty-Four Hour (24) Facility Employees: For employees who work in a twenty-four (24) hour facility in the **Health Services Department** and who are not on a 9/80 work schedule, the workweek begins at 12:01 a.m. Sunday and ends at 12:00 midnight on Saturday.

~~6.2- 4/10 Shifts **2. Section:** The work week for employees in the 4/10 shift is four (4) ten (10) hour working days during a work week consisting of any seven (7) day period.~~

If the County wants to eliminate any existing 4/10 shift and substitute a 5/8 shift or to institute a 4/10 shift which does not allow for three (3) consecutive days off (excluding overtime days or a change of shift assignment), or change existing work schedules or existing hours of work, it will meet and confer with the Union prior to implementing said new shift or hours change. This obligation does not apply where there is an existing system for reassigning employees to different shifts or different starting/stopping times. Nothing herein prohibits affected employees and their supervisor from mutually agreeing on a change in existing hours of work provided other employees are not adversely impacted.

~~3. **Work Schedule Re-Opener.** The parties agree to reopen the work schedule provisions of the Memorandum of Understanding for the purpose of ensuring consistent practices among the departments and compliance with appropriate regulatory requirements. Any changes to the MOU and/or past practice except those necessitated by legal requirements shall be subject to agreement by both parties. If the County believes a change is necessitated by legal requirements, it shall notify the Unions of the change and the legal basis thereof. The County shall offer to meet with the Union before the County implements such change.~~

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SECTION 7 - OVERTIME AND COMPENSATORY TIME

Section 7.1 Overtime is effective on March 1, 2010.

7.1 **Overtime.** Overtime is any authorized work performed in excess of forty (40) hours per week or eight (8) hours per day. Overtime for 4/10 shift employees is any work performed beyond ten (10) hours per day or forty (40) hours per week. All overtime shall be compensated for at the rate of one and one-half (1-1/2) times the employee's base rate of pay (not including shift and other special differentials).

Overtime for permanent employees is earned and credited in a minimum of one-tenth hour increments and is compensated by either pay or compensatory time off.

~~Employees entitled to overtime credit for holidays in positions which work around the clock (such as the County Hospital, the Sheriff's Office and Jails, and the Juvenile Hall and Boys' Ranch) shall be provided a choice as to whether they shall be paid at the overtime rate or shall receive compensatory time off at the rate of one and one-half (1-1/2) hours compensatory time off for each hour worked. Such compensatory time off, and the accumulation thereof shall be in addition to the total vacation accumulation permitted under the terms of this MOU. The specific provisions of this accumulation are set forth in Section 12.5 of this MOU. Regular overtime for twenty four (24) hour institutional employees may be accrued as compensatory time in accordance with Section 7.2 of this MOU.~~

SECTION 12 HOLIDAYS is effective on March 1, 2010.

SECTION 12 – HOLIDAYS

12.1 **Holidays Observed.** The County will observe the following holidays:

- ~~a.~~ **A.**
- January 1st, known as New Year's Day
 - 3rd Monday in January known as Dr. M. L. King, Jr. Day
 - 3rd Monday in February, known as Presidents' Day
 - The last Monday in May, known as Memorial Day
 - July 4th, known as Independence Day
 - First Monday in September, known as Labor Day
 - November 11th, known as Veterans Day
 - 4th Thursday in November, known as Thanksgiving
 - The day after Thanksgiving
 - December 25th, known as Christmas Day

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Such other days as the Board of Supervisors may by resolution designate as holidays.

~~b.~~ **B.** Each full-time employee will accrue two (2) hours of personal holiday credit per month. Such personal holiday time may be taken in increments of one-tenth hour (6 minutes), and preference of personal holidays will be given to employees according to their seniority in their department as reasonably as possible. No employee may accrue more than forty (40) hours of personal holiday credit. On separation from County service, an employee will be paid for any unused personal holiday credits at the employee's then current pay rate.

