



**Contra  
Costa  
County**

To: Board of Supervisors  
From: David Twa, County Administrator  
Date: January 22, 2019

Subject: Resolution No. 2019/27 - DSA Side Letter - Sheriff Dispatch Non-Sworn FLSA Work Periods

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**RECOMMENDATION(S):**

ADOPT Resolution No. 2019/27, approving a side letter between Contra Costa County and the Deputy Sheriffs Association (DSA), Rank and File Unit, to provide for and establish FLSA work periods for the classifications of Supervising Sheriff Dispatcher (64HD), Sheriff Dispatcher II (64WM), and Sheriff Dispatcher I (64WK).

**FISCAL IMPACT:**

Administrative change to schedules. There is no cost associated with the change.

**BACKGROUND:**

In August, 2018, the Deputy Sheriffs Association (DSA) filed a petition with the National Labor Relations Board (NLRB). The petition had the limited purpose of having the DSA certified by the NLRB as a collective bargaining representative for purposes of negotiating certain schedule changes pursuant to the FLSA. The FLSA permits alternative schedules to be negotiated that permit workweeks in excess of 40 hours without incurring overtime, but only if the agreement is negotiated with a representative that is certified as a bona fide representative by the National Labor Relations Board. The petition was successful. Thereafter, the DSA requested that the County bargain over mutually beneficial changes to

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☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY  
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

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Action of Board On: **01/22/2019** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

**VOTE OF SUPERVISORS**

AYE: John Gioia, District I Supervisor  
Candace Andersen, District II Supervisor  
Diane Burgis, District III Supervisor  
Karen Mitchoff, District IV Supervisor  
Federal D. Glover, District V Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: January 22, 2019

David Twa, County Administrator and Clerk of the Board of Supervisors

Contact: Lisa Driscoll, County  
Finance Director (925) 335-1023

By: Stephanie Mello, Deputy

dispatch schedules.

## BACKGROUND: (CONT'D)

> The 12/80 work schedule is available to employees in the following classifications: Supervising Sheriff Dispatcher (64HD), Sheriff Dispatcher I (64WK), and Sheriff Dispatcher II (64WM). A 12/80 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. In the thirty-six (36) hour calendar week, the employee works three (3) twelve (12) hour days and has the same day of the week off that is worked for eight (8) hours in the forty-four (44) hour calendar week. In the forty-four (44) hour calendar week, the employee works three (3) twelve (12) hour days and one (1) eight (8) hour day. For FLSA overtime hours, the FLSA work period is 1,040 hours in the designated re-occurring 26-week period per Section 7(b)(1) of the FLSA. FLSA overtime for non-sworn employees working a 12/80 schedule shall be for hours actually worked in excess of 1,040 in the applicable 26-week FLSA work period, twelve (12) in a day, or fifty-six (56) in a workweek. The recurring 26-week work period for all employees on a 12/80 schedule will begin effective January 28, 2019. The work period for all 12/80 schedules shall begin on a Monday.

The DSA and County agreed to modify the MOU to allow specified classifications on 12/80 schedules to participate in FLSA work periods (Side Letter dated 1/15/19 attached).

## CONSEQUENCE OF NEGATIVE ACTION:

If the side letter is not approved, the department will be unable to take advantage of FLSA work periods for these classifications, making scheduling difficult and inefficient, especially during tri-annual shift changes.

## ATTACHMENTS

Resolution 2019/27

DSA Side Letter dated 1-15-19