~~e.~~ ~~Employees in position which work around the clock shall in addition to those holidays specified in Section 12.1.a, celebrate Admission Day, Columbus Day, and Lincoln's Day as holidays, but shall not accrue the two (2) hours per month of personal holiday credit referenced in Section 12.1.b above.~~

C. Employees who work in a twenty-four (24) hour facility facilities will, in addition to those holidays specified in Section 12.1A, observe Admission day on September 9, Columbus Day on the second Monday in October, and Lincoln's Day on February 12 as holidays, but will not accrue the two (2) hours per month of personal holiday credit referenced in Section 12.1.B above.

~~**12.2 Application of Holiday Credit.** The following provisions indicate how holiday credit is to be applied:~~

~~a. Employees on the five (5) day forty (40) hour Monday through Friday work schedule shall be entitled to a holiday whenever a holiday is observed pursuant to the schedule cited above.~~

~~b. Employees on a work schedule other than Monday through Friday shall be entitled to credit for any holiday, whether worked or not, observed by employees on the regular schedule; conversely, such employees will not receive credit for any holiday not observed by employees on the regular schedule even though they work the holiday.~~

~~c. Employees will be paid one and one half (1 1/2) times their basic salary rate for holidays actually worked in addition to regular pay for the holiday.~~

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~~The purpose of this plan is to equalize holidays between employees on regular work schedule and those on other work schedules.~~

~~If a holiday falls on the days off of an employee on a schedule other than Monday through Friday, the employee shall be given credit for overtime or granted time off on the employee's next scheduled work day. Employees who are not permitted to take holidays because of the nature of their work are entitled to overtime pay as specified by this MOU.~~

~~If any holiday listed in Section 12.1.a above falls on a Saturday, it shall be celebrated on the preceding Friday. If any holiday listed in Section 12.1.a falls on a Sunday, it shall be celebrated on the following Monday. For employees in the Health Services Department (only) assigned to units or services on a shift operational cycle which includes Saturday or Sunday as designated by the appointing authority (rather than Monday through Friday eight (8) hours per day or a designated 4/10 or 9/80 schedule) holidays shall be observed on the day on which the holiday falls regardless if it is a Saturday or Sunday.~~

~~**12.3 Holiday Credit for Part-Time Employees.** Permanent part time employees shall receive holiday credit in the same ratio to the holiday credit given full-time employees as the number of hours per week in the part-time employee's schedule bear to the number of hours in the regular full-time schedule, regardless of whether the holiday falls on the part-time employee's regular work day. Permanent part time and permanent intermittent employees who work on a holiday shall receive overtime pay or compensatory time credit for all hours worked, up to a maximum of eight (8).~~

~~**12.4 4/10 Shift - Holidays.**~~

~~A. Holiday Shift Pay. Each 4/10 shift employee who works a full shift on a holiday shall receive time and one-half for the first eight (8) hours worked in addition to regular pay for the holiday. Holiday shift pay shall be subject to provisions of Section 7.~~

~~B. Absence on Holiday. The maximum time charged to sick leave, vacation or leave without pay on a holiday shall be two (2) hours.~~

~~**12.5 Accrual of Holiday Time.** Employees entitled to overtime credit in positions which work around the clock shall be permitted to elect between pay at the overtime rate or compensatory time off in recognition of holidays worked.~~

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~~The following procedures shall apply to this selection:~~

- ~~a. Any person who is eligible and who elects to accrue holiday time must agree to do so for a full fiscal year (July 1 through June 30), or the remainder thereof, unless otherwise specified by the Board.~~
- ~~b. Employees starting work after a list of those electing to accrue holiday time has been submitted to the Auditor and approved, will be paid overtime unless they specifically requested in writing within seven (7) calendar days to be placed on the accrual list.~~
- ~~c. Holiday time shall be accrued at the rate of one and one half (1 1/2) times the actual hours worked to a maximum of eight (8) hours worked by the employee.~~
- ~~d. Holiday time may not be accumulated in excess of two hundred eighty-eight (288) working hours. Holiday time may be accrued up to two hundred eighty-eight (288) hours, exclusive of regular vacation accruals. After two hundred eighty-eight (288) hours, holiday time shall be paid at the overtime rates as specified in Section 7.~~
- ~~e. Accrued holiday time may be taken off at times determined by mutual agreement of the employee and the Department Head.~~
- ~~f. Accrued holiday time shall be paid off only upon a change in status of the employee such as separation, transfer to another department or reassignment to a permanent intermittent position.~~

~~12.2 – Holiday is NOT worked and Holiday is Part of Employees Regularly Scheduled Workweek~~

12.2- Holiday is Not Worked

A. Holidays Observed – Full time Employees: Full time employees on regular, 4/10, 9/80, flexible, and alternate work schedules are entitled to observe a holiday (eight (8) hours off), without a reduction in pay, whenever a holiday is observed by the County. Any holiday observed by the County that falls on a Saturday is observed on the preceding Friday and any holiday that falls on a Sunday is observed on the following Monday.

For employees who work in assigned to a twenty-four (24) hour facility facilities and are for employees assigned to rotating shifts, any holiday that falls on a Saturday will be

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observed on a Saturday, and any holiday that falls on a Sunday will be observed on a Sunday.

B. Holiday Observed in Excess of Eight (8) hours: When a holiday falls on an employee's regularly scheduled workday, the employee is entitled to only eight (8) hours off without a reduction in pay. If the workday is a nine (9) hour day, the employee must use on one (1) hour of non-sick leave accruals. If the workday is a ten (10) hour day, the employee must use two (2) hours of non-sick leave accruals. If the employee does not have any non-sick leave accrual balances, leave without pay (AWOP) will be authorized.

C. Holidays Observed – Part time Employees: Part time employees on regular, 4/10, 9/80, flexible, and alternate work schedules are entitled to observe a holiday in the same ratio as the number of hours the part time employee's weekly schedule bears to forty (40) hours, without a reduction in pay, whenever a holiday is observed by the County.

D. Holiday on Regular Day Off of Full Time Employees on 4/10, 9/80, Flexible, and Alternate Work Schedules: When a holiday is observed by the County on the regularly scheduled day off of a full-time employee who is on a 4/10, 9/80, flexible, or alternate work schedule, the employee is entitled to take eight (8) hours off, without a reduction in pay, in recognition of the holiday. The employee is also entitled to receive eight (8) hours flexible compensatory time or pay at the rate of 1.0 times his/her base rate of pay in recognition of his/her regularly scheduled day off.

Those For these employees covered by this subsection who before March 1, 2010, moved a holiday that fell on a scheduled day off to the work day preceding or following the holiday, will be given priority for request for time off on the day they would have observed the holiday over other requests for time off.—, requests for time off on the day before or the day after an observed holiday will be given priority over requests from other employees for time off on those same days. However, This priority treatment does not apply to scheduled and approved vacation requests already granted to other employees. Further, the County retains the right to determine the maximum number of employees who may take time off work at the same time.

12.3– Holiday is WORKED and Holiday is Part of Employees Regularly Scheduled Workweek

12.3 – Holiday is WORKED and Holiday Falls on Regularly Scheduled Work Day of Full Time Employees on Regular, 4/10, 9/80, Flexible, and Alternate Work Schedules:

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A. Holiday Worked by Full Time Employees on Regular, 4/10, 9/80, Flexible, and Alternate Work Schedules (holiday falls on employee's regularly scheduled work day): When a full time employee works on a holiday that is part of the employee's regularly scheduled work week, that falls on the employee's regularly scheduled work day, the employee is entitled to receive his/her regular salary. The employee is also entitled to receive holiday pay at the rate of one and one half (1.5) times his/her base rate of pay (not including differentials) or holiday compensation time at the same rate, for all hours worked up to a maximum of eight (8) hours. The employee is also entitled to receive overtime pay or overtime compensation time at the rate of one and one half (1.5) times his/her base rate of pay (not including differentials) for all hours worked on the holiday beyond eight hours, but only if the employee was required to work on the holiday due to an emergency, except as provided in Section 7.1 above. This provision applies to the regular, 4/10, 9/80, flexible, and alternate work schedules.

B. Holiday Worked by Part Time Employee and Permanent Intermittent Employee (holiday is part of regular work schedule): When a part time employee and permanent intermittent employee works on a holiday that is part of the employee's regularly scheduled workweek, the employee is entitled to receive his/her regular salary. The part time employee and permanent intermittent employee is also entitled to receive holiday pay at the rate of one and one half (1.5) times his/her base rate of pay (not including differentials) or holiday compensation time at the same rate for all hours worked on the holiday, up to a maximum of eight (8) hours.

Section 12.4 – Holiday is Worked and Holiday is NOT Part of Employee's Regularly Scheduled Workweek

12.4 – Holiday is Worked and Holiday Falls on Regularly Scheduled Day Off of Full Time Employees on 4/10, 9/80, Flexible, and Alternate Work Schedules:

A. Holiday Worked by Full Time Employees on 4/10, 9/80, Flexible, and Alternate Work Schedules (holiday falls on employee's regularly scheduled day off): When a full time employee works on a holiday that is not part of the employee's regularly scheduled work week that falls on the employee's regularly scheduled day off, the employee is entitled to receive his/her regular salary. The employee is also entitled to receive overtime pay at the rate of one and one half (1.5) times his/her base rate of pay (not including differentials) or compensation time at the same rate for all hours worked on the holiday. This provision applies to employees on 4/10, 9/80, flexible, and alternate work schedules.

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B. Holiday Worked by Part Time Employee and Permanent-Intermittent Employee (holiday is NOT part of regular schedule): When a part time employee and permanent-intermittent employee works on a holiday that is not part of the employee's regularly scheduled workweek, the employee is entitled to receive his/her regular salary. The part time employee is also entitled to receive overtime pay at the rate of one and one half (1.5) times his/her base rate of pay (not including differentials) or compensation time at the same rate for all hours worked on the holiday.

C. Holidays are always part of the regular workweek for employees who work the regular work schedule.

B. See Section 12.3 A. when an employee on a **regular** work schedule works on a holiday.

Section 12.5 - Holiday and Compensatory Time Provisions

A. Maximum Accruals of Holiday Comp Time: Holiday compensatory time may not be accumulated in excess of two hundred eighty-eight (288) hours. After two hundred eighty-eight (288) hours are accrued by an employee, the employee will receive holiday pay at the rate of one and one half (1.5) times his/her base rate of pay. Holiday compensatory time may be taken at those dates and times determined by mutual agreement of the employee and the Department Head or designee.

B. Pay Off of Holiday Comp Time: Holiday compensatory time will be paid off only upon a change in status. A change in status includes but is not limited to separation, transfer to another department, reassignment to a permanent-intermittent position, or transfer, assignment, or promotion or demotion into a position that is not eligible for holiday compensatory time.

C. Maximum Accruals of Flexible Compensatory Time: Flexible compensatory time may not be accumulated in excess of two hundred eighty-eight (288) hours. After two hundred eighty-eight (288) hours are accrued by an employee, the employee will receive flexible pay at the rate of 1.0 times his/her base rate of pay. Flexible compensatory time may be taken on those dates and times determined by mutual agreement of the employee and the Department Head or designee.

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D. Pay Off of Flexible Comp Time: Flexible compensatory time will be paid off only upon a change in status. A change in status includes ~~it is not limited to~~ separation, transfer to another department, reassignment to a permanent-intermittent position, or transfer assignment, or promotion or demotion into a position that is not eligible for flexible compensatory time.

12.6 – Holidays for Full Time Employees who Work in Twenty-Four (24) Hour Facilities AND who do NOT Accrue Two (2) Hours per Month of Personal Holiday Credit:

A. All of the provisions of Section 12 apply to all of the full time employees who work in twenty-four (24) hour facilities and who do not accrue two (2) hours per month of personal holiday credit.

B. When a holiday falls on the regularly scheduled day off of a full-time employee who works in a twenty-four (24) hour facility AND who does not accrue two (2) hours per month of personal holiday credit, the employee's regularly scheduled day off moves to the employee's next scheduled work day.

- 1. Employee Works on his/her Next Scheduled Work Day Following the Holiday:** When a full time employee works on his/her next scheduled work day following the holiday, the employee is entitled to receive his/her regular salary. The employee is also entitled to receive overtime pay at the rate of one and one half (1.5) times his/her base rate of pay (not including differentials) or compensation time at the same rate for all hours worked on that day.
- 2. Employee does NOT work on his/her Next Scheduled Work Day Following the Holiday:** When a full time employee does NOT work on his/her next scheduled work day following the holiday, the employee is entitled to the day off, without a reduction in pay, in recognition of his/her regularly scheduled day off.
- 3. The County retains the right to decide whether an employee will work or not work on the next scheduled work day following a holiday.**

~~**12.6 Work Leave.** Upon Board of Supervisors approval of the MOU, but no later than November 10, 2006, each employee will receive 24 hours of Paid Time Off (PTO) (prorated for part-time and permanent-intermittent employees). If an employee is not granted his/her choice of day off, the supervisor shall suggest an alternate date. If the employee and supervisor cannot agree on the alternate date, the employee shall observe the day off on the employee's birthday. An employee whose birthday falls on a scheduled day off, may observe the PTO on the scheduled work day immediately~~

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~~preceding or immediately following the employee's birthday. 24/7 shift employees unable to schedule time off will be cashed out for unused time at the end of the agreement. This provision shall automatically terminate upon expiration of the MOU, and except as noted above, an employee will not be allowed to cash out any unused time.~~

~~**12.7 – Holiday Schedule – Re-Opener.** The parties agree to reopen the holiday schedule provisions of the Memorandum of Understanding for the purpose of ensuring consistent practices among the departments on holiday scheduling, and compliance with appropriate regulatory requirements. Any changes to the MOU and/or past practice, except those necessitated by legal requirements, shall be subject to agreement by both parties. If the County believes a change is necessitated by legal requirements, it shall notify the Union of the change and the legal basis thereof. The County shall offer to meet with the Union before the County implements such change.~~

12.7 – Provisions for Part Time Employees and Permanent Intermittent Employees - Reopener: The parties will agree to reopen the provisions of Section 12 of this Memorandum of Understanding for the limited purpose of meeting and conferring to ensure of ensuring consistent practices across departments regarding part time employees and permanent intermittent employees.

12.8 – Automated Time Keeping – Re-opener: This agreement may be re-opened at the request of either party for the purpose of meeting and conferring regarding the establishment of an automated time keeping system.

SECTION 58 - UNIT ITEMS

Specific working conditions for the various units represented by the Union are listed in Attachments 58.1 through 58.11.

Section 58.2 Attendant-LVN-Aide Unit is effective on March 1, 2010.

58.2 - Attendant-LVN-Aide Unit

~~The following provisions are effective November 1, 1989 unless otherwise specified:~~

~~A. The County will observe the following holidays:~~

~~January 1st, known as New Year's Day~~

~~3rd Monday in January known as Dr. M. L. King Jr. Day~~

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- ~~—— 3rd Monday in February, known as Presidents' Day~~
- ~~—— The last Monday in May, known as Memorial Day~~
- ~~—— July 4th, known as Independence Day~~
- ~~—— First Monday in September, known as Labor Day~~
- ~~—— November 11th, known as Veteran's Day~~
- ~~—— 4th Thursday in November, known as Thanksgiving~~
- ~~—— The Friday after Thanksgiving~~
- ~~—— December 25th, known as Christmas Day~~

- ~~—— Such other days as the Board of Supervisors may by resolution designate as holidays.~~

- ~~B. Employees in positions which are designated as 24-hour positions shall also celebrate:~~
 - ~~—— September 9th known as Admission Day~~
 - ~~—— Second Monday in October known as Columbus Day~~
 - ~~—— February 12th known as Lincoln's Day~~

- ~~C. Employees who only celebrate the holidays listed in A above shall accrue two (2) hours of personal holiday credit per month. Such personal holiday time may be taken in increments of one (1) hour, and preference of personal holidays shall be given to employees according to their seniority in their department as reasonably as possible. No employee may accrue more than forty (40) hours of personal holiday credit. On separation from County service, an employee shall be paid for any unused personal holidays credits at the employee's then current pay rate.~~

- ~~D. The following provisions indicate how holiday credit is to be applied:~~
 - ~~—— 1. Employees on the five (5) day forty (40) hour Monday through Friday work schedule shall be entitled to a holiday whenever a holiday is observed pursuant to the schedule cited above.~~
 - ~~—— 2. Employees on a work schedule other than Monday through Friday shall be entitled to credit for any holiday, whether worked or not, observed by employees on the regular schedule.~~
 - ~~—— 3. For all employees, if a work day falls on a scheduled holiday they shall receive overtime pay or equivalent compensatory time credit (Holiday Credit) for working the holiday, or if a holiday falls on the day off of an employee, the employee shall be given straight time pay or equivalent compensatory time credit.~~

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- ~~———— The purpose of this plan is to equalize holidays between employees on regular work schedule and those on other work schedules.~~
- ~~———— If any holiday listed in Section 12.1 falls on a Saturday, it shall be celebrated on the preceding Friday. If any holiday listed in Section 12.1 falls on a Sunday, it shall be celebrated on the following Monday. For employees in positions whose shifts include Saturday or Sunday as designated by the appointing authority (rather than Monday through Friday eight (8) hours per day or a designated 4/10 schedule) holidays shall be observed on the day on which the holiday falls regardless if it is a Saturday or Sunday.~~
- ~~E. ——— Permanent part time and permanent intermittent employees in the Hospital Nursing Service who work on a holiday shall receive overtime pay or compensatory time credit for all hours worked, up to a maximum of eight (8).~~
- ~~———— Permanent part time employees who do not work on a holiday shall receive holiday credit in the same ratio to the holiday credit given full time employees as the number of hours per week in the part time employee's schedule bears to the number of hours in the regular full time schedule, regardless of whether the holiday falls on the part time employee's regular work day.~~
- ~~F. ——— 4/10 Shift Holidays.~~
- ~~———— 1. ——— Holiday Shift Pay. Each 4/10 shift employee who works a full shift on a holiday shall receive time and one half for the first eight (8) hours worked in addition to regular pay for the holiday. Holiday shift pay shall be subject to provisions of Section 7 — Overtime.~~
- ~~———— 2. ——— Absence on Holiday. The maximum time charged to sick leave, vacation or leave without pay on a holiday shall be two (2) hours.~~
- ~~G. ——— Accrual of Holiday Time. Employees entitled to overtime credit in positions which work around the clock shall be permitted to elect between pay at the overtime rate or compensatory time off in recognition of holidays worked. The following procedures shall apply to this selection:~~
- ~~———— 1. ——— Eligible employees may elect, on a quarterly basis, the method of reimbursement for work performed on holidays. The selection between accrued holiday time and/or overtime pay must be made known to the~~

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~~County during each of the calendar months of June, September, December and March for the duration of this MOU.~~

- ~~2. Employees starting work after a list of those electing to accrue holiday time has been submitted to the Auditor and approved, will be paid overtime unless they specifically requested in writing within seven (7) calendar days to be placed on the accrual list.~~
- ~~3. Holiday time shall be accrued at the rate of one and one half (1 1/2) time the actual hours worked to a maximum of eight (8) hours worked by the employee.~~
- ~~4. Holiday time may not be accumulated in excess of two hundred eighty-eight (288) working hours. Holiday time may be accrued up to two hundred eighty-eight (288) hours, exclusive of regular vacation accruals. After two hundred eighty-eight (288) hours, holiday time shall be paid at the overtime rates specified in Section 7.~~
- ~~5. Accrued holiday credit may be taken off at times determined by mutual agreement of the employee and the Department Head.~~

~~H.A.~~ Each permanent employee working in the Hospital Nursing Service and who qualifies for paid holidays shall not be required to work on at least one (1) of the following holidays each year: Thanksgiving, Christmas, New Year's Day.

~~H.B.~~ Employees in this unit who are employed at CCCRMC and are required to work on Thanksgiving, Christmas or New Year's Day will be provided a free meal in the Hospital Cafeteria between the hours of 6:00 a.m. and 6:00 p.m.

58.11 – Probation Unit

- ~~A.~~ Pursuant to the Departmental Memorandum of October 28, 1974, the Probation Department will continue to receive and consider proposals for adjusted hours for employees in the Department subject to the criteria set forth in the aforementioned memorandum.

~~Individual Deputy Probation Officers currently on a 4/10 schedule may remain on said schedule for the duration of the MOU except when a change to a 5/8 schedule is mutually agreed upon between the employee and their immediate supervisor. However, as positions vacate, the Probation Department reserves the prerogative to change the assignment to a 5/8 work schedule before refilling it.~~

**Modify COUNTY PROPOSAL NO. M-4
LOCAL ONE – Coalition Negotiations 2008
Section 6 (Days & Hours of Work)/Section 7 (OT & Comp Time)
Section 12 (Holidays)/Section 58.2 (Attendant-LVN-Aide)
Presented on: July 15, 2009**

~~Nothing herein precludes supervisors from recommending that vacated 4/10 positions be retained.~~

- ~~B. The current reassignment policy for Deputy Probation Officers in the Probation Department, which is attached hereto and incorporated herein by reference, shall remain in effect for the duration of this MOU unless modified by mutual agreement.~~
- ~~C. It is the policy of the Probation Department that all unit supervisors hold personal evaluations and submit a written evaluation to all Deputy Probation Officers whenever such officers transfer from their units.~~
- ~~D. The Department Wide Probation Services Advisory Committee shall continue during the term of this MOU.~~
- ~~E. The Probation Department will establish separate subcommittees of the Probation Services Advisory Committee for each of the major juvenile institutions (Orin Allen Youth Rehabilitation Facility, Chris Adams Girls Treatment Center and Summit Center for Boys) prior to the expiration of this MOU on a trial basis. Representation on each such committee will consist of two (2) Probation Counselors selected by the Union together with the manager of the facility. The subcommittee shall meet quarterly at a mutually agreeable time and place, discuss and resolve issues of mutual concern. The subcommittee may refer some problems to the department wide committee for resolution.~~
- ~~F. Probation Counselors who are designated as Juvenile Hall transportation officers by the Probation Department shall celebrate Admission Day, Columbus Day and Lincoln's Birthday as holidays in accordance with Section 12.1 of this MOU. It is understood that, with advance notice, transportation officers may be required to work one or more of these holidays at the holiday rate of pay.~~
- ~~G. If Independence Day, Christmas Day or New Year's Day falls on a Saturday or a Sunday, Probation Counselors or Probation Officers working in Probation Department twenty-four (24) hour institutions shall celebrate that Saturday or Sunday as the holiday. A Probation Counselor or Probation Officer will be paid the holiday rate of pay if he/she is required to work a Saturday and/or Sunday, Independence Day, Christmas Day and/or New Year's holiday.~~
- ~~H. Applicants who currently occupy a permanent peace officer position in the Probation Department will not be required to complete the psychological screening or background investigation to promote to other peace officer positions in the~~

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~~Probation Department. Specifically, permanent Probation Counselors participating in the current promotional Deputy Probation Officer II examination will not be required to complete either psychological screening or a background investigation. Individuals who have only temporary Probation Counselor time with the County will be required to complete the full scale psychological and background investigation.~~

~~I. Effective the first of September 1990 temporary employees in the job classifications of Probation Counselor I, II or III who have completed 2080 hours of employment are eligible to receive time and one half (1 1/2) for working a holiday.~~

~~J. Permanent Probation Counselors of the Juvenile Hall, the Juvenile Community Services Program, Orin Allen Youth Rehabilitation Facility, Home Supervision, Chris Adams Girls Treatment Center and Summit Center for Boys will receive seven and one half percent (7.5%) differential premium pay when assigned as "Lead Counselor" for the assigned shift or for the duration of the "Lead Counselor" assignment, when replacing the Building Supervisor (Institutional Supervisor II) at Juvenile Hall and when replacing Institutional Supervisor I's at Orin Allen Youth Rehabilitation Facility.~~

~~Permanent Probation Counselors assigned Lead Counselor duties and responsibilities will receive this monetary compensation for hours worked. To receive this compensation, Lead Counselors must work the assigned shift and provide direction for one or more co-workers.~~

~~Facility administrators have the sole responsibility for selecting and assigning Lead Counselors. The selection process shall include an assessment of experience, skills, leadership abilities, seniority, and the needs of the unit or facility among other considerations. The assignment may apply to Probation Counselors I, II and III depending on the above criteria when the supervisor designates the "Lead Counselor."~~

~~The selection and assignment of Probation Counselors in accordance with the above criteria is not grievable.~~

~~K. Title Change. The class titles of Group Counselor I, II and III shall be Probation Counselor I, II and III respectively.~~

~~L. Posting of Vacant Positions. If a vacant position in a juvenile institution is not posted within thirty (30) days, a notice of the reasons why not shall be posted.~~

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~~When a vacancy occurs within a Probation Counselor Unit (Diablo, Sierra, Orin Allen Youth Rehabilitation Facility, Chris Adams Girls Treatment Center, Summit Center for Boys, Home Supervision, Diversion), that vacancy (shift schedule) will be offered to the Probation Counselors within that unit prior to being posted Department wide. If three (3) or more people apply for the vacant position from within the unit, only the three (3) most senior employees will be considered. If less than three (3) people apply for the vacant position, the hiring manager may post the vacancy throughout the Department in order to have three (3) employees from whom to choose. If, after posting the vacancy there are still less than three (3) employees, the institutional manager is entitled to add names from the eligible list to have three (3) people from whom to choose.~~

~~L. Pregnancy Limited Duty. Once an employee has been granted limited duty status for maternity reasons by the County, such employee may, with specific medical verification, request and receive reassignment to a work location which shall not require the employee to have a physical presence during the term of the pregnancy on any living unit at juvenile hall.~~

~~M. Seniority for layoffs, pursuant to Section 11 — Workforce Reduction/Layoff/Reassignment, and Section 22.6 Reassignment Due to Layoff or Displacement, shall be based on series seniority rather than classification seniority.~~

~~The Probation Counselor series includes Probation Counselor I, Probation Counselor II, and Probation Counselor III. The Deputy Probation Officer series includes Deputy Probation Officer I, Deputy Probation Officer II, and Deputy Probation Officer III.~~

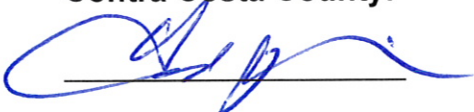
~~An employee's seniority within a series for layoff, displacement and reassignment purposes under Section 22.6 shall be determined by adding the employee's length of service in the particular series in which the employee currently holds a position, to the employee's length of service in other classes at the same or higher salary levels as determined by the salary schedule in effect at the time of the layoff.~~

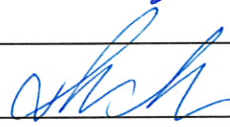
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~~Q. Permanent full time, permanent part time and permanent intermittent Probation Counselors will have the option to select pay or compensatory time for overtime worked on a weekly basis based on a Monday through Sunday workweek. Eligible permanent full time, permanent part time and permanent intermittent Probation Counselors who work overtime during a particular workweek will select "money" or "time" on their first Absence/Overtime Request (AOR) for that workweek. All overtime worked during that workweek will then be based on that initial selection for the remainder of the workweek. Permanent full time, permanent part time and permanent intermittent Probation Counselors may change the selection from "money" to "time" and vice versa on a weekly workweek basis. Probation Counselors employed on a temporary/extra help basis will not have this option. Probation Counselors employed on a temporary/extra help basis will be compensated with overtime pay.~~

Date: July 15, 2009

Contra Costa County:





Local One:

