

FAIR LABOR STANDARDS ACT

BOARD WORKSHOP EXHIBITS

***PRESENTED BY THE HUMAN
RESOURCES DEPARTMENT***

TUESDAY, SEPTEMBER 30, 2008

16.6

***Employee Communication
Materials***



What You Need to Know About FLSA Overtime

What is happening?

The way overtime is calculated and compensatory time is accrued will be changing to implement labor agreements negotiated by SEIU and LIUNA and to be consistent with the terms of the Fair Labor Standards Act (FLSA). These provisions also apply to employees covered by the Resolution for Exempt Management, Management, Confidential and Other Unrepresented Employees and to temporary employees as defined in the Ordinance 440.

What is FLSA overtime?

The Act establishes rules for calculating overtime pay. It requires overtime pay for non-exempt employees who work more than 40 hours in a seven-day FLSA workweek. The FLSA workweek for employees on a 9/80 schedule may overlap pay periods in order to account for employees' 9/80 off day and at the same time ensure that each workweek contains 40 hours.

How is this different?

In the past the County has paid overtime based on the number of hours worked beyond the employee's regularly scheduled day or 80-hour bi-week. Actual work hours and paid leave time both were counted toward the overtime threshold. Under FLSA rules non-exempt employees are paid overtime when they actually work more than 40 hours in the FLSA workweek. Leave time does not count toward the 40-hour threshold.

Will any exempt employees still get overtime?

Yes, in limited circumstances. The most common occurs when an employee is placed on call and is called back to work. The employee will be paid at overtime rates even if that time would not qualify for overtime under FLSA rules. All of the exceptions are listed in the applicable Memorandum of Understanding on www.WorkforceExchange.net; click on HR Toolbox in the header, then on the left side of the page, select Employee Relations. The MOU's are available for selection on the right side.

Who will be affected by this change?

Negotiators for SEIU and LIUNA agreed that the change would apply to all the employees the unions represent. To be certain about whether the change affects you, check the County Classification and Salary listing, which indicates whether a county position is exempt or non-exempt. The listing is available at www.WorkforceExchange.net; click on HR Toolbox in the header, then on the left side, select Classification. The Class and Salary Listing is available for selection on the right. You may contact your Human Resources Services team if you have any questions.

Why should I have to lose pay because of this change?

This change will affect some employees financially in order for the county to abide by the law and with negotiated labor agreements.

When will the changes take effect?

We expect to implement the changes effective as of July 3, 2008

What if I have additional questions?

Human Resources will be holding Question and Answer sessions at the following times and locations:

June 9 th	3:00 p.m.	*Sherman Building (100 seats)
June 12 th	3:00 p.m. and 4:00 p.m.	County Administrative Center, Board Room
June 18 th	2:00 p.m. and 3:00 p.m.	County Administrative Center, Board Room
June 24 th	9:30 a.m. and 2:00 p.m.	Workforce Development Center, Indio
June 30 th	9:30 a.m.	Auditorium, Community Health Agency (50 seats)
July 2 nd	2:00 p.m. and 3:00 p.m.	County Administrative Center, Board Room
July 9 th	2:00 p.m.	RCRMC
July 10 th	3:00 p.m. and 4:00 p.m.	County Administrative Center, Board Room
July 14 th	2:00 p.m. and 3:00 p.m.	DPSS, County Circle, Dodge Room
July 17 th	2:00 p.m. and 3:00 p.m.	County Administrative Center, Board Room
July 23 rd	9:30 a.m. and 1:00 p.m.	Workforce Development Center, Indio
July 24 th	2:00 p.m. and 3:00 p.m.	County Administrative Center, Board Room

To attend one of the sessions, please send an e-mail to FLSA@rc-hr.com and indicate the date and time of the session that you would like to attend.

Departments may hold additional Question and Answer sessions for their employees.

*The address for the Sherman Building is 3900 Sherman Drive, Riverside, CA 92503 (Located off Magnolia Ave. & Jackson St. - Behind Parkview Hospital)



Overtime Is Changing – What Do the New Rules Mean?

You've probably heard that as of July the way overtime is paid in the County for employees in LIUNA or SEIU bargaining units, and for employees covered by the Management Resolution. You may be wondering what does this mean to you. While it is impossible to answer that question for every employee in just a few paragraphs we did want to fill you in on three "big" changes because this might help you understand how the new system will work.

1

The first change is probably the biggest because it is going to require everyone in the County to think about overtime in a whole new way. Under the old system you are familiar with overtime was determined on a daily basis but under the new rules overtime will be determined on a weekly basis.

An example will probably make this easier to understand. Let's assume that you work a 9/80 schedule, with Friday as your 8-hour day, and you regularly work 7:30 a.m.–5:00 p.m. For purposes of our example, on Tuesday evening your supervisor asks you to stay until 7:00 p.m.

Under the old system the time between 5:00 p.m. and 7:00 p.m. would be considered overtime because it was two hours more than your usual work day. That is how daily overtime is calculated. However, under the new FLSA system the time between 5:00 and 7:00 will not be considered overtime because they will only be the 19th and 20th hour you have worked that week. So what happens to these "overtime" hours?

Well, if you worked your normal schedule that week you would expect to reach 40 hours of work at 11:30 a.m. on Friday morning. However, because of the extra two hours on Tuesday, you will actually reach 40 hours at 9:30 a.m. on Friday morning. As a result time between 9:30 a.m. and 11:30 a.m. on Friday morning will be overtime. That is how a weekly overtime system works.

So while you may be used to thinking you worked overtime on Tuesday evening, under the new rules you actually won't work overtime until Friday morning. So the key is to stop thinking about days and to start thinking about weeks to figure out when you have worked overtime.

2

The next big change has to do with which type of hours qualify for overtime. After July (for the most part) only time actually worked in excess of 40 hours in a workweek will be counted as overtime. Under the old system the hours you were paid were used to determine if you were eligible for overtime. This practice of using paid time led to abuse and overtime was being paid to employees who had not actually worked a full week. This change will make overtime payment more equitable and reward those employees who have truly put in extra time.

3

The third big change is that employees who are considered "exempt" from the FLSA will be treated as salaried employees and will no longer be eligible for overtime (in most cases). They will be paid their regular bi-weekly salary each pay period. While we've always had "exempt" employees they have received overtime in the past under the MOU, not under the FLSA. As of July that will be changing.

Exempt employees generally fall into one of four categories: executive, professional, administrative, and computer. You can look on the County's Class and Salary Listing to find out if your job is exempt "E" or non-exempt "N".

More Flexibility In addition to the three major changes outlined above you may also see some added flexibility in your daily schedule as a result of moving to a weekly overtime system. With daily overtime your supervisor did not have much discretion with your day-to-day work schedule. For example, if you had to leave early on Wednesday your supervisor could not let you "make up" time on Thursday because that generally would require the payment of overtime. With the change to weekly overtime your supervisor will have more flexibility to work with you on minor schedule adjustments during the workweek because these usually will not involve the payment of overtime.

Scheduling Even though there are no planned changes from current practice, most employees do not fully understand the rules about scheduling. As a general rule your supervisor can change your daily schedule, including your start and stop time and/or the days you work, to meet the needs of the department. In some departments - like RCRMC - this happens all the time but in others it is rarer. Just keep in mind that this can happen, even without any advance notice to you.

When it comes to a change of the shift pattern for your work group (e.g. 9/80 to 4/10) the County has to provide two weeks notice to your union before implementing that change. Although not specifically required, you should expect to be notified as well.

Similarly, the County cannot alter your established FLSA workweek to avoid paying you overtime for that week and the County generally will not alter your FLSA workweek unless you are changing your "9/80" day or some similar change.

So while there is considerable flexibility with your shift scheduling there are also some limits on what changes can be made, or at least how much notice is required before a change is implemented. As always, management can require you to work any hours necessary to get the job done.

Q&A Sessions Every change brings uncertainty and we expect this be true as we make this conversion in how overtime is paid. We invite you to attend one of the employee information sessions to have your specific questions answered. The schedule for these meetings can be found on workforceexchange.com. Follow the **FLSA page** link, enter your employee information, and then select the "**Payroll Stuffer**" link. You can also contact your HR Services Team for additional information or send an e-mail to FLSA@rc-hr.com.



COUNTY OF
Riverside
HUMAN RESOURCES

Winner IPMA Award for Excellence

County Administrative Center
4080 Lemon Street, P.O.Box 1569 • Riverside, CA 92502 • (951) 955-3500
44-199 Monroe Street, Suite B • Indio, CA 92201 • (760) 863-8327

RONALD W. KOMERS, IPMA-CP
ASST. COUNTY EXECUTIVE OFFICER
HUMAN RESOURCES DIRECTOR

BARBARA A. OLIVIER, SPHR
ASST. HUMAN RESOURCES DIRECTOR

June 17, 2008

Re: Fair Labor Standards Act (FLSA) Overtime Payment Exemption

Name
Address
City, CA Zip

During the latest round of labor negotiations, the County of Riverside and your bargaining unit agreed that employees will be paid overtime consistent with provisions of the Fair Labor Standards Act (FLSA). FLSA is the federal legislation that establishes overtime pay standards for full-time and part-time employees.

After careful review, the County has determined that your position of WORKERS COMP UR NURSE CASE MGR is considered *exempt* from the FLSA overtime payment requirements. Effective July 3, 2008, you will no longer be entitled to receive overtime pay.

All other premium pay such as shift differentials, call-back and standby pay will continue to be paid in accordance with the provisions of your bargaining unit's Memorandum of Understanding.

For more information regarding FLSA provisions please visit: www.WorkforceExchange.net. If you have questions regarding your FLSA status, please contact your Human Resources Services Team.

Sincerely,

Ronald W. Komers
Assistant County Executive Officer/
Human Resources Director



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June 17, 2008

Re: Fair Labor Standards Act (FLSA) Overtime Payment Provisions

Name
Address
City, CA Zip

During the latest round of labor negotiations, the County and your bargaining unit agreed that employees will be paid overtime consistent with provisions of the Fair Labor Standards Act (FLSA). This will also apply to non-exempt employees covered under the Resolution for Exempt Management, Management, Confidential and Other Unrepresented Employees. FLSA is the federal legislation that establishes overtime pay standards for full-time and part-time employees.

According to FLSA provisions, employees classified as non-exempt receive overtime pay for hours actually worked in excess of 40 in a seven-day FLSA workweek at a rate not less than one and one-half times their FLSA pay rate.

After careful review, the County has determined that your position of ELECTIONS COORD - SERVICES is classified as *non-exempt* according to FLSA. Effective July 3, 2008, you will be entitled to receive overtime pay for hours actually worked in excess of 40 in your approved FLSA workweek. Overtime pay must be recorded using the appropriate timekeeping code and will be paid in the pay period in which your FLSA workweek ends.

Please be advised that if you are working a 9/80 work schedule, your FLSA workweek may not coincide with the pay period. Your FLSA workweek may be split between two pay periods. Overtime is earned and evaluated in the pay period in which your FLSA workweek ends.

All other premium pay such as shift differentials, call-back and standby pay will continue to be paid in accordance with the provisions of your bargaining unit's Memorandum of Understanding.

For more information regarding FLSA provisions please visit www.WorkforceExchange.net. If you have further questions regarding your FLSA status, please contact your Human Resources Services Team.

Sincerely,

Ronald W. Komers
Assistant County Executive Officer/
Human Resources Director



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BARBARA A. OLIVIER, SPHR
ASST. HUMAN RESOURCES DIRECTOR

June 17, 2008

Name
Address
City, CA Zip

Re: Fair Labor Standards Act (FLSA) Overtime Payment Provisions

During the latest round of labor negotiations, the County and your bargaining unit agreed that employees will be paid overtime consistent with FLSA provisions. More recently, the parties agreed that employees in your job classification will be entitled to receive a recruitment/retention premium for all hours worked in excess of 80 in a pay period. To review the entire agreement between your bargaining unit and the County of Riverside, you may go to: www.workforceexchange.net.

Your position of PRE HOSPITAL LIAISON NURSE is **exempt** from FLSA overtime provisions; however, you will continue to receive overtime pay for authorized work in excess of your normal work schedule until the County implements the terms of the recently negotiated recruitment/retention premium.

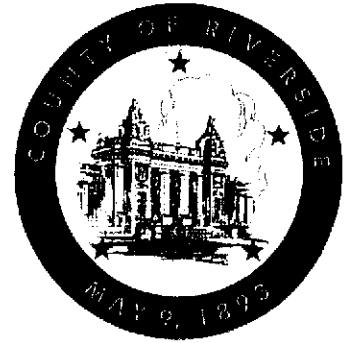
All other premium pay such as shift differentials, call-back and standby pay will continue to be paid in accordance with the provisions of your bargaining unit's Memorandum of Understanding (MOU). To ensure accurate payment, please be sure to code your time correctly for timekeeping purposes.

If you have further questions regarding your FLSA status, please contact your Human Resources Services Team.

Sincerely,

Ronald W. Komers
Assistant County Executive Officer/
Human Resources Director

THE TRUTH ABOUT “FIGHTING THE LOSS OF OVERTIME TOGETHER”



SEIU, Local 721 recently circulated a brochure requesting that you join with them to fight the loss of overtime. Here are some things they did not tell you:

- Changes to overtime rules are the result of a union contract negotiated between the County and SEIU in December 2005. The County is only following the labor contract in implementing the negotiated Fair Labor Standards Act (FLSA) changes.
- SEIU understood overtime changes because its legal counsel, Fern Steiner, from the San Diego firm of Tossal, Smith, Steiner, and Wax, was invited to negotiations on December 15, 2005 (the date the agreement on FLSA overtime was made), met with the SEIU negotiating team, and asked questions about the proposal during negotiations.
- When the labor contract was submitted to the Board of Supervisors for approval, the following statement was made: "Overtime: For FLSA covered employees consistent with FLSA". There was no secret that the change had been negotiated and SEIU did not challenge the contract when it was submitted to the Board.
- The County does not know what information SEIU communicated privately to employees it represents about this change. The ratification message on SEIU's website did not make any reference to the FLSA change.

- Rebecca Miller, who negotiated on behalf of SEIU, stated the following about the new MOU in a Labor-Management meeting held on Thursday, January 12, 2006:

Rebecca [Miller] replied that the negotiating team and the union staff are positive about the contract. The materials sent to employees and look at the ratification process, from the beginning it was conveyed that the contract is good, and union members made tremendous strides. Rebecca said it is a very complex contract, and it is difficult to explain across the board....

- SEIU has filed a charge with the State PERB but not because of "the County's move to prevent several hundred SEIU members from receiving overtime pay." The charge alleges that the County did not meet and confer about the effects of changes to the FLSA status of employees, an issue that was settled in 2005 when the parties agreed to adopt FLSA overtime rules.
- The County reviewed the FLSA status of all 607 SEIU job classifications and 434 remain unchanged, 167 classifications were changed from exempt to non-exempt (meaning they are now eligible for overtime), and only six classifications were changed from non-exempt to exempt.

- The State PERB charge makes allegations that are not factually correct. For example:

Allegation: SEIU was unaware of the change to the overtime rules until February 2008 when they started receiving “inquiries from members about potential changes in overtime compensation” and in March 2008 when the County provided information about FLSA status.

Truth: SEIU has known about the adoption of FLSA overtime since it was negotiated in 2005. In August 2007, SEIU actually negotiated a Side Letter to the MOU that contained the following preamble:

WHEREAS the parties negotiated a Memorandum of Understanding (“MOU”) that, with some limited exception, pays overtime in accordance with the rules established in the Fair Labor Standards Act (“FLSA”);

AND WHEREAS the County has reviewed all the classifications in the bargaining units represented by SEIU to determine which classifications are exempt from the FLSA overtime provisions;

If SEIU did not know about the FLSA rules being implemented why does the 2007 Side Letter make reference to the FLSA and exempt employees? The side letter is available on workforceexchange.net if you want to see it.

Allegation: SEIU first discussed FLSA overtime with the County during the March 2008 labor-management meeting.

Truth: There have been ongoing discussions about this issue with SEIU since December 2005. For example, this discussion is recorded in the minutes of the Thursday, April 13, 2006, Labor-Management Meeting:

Implementation of FLSA Overtime

Arianna Jimenez said she has heard a rumor that the County intends to unilaterally change employees’ FLSA exempt/nonexempt status.

Ron Komers said he would address this question conceptually: It is the employer’s obligation to determine employees’ exempt status, and it is determined on a position-by-position basis. When we go through a classification review process, we ensure that we comply with the law in that regard. It is not a discretionary act; it is a mandatory act. An employee’s exempt or nonexempt status is determined by their duties. It is always the County’s intent to comply with the law. Doris Lackey, Human Resources Services Manager, is responsible for making determinations as to exempt or nonexempt status. ... Employees may contact Doris Lackey if they feel they are misclassified in terms of FLSA status.

- SEIU alleges “Overtime Misused by Management” but County employees who are eligible for overtime have always been paid overtime in the past when they qualified, and will continue to receive overtime in the future in accordance with the labor contract.

- SEIU states that “Your employer should give you two weeks notice when your schedule will be changed.” The labor contract requires that the union representing the affected employees be notified one pay period prior to any change to an existing, alternate shift pattern (i.e. 9/80 to 4/10 or to 12 hour shifts). However, the County can legally adjust your daily or weekly work schedule without any advance notice to the employee or the union, to minimize the overtime you will be required to work. County managers are actively reviewing their overtime practices and are particularly focused on ensuring that exempt employees do not feel mistreated.

- SEIU poses the question, “Do I have to work overtime?” We agree that the answer is “yes.” The County has the right, and the responsibility, to ensure that the work is done. If overtime is necessary the County can require you to work. This is the same as it always has been and never before has SEIU indicated that this is an “abuse” of employees. The assignment of work including overtime is a fundamental management right.

ATTENTION: SEIU, LIUNA AND EMPLOYEES COVERED BY THE MANAGEMENT RESOLUTION

OVERTIME PAYMENT RULES ARE CHANGING



FLSA Overtime

Who is Affected by FLSA Overtime

Exempt/ Non-Exempt Status



*The Fair Labor Standards Act (FLSA) is the legislation that establishes rules regarding when overtime is payable. For more information go to: www.workforceexchange.net or contact your HR Services Team.

Frequently Asked FLSA Questions

What is FLSA?

- The Fair Labor Standards Act (FLSA) requires employers to pay Non-Exempt employees one-and-one-half times their rate of pay for hours worked in excess of 40 in an FLSA workweek.
- The FLSA workweek is any consecutive 7 days or 168 hours

What determines which employees are Exempt or Non-Exempt?

FLSA provides exemption from the Act's overtime requirements for the following employees:

- Executive
- Professional
- Administrative
- Computer (analysts, programmers, software engineers)

Employee status is based on the nature, scope and consequence of the position (not just job classification).

What does this change mean for Non-Exempt Employees?

Non-Exempt employees will get overtime pay for hours actually worked in excess of 40 in an FLSA workweek. Hours paid such as vacation, sick, holiday do not count in determining overtime pay.

What does this change mean for Exempt Employees?

Most Exempt employees will no longer receive overtime pay.

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Will other types of pay be affected?

- Other types of premium pay such as:
 - Shift differentials
 - Call back and Stand-by
 - Recruitment & Retention premiums

Will continue to be paid to Exempt & Non-Exempt employees according to the provisions of the applicable MOU.

When do Non-Exempt employees get paid overtime?

- Hours are evaluated at the end of each FLSA workweek and payable at the end of the Pay Period in which the applicable FLSA workweek ends.
- Employees who work an Alternate Work Schedule (e.g. 9/80, 6/12) may have FLSA workweeks that end in the next pay period.

Why aren't FLSA workweeks the same as Pay Period weeks?

- For employees who have Alternate Work Schedules such as 9/80 or 6/12, the 8 hour day must be split between two FLSA workweeks so that each workweek totals 40 hours.
- The 8 hour day determines when the FLSA workweek begins and ends.
- The Pay Period week begins each Thursday, but depending on the Alternate Work Schedule an employee's FLSA workweek may start on any day of the week (e.g. Friday).

Why don't we adjust Pay Period weeks to be the same as FLSA Workweeks?

Because there are approximately 40 different FLSA schedules at the County (e.g. 9/80 work schedules with Friday or Monday as the 8 hour day).

Who can be required to work "overtime"?

- Exempt employees are required to work the time necessary to accomplish the job they are assigned.
- Non-Exempt employees can be required by management to work over their normal schedule.
- Because of the FLSA changes, some employees who will be mandated to work over their regular hours will not receive overtime pay.

Can an employee's work schedule be changed?

- Employee daily work schedules may be changed at any time based on business needs;
- FLSA requires that overtime be evaluated on a weekly basis (any consecutive 7 days or 168 hours), therefore daily start and end times can be changed without affecting the overtime computation.

Can an employee's work schedule be changed (cont.)?

- FLSA prohibits employers changing the regular FLSA workweek, (the 7 day consecutive period) in order to avoid overtime pay
- If an employee's work schedule is changing, the department time entry staff should be notified at the beginning of the pay period so that the current FLSA schedule is reflected in PeopleSoft.

How do Exempt employees account for partial day absences?

Generally, employees represented by unions must deduct partial day absences from sick and vacation time accruals.

Who qualifies for stand-by and call back pay?

- If an employee (Exempt or Non-Exempt) is called back to work when on stand-by, the hours worked will be paid in accordance with the applicable MOU.
- If a Non-Exempt employee is called back to work but had not been on stand-by, the hours worked will be paid and evaluated for FLSA overtime.

Fair Labor Standards Act (FLSA)

Standards for Overtime and
Exempt/Non-exempt Status

FLSA Overview

The Fair Labor Standards Act establishes guidelines used to determine whether employees are entitled to FLSA overtime.

Overtime is paid on hours actually worked during the FLSA workweek.

An employee's FLSA schedule determines the FLSA workweek.

Definitions

Exempt – Based on an employee's position/classification and the nature of the duties performed an employee may be exempt from FLSA overtime.

Non-exempt – Refers to employees who are eligible for FLSA overtime.

FLSA workweek – Consists of 7 consecutive days (168 hours).

FLSA schedule – Is used to determine the FLSA workweek for non-exempt employees.

Definitions

FLSA Regular Rate – Based on employee's hourly rate, differentials, and total hours worked during the FLSA workweek. (May vary from FLSA workweek to workweek depending on differentials and total hours worked).

FLSA Overtime Rate – One and one half times the FLSA regular rate of pay.

Fair Labor Standards Act (FLSA)

Under FLSA employers compensate non-exempt employees one-and-one-half-times their FLSA regular rate of pay for hours actually worked over 40 in an FLSA workweek.

Paid leave time including vacation, sick, holiday and compensatory time is not considered time worked for the computation of FLSA overtime.

Exempt employees are not entitled to overtime pay under FLSA, but may be entitled to other premium pay under the applicable Memorandum of Understanding (MOU).

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Who is subject to the overtime changes?

FLSA overtime applies to "non-exempt" employees within:

SEIU

LIUNA

Non-exempt employees covered by the Resolution for Management, Confidential and other Unrepresented Employees.

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Other Premium Pay

Other Premium pay will continue to be paid in accordance with the provisions of the applicable MOU. Premium pay includes:

Shift differentials

Payment at overtime rate for call back when on standby

Recruitment and retention premiums for nurses and social workers

Exempt/Non-exempt Status

FLSA status is determined based on the type of work including the scope and consequence of duties performed.

Human Resources has reviewed all positions to ensure that they are appropriately categorized as FLSA exempt or FLSA non-exempt. (Please see the Class and Salary listing located on:

FLSA Overtime Calculations

Overtime is based on time actually worked over 10 hours in an FLSA workweek (not time paid).

In order to be paid as overtime, hours must be reported by using the appropriate time reporting code.

5/8 Schedule

	FLSA Week 1							FLSA Week 2						
TRC	Thu 03/29	Fri 03/30	Sat 03/31	Sun 04/01	Mon 04/02	Tue 04/03	Wed 04/04	Thu 04/05	Fri 04/06	Sat 04/07	Sun 04/08	Mon 04/09	Tue 04/10	Wed 04/11
REG	8.00	8.00	-	-	8.00	8.00	8.00	8.00	8.00	-	-	8.00	8.00	8.00
HOL	-	-	-	-	-	-	-	-	-	-	-	-	-	-
VAC/CLW	-	-	-	-	-	-	-	-	-	-	-	-	-	-
OVT	-	-	-	-	-	-	-	-	-	-	-	-	-	-
CTW	-	-	-	-	-	-	-	-	-	-	-	-	-	-

The example above is based on an employee working a 5/8 schedule. Each pay period contains two complete FLSA work weeks. Each FLSA workweek has 10 scheduled hours.

FLSA Overtime Example

Suzie is scheduled for a 5/8 schedule and reported 32 hours Regular, 8 hours Vacation and 4 hours "Overtime".

Suzie is not eligible to be paid at time and one half for the overtime hours since she actually worked fewer than 40 hours in the FLSA workweek. The 4 hours that Suzie worked in excess of her schedule will be paid at straight time.

11

FLSA Overtime Calculations:

An FLSA workweek is based on an employee's approved work (FLSA) schedule as listed in PeopleSoft Time & Labor.

FLSA workweeks consist of 168 consecutive hour periods (7 days x 24 hours per day).

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FLSA Work Schedule

The FLSA workweek is determined by an approved FLSA schedule such as

9/80 schedule - FLSA workweek is determined by the 8 hour day such as: Friday - Friday or Monday - Monday

3/12 schedule - FLSA workweek is determined by the 8 hour day such as: Wednesday - Wednesday

5/8 schedule - FLSA workweek is Thursday - Wednesday

4/10 schedule - FLSA workweek is Thursday - Wednesday

13

4/10 Schedule

EmpId:	123456													
Schedule:	5/8													
Split Day:	0													
Pay End Dt:	4/11/2007													
	FLSA Week 1							FLSA Week 2						
TRC	Thu 03/29	Fri 03/30	Sat 03/31	Sun 04/01	Mon 04/02	Tue 04/03	Wed 04/04	Thu 04/05	Fri 04/06	Sat 04/07	Sun 04/08	Mon 04/09	Tue 04/10	Wed 04/11
REG	10.00	-	-	-	-	10.00	10.00	10.00	-	-	-	10.00	10.00	10.00
HOL	-	-	-	-	10.00	-	-	-	-	-	-	-	-	-
VAC/CLU	-	-	-	-	-	-	-	-	-	-	-	-	-	-
OVT	-	-	-	-	-	2.00	2.00	2.00	2.00	-	-	-	-	-
CTW	-	-	-	-	-	-	-	-	-	-	-	-	-	-

The timesheet example above is based on an employee working a 4/10 schedule. Each pay period contains two complete FLSA workweeks. Each FLSA workweek has 10 scheduled hours.

The employee worked 4 hours of overtime in FLSA Week 2.

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3/12 Schedule

Schedule:	980																							
Split Day:	3																							
Pay End Dt:	12/2006																							
	FLSA Week 1												FLSA Week 2											
TRC	Wed 12/19	Thu 12/20	Fri 12/21	Sat 12/22	Sun 12/23	Mon 12/24	Tue 12/25	Wed 12/26	Thu 12/27	Fri 12/28	Sat 12/29	Sun 12/30	Mon 12/31	Tue 01/01	Wed 01/02	Thu 01/03	Fri 01/04	Sat 01/05	Sun 01/06	Mon 01/07	Tue 01/08	Wed 01/09		
RRC	-	-	-	-	12.00	12.00	12.00	8.00	-	-	-	12.00	12.00	12.00	-	-	-	-	12.00	12.00	12.00	8.00		
SUB	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		
OVT	-	-	-	4.00	-	-	8.00	-	-	-	8.00	-	-	-	-	-	-	-	4.00	-	-	-		
CTW	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		

The example above is for an employee on a 3/12 schedule with pay week Wednesday off. The pay period cycle does *not* coincide with complete FLSA workweeks because the 8 hour day is split with 4 hours in FLSA Week 1 and 4 hours in FLSA Week 2. *The 8 hour day determines the FLSA week.*

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9/80 Schedule

	FLSA Week 1												FLSA Week 2											
TRC	Fri 04/06	Sat 04/07	Sun 04/08	Mon 04/09	Tue 04/10	Wed 04/11	Thu 04/12	Fri 04/13	Sat 04/14	Sun 04/15	Mon 04/16	Tue 04/17	Wed 04/18	Thu 04/19	Fri 04/20	Sat 04/21	Sun 04/22	Mon 04/23	Tue 04/24	Wed 04/25	Thu 04/26	Fri 04/27		
RRC	8.00	-	-	9.00	9.00	9.00	9.00	-	-	-	9.00	9.00	9.00	9.00	8.00	-	-	9.00	9.00	9.00	-	-		
SUB	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		
OVT	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		
CTW	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		

The example above is for an employee on a standard 9/80 schedule with pay week Friday off. The pay period cycle does *not* coincide with complete FLSA workweeks because the 8 hour day is split with 4 hours in FLSA Week 1 and 4 hours in FLSA Week 2. *The 8 hour day determines the FLSA week.*

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9/80 Schedule

For employees who work a 9/80 schedule their 8 hour day is split between two FLSA workweeks, so that each FLSA workweek totals 40 scheduled hours.

For employees who work a 9/80 schedule one FLSA workweek may be divided between two pay periods (See example, next slide)

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9/80 Split Day

FLSA Week 1																	FLSA Week 2						
TRC	Fri 04/06	Sat 04/07	Sun 04/08	Mon 04/09	Tue 04/10	Wed 04/11	Thu 04/12	Fri 04/13	Sat 04/14	Sun 04/15	Mon 04/16	Tue 04/17	Wed 04/18	Thu 04/19	Fri 04/20	Sat 04/21	Sun 04/22	Mon 04/23	Tue 04/24	Wed 04/25	Thu 04/26	Fri 04/27	
RBC	8.00	-	-	9.00	9.00	9.00	9.00	-	-	-	9.00	9.00	9.00	9.00	9.00	-	-	9.00	9.00	9.00	-	-	
															4.00								
															4.00								

In the example above, John works a 9/80 schedule with pay week Friday off. The 8 hour day is divided in half with 4 hours allocated to FLSA workweek 1 and 4 hours to FLSA workweek 2. Otherwise FLSA workweek 1 would reflect 44 hours worked and FLSA workweek 2 would reflect 36 hours worked.

FLSA Work Schedules

Overtime will not be evaluated accurately unless the correct FLSA schedule is updated in PeopleSoft HRMS.

Supervisors need to provide Timekeepers with approved FLSA work schedules for non-exempt employees so that overtime can be calculated correctly.

Timekeepers will be given detailed instructions for updating these schedules in HRMS.

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Important Changes Regarding Overtime Pay

Evaluation of overtime occurs at the end of the employee's FLSA workweek.

Overtime is paid in the pay period in which the FLSA workweek ends.

If an FLSA workweek has not ended within the pay period, hours worked in excess of an employee's schedule will be paid at straight time (NOT).

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Paycheck Earnings Codes

FOT – FLSA overtime worked and paid during the current pay period.

Paid at one and one half times the FLSA hourly rate for time actually worked in excess of the FLSA schedule.

XOT – Hours worked in excess of the employee's schedule.

Since the FLSA workweek has not been completed during the pay period, hours actually worked will be evaluated in the following pay period and hours worked in excess of the employee's FLSA schedule is paid at straight time during the current pay period.

COT – Overtime compensation not evaluated by FLSA.

Other overtime compensation not applicable to employees under LUNA, SEIU or non-exempt employees covered by the Resolution for Exempt Management, Management, Confidential and Other Unrepresented Employees.

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Paycheck Samples

04/12/2007		End Date: 04/18/2007			
Rate Code	Hours	Rate:	Earnings	Hourly Rate:	28.324400
Regular:				FLSA Rate:	28.324400
Overtime:				Shift/Rate:	N /
Reg Earns:				State:	CA
Rate Used:	Hrly Rt.			Locality:	
Other Earnings					
Code	Description	Rate Code	Hours	Rate Used	Amount
REG	Regular		42.50	28.324400	1203.79
VAC	Vacation		1.50	28.324400	42.49
XOT	Straight Overtime - Sys Maint		0.50	28.324400	14.16

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Paycheck Earnings Codes

XOA – Overtime adjustment made the following pay period.

An adjustment to compensation for hours worked in excess of the FLSA workweek. Paid at half the FLSA hourly rate for hours which were previously paid at the FLSA rate "XOT" (see earnings code).

FOA – FLSA overtime adjustment.

An overtime adjustment paid at one and one-half times the FLSA hourly rate for a previous pay period.

OSB – Overtime Standby

Compensation paid at one and one-half times the employee's hourly rate for standby/call back pay.

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Paycheck Sample

Begin-End Dates	Addr #	Reason	Additional Data
04/19/2007 - 04/25/2007	4	Not Specified	
Rate Code	Hours	Rate	Earnings
Regular:			Hourly Rate: 9.314650
Overtime:			ShiftRate: N r
Reg Earns:			State: CA
Rate Used:	Hourly Rate		Locality:
Other Earnings			
Code	Description	Rate Code	Hours
XOA	Ovtrm Adj		8.00
			Rate Used: 9.314650
			Amount + T R: 55.89 A H

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New Paycheck Earnings Codes

XTW – Compensatory Time Worked held for evaluation

Compensatory time conditionally credited (banked time) at the FLSA hourly rate for time worked in excess of the FLSA work schedule in the current pay period. Overtime evaluation will occur in the next pay period.

When the time is evaluated in the next pay period if it is determined that overtime was worked during the complete FLSA workweek, then *Compensatory time* is credited using the "CTW" code at one and-one-half times the FLSA hourly rate.

When the time is evaluated during the next pay period if it is determined that overtime was not worked for the complete FLSA workweek then *compensation is paid* at the FLSA hourly rate using the "XOT" earnings code.

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Paycheck Samples

Begin-End Dates		Add #	Reason	Additional Data		
04/19/2007 - 04/25/2007		5	Not Specified			
Rate Code	Hours	Rate	Earnings	Hourly Rate:	15.919400	
Regular:						
Overtime:				Shift/Rate:	N /	
Reg Eams:				State:	CA	
Rate Used: Hourly Rate			Locality:			
Other Earnings						
Code	Description	Rate Code	Hours	Rate Used	Amount	T R
CLU	Comp Used		8.00	15.919400	143.27	A H
REG	Regular		27.00	15.919400	429.82	H
XTW	Sus Tm Wkd		3.00			N A H

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Time Sheet Examples

John works a 9/80 schedule with pay week Friday off. During the FLSA workweek of 4/12/07 through 4/20/07, he worked 5.0 overtime hours. John will receive overtime pay in the pay period which ended 4/25/07 since he worked over 10 hours in the completed FLSA workweek which ended 4/20/07.

Schedule:	980																					
Split Day:	5																					
Pay End Dt:	4/25/2007																					
	FLSA Week 1										FLSA Week 2											
TRC	Fri	Sat	Sun	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Mon	Tue	Wed	Thu	Fri
	04/06	04/07	04/08	04/09	04/10	04/11	04/12	04/13	04/14	04/15	04/16	04/17	04/18	04/19	04/20	04/21	04/22	04/23	04/24	04/25	04/26	04/27
RBC	8.00	-	-	9.00	9.00	9.00	9.00	-	-	-	9.00	9.00	9.00	9.00	9.00	-	-	9.00	9.00	9.00	-	-
OVT	-	-	-	-	-	-	-	-	-	-	2.00	2.00	-	1.00	-	-	-	-	-	-	-	-
CTV	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-

Timesheet Examples

Mary works a 9/80 schedule with pay week Friday off. During the FLSA workweek of 4/20/07 through 4/27/07, Mary worked an additional 5.0 hours. Since the FLSA workweek ended on 4/27/07, Mary will be paid straight time in the pay period that ended on 4/25/07. Her overtime pay will be evaluated the next pay period.

Schedule:	980																					
Split Day:	5																					
Pay End Dt:	4/25/2007																					
	FLSA Week 1										FLSA Week 2											
TRC	Fri	Sat	Sun	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Mon	Tue	Wed	Thu	Fri
	04/06	04/07	04/08	04/09	04/10	04/11	04/12	04/13	04/14	04/15	04/16	04/17	04/18	04/19	04/20	04/21	04/22	04/23	04/24	04/25	04/26	04/27
RBC	8.00	-	-	9.00	9.00	9.00	9.00	-	-	-	9.00	9.00	9.00	9.00	9.00	-	-	9.00	9.00	9.00	9.00	-
OVT	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	5.00	-	-
CTV	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-

Timesheet Examples

In the example below Tom works a 9/80 schedule with pay week Friday off. There was a holiday on Monday 4/16/07 and Tom has reported overtime on 4/17/07 and 4/18/07. Tom is not entitled to overtime since he only worked 36 hours during FLSA workweek 2.

Schedule:	980																													
Split Day:	5																													
Pay End Dt:	4/25/2007																													
	FLSA Week 1														FLSA Week 2															
TRC	Fri	Sat	Sun	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Mon	Tue	Wed	Thu	Fri	
	04/06	04/07	04/08	04/09	04/10	04/11	04/12	04/13	04/14	04/15	04/16	04/17	04/18	04/19	04/20	04/21	04/22	04/23	04/24	04/25	04/26	04/27								
REG	8.00	-	-	8.00	8.00	8.00	8.00	-	-	-	-	8.00	8.00	8.00	8.00	-	-	8.00	8.00	8.00	8.00	-	-	-	8.00	8.00	8.00	8.00	-	-
BDL	-	-	-	-	-	-	-	-	-	-	-	8.00	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
OVP	-	-	-	-	-	-	-	-	-	-	-	1.00	2.00	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
TRC	-	-	-	-	-	-	-	-	-	-	-	1.00	2.00	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-

Summary

It is important that Supervisors notify their Department Timekeepers of non-exempt employees' current schedules for correct payment of overtime.

Overtime is evaluated at the end of each FLSA workweek.

Overtime is paid in the pay period in which the FLSA workweek is completed.

Employees with 9/80 work schedules will have their 8 hour day split in half so that each FLSA workweek has scheduled 40 hours of work.

Question & Answers

Let's review what has changed regarding payment of FLSA Overtime at the County of Riverside.

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Review

John is a Custodian and works five 8 hour days, Monday through Friday (his FLSA schedule is Thursday through Wednesday). Monday is a holiday and John is paid for 8 hours holiday. John worked 10 hours each day on Tuesday, Wednesday, Thursday and Friday. How much overtime would John be entitled to in the pay period?

TRC	Pay End Dt: 4/11/2007													
	FLSA Week 1							FLSA Week 2						
	Thu	Fri	Sat	Sun	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Mon	Tue	Wed
	03/29	03/30	03/31	04/01	04/02	04/03	04/04	04/05	04/06	04/07	04/08	04/09	04/10	04/11
REG	8.00	8.00	-	-	8.00	8.00	8.00	8.00	8.00	-	-	8.00	8.00	8.00
HOL	-	-	-	-	8.00	-	-	-	-	-	-	-	-	-
VAC/CLU	-	-	-	-	-	-	-	-	-	-	-	-	-	-
OVT	-	-	-	-	-	2.00	2.00	2.00	2.00	-	-	-	-	-
CKW	-	-	-	-	-	-	-	-	-	-	-	-	-	-

Question

Choose the best answer below:

- A.) John is entitled to 4 hours overtime
- B.) John is not entitled to overtime
- C.) John is entitled to 8 hours overtime

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Answer

A.) John is entitled to 4 hours overtime.

Due to the holiday in Week 1, John only had 36 hours worked including the 4 hours overtime reported.

During FLSA Week 2 John had 44 hours worked, therefore John would receive 4 hours paid at straight time in FLSA Week 1 and 4 hours paid at time and one half for FLSA Week 2.

Pay End Dt: 4/11/2007		FLSA Week 1							FLSA Week 2						
TRC	Thu 03/29	Fri 03/30	Sat 03/31	Sun 04/01	Mon 04/02	Tue 04/03	Wed 04/04	Thu 04/05	Fri 04/06	Sat 04/07	Sun 04/08	Mon 04/09	Tue 04/10	Wed 04/11	
REG	8.00	8.00	-	-	9.50	8.00	8.00	8.00	8.00	-	-	8.00	8.00	8.00	
HOL	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
VAC/CLV	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
OVT	-	-	-	-	-	2.00	2.00	2.00	2.00	-	-	-	-	-	
CTW	-	-	-	-	-	-	-	-	-	-	-	-	-	-	

Review

Choose the best answer:

The Fair Labor Standards Act, requires non-exempt employees to be compensated time and one half for every hour actually worked over 40 in an FLSA work week?

A.) True

B.) False

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Answer

True. The Fair Labor Standards Act requires employers to compensate non-exempt employees at time and one half for every hour worked over 40 in an FLSA workweek.

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Review

Choose the best answer:

Jim periodically is required to stay late for his job as a Department Director. Jim's position is considered exempt. Below is an example of Jim's timesheet. How much overtime is Jim entitled to be paid?

Schedule:	980																					
Split Day:	5																					
Pay End Dt:	4/11/2007																					
	FLSA Week 1	FLSA Week 2																				
TRC	Fri 03/23	Sat 03/24	Sun 03/25	Mon 03/26	Tue 03/27	Wed 03/28	Thu 03/29	Fri 03/30	Sat 03/31	Sun 04/01	Mon 04/02	Tue 04/03	Wed 04/04	Thu 04/05	Fri 04/06	Sat 04/07	Sun 04/08	Mon 04/09	Tue 04/10	Wed 04/11	Thu 04/12	Fri 04/13
RBC	8.00	-	-	9.00	9.00	9.00	9.00	-	-	-	9.00	9.00	9.00	9.00	9.00	-	-	9.00	9.00	9.00	-	-
SCR	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
TRC/CL	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
OVT	-	-	-	-	-	-	1.00	-	-	-	2.00	1.00	-	-	2.00	-	-	1.00	1.00	1.00	-	-
CTW	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-

Review

Choose the best answer:

- A.) Jim is entitled to 9 hours overtime.
- B.) Jim is entitled to 5 hours overtime, since he only had 36 hours worked in week 1.
- C.) Jim is not entitled to any overtime.

Answer

C.) Jim is not entitled to any overtime. Since Jim's classification is exempt, he is exempt from Federal overtime regulations.

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**Congratulations you have
completed the FLSA
Interactive Training!**

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44-199 Monroe Street, Suite B • Indio, CA 92201 • (760) 863-8327

RONALD W. KOMERS, IPMA-CP
ASST. COUNTY EXECUTIVE OFFICER
HUMAN RESOURCES DIRECTOR

BARBARA A. OLIVIER, SPHR
ASST. HUMAN RESOURCES DIRECTOR

September 26, 2008

Re: Recruitment & Retention Premium Payment Provisions

During the latest round of labor negotiations, the County and your bargaining unit agreed that employees will be paid overtime consistent with the Fair Labor Standards Act (FLSA). Your position is **exempt** from FLSA overtime provisions and you are not eligible to receive FLSA overtime pay. However, you are eligible to receive a recruitment/retention premium for all hours actually worked in excess of 80 in a pay period. The recruitment/retention premium will begin effective September 25, 2008.

The premium is paid at the rate of one times your base hourly rate of pay for hours actually worked in excess of 80 and up to and including 84 hours in a pay period. For hours worked in excess of 84 in a pay period, a premium is paid at the rate of one and one-half times your base rate of pay. The calculation of hours in excess of 80 or 84 in a pay period shall not include any hours for which you have already received any other premium under the provisions of your bargaining unit's Memorandum of Understanding (MOU).

All other premium pay such as shift differentials, call-back and standby pay will continue to be paid in accordance with the provisions of your bargaining unit's MOU. To ensure accurate payment, please be sure to code your timesheet correctly.

To review the agreement between your bargaining unit and the County of Riverside, you may go to: www.workforceexchange.net, select HR Toolbox from the menu bar, then select Employee Relations from the Resources menu on the left. On the right hand side select the SEIU Recruitment & Retention Side Letter. If you have further questions regarding your FLSA status, please contact your Human Resources Services Team.

Sincerely,

Ronald W. Komers
Assistant County Executive Officer/
Human Resources Director



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RONALD W. KOMERS, IPMA-CP
ASST. COUNTY EXECUTIVE OFFICER
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The premium is paid at the rate of one and one-half times your base hourly rate of pay. The calculation of hours actually in excess of 80 in a pay period shall not include any hours for which you have already received any other premium under the provisions of your bargaining unit's Memorandum of Understanding (MOU).

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Sincerely,

Ronald W. Komers
Assistant County Executive Officer/
Human Resources Director

***FLSA Guidelines for Determining
Exemptions***

Guide Lists For Determining Exemptions

Fair Labor Standards Act (FLSA)
 (Annotated For California Law)
 Updated: October 2001

**GUIDE LIST FOR DETERMINING EXEMPTION OF "EXECUTIVE" EMPLOYEES
 UNDER THE FEDERAL
 FAIR LABOR STANDARDS ACT (FLSA)
 (California Employers must also follow California law)**

I) If an employee regularly earns \$155.00 but less than \$250.00 a week , use this checklist to assist you in determining whether an executive employee is, or is not, exempt from payment of overtime under the Fair Labor Standards Act:

Legal Requirement	Comment
A. His/her primary duty must involve the management of the enterprise in which she/he is employed, or of a customarily recognized department or subdivision.	Determine whether individual spends at least 80% or more of his/her time in performance of managerial duties (over 60% if she/he is employed by a retail or service establishment).
AND	Management duties include interviewing, selection, training, setting rates of pay and hours of work, directing employees' work activities, appraising their productivity, handling employees' grievances, planning, determining materials and equipment needed for production or servicing customers.
B. She/he must customarily and regularly direct the work of two or more other employees.	Two full-time employees or their equivalent must be employed in the department the executive is managing.
AND	
C. She/he must have the authority to recommend the hiring, firing, advancements, promotions, or other change of status of other employees.	His/her recommendations or suggestions for firing, hiring, advancements, promotions, etc. must be given particular weight by top management.
AND	
D. She/he customarily and regularly exercises discretionary powers.	His/her job must call for the exercise of discretionary powers in the day-to-day performance of his/her duties. The requirement is not met by the occasional exercise of discretionary powers.

II) If an employee is compensated on a salary basis at a rate of not less than \$250.00 a week , use this checklist to assist you in determining whether she/he is, or she/he is not, exempt from the payment of overtime under the Fair Labor Standards Act:

Legal Requirements	Comment
A. His/her primary duty consists of the management of the enterprise in which she/he is employed or of a customarily recognized department or subdivision.	Distinguish between the executive who occasionally manages two or more employees and where an executive has a permanent function or status. Primary duty generally means more than 50% of an employee's time in a typical workweek.
AND	
B. Includes the customary and regular direction of the work of two or more other employees.	Employees supervised must be in the department which the executive is managing.

**Notes For California
(Executive Exemption)**

1. Effective January 1, 2000, an employee must **also earn a monthly salary equivalent of no less than two (2) times the state minimum wage for full-time employment** . Full-time employment is defined in California Labor Code §515(c) as forty (40) hours per week.

2. In California an employee must be primarily engaged in duties, which meet the test of the exemption. "Primarily engaged in" means that more than one-half (½) of the employee's work time must be spent engaged in exempt work. The activities constituting exempt work and non-exempt work shall be construed in the same manner as such terms are construed in the following regulations under the Fair Labor Standards Act effective in July, 2000 -- (29 C.F.R. §§ 541.102, 541.104-111, 541.115-116) and shall include, for example, all work that is directly and closely related to exempt work and work which is properly viewed as a means for carrying out exempt functions. The work actually performed by the employee during the course of the workweek must, first and foremost, be examined and the amount of time the employee spends on such work, together with the employer's realistic expectations and the realistic requirements of the job, shall be considered in determining whether the employee satisfies this requirement. See the applicable Industrial Welfare Commission (IWC) Wage Order for further details.

Note: Where a company is covered by both federal and state exemption requirements, and most are, the higher standard applies. Therefore, the state minimum weekly earnings would have to be met when applying these tests to California employees.

**GUIDE LIST FOR DETERMINING EXEMPTION OF "ADMINISTRATIVE" EMPLOYEES
UNDER THE FEDERAL
FAIR LABOR STANDARDS ACT (FLSA)
(California Employers must also follow California law, see notes below)**

I) If an employee regularly earns \$155.00 but less than \$250.00 a week , use this checklist to assist you in determining whether an administrative employee is, or is not, exempt from payment of overtime under the Fair Labor Standards Act:

Legal Requirement	Comment
A. His/her primary duty, office or non-manual fieldwork, must be directly related to management policies or general business operations of his/her employer or his/her employer's customers.	"Primary" means at least 80% or more of his/her time (over 60% if she/he is employed by a retail or service establishment).
AND	Person must be engaged in work of substantial importance to management such as planning, negotiating, advising company, representing the company, purchasing, promoting sales, business research and control. Includes persons whose work affects policy or whose responsibility is to execute or carry it out.
B. She/he must customarily and regularly use discretion and independent judgment.	Distinguish between the exercise of discretion and independent judgment, and the use of skill in applying techniques, procedures or specific standards.
AND	Terms "discretion" and "independent" judgment imply the comparison and the evaluation of possible courses of conduct and acting or making a decision after the various possibilities have been considered. Terms imply that a person has the authority or power to make an independent choice, free from immediate direction or supervision and with respect to matters of significance.
C. She/he must regularly and directly assist a proprietor or an employee engaged in a bona fide executive or administrative capacity	Differentiate between routine work, on a fairly low level, and that which does require the exercise of discretion and independent judgment. Routine work is

performing work only under general supervision requiring special or technical training, experience or knowledge.

not necessarily work which is repetitive.

1) If an employee is compensated on a salary or fee basis of not less than \$250.00 per week, use this checklist to assist you in determining whether she/he is, or is not, exempt from the payment of overtime under the Fair Labor Standards Act:

Legal Requirement	Comment
A. His/her primary duty must consist of the performance of office or non-manual work directly related to management policies or the general business operations of his/her employer or his/her employer's customers.	Key factor here is to insure that an administrative employee spends the major part, or over 50%, of his/her workweek engaged in administrative work of substantial importance to management.
AND	
B. Includes work requiring exercise of discretion and independent judgment.	Involves the comparison and evaluation of possible courses of conduct and acting or making a decision after the various possibilities have been considered. The requirement is not met by the occasional exercise of discretionary powers.

Notes for California Employees (Administrative Exemption)

Under California law the IWC has issued the following definition. A person employed in an administrative capacity means any employee:

1. Whose duties and responsibilities involve either:
 - o (a) The performance of office or non-manual work directly related to management policies or general business operations of his/her employer or his/her employer's customers, or
 - o (b) The performance of functions in the administration of a school system, or educational establishment or institution, or of a department or subdivision thereof; in work directly related to the academic instruction or training carried on therein; and
2. Who customarily and regularly exercises discretion and independent judgment; and
3.
 - o (a) Who regularly and directly assists a proprietor, or an employee employed in a bona fide executive or administrative capacity (as such terms are defined for purposes of this section), or
 - o (b) who performs under only general supervision work along specialized or technical lines requiring special training, experience, or knowledge, or
 - o (c) who executes under only general supervision special assignments and tasks, and
4. Who is primarily engaged in duties which meet the test of the exemption.

"Primarily engaged in" means that more than one-half (1/2) of the employee's work time must be spent engaged in exempt work. The activities constituting exempt work and non-exempt work shall be construed in the same manner as such terms are construed in the following regulations under the Fair Labor Standards Act effective in July, 2000 -- (29 C.F.R. §§ 541.201-205, 541.207-208, 541.210, 541.215) and shall include, for example, all work that is directly and closely related to exempt work and work which is properly viewed as a means for

carrying out exempt functions. The work actually performed by the employee during the course of the workweek must, first and foremost, be examined and the amount of time the employee spends on such work, together with the employer's realistic expectations and the realistic requirements of the job, shall be considered in determining whether the employee satisfies this requirement.

5. Such an employee must also earn a monthly salary equivalent to no less than two (2) times the state minimum wage for full-time employment. Full-time is defined in Labor Code § 515(c) as forty (40) hours per week.

Note: Where a company is covered by both federal and state exemption requirements, and most are, the higher standard applies. Therefore, the state minimum weekly earnings would have to be met when applying these tests to California employees.

**GUIDE FOR DETERMINING EXEMPTION OF "PROFESSIONAL" EMPLOYEES
UNDER THE FEDERAL
FAIR LABOR STANDARDS ACT (FLSA)
(California Employers must also follow California law, see notes below)**

I) If an employee regularly earns \$170.00 but less than \$250.00 a week , use this checklist to assist you in determining whether a professional employee is, or is not, exempt from payment of overtime under the Fair Labor Standards Act:

Legal Requirement	Comment
A. His/her primary duty must consist of the performance of work.	As a rule of thumb, the word "primary" means over 80% of the employee's time in a typical workweek (60% if employed in a retail or service establishment).
1. Requiring knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study,	Advanced knowledge generally is obtained above high school level. Usually evidenced by a degree. This serves to distinguish the professions from the mechanical arts where the knowledge is fairly advanced, but not in a field of science or learning.
OR	
2. Original and creative in character in a recognized field of artistic endeavor and the results of which depend primarily on the invention, imagination, or talent of the employee;	Does not include the work performed by a person endowed with general manual or intellectual ability and training.
AND	
B. His/her work must require the consistent exercise of discretion and independent judgment in its performance.	A prime characteristic of professional work is the fact that the employee does apply his/her special knowledge or talents with discretion and judgment. Mechanical or routine work is not considered professional under this law.
AND	
C. His/her work must be predominately intellectual and varied in character and is of such a character that the output produced or the result accomplished cannot be standardized in relation to a given period of time.	Differentiate work from that which is routine, manual, mental, mechanical or physical work.

II) If an employee is compensated on a salary or fee basis of not less than \$250.00 per week , use this checklist to assist you in determining whether she/he is, or is not, exempt from the payment of overtime under the Fair Labor Standards Act:

Legal Requirement	Comment
A. His/her primary duty generally (more than 50%	Learned Professions include lawyers, doctors,

<p>of each week) consists of the performance of work requiring knowledge of an advanced type of science or learning; or work as a teacher in the activity of imparting knowledge; or work which is original and creative.</p>	<p>accountants, engineers, teachers, etc. Education is acquired over a long period course of specialized instruction above high school level. Knowledge must be customarily acquired by a prolonged course of specialized instruction and study. While a degree from college is not mandatory, it denotes appropriate training in a specific field of endeavor and it is the best evidence of attainment.</p>
<p>AND</p>	
<p>B. She/he must be doing work, which involves the consistent exercise of discretion and judgment, or requiring invention, imagination, or talent in a recognized field of artistic endeavor.</p>	<p>A characteristic of a professional person is the fact that she/he does apply his/her special knowledge or talents with discretion and judgment.</p>

**NOTES FOR CALIFORNIA
(Professional Exemption)**

Under California law the IWC has issued the following definition. A person employed in a professional capacity means any employee who meets all of the following requirements:

1. (a) Who is licensed or certified by the State of California and is primarily engaged in the practice of one of the following recognized professions: law, medicine, dentistry, optometry, architecture, engineering, teaching, or accounting; or
2. (b) Who is primarily engaged in an occupation commonly recognized as a learned or artistic profession. For the purposes of this subsection, "learned or artistic profession" means an employee who is primarily engaged in the performance of:
 1. (i) Work requiring knowledge of an advanced type in a field or science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study, as distinguished from a general academic education and from an apprenticeship, and from training in the performance of routine mental, manual, or physical processes or work that is an essential part of or necessarily incident to any of the above work; or
 2. (ii) Work that is original and creative in character in a recognized field of artistic endeavor (as opposed to work which can be produced by a person endowed with general manual or intellectual ability and training), and the result of which depends primarily on the invention, imagination, or talent of the employee or work that is an essential part of or necessarily incident to any of the above work; and
 3. (iii) Whose work is predominantly intellectual and varied in character (as opposed to routine mental, manual, mechanical, or physical work) and is of such character that the output produced or the result accomplished cannot be standardized in relation to a given period of time.
3. Who customarily and regularly exercises discretion and independent judgment in the performance of the duties set forth in paragraph (1).
4. Who earns a monthly salary equivalent to **no less than two (2) times the state minimum wage for full-time employment.**
5. Subsection (1) (b) is intended to be construed in accordance with the following provisions of federal law as they existed as of July, 2000: 29 C.F.R. §§ 541.207, 541.301(a)-(d), 541.302, 541.306, 541.307, 541.308, and 541.310 .
6. Notwithstanding the provisions of this subsection, pharmacists employed to engage in the practice of pharmacy, and registered nurses employed to engage in the practice of nursing, shall not be considered exempt professional employees, nor shall they be considered exempt from coverage for the purposes of this section unless they individually meet the criteria established for exemption as executive or administrative employees. Effective October 2000, certified nurse midwives, certified nurse anesthetists and certified nurse practitioners who are "primarily engaged in performing duties for which certification is required" are exempt from overtime requirement (see California Labor Code § 515 as amended).
7. SB 88, in addition to extending exempt status to these certified, advance practice nurses, also provided for exempt status to computer professionals in the software field who are "primarily engaged" in exempt work within the meaning of § 515.5 of the California Labor Code, are highly skilled, and are paid not less than \$41.00 per hour. This amount is subject to annual increases based on the California Consumer Price Index for Urban Wage Earners and Clerical Workers.

Note: Where a company is covered by both federal and state exemption requirements, and most companies are, the higher standard applies.

Note: The exempt status for computer professionals provides an exemption from overtime payment requirements, in that hours worked in excess of 8 hours per day or 40 hours per week need not be paid at a premium rate of one and one-half times the regular rate. However these hours are compensable and must be paid at the regular hourly rate.



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Determining Exempt Status in California

Executive
Administrative
Professional
Computer Software Field
Outside Salesperson (Defined)
Commissioned Employees
Parent, Spouse, Child, Or Legally Adopted Child Of The Employer
Individual Participating In A National Service Program

Most California employers must comply with both federal and state regulations in order to determine which job classifications can be considered exempt. California's requirements are more difficult to satisfy than the federal ones. For example, an employee in California must be "primarily" engaged in exempt duties. And, primarily is defined as: "...more than one-half the employee's work time."

The following is an excerpt from California [\[WC Wage Order 4 January 1, 2001 as amended January 1, 2002 \[hyperlinks added\]\]](#). (There are 17 different [wage orders](#) in California. Make sure to post the one which is correct for your business.)

1. Applicability of Order. This order shall apply to all persons employed in professional, technical, clerical, mechanical, and similar occupations whether paid on a time, piece rate, commission, or other basis, except that:

(A) Provisions of [Sections 3 through 12](#) shall not apply to persons employed in administrative, executive, or professional capacities. The following requirements shall apply in determining whether an employee's duties meet the test to qualify for an exemption from those sections:

(1) Executive Exemption. A person employed in an executive capacity means any employee:

- (a) Whose duties and responsibilities involve the management of the enterprise in which he/she is employed or of a customarily recognized department or subdivision thereof; and
- (b) Who customarily and regularly directs the work of two or more other employees therein; and
- (c) Who has the authority to hire or fire other employees or whose suggestions and recommendations as to the hiring or firing and as to the advancement and promotion or any other change of status of other employees will be given particular weight; and
- (d) Who customarily and regularly exercises discretion and independent judgment; and
- (e) Who is primarily engaged in duties which meet the test of the exemption. The activities constituting exempt work and non-exempt

work shall be construed in the same manner as such items are construed in the following regulations under the Fair Labor Standards Act effective as of the date of this order: 29 C.F.R. §§ 541.102, 541.104-111, 541.115-116. Exempt work shall include, for example, all work that is directly and closely related to exempt work and work which is properly viewed as a means for carrying out exempt functions. The work actually performed by the employee during the course of the workweek must, first and foremost, be examined and the amount of time the employee spends on such work, together with the employer's realistic expectations and the realistic requirements of the job, shall be considered in determining whether the employee satisfies this requirement.

(f) Such an employee must also earn a monthly salary equivalent to no less than two (2) times the state minimum wage for full-time employment. Full-time employment is defined in Labor Code § 515(c) as 40 hours per week.

(2) Administrative Exemption. A person employed in an administrative capacity means any employee:

(a) Whose duties and responsibilities involve either:

(i) The performance of office or non-manual work directly related to management policies or general business operations of his/her employer or his/her employer's customers; or

(ii) The performance of functions in the administration of a school system, or educational establishment or institution, or of a department or subdivision thereof, in work directly related to the academic instruction or training carried on therein; and

(b) Who customarily and regularly exercises discretion and independent judgment; and

(c) Who regularly and directly assists a proprietor, or an employee employed in a bona fide executive or administrative capacity (as such terms are defined for purposes of this section); or

(d) Who performs under only general supervision work along specialized or technical lines requiring special training, experience, or knowledge; or

(e) Who executes under only general supervision special assignments and tasks; and

(f) Who is primarily engaged in duties that meet the test of the exemption. The activities constituting exempt work and non-exempt work shall be construed in the same manner as such terms are construed in the following regulations under the Fair Labor Standards Act effective as of the date of this order: 29 C.F.R. §§ 541.201-205, 541.207-208, 541.210, 541.215 Exempt work shall include, for example, all work that is directly and closely related to exempt work and work which is properly viewed as a means for carrying out exempt functions. The work actually

performed by the employee during the course of the workweek must, first and foremost, be examined and the amount of time the employee spends on such work, together with the employer's realistic expectations and the realistic requirements of the job, shall be considered in determining whether the employee satisfies this requirement.

(g) Such employee must also earn a monthly salary equivalent to no less than two (2) times the state minimum wage for full-time employment. Full-time employment is defined in Labor Code Section 515(c) as 40 hours per week.

(3) Professional Exemption. A person employed in a professional capacity means any employee who meets *all* of the following requirements:

(a) Who is licensed or certified by the State of California and is primarily engaged in the practice of one of the following recognized professions: law, medicine, dentistry, optometry, architecture, engineering, teaching, or accounting; or

(b) Who is primarily engaged in an occupation commonly recognized as a learned or artistic profession. For the purposes of this subsection, "learned or artistic profession" means an employee who is primarily engaged in the performance of:

(i) Work requiring knowledge of an advanced type in a field or science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study, as distinguished from a general academic education and from an apprenticeship, and from training in the performance of routine mental, manual, or physical processes, or work that is an essential part of or necessarily incident to any of the above work; or

(ii) Work that is original and creative in character in a recognized field of artistic endeavor (as opposed to work which can be produced by a person endowed with general manual or intellectual ability and training), and the result of which depends primarily on the invention, imagination, or talent of the employee or work that is an essential part of or necessarily incident to any of the above work; and

(iii) Whose work is predominantly intellectual and varied in character (as opposed to routine mental, manual, mechanical, or physical work) and is of such character that the output produced or the result accomplished cannot be standardized in relation to a given period of time.

(c) Who customarily and regularly exercises discretion and independent judgment in the performance of duties set forth in subparagraphs (a) and (b).

(d) Who earns a monthly salary equivalent to no less than two (2) times the state minimum wage for full-time employment. Full-time employment is defined in Labor Code § 515(c) as 40 hours per week.

(e) Subparagraph (b) above is intended to be construed in accordance with the following provisions of federal law as they existed as of the date of this wage order: 29 C.F.R. §§ 541.207, 541.301(a)-(d), 541.302, 541.306, 541.307, 541.308, and 541.310.

(f) Notwithstanding the provisions of this subparagraph, pharmacists employed to engage in the practice of pharmacy, and registered nurses employed to engage in the practice of nursing, shall not be considered exempt professional employees, nor shall they be considered exempt from coverage for the purposes of this subparagraph unless they individually meet the criteria established for exemption as executive or administrative employees.

(g) Subparagraph (f) above shall not apply to the following advanced practice nurses:

(i) Certified nurse midwives who are primarily engaged in performing duties for which certification is required pursuant to Article 2.5 (commencing with Section 2746) of Chapter 6 of Division 2 of the Business and Professions Code

(ii) Certified nurse anesthetists who are primarily engaged in performing duties for which certification is required pursuant to Article 7 (commencing with Section 2825) of Chapter 6 of Division 2 of the Business and Professions Code

(iii) Certified nurse practitioners who are primarily engaged in performing duties for which certification is required pursuant to Article 8 (commencing with Section 2834) of Chapter 6 of Division 2 of the Business and Professions Code

(iv) Nothing in this subparagraph shall exempt the occupations set forth in clauses (i), (ii), and (iii) from meeting the requirements of subsection 1(A)(3)(a)-(d) above.

(h) Except, as provided in subparagraph (i), an employee in the computer software field who is paid on an hourly basis shall be exempt, if *all* of the following apply:

(i) The employee is primarily engaged in work that is intellectual or creative and that requires the exercise of discretion and independent judgment.

(ii) The employee is primarily engaged in duties that consist of one or more of the following:

- The application of systems analysis techniques and procedures, including consulting with users, to determine hardware, software, or system functional specifications.

- The design, development, documentation, analysis, creation, testing, or modification of computer systems or programs, including prototypes, based on and related to user or system design specifications.

- The documentation, testing, creation, or modification of computer programs related to the design of software or hardware for computer operating systems.

(iii) The employee is highly skilled and is proficient in the theoretical and practical application of highly specialized information to computer systems analysis, programming, and software engineering. A job title shall not be determinative of the applicability of this exemption.

(iv) The employee's hourly rate of pay is not less than forty-two dollars and sixty four cents (\$42.64). [Effective January 1, 2003 the hourly rate is \$43.58, on January 1, 2004 the rate is \$44.63] The Division of Labor Statistics and Research shall adjust this pay rate on October 1 of each year to be effective on January 1 of the following year by an amount equal to the percentage increase in the California Consumer Price Index for Urban Wage Earners and Clerical Workers.

(i) The exemption provided in subparagraph (h) does not apply to an employee if *any* of the following apply:

(i) The employee is a trainee or employee in an entry-level position who is learning to become proficient in the theoretical and practical application of highly specialized information to computer systems analysis, programming, and software engineering.

(ii) The employee is in a computer-related occupation but has not attained the level of skill and expertise necessary to work independently and without close supervision.

(iii) The employee is engaged in the operation of computers or in the manufacture, repair, or maintenance of computer hardware and related equipment.

(iv) The employee is an engineer, drafter, machinist, or other professional whose work is highly dependent upon or facilitated by the use of computers and computer software programs and who is skilled in computer-aided design software, including CAD/CAM, but who is not in a computer systems analysis or programming occupation.

(v) The employee is a writer engaged in writing material, including box labels, product descriptions, documentation, promotional material, setup and installation instructions, and other similar written information, either for print or for on screen media or who writes or provides content material intended to be read by customers, subscribers, or visitors to computer-related media such as the World Wide Web or CD-ROMs.

(vi) The employee is engaged in *any* of the activities set forth in subparagraph (h) for the purpose of creating imagery for effects used in the motion picture, television, or theatrical industry.

(B) Except as provided in Sections 1, 2, 4, 10, and 20, the provisions of this order shall not apply to any employees directly employed by the State or any political subdivision thereof, including any city, county, or special district.

(C) The provisions of this order shall not apply to outside salespersons.

(D) The provisions of this order shall not apply to any individual who is the parent, spouse, child, or legally adopted child of the employer.

(E) The provisions of this order shall not apply to any individual participating in a national service program, such as AmeriCorps, carried out using assistance provided under Section 12571 of Title 42 of the United States Code. (See Stats. 2000, ch. 365, amending Labor Code § 1171)

2. Definitions.

(A) An "alternative workweek schedule" means any regularly scheduled workweek requiring an employee to work more than eight (8) hours in a 24-hour period.

(B) "Commission" means the Industrial Welfare Commission of the State of California.

(C) "Division" means the Division of Labor Standards Enforcement of the State of California.

(D) "Emergency" means an unpredictable or unavoidable occurrence at unscheduled intervals requiring immediate action.

(E) "Employ" means to engage, suffer, or permit to work.

(F) "Employee" means any person employed by an employer.

(G) "Employees in the health care industry" means any of the following:

(1) Employees in the health care industry providing patient care; or

(2) Employees in the health care industry working in a clinical or medical department, including pharmacists dispensing prescriptions in any practice setting; or

(3) Employees in the health care industry working primarily or regularly as a member of a patient care delivery team; or

(4) Licensed veterinarians, registered veterinary technicians and unregistered animal health technicians providing patient care.

(H) "Employer" means any person as defined in Section 18 of the Labor Code, who directly or indirectly, or through an agent or any other person, employs or exercises control over the wages, hours, or working conditions of any person.

(I) "Health care emergency" consists of an unpredictable or unavoidable occurrence at

unscheduled intervals relating to health care delivery, requiring immediate action.

(J) "Health care industry" is defined as hospitals, skilled nursing facilities, intermediate care and residential care facilities, convalescent care institutions, home health agencies, clinics operating 24 hours per day, and clinics performing surgery, urgent care, radiology, anesthesiology, pathology, neurology or dialysis.

(K) "Hours worked" means the time during which an employee is subject to the control of an employer, and includes all the time the employee is suffered or permitted to work, whether or not required to do so. Within the health care industry, the term "hours worked" means the time during which an employee is suffered or permitted to work for the employer, whether or not required to do so, as interpreted in accordance with the provisions of the Fair Labor Standards Act.

(L) "Minor" means, for the purpose of this order, any person under the age of 18 years.

(M) "Outside salesperson" means any person, 18 years of age or over, who customarily and regularly works more than half the working time away from the employer's place of business selling tangible or intangible items or obtaining orders or contracts for products, services or use of facilities.

(N) "Primarily" as used in Section 1, Applicability, means more than one-half the employee's work time.

(O) "Professional, Technical, Clerical, Mechanical, and Similar Occupations" includes professional, semiprofessional, managerial, supervisory, laboratory, research, technical, clerical, office work, and mechanical occupations. Said occupations shall include, but not be limited to, the following: accountants; agents; appraisers; artists; attendants; audio-visual technicians; bookkeepers; bundlers; billposters; canvassers; carriers; cashiers; checkers; clerks; collectors; communications and sound technicians; compilers; copy holders; copy readers; copy writers; computer programmers and operators; demonstrators and display representatives; dispatchers; distributors; door-keepers; drafters; elevator operators; estimators; editors; graphic arts technicians; guards; guides; hosts; inspectors; installers; instructors; interviewers; investigators; librarians; laboratory workers; machine operators; mechanics; mailers; messengers; medical and dental technicians and technologists; models; nurses; packagers; photographers; porters and cleaners; process servers; printers; proof readers; salespersons and sales agents; secretaries; sign erectors; sign painters; social workers; solicitors; statisticians; stenographers; teachers; telephone, radio-telephone, telegraph and call-out operators; tellers; ticket agents; tracers; typists; vehicle operators; x-ray technicians; their assistants and other related occupations listed as professional, semiprofessional, technical, clerical, mechanical, and kindred occupations.

(P) "Shift" means designated hours of work by an employee, with a designated beginning time and quitting time.

(Q) "Split shift" means a work schedule, which is interrupted by non-paid non-working periods established by the employer, other than bona fide rest or meal periods.

(R) "Teaching" means, for the purpose of Section 1 of this order, the profession of teaching under a certificate from the Commission for Teacher Preparation and Licensing or teaching in an accredited college or university.

(S) "Wages" includes all amounts for labor performed by employees of every description, whether the amount is fixed or ascertained by the standard of time, task, piece, commission basis, or other method of calculation.

(T) "Workday" and "day" mean any consecutive 24-hour period beginning at the same time each calendar day.

(U) "Workweek" and "week" mean any seven (7) consecutive days, starting with the same calendar day each week. "Workweek" is a fixed and regularly recurring period of 168 hours, seven (7) consecutive 24-hour periods.

3. Hours and Days of Work.

(A) Daily Overtime - General Provisions

(1) The following overtime provisions are applicable to employees 18 years of age or over and to employees 16 or 17 years of age who are not required by law to attend school and are not otherwise prohibited by law from engaging in the subject work. Such employees shall not be employed more than eight (8) hours in any workday or more than 40 hours in any workweek unless the employee receives one and one-half (1 ½) times such employee's regular rate of pay for all hours worked over 40 hours in the workweek. Eight (8) hours of labor constitutes a day's work. Employment beyond eight (8) hours in any workday or more than six (6) days in any workweek is permissible provided the employee is compensated for such overtime at not less than:

(a) One and one-half (1 ½) times the employee's regular rate of pay for all hours worked in excess of eight (8) hours up to and including 12 hours in any workday, and for the first eight (8) hours worked on the seventh (7th) consecutive day of work in a workweek; and

(b) Double the employee's regular rate of pay for all hours worked in excess of 12 hours in any workday and for all hours worked in excess of eight (8) hours on the seventh (7th) consecutive day of work in a workweek.

(c) The overtime rate of compensation required to be paid to a nonexempt full-time salaried employee shall be computed by using the employee's regular hourly salary as one-fortieth (1/40) of the employee's weekly salary.

(B) Alternative Workweek Schedules

(1) No employer shall be deemed to have violated the daily overtime provisions by instituting, pursuant to the election procedures set forth in this wage order, a regularly scheduled alternative workweek schedule of not more than ten (10) hours per day within a 40 hour workweek without the payment of an overtime rate of compensation. All work performed in any workday beyond the schedule established by the agreement up to 12 hours a day or beyond 40 hours per week shall be paid at one and one-half (1 ½) times the employee's regular rate of pay. All work performed in excess of 12 hours per day and any work in excess of eight (8) hours on those days worked beyond the regularly scheduled number of workdays established by the alternative workweek agreement shall be paid at double the employee's regular rate of pay. Any alternative workweek agreement adopted pursuant to this section shall provide for not less than four (4) hours of work in any shift. Nothing in this section shall prohibit an employer, at the request of the employee, to substitute one day of work for another day of the same length in the shift provided by the alternative workweek agreement on an occasional basis to meet the personal needs of the

employee without the payment of overtime. No hours paid at either one and one-half (1 ½) or double the regular rate of pay shall be included in determining when 40 hours have been worked for the purpose of computing overtime compensation.

(2) If an employer whose employees have adopted an alternative workweek agreement permitted by this order requires an employee to work fewer hours than those that are regularly scheduled by the agreement, the employer shall pay the employee overtime compensation at a rate of one and one-half (1 ½) times the employee's regular rate of pay for all hours worked in excess of eight (8) hours, and double the employee's regular rate of pay for all hours worked in excess of 12 hours for the day the employee is required to work the reduced hours.

(3) An employer shall not reduce an employee's regular rate of hourly pay as a result of the adoption, repeal or nullification of an alternative workweek schedule.

(4) An employer shall explore any available reasonable alternative means of accommodating the religious belief or observance of an affected employee that conflicts with an adopted alternative workweek schedule, in the manner provided by subdivision (j) of Section 12940 of the Government Code.

(5) An employer shall make a reasonable effort to find a work schedule not to exceed eight (8) hours in a workday, in order to accommodate any affected employee who was eligible to vote in an election authorized by this section and who is unable to work the alternative workweek schedule established as the result of that election.

(6) An employer shall be permitted, but not required, to provide a work schedule not to exceed eight (8) hours in a workday to accommodate any employee who is hired after the date of the election and who is unable to work the alternative workweek schedule established by the election.

(7) Arrangements adopted in a secret ballot election held pursuant to this order prior to 1998, or under the rules in effect prior to 1998, and before the performance of the work, shall remain valid after July 1, 2000 provided that the results of the election are reported by the employer to the Division of Labor Statistics and Research by January 1, 2001, in accordance with the requirements of subsection (C) below (Election Procedures). If an employee was voluntarily working an alternative workweek schedule of not more than ten (10) hours a day as of July 1, 1999, that alternative workweek schedule was based on an individual agreement made after January 1, 1998 between the employee and employer, and the employee submitted, and the employer approved, a written request on or before May 30, 2000 to continue the agreement, the employee may continue to work that alternative workweek schedule without payment of an overtime rate of compensation for the hours provided in the agreement. The employee may revoke his/her voluntary authorization to continue such a schedule with 30 days written notice to the employer. New arrangements can only be entered into pursuant to the provisions of this section. Notwithstanding the foregoing, if a health care industry employer implemented a reduced rate for 12-hour shift employees in the last quarter of 1999 and desires to reimplement a flexible work arrangement that includes 12-hour shifts at straight time for the same work unit, the employer must pay a base rate to each affected employee in the work unit that is no less than that employee's base rate in 1999 immediately prior to the date of the rate reduction.

(8) Notwithstanding the above provisions regarding alternative workweek schedules, no employer of employees in the health care industry shall be deemed to have

violated the daily overtime provisions by instituting, pursuant to the election procedures set forth in this wage order a regularly scheduled alternative workweek schedule that includes workdays exceeding ten (10) hours but not more than 12 hours within a 40 hour workweek without the payment of overtime compensation, provided that:

(a) An employee who works beyond 12 hours in a workday shall be compensated at double the employee's regular rate of pay for all hours in excess of 12;

(b) An employee who works in excess of 40 hours in a workweek shall be compensated at one and one-half (1½) times the employee's regular rate of pay for all hours over 40 hours in the workweek;

(c) Any alternative workweek agreement adopted pursuant to this section shall provide for not less than four (4) hours of work in any shift;

(d) The same overtime standards shall apply to employees who are temporarily assigned to a work unit covered by this subsection;

(e) Any employer who instituted an alternative workweek schedule pursuant to this subsection shall make a reasonable effort to find another work assignment for any employee who participated in a valid election prior to 1998 pursuant to the provisions of Wage Orders 4 and 5 and who is unable to work the alternative workweek schedule established;

(f) An employer engaged in the operation of a licensed hospital or in providing personnel for the operation of a licensed hospital who institutes, pursuant to a valid order of the Commission, a regularly scheduled alternative workweek that includes no more than three (3) 12-hour workdays, shall make a reasonable effort to find another work assignment for any employee who participated in the vote which authorized the schedule and is unable to work the 12-hour shifts. An employer shall not be required to offer a different work assignment to an employee if such a work assignment is not available or if the employee was hired after the adoption of the 12 hour, three (3) day alternative workweek schedule.

(9) No employee assigned to work a 12-hour shift established pursuant to this order shall be required to work more than 12 hours in any 24-hour period unless the chief nursing officer or authorized executive declares that:

(a) A "health care emergency", as defined above, exists in this order; and

(b) All reasonable steps have been taken to provide required staffing; and

(c) Considering overall operational status needs, continued overtime is necessary to provide required staffing.

(10) Provided further that no employee shall be required to work more than 16 hours in a 24-hour period unless by voluntary mutual agreement of the employee and the employer, and no employee shall work more than 24 consecutive hours until said employee receives not less than eight (8) consecutive hours off duty immediately

following the 24 consecutive hours of work.

(11) Notwithstanding subsection (B)(9) above, an employee may be required to work up to 13 hours in any 24-hour period if the employee scheduled to relieve the subject employee does not report for duty as scheduled and does not inform the employer more than two (2) hours in advance of that scheduled shift that he/she will not be appearing for duty as scheduled.

(C) Election Procedures

Election procedures for the adoption and repeal of alternative workweek schedules require the following:

(1) Each proposal for an alternative workweek schedule shall be in the form of a written agreement proposed by the employer. The proposed agreement must designate a regularly scheduled alternative workweek in which the specified number of work days and work hours are regularly recurring. The actual days worked within that alternative workweek schedule need not be specified. The employer may propose a single work schedule that would become the standard schedule for workers in the work unit, or a menu of work schedule options, from which each employee in the unit would be entitled to choose. If the employer proposes a menu of work schedule options, the employee may, with the approval of the employer, move from one menu option to another.

(2) In order to be valid, the proposed alternative workweek schedule must be adopted in a secret ballot election, before the performance of work, by at least a two-thirds (2/3) vote of the affected employees in the work unit. The election shall be held during regular working hours at the employees' work site. For purposes of this subsection, "affected employees in the work unit" may include all employees in a readily identifiable work unit, such as a division, a department, a job classification, a shift, a separate physical location, or a recognized subdivision of any such work unit. A work unit may consist of an individual employee as long as the criteria for an identifiable work unit in this subsection are met.

(3) Prior to the secret ballot vote, any employer who proposed to institute an alternative workweek schedule shall have made a disclosure in writing to the affected employees, including the effects of the proposed arrangement on the employees' wages, hours, and benefits. Such a disclosure shall include meeting(s), duly noticed, held at least 14 days prior to voting, for the specific purpose of discussing the effects of the alternative workweek schedule. An employer shall provide that disclosure in a non-English language, as well as in English, if at least five (5) percent of the affected employees primarily speak that non-English language. The employer shall mail the written disclosure to employees who do not attend the meeting. Failure to comply with this paragraph shall make the election null and void.

(4) Any election to establish or repeal an alternative workweek schedule shall be held at the work site of the affected employees. The employer shall bear the costs of conducting any election held pursuant to this section. Upon a complaint by an affected employee, and after an investigation by the labor commissioner, the labor commissioner may require the employer to select a neutral third party to conduct the election.

(5) Any type of alternative workweek schedule that is authorized by the Labor Code may be repealed by the affected employees. Upon a petition of one-third (1/3) of the

affected employees, a new secret ballot election shall be held and a two-thirds (2/3) vote of the affected employees shall be required to reverse the alternative workweek schedule. The election to repeal the alternative workweek schedule shall be held not more than 30 days after the petition is submitted to the employer, except that the election shall be held not less than 12 months after the date that the same group of employees voted in an election held to adopt or repeal an alternative workweek schedule. However, where an alternative workweek schedule was adopted between October 1, 1999 and October 1, 2000, a new secret ballot election to repeal the alternative workweek schedule shall not be subject to the 12-month interval between elections. The election shall take place during regular working hours at the employees' work site. If the alternative workweek schedule is revoked, the employer shall comply within 60 days. Upon proper showing of undue hardship, the Division of Labor Standards Enforcement may grant an extension of time for compliance.

(6) Only secret ballots may be cast by affected employees in the work unit at any election held pursuant to this section. The results of any election conducted pursuant to this section shall be reported by the employer to the Division of Labor Statistics and Research within 30 days after the results are final, and the report of election results shall be a public document. The report shall include the final tally of the vote, the size of the unit, and the nature of the business of the employer.

(7) Employees affected by a change in the work hours resulting from the adoption of an alternative workweek schedule may not be required to work those new work hours for at least 30 days after the announcement of the final results of the election.

(8) Employers shall not intimidate or coerce employees to vote either in support of or in opposition to a proposed alternative workweek. No employees shall be discharged or discriminated against for expressing opinions concerning the alternative workweek election or for opposing or supporting its adoption or repeal. However, nothing in this section shall prohibit an employer from expressing his/her position concerning that alternative workweek to the affected employees. A violation of this paragraph shall be subject to Labor Code Section 98 *et seq.*

(D) The provisions of subsections (A), (B) and (C) above shall not apply to any employee whose earnings exceed one and one-half (1 ½) times the minimum wage if more than half of that employee's compensation represents commissions.

(E) One and one-half (1 ½) times a minor's regular rate of pay shall be paid for all work over 40 hours in any workweek except minors 16 or 17 years old who are not required by law to attend school and may therefore be employed for the same hours as an adult are subject to subsection (A) or (B) and (C) above.

(VIOLATIONS OF CHILD LABOR LAWS are subject to civil penalties of from \$500 to \$10,000 as well as to criminal penalties. Refer to California Labor Code Sections 1285 to 1312 and 1390 to 1399 for additional restrictions on the employment of minors and for descriptions of criminal and civil penalties for violation of the child labor laws. Employers should ask school districts about any required work permits.)

(F) An employee may be employed on seven (7) workdays in one workweek when the total hours of employment during such workweek do not exceed 30 and the total hours of employment in any one workday thereof do not exceed six (6).

(G) If a meal period occurs on a shift beginning or ending at or between the hours of 10 p.m. and 6 a.m., facilities shall be available for securing hot food and drink or for heating food or drink, and

a suitable sheltered place shall be provided in which to consume such food or drink.

(H) The provisions of Labor Code Sections 551 and 552 regarding one (1) day's rest in seven (7) shall not be construed to prevent an accumulation of days of rest when the nature of the employment reasonably requires the employee to work seven (7) or more consecutive days; provided, however, that in each calendar month, the employee shall receive the equivalent of one (1) day's rest in seven (7).

(I) Except as provided in subsections (E), (H) and (L), this section shall not apply to any employee covered by a valid collective bargaining agreement if the agreement expressly provides for the wages, hours of work, and working conditions of the employees, and if the agreement provides premium wage rates for all overtime hours worked and a regular hourly rate of pay for those employees of not less than 30 percent more than the state minimum wage.

(J) Notwithstanding subsection (I) above, where the employer and a labor organization representing employees of the employer have entered into a valid collective bargaining agreement pertaining to the hours of work of the employees, the requirement regarding the equivalent of one (1) day's rest in seven (7) (see subsection (H) above) shall apply, unless the agreement expressly provides otherwise.

(K) The provisions of this section are not applicable to employees whose hours of service are regulated by:

(1) The United States Department of Transportation Code of Federal Regulations, Title 49, Sections 395.1 to 395.13, Hours of Service of Drivers; or

(2) Title 13 of the California Code of Regulations, subchapter 6.5, Section 1200 and following sections, regulating hours of drivers.

(L) No employee shall be terminated or otherwise disciplined for refusing to work more than 72 hours in any workweek, except in an emergency as defined in Section 2(D).

(M) If an employer approves a written request of an employee to make up work time that is or would be lost as a result of a personal obligation of the employee, the hours of that makeup work time, if performed in the same workweek in which the work time was lost, may not be counted toward computing the total number of hours worked in a day for purposes of the overtime requirements, except for hours in excess of 11 hours of work in one (1) day or 40 hours of work in one (1) workweek. If an employee knows in advance that he/she will be requesting makeup time for a personal obligation that will recur at a fixed time over a succession of weeks, the employee may request to make up work time for up to four (4) weeks in advance; provided, however, that the makeup work must be performed in the same week that the work time was lost. An employee shall provide a signed written request for each occasion that the employee makes a request to make up work time pursuant to this subsection. While an employer may inform an employee of this makeup time option, the employer is prohibited from encouraging or otherwise soliciting an employee to request the employer's approval to take personal time off and make up the work hours within the same workweek pursuant to this subsection.

4. Minimum Wages.

(A) Every employer shall pay to each employee wages not less than six dollars and twenty-five cents (\$6.25) per hour for all hours worked, effective January 1, 2001, and not less than six dollars and seventy-five cents (\$6.75) per hour for all hours worked, effective January 1, 2002, except:

LEARNERS. Employees during their first 160 hours of employment in occupations in which they have no previous similar or related experience, may be paid not less than 85 percent of the minimum wage rounded to the nearest nickel.

(B) Every employer shall pay to each employee, on the established payday for the period involved, not less than the applicable minimum wage for all hours worked in the payroll period, whether the remuneration is measured by time, piece, commission, or otherwise.

(C) When an employee works a split shift, one (1) hour's pay at the minimum wage shall be paid in addition to the minimum wage for that workday, except when the employee resides at the place of employment.

(D) The provisions of this section shall not apply to apprentices regularly indentured under the State Division of Apprenticeship Standards.

5. Reporting Time Pay.

(A) Each workday an employee is required to report for work and does report, but is not put to work or is furnished less than half said employee's usual or scheduled day's work, the employee shall be paid for half the usual or scheduled day's work, but in no event for less than two (2) hours nor more than four (4) hours, at the employee's regular rate of pay, which shall not be less than the minimum wage.

(B) If an employee is required to report for work a second time in any one workday and is furnished less than two (2) hours of work on the second reporting, said employee shall be paid for two (2) hours at the employee's regular rate of pay, which shall not be less than the minimum wage.

(C) The foregoing reporting time pay provisions are not applicable when:

(1) Operations cannot commence or continue due to threats to employees or property; or when recommended by civil authorities; or

(2) Public utilities fail to supply electricity, water, or gas, or there is a failure in the public utilities, or sewer system; or

(3) The interruption of work is caused by an Act of God or other cause not within the employer's control.

(D) This section shall not apply to an employee on paid standby status who is called to perform assigned work at a time other than the employee's scheduled reporting time.

6. Licenses for Disabled Workers.

(A) A license may be issued by the Division authorizing employment of a person whose earning capacity is impaired by physical disability or mental deficiency at less than the minimum wage. Such licenses shall be granted only upon joint application of employer and employee and employee's representative if any.

(B) A special license may be issued to a nonprofit organization such as a sheltered workshop or rehabilitation facility fixing special minimum rates to enable the employment of such persons without requiring individual licenses of such employees.

(C) All such licenses and special licenses shall be renewed on a yearly basis or more frequently at the discretion of the Division. (See California Labor Code, Sections 1191 and 1191.5)

7. Records.

(A) Every employer shall keep accurate information with respect to each employee including the following:

- (1) Full name, home address, occupation and social security number.
- (2) Birth date, if under 18 years, and designation as a minor.
- (3) Time records showing when the employee begins and ends each work period. Meal periods, split shift intervals and total daily hours worked shall also be recorded. Meal periods during which operations cease and authorized rest periods need not be recorded.
- (4) Total wages paid each payroll period, including value of board, lodging, or other compensation actually furnished to the employee.
- (5) Total hours worked in the payroll period and applicable rates of pay. This information shall be made readily available to the employee upon reasonable request.
- (6) When a piece rate or incentive plan is in operation, piece rates or an explanation of the incentive plan formula shall be provided to employees. An accurate production record shall be maintained by the employer.

(B) Every employer shall semimonthly or at the time of each payment of wages furnish each employee, either as a detachable part of the check, draft, or voucher paying the employee's wages, or separately, an itemized statement in writing showing: (1) all deductions; (2) the inclusive dates of the period for which the employee is paid; (3) the name of the employee or the employee's social security number; and (4) the name of the employer, provided all deductions made on written orders of the employee may be aggregated and shown as one item.

(C) All required records shall be in the English language and in ink or other indelible form, properly dated, showing month, day and year, and shall be kept on file by the employer for at least three years at the place of employment or at a central location within the State of California. An employee's records shall be available for inspection by the employee upon reasonable request.

(D) Clocks shall be provided in all major work areas or within reasonable distance thereto insofar as practicable.

8. Cash Shortage and Breakage.

No employer shall make any deduction from the wage or require any reimbursement from an employee for any cash shortage, breakage, or loss of equipment, unless it can be shown that the shortage, breakage, or loss is caused by a dishonest or willful act, or by the gross negligence of the employee.

9. Uniforms and Equipment.

(A) When uniforms are required by the employer to be worn by the employee as a condition of employment, such uniforms shall be provided and maintained by the employer. The term

"uniform" includes wearing apparel and accessories of distinctive design or color.

NOTE: This section shall not apply to protective apparel regulated by the Occupational Safety and Health Standards Board.

(B) When tools or equipment are required by the employer or are necessary to the performance of a job, such tools and equipment shall be provided and maintained by the employer, except that an employee whose wages are at least two (2) times the minimum wage provided herein may be required to provide and maintain hand tools and equipment customarily required by the trade or craft. This subsection (B) shall not apply to apprentices regularly indentured under the State Division of Apprenticeship Standards.

NOTE: This section shall not apply to protective equipment and safety devices on tools regulated by the Occupational Safety and Health Standards Board.

(C) A reasonable deposit may be required as security for the return of the items furnished by the employer under provisions of subsections (A) and (B) of this section upon issuance of a receipt to the employee for such deposit. Such deposits shall be made pursuant to Section 400 and following of the Labor Code or an employer with the prior written authorization of the employee may deduct from the employee's last check the cost of an item furnished pursuant to (A) and (B) above in the event said item is not returned. No deduction shall be made at any time for normal wear and tear. All items furnished by the employer shall be returned by the employee upon completion of the job.

10. Meals and Lodging.

(A) "Meal" means an adequate, well-balanced serving of a variety of wholesome, nutritious foods.

(B) "Lodging" means living accommodations available to the employee for full-time occupancy which are adequate, decent, and sanitary according to usual and customary standards. Employees shall not be required to share a bed.

(C) Meals or lodging may not be credited against the minimum wage without a voluntary written agreement between the employer and the employee. When credit for meals or lodging is used to meet part of the employer's minimum wage obligation, the amounts so credited may not be more than the following:

Effective Dates:	January 1, 2001	January 1, 2002
Lodging:		
Room occupied alone	\$29.40 per week	\$31.75 per week
Room shared	\$24.25 per week	\$26.20 per week
Apartment - two-thirds (2/3) of the ordinary rental value, and in no event more than	\$352.95 per month	\$381.20 per month
Where a couple are both employed by the	\$522.10 per month	\$563.90 per month

employer, two-thirds (2/3) of the ordinary rental value, and in no event more than		
Meals:		
Breakfast	\$2.25	\$2.45
Lunch	\$3.10	\$3.35
Dinner	\$4.15	\$4.50

(D) Meals evaluated as part of the minimum wage must be bona fide meals consistent with the employee's work shift. Deductions shall not be made for meals not received or lodging not used.

(E) If, as a condition of employment, the employee must live at the place of employment or occupy quarters owned or under the control of the employer, then the employer may not charge rent in excess of the values listed herein.

11. Meal Periods.

(A) No employer shall employ any person for a work period of more than five (5) hours without a meal period of not less than 30 minutes, except that when a work period of not more than six (6) hours will complete the day's work the meal period may be waived by mutual consent of the employer and the employee. Unless the employee is relieved of all duty during a 30 minute meal period, the meal period shall be considered an "on duty" meal period and counted as time worked. An "on duty" meal period shall be permitted only when the nature of the work prevents an employee from being relieved of all duty and when by written agreement between the parties an on-the-job paid meal period is agreed to. The written agreement shall state that the employee may, in writing, revoke the agreement at any time.

(B) If an employer fails to provide an employee a meal period in accordance with the applicable provisions of this order, the employer shall pay the employee one (1) hour of pay at the employee's regular rate of compensation for each workday that the meal period is not provided.

(C) In all places of employment where employees are required to eat on the premises, a suitable place for that purpose shall be designated.

(D) Notwithstanding any other provision of this order, employees in the health care industry who work shifts in excess of eight (8) total hours in a workday may voluntarily waive their right to one of their two meal periods. In order to be valid, any such waiver must be documented in a written agreement that is voluntarily signed by both the employee and the employer. The employee may revoke the waiver at any time by providing the employer at least one (1) day's written notice. The employee shall be fully compensated for all working time, including any on-the-job meal period, while such a waiver is in effect.

12. Rest Periods.

(A) Every employer shall authorize and permit all employees to take rest periods, which insofar as practicable shall be in the middle of each work period. The authorized rest period time shall be based on the total hours worked daily at the rate of ten (10) minutes net rest time per four (4) hours or major fraction thereof. However, a rest period need not be authorized for employees whose total daily work time is less than three and one-half (3 ½) hours. Authorized rest period time shall be counted as hours worked for which there shall be no deduction from wages.

(B) If an employer fails to provide an employee a rest period in accordance with the applicable provisions of this order, the employer shall pay the employee one (1) hour of pay at the employee's regular rate of compensation for each workday that the rest period is not provided.

13. Change Rooms and Resting Facilities.

(A) Employers shall provide suitable lockers, closets, or equivalent for the safekeeping of employees' outer clothing during working hours, and when required, for their work clothing during non-working hours. When the occupation requires a change of clothing, change rooms or equivalent space shall be provided in order that employees may change their clothing in reasonable privacy and comfort. These rooms or spaces may be adjacent to but shall be separate from toilet rooms and shall be kept clean.

NOTE: This section shall not apply to change rooms and storage facilities regulated by the Occupational Safety and Health Standards Board.

(B) Suitable resting facilities shall be provided in an area separate from the toilet rooms and shall be available to employees during work hours.

14. Seats.

(A) All working employees shall be provided with suitable seats when the nature of the work reasonably permits the use of seats.

(B) When employees are not engaged in the active duties of their employment and the nature of the work requires standing, an adequate number of suitable seats shall be placed in reasonable proximity to the work area and employees shall be permitted to use such seats when it does not interfere with the performance of their duties.

15. Temperature.

(A) The temperature maintained in each work area shall provide reasonable comfort consistent with industry-wide standards for the nature of the process and the work performed.

(B) If excessive heat or humidity is created by the work process, the employer shall take all feasible means to reduce such excessive heat or humidity to a degree providing reasonable comfort. Where the nature of the employment requires a temperature of less than 60° F., a heated room shall be provided to which employees may retire for warmth, and such room shall be maintained at not less than 68°.

(C) A temperature of not less than 68° shall be maintained in the toilet rooms, resting rooms, and change rooms during hours of use.

(D) Federal and State energy guidelines shall prevail over any conflicting provision of this section.

16. Elevators.

Adequate elevator, escalator or similar service consistent with industry-wide standards for the nature of the process and the work performed shall be provided when employees are employed four floors or more above or below ground level.

17. Exemptions.

If, in the opinion of the Division after due investigation, it is found that the enforcement of any provision contained in Section 7, Records; Section 12, Rest Periods; Section 13, Change Rooms and Resting Facilities; Section 14, Seats; Section 15, Temperature; or Section 16, Elevators, would not materially affect the welfare or comfort of employees and would work an undue hardship on the employer, exemption may be made at the discretion of the Division. Such exemptions shall be in writing to be effective and may be revoked after reasonable notice is given in writing. Application for exemption shall be made by the employer or by the employee and/or the employee's representative to the Division in writing. A copy of the application shall be posted at the place of employment at the time the application is filed with the Division.

18. Filing Reports. (See California Labor Code, Section 1174(a))

19. Inspection. (See California Labor Code, Section 1174)

20. Penalties. (See California Labor Code, Section 1199)

(A) In addition to any other civil penalties provided by law, any employer or any other person acting on behalf of the employer who violates, or causes to be violated, the provisions of this order, shall be subject to the civil penalty of:

(1) Initial Violation -- \$50.00 for each underpaid employee for each pay period during which the employee was underpaid in addition to the amount which is sufficient to recover unpaid wages.

(2) Subsequent Violations -- \$100.00 for each underpaid employee for each pay period during which the employee was underpaid in addition to an amount which is sufficient to recover unpaid wages.

(3) The affected employee shall receive payment of all wages recovered.

(B) The labor commissioner may also issue citations pursuant to California Labor Code Section 1197.1 for non-payment of wages for overtime work in violation of this order.

21. Separability.

If the application of any provision of this order, or any section, subsection, subdivision, sentence, clause, phrase, word, or portion of this order should be held invalid or unconstitutional or unauthorized or prohibited by statute, the remaining provisions thereof shall not be affected thereby, but shall continue to be given full force and effect as if the part so held invalid or unconstitutional had not been included herein.

22. Posting of Order.

Every employer shall keep a copy of this order posted in an area frequented by employees where it may be easily read during the workday. Where the location of work or other conditions make this impractical, every employer shall keep a copy of this order and make it available to every employee upon request.

Extracts from FLSA Regulations

Executive Exemption

§ 541.700 Primary duty.

(a) To qualify for exemption under this part, an employee's "primary duty" must be the performance of exempt work. The term "primary duty" means the principal, main, major or most important duty that the employee performs. Determination of an employee's primary duty must be based on all the facts in a particular case, with the major emphasis on the character of the employee's job as a whole. Factors to consider when determining the primary duty of an employee include, but are not limited to, the relative importance of the exempt duties as compared with other types of duties; the amount of time spent performing exempt work; the employee's relative freedom from direct supervision; and the relationship between the employee's salary and the wages paid to other employees for the kind of nonexempt work performed by the employee.

(b) The amount of time spent performing exempt work can be a useful guide in determining whether exempt work is the primary duty of an employee. Thus, employees who spend more than 50 percent of their time performing exempt work will generally satisfy the primary duty requirement. Time alone, however, is not the sole test, and nothing in this section requires that exempt employees spend more than 50 percent of their time performing exempt work. Employees who do not spend more than 50 percent of their time performing exempt duties may nonetheless meet the primary duty requirement if the other factors support such a conclusion.

(c) Thus, for example, assistant managers in a retail establishment who perform exempt executive work such as supervising and directing the work of other employees, ordering merchandise, managing the budget and authorizing payment of bills may have management as their primary duty even if the assistant managers spend more than 50 percent of the time performing nonexempt work such as running the cash register. However, if such assistant managers are closely supervised and earn little more than the nonexempt employees, the assistant managers generally would not satisfy the primary duty requirement.

§ 541.102 Management.

Generally, "management" includes, but is not limited to, activities such as interviewing, selecting, and training of employees; setting and adjusting their rates of pay and hours of work; directing the work of employees; maintaining production or sales records for use in supervision or control; appraising employees' productivity and efficiency for the purpose of recommending promotions or other changes in status; handling employee complaints and grievances; disciplining employees; planning the work; determining the techniques to be used; apportioning the work among the employees; determining the type of materials, supplies, machinery, equipment or tools to be used or merchandise to be bought, stocked and sold; controlling the flow and distribution of materials or merchandise and supplies; providing for the safety and security of the employees or the property; planning and controlling the budget; and monitoring or implementing legal compliance measures.

§ 541.106 Concurrent duties.

(c) In contrast, a relief supervisor or working supervisor whose primary duty is performing nonexempt work on the production line in a manufacturing plant does not become exempt merely because the nonexempt production line employee occasionally has some responsibility for directing the work of other nonexempt production line employees when, for example, the exempt supervisor is unavailable. Similarly, an employee whose primary duty is to work as an electrician

is not an exempt executive even if the employee also directs the work of other employees on the job site, orders parts and materials for the job, and handles requests from the prime contractor.

§ 541.103 Department or subdivision.

(a) The phrase "a customarily recognized department or subdivision" is intended to distinguish between a mere collection of employees assigned from time to time to a specific job or series of jobs and a unit with permanent status and function. A customarily recognized department or subdivision must have a permanent status and a continuing function. For example, a large employer's human resources department might have subdivisions for labor relations, pensions and other benefits, equal employment opportunity, and personnel management, each of which has a permanent status and function. (b) When an enterprise has more than one establishment, the employee in charge of each establishment may be considered in charge of a recognized subdivision of the enterprise. (c) A recognized department or subdivision need not be physically within the employer's establishment and may move from place to place. The mere fact that the employee works in more than one location does not invalidate the exemption if other factors show that the employee is actually in charge of a recognized unit with a continuing function in the organization. (d) Continuity of the same subordinate personnel is not essential to the existence of a recognized unit with a continuing function. An otherwise exempt employee will not lose the exemption merely because the employee draws and supervises workers from a pool or supervises a team of workers drawn from other recognized units, if other factors are present that indicate that the employee is in charge of a recognized unit with a continuing function.

§ 541.105 Particular weight.

To determine whether an employee's suggestions and recommendations are given "particular weight," factors to be considered include, but are not limited to, whether it is part of the employee's job duties to make such suggestions and recommendations; the frequency with which such suggestions and recommendations are made or requested; and the frequency with which the employee's suggestions and recommendations are relied upon. Generally, an executive's suggestions and recommendations must pertain to employees whom the executive customarily and regularly directs. It does not include an occasional suggestion with regard to the change in status of a co-worker. An employee's suggestions and recommendations may still be deemed to have "particular weight" even if a higher level manager's recommendation has more importance and even if the employee does not have authority to make the ultimate decision as to the employee's change in status.

Administrative Exemption

§ 541.201 Directly related to management or general business operations.

(a) To qualify for the administrative exemption, an employee's primary duty must be the performance of work directly related to the management or general business operations of the employer or the employer's customers. The phrase "directly related to the management or general business operations" refers to the type of work performed by the employee. To meet this requirement, an employee must perform work directly related to assisting with the running or servicing of the business, as distinguished, for example, from working on a manufacturing production line or selling a product in a retail or service establishment.

(b) Work directly related to management or general business operations includes, but is not limited to, work in functional areas such as tax; finance; accounting; budgeting; auditing; insurance; quality control; purchasing; procurement; advertising; marketing; research; safety and health; personnel management; human resources; employee benefits; labor relations; public relations, government relations; computer network, internet and database administration; legal

and regulatory compliance; and similar activities. Some of these activities may be performed by employees who also would qualify for another exemption.

(c) An employee may qualify for the administrative exemption if the employee's primary duty is the performance of work directly related to the management or general business operations of the employer's customers. Thus, for example, employees acting as advisers or consultants to their employer's clients or customers (as tax experts or financial consultants, for example) may be exempt.

§ 541.202 Discretion and independent judgment.

(a) To qualify for the administrative exemption, an employee's primary duty must include the exercise of discretion and independent judgment with respect to matters of significance. In general, the exercise of discretion and independent judgment involves the comparison and the evaluation of possible courses of conduct, and acting or making a decision after the various possibilities have been considered. The term "matters of significance" refers to the level of importance or consequence of the work performed.

(b) The phrase "discretion and independent judgment" must be applied in the light of all the facts involved in the particular employment situation in which the question arises. Factors to consider when determining whether an employee exercises discretion and independent judgment with respect to matters of significance include, but are not limited to: whether the employee has authority to formulate, affect, interpret, or implement management policies or operating practices; whether the employee carries out major assignments in conducting the operations of the business; whether the employee performs work that affects business operations to a substantial degree, even if the employee's assignments are related to operation of a particular segment of the business; whether the employee has authority to commit the employer in matters that have significant financial impact; whether the employee has authority to waive or deviate from established policies and procedures without prior approval; whether the employee has authority to negotiate and bind the company on significant matters; whether the employee provides consultation or expert advice to management; whether the employee is involved in planning long- or short-term business objectives; whether the employee investigates and resolves matters of significance on behalf of management; and whether the employee represents the company in handling complaints, arbitrating disputes or resolving grievances.

(c) The exercise of discretion and independent judgment implies that the employee has authority to make an independent choice, free from immediate direction or supervision. However, employees can exercise discretion and independent judgment even if their decisions or recommendations are reviewed at a higher level. Thus, the term "discretion and independent judgment" does not require that the decisions made by an employee have a finality that goes with unlimited authority and a complete absence of review. The decisions made as a result of the exercise of discretion and independent judgment may consist of recommendations for action rather than the actual taking of action. The fact that an employee's decision may be subject to review and that upon occasion the decisions are revised or reversed after review does not mean that the employee is not exercising discretion and independent judgment. For example, the policies formulated by the credit manager of a large corporation may be subject to review by higher company officials who may approve or disapprove these policies. The management consultant who has made a study of the operations of a business and who has drawn a proposed change in organization may have the plan reviewed or revised by superiors before it is submitted to the client.

(d) An employer's volume of business may make it necessary to employ a number of employees to perform the same or similar work. The fact that many employees perform identical work or work of the same relative importance does not mean that the work of each such employee does not involve the exercise of discretion and independent judgment with respect to matters of significance.

(e) The exercise of discretion and independent judgment must be more than the use of skill in applying well-established techniques, procedures or specific standards described in manuals or other sources. *See also* §541.704 regarding use of manuals. The exercise of discretion and independent judgment also does not include clerical or secretarial work, recording or tabulating data, or performing other mechanical, repetitive, recurrent or routine work. An employee who simply tabulates data is not exempt, even if labeled as a "statistician."

(f) An employee does not exercise discretion and independent judgment with respect to matters of significance merely because the employer will experience financial losses if the employee fails to perform the job properly. For example, a messenger who is entrusted with carrying large sums of money does not exercise discretion and independent judgment with respect to matters of significance even though serious consequences may flow from the employee's neglect. Similarly, an employee who operates very expensive equipment does not exercise discretion and independent judgment with respect to matters of significance merely because improper performance of the employee's duties may cause serious financial loss to the employer.

Professional Exemption

§ 541.204

(2) Jobs relating to building management and maintenance, jobs relating to the health of the students, and academic staff such as **social workers**, psychologists, lunch room managers or dietitians do not perform academic administrative functions. Although such work is not considered academic administration, such employees may qualify for exemption under § 541.200 or under other sections of this part, provided the requirements for such exemptions are met.

§ 541.600

(e) In the case of professional employees, the compensation requirements in this section shall not apply to employees engaged as teachers (*see* § 541.303); employees who hold a valid license or certificate permitting the practice of law or medicine or any of their branches and are actually engaged in the practice thereof (*see* § 541.304); or to employees who hold the requisite academic degree for the general practice of medicine and are engaged in an internship or resident program pursuant to the practice of the profession (*see* § 541.304). In the case of medical occupations, the exception from the salary or fee requirement does not apply to pharmacists, nurses, therapists, technologists, sanitarians, dietitians, **social workers**, psychologists, psychometrists, or other **professions** which service the medical profession.

MEMORANDUM

To: Doris Lackey, Chris Kieskowski
From: Tom Prescott
CC: Tom's team; Lisa's team
Date: May 1, 2007
Re: FLSA Exemptions

To follow-up our meeting yesterday we agreed to take a second look at some broad categories of positions.

First-line Supervisors

For the most part this group would be considered under the executive or the administrative exemption. The requirements for the executive exemption are:

§ 541.100 General rule for executive employees.

(a) The term "employee employed in a bona fide executive capacity" in section 13(a)(1) of the Act shall mean any employee:

- (1) Compensated on a salary basis at a rate of not less than \$455 per week ...;
- (2) Whose primary duty is management of the enterprise in which the employee is employed or of a customarily recognized department or subdivision thereof;
- (3) Who customarily and regularly directs the work of two or more other employees; and
- (4) Who has the authority to hire or fire other employees or whose suggestions and recommendations as to the hiring, firing, advancement, promotion or any other change of status of other employees are given particular weight. ...

As a general rule I think it will be difficult for our first-line supervisors to meet this exclusion. The regulations further define "primary duty", "management" and "department or subdivision" in such a manner that most of our supervisors will not meet this test (definitions attached hereto for your reference).

In addition, most of our first-line supervisors do not hire and fire on their own. That is done by the hiring authority. This does not completely rule them out for this exemption but to qualify their recommendation must be given "particular weight" (see attached)

I'm not that familiar with the hiring process in departments but in firing scenarios the reality is that the HR team gives recommendations and suggestions to upper level management with minimal input from the first-line supervisor. These decisions are just not made at the first-line supervisor level.

Although a supervisor may not be exempt as an "executive", he/she may be exempt under the administrative exemption or perhaps as a professional. The latter is probably easier to determine because the subordinate staff will generally be exempt professionals. For example, a Supervising Engineer will be exempt as a professional because he/she is an engineer.

The focus of the **administrative exemption** is on independent thought and action. If someone follows a manual they generally are not exempt. The regulations define the exemption as follows:

§ 541.200 General rule for administrative employees.

(a) The term "employee employed in a bona fide administrative capacity" in section 13(a)(1) of the Act shall mean any employee:

- (1) Compensated on a salary or fee basis at a rate of not less than \$455 per week ...;
- (2) Whose primary duty is the performance of office or non-manual work directly related to the management or general business operations of the employer or the employer's customers; and
- (3) Whose primary duty includes the exercise of discretion and independent judgment with respect to matters of significance. ...

Again, the regulations provide more detailed explanation of what the various elements mean (see attached) but discretion and independence are key elements to this exemption. **Certain functional areas are specifically identified**, including tax; finance; accounting; budgeting; auditing; insurance; quality control; purchasing; procurement; advertising; marketing; research; safety and health; personnel management; human resources; employee benefits; labor relations; public relations, government relations; **computer network, internet and database administration**; legal and regulatory compliance. However this is not an exhaustive list.

We should keep in mind that anyone supervising an employee who qualifies for the administrative exemption should also be considered exempt.

Computer Employees

The next area that we need to review closely is our IT classifications. We had many of these positions marked non-exempt which may in fact be exempt. The regulations provide a specific exemption for computer employees:

§ 541.400 General rule for computer employees.

(a) Computer systems analysts, computer programmers, software engineers or other similarly skilled workers in the computer field are **eligible for exemption as professionals** under section 13(a)(1) of the Act and under section 13(a)(17) of the Act. Because job titles vary widely and change quickly in the computer industry, job titles are not determinative of the applicability of this exemption.

(b) The section 13(a)(1) exemption applies to any computer employee compensated on a salary or fee basis at a rate of not less than \$455 per week ... and the section 13(a)(17) exemption applies to any computer employee compensated on an hourly basis at a rate not less than \$27.63 an hour. In addition, under either section 13(a)(1) or section 13(a)(17) of the Act, the exemptions apply only to computer employees whose primary duty consists of:

- (1) The application of systems analysis techniques and procedures, including consulting with users, to determine hardware, software or system functional specifications;
- (2) The design, development, documentation, analysis, creation, testing or modification of computer systems or programs, including prototypes, based on and related to user or system design specifications;
- (3) The design, documentation, testing, creation or modification of computer programs related to machine operating systems; or
- (4) A combination of the aforementioned duties, the performance of which requires the same level of skills. ...

Obviously this is a position by position inquiry but we may find a number of our IT positions fall under this particular exemption.

Professional Exemption

This is the exemption where I think we need some policy direction. For example, the standard professionals such as doctors and lawyers should be exempt but some MD's are receiving Schedule 1 overtime. We may want to revisit whether Schedule 1 should continue to exist.

The bigger question is what to do with the classes that are potentially exempt under this heading but by exempting them we may create other problems (e.g. nurses, engineers, social workers).

(c) The phrase "field of science or learning" includes the traditional professions of law, medicine, theology, accounting, actuarial computation, engineering, architecture, teaching, various types of physical, chemical and biological sciences, pharmacy and other similar occupations that have a recognized professional status as distinguished from the mechanical arts or skilled trades where in some instances the knowledge is of a fairly advanced type, but is not in a field of science or learning.

This exemption could include all our accounting positions, engineering positions (including planning in some cases), **scientific positions such as Environmental Health Specialists or Clinical Lab Scientists, and pharmacy positions.**

Nursing is specifically mentioned in the regulations as potentially exempt under this heading but the **industry standard in California is to treat nurses as hourly employees** and therefore as non-exempt:

§ 541.301

(2) *Nurses.* Registered nurses who are registered by the appropriate State examining board generally meet the duties requirements for the learned professional exemption. ...

Even if we follow the industry standard, we still need to decide what we want to do about our nurse practitioners and/or physician assistants, as well as our supervising nurse classifications.

The PA's are specifically mentioned in the regulations:

§ 541.301

(4) *Physician assistants.* Physician assistants who have successfully completed four academic years of preprofessional and professional study, including graduation from a physician assistant program accredited by the Accreditation Review Commission on Education for the Physician Assistant, and who are certified by the National Commission on Certification of Physician Assistants generally **meet the duties requirements for the learned professional exemption.**

While not specifically mentioned, a **nurse practitioner is more highly qualified than a registered nurse and therefore should also be considered for exempt status.** Similarly, any **supervising nurse would qualify under this exemption** and perhaps under the executive or administrative exemption.

Currently the Nurse Manager is considered a management employee and excluded from the bargaining unit but the Assistant Nurse Manager is a represented classification. We have to draw the line somewhere but exactly where requires further discussion.

A particularly troubling classification is social workers. This type of work is mentioned twice in the regulations but in different contexts. The first reference states that **social workers will not generally be exempt as academic administrators (§541.204) but may be exempt under the general administrative exemption.** The second reference includes social workers in the group of professions that serve the medical profession (§541.600).

We probably could make these positions exempt, particularly the positions that require a more advanced degree, but in so doing we may cause an unintended recruiting and retention problem.

Summary:

I think our meeting yesterday went a long way towards identifying the issues and moving us into the homestretch of this project. I look forward to reviewing your updated version of the spreadsheet we looked at yesterday.

Tom

G:\STF-CLAS\FLSA\FLSA ExemptMemoFromTomP 050107.doc



MEMORANDUM

Human Resources Department

Ron W. Komers

Assistant County Executive Officer/

Human Resources Director

Date: April 27, 2007

To: Ron Komers, Assistant CEO and Human Resources Director

FROM: Doris Lackey, Compensation Manager

RE: County Classification Review for FLSA Compliance

Effective January 19, 2006, the SEIU MOU adopted Fair Labor Standard Act (FLSA) standards. Briefly, the FLSA overtime provisions apply a forty-hour workweek in a recurring 168-hour period; i.e., a calendar week of seven 24-hour days. Overtime pay of 1.5 times the regular hourly wage must be paid for hours worked exceeding 40 hours in a workweek.

Background

Per FLSA standards, exemptions from FLSA overtime provisions are provided for classifications that fall into the following categories: Executive, Administrative, Professional, Computer and Outside Sales.

Previous to the January 19, 2006 MOU, overtime pay per classification was negotiated by the union so that some classes ordinarily exempt from FLSA overtime provisions; e.g., supervisory classes, were paid overtime. This negotiated overtime, however, is only paid when the hours paid exceed 80 in a pay period instead of the FLSA mandated 40 workweek based on hours worked. There are also classes which are eligible for straight time pay based on hours paid in excess of 80 in a pay period.

A classification review was conducted based on the County Classification and Salary Listing. The Class and Salary Listing identifies each classification with the following FLSA and overtime related designations:

FLSA	OT	(Description)
N	1.5	Nonexempt classification: Overtime paid on all hours over 40 in a workweek
E	1	"exempt" classification: Overtime paid at straight time on all hours over 80 in a pay period
E	1.5	"exempt" classification: Overtime paid at time and one half on all hours over 80 in a pay period
E	0	FLSA Exempt classification: No overtime

The Review Process

Implementation of the FLSA standards has been problematic since it requires substantial programming of the PeopleSoft payroll system. Therefore, to simplify the transition, the initial review of the Class and Salary Listing resulted in changing all "exempt" classes listed with 1.5 overtime to FLSA nonexempt, without an in-depth individual class review. The reasoning behind this approach is that it would be the first review of FLSA status and it would be an expedient approach for OASIS to program the payroll system. Once the programming was completed and we were ready to roll-out the newly implemented FLSA standards, department managers and staff would be informed of FLSA standards and advised that Classification and Compensation would evaluate each class and assign the appropriate FLSA status at a later date. Although conservative, this initial approach complies with the terms negotiated in the MOU and FLSA standards.

Subsequently, it was determined that a detailed FLSA classification review should be completed rather than a transition plan. Based on the Classification and Salary Listing, all classifications determined to be FLSA exempt would be classified as such and follow FLSA standards. Actual FLSA desk audits by position, with interviews and meeting department managers to validate findings, were not conducted due to time constraints.

The attached complete Class and Salary Listing indicates all FLSA status changes we recommend. Those classes that are highlighted in yellow were re-assigned in one of the following ways:

1. Exempt to Non-Exempt and add the 1.5 overtime rate
2. Exempt and remove the 1.5 overtime rate
3. Non-Exempt to Exempt the 1.5 overtime rate removed

Classifications that are highlighted in green remain unchanged.

Practical Considerations of Implementation

Employees assigned to classifications currently "exempt" with 1.5 overtime may realize a salary reduction if changed to FLSA Exempt (without overtime), depending on the amount of current overtime claimed. For example, the entire Social Worker class series is listed as "exempt" with overtime. After our review, Social Worker I and II are more properly non-exempt and eligible for overtime, while Social Worker III, IV and V are more properly Exempt without overtime. Therefore, if the III, IV and V levels are re-assigned, incumbents would lose eligibility for overtime.

Alternately, changing "exempt with overtime" classifications to non-exempt may result in higher payroll costs: Currently "exempt overtime", hours *paid* (not necessarily worked) in excess of 80 per pay period are paid overtime. If the class is made FLSA Non-exempt, overtime would be based on hours *actually worked* in a *standard 40-hour* workweek.

All current Unrepresented Exempt classifications accrue annual leave with no overtime; however, non-exempt unrepresented classes, alternatively, accrue paid time off, sick leave and overtime. A change from exempt to non-exempt may cause some current exempt unrepresented employees to lose the advantages of annual leave accrual. However, they may gain overtime pay.

Finally, current salary plan/grades for many multi-level class series have not been established with a consistent percentage between the supervisory level and the lead, journey or trainee/entry levels. If the supervisory level is changed to exempt with no overtime and the subordinate levels are non-exempt with 1.5 overtime, this may result in salary compaction in which incumbents assigned to subordinate classifications earn more (with overtime) than their supervisors.

Conclusion

The implementation of the FLSA standards to all County classifications has the potential to significantly reduce the income earned by incumbents in classifications that were "exempt" and yet still receiving overtime. This reduction in pay might trigger an FLSA audit if employees and/or unions contest this implementation, since we currently are essentially treating some exempt employees as non-exempt by paying them overtime, either at rates of 1.5 or the negotiated 1.0.

Alternatively, not conforming to FLSA standards puts the County at risk for an FLSA audit and findings resulting in significant penalties.

Recommendation

Please review the attached County Class and Salary List for FLSA status. While we recommend complying with FLSA standards, we should carefully consider the effect it would have on our employees and the County if it is implemented, and best way to implement it. We recommend that HR top management, including the ER Division and County Counsel, confer to decide on our best course of action.

Attachment: FLSA Project: Class and Salary Final Listing dated April 4, 2007

cc: Barbara Olivier, Assistant Human Resources Director
John Mooney, Deputy Human Resources Director
Tom Prescott, Employee Relations Division Manager

***Labor Agreements
and Side Letters***

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

213



FROM: Human Resources Department

SUBMITTAL DATE:
December 21, 2005

SUBJECT: Approval of the 2006 - 2009 Memorandum of Understanding with Service Employees International Union (SEIU), Local 1997

RECOMMENDED MOTION: That the Board of Supervisors approve the tentative agreement for the 2006 - 2009 Memorandum of Understanding between the Service Employees International Union (SEIU) and the County of Riverside (Attachment A). We recommend that the Board approve the flexible benefit contributions effective December 22, 2005, and the wage increase effective January 19, 2006, respectively, pending ratification by the represented members.

BACKGROUND: SEIU, which represents approximately 4800 employees, asked to open negotiations for a new Memorandum of Understanding. Discussions started on August 11, 2005, and sixteen (16) bargaining sessions were held. A tentative agreement for a new forty two (42) month Memorandum of Understanding, covering 2006 through 2009, was reached on December 19, 2005, and the cost of the contract does not exceed the parameter given by the Board of Supervisors. SEIU has advised that they plan to have this agreement ratified by ballot of the represented members on January 13, 2006.

Ronald W. Komers
Asst. County Executive Officer/Human Resources Dir.

FINANCIAL DATA	Current F.Y. Total Cost:	\$ 11,117,031	In Current Year Budget:	NO
	Current F.Y. Net County Cost:	\$ 2,445,746	Budget Adjustment:	YES
	Annual Net County Cost:	\$ 3,358,299	For Fiscal Year:	2005/06

SOURCE OF FUNDS: Department Budgets	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

C.E.O. RECOMMENDATION: **APPROVE**

County Executive Office Signature

- Policy
- Policy
- Consent
- Consent

Dept' Recomm.
Per Exec. Ofc.:

Prev. Agn. Ref.: | **District:** | **Agenda Number:**

3.27

BACKGROUND (continued)

A summary of the key elements of the tentative agreement is attached (Attachment B).

The Memorandum of Understanding provides the employees in the SEIU represented bargaining units parity in flexible benefit contributions with other represented units. Additionally, the agreement provides for subsidization by the County of the family and two-party premiums of \$100 and \$25 respectively to assist employees with families to pay for the increased costs of medical insurance. At a time when the cost of health care is rising dramatically, granting increases in medical benefits to provide employees with the ability to pay for medical coverage is a prudent and cost effective course of action. The Memorandum of Understanding also provides reasonable salary enhancements for county employees represented by SEIU and adjusts various special pays to correspond with market and workplace conditions.

To address recruitment and retention issues, certain classifications including but not limited to Social Workers, Clinical Lab Scientists, Public Health Microbiologists, Radiologic Specialists and Technologists, Physical and Occupational Therapists and Pharmacists will receive a 5.5% increase effective January 19, 2006. Additionally to recruit and retain Environmental Health Specialists and Hazardous Materials Management Specialists, these classifications will receive three (3) 6% increases to their base salaries over the term of the contract.

To address recruitment and retention in the area of nursing, the current wage structure was augmented by adding six to ten steps on the existing wage scale of the Registered Nurse series. This wage structure will entice the most skilled and tenured nurses to remain with the County of Riverside and keep us competitive in the marketplace. In addition, a bonus program, worth up to \$10,000 over three years, was added for nurses working at the Riverside County Regional Medical Center to reward them for continued service with the County during the term of the MOU. A Registered Nurse working for the Riverside Regional Medical Center has the ability to earn approximately 30% more in salary and bonuses over the term of the contract.

The parties also agreed to setup a subcommittee to cooperate in a non-substantive cleanup of the Memorandum of Understanding pertaining to language, spelling, grammar, and formatting following the approval/ratification of the successor Memorandum of Understanding. We will return to the Board with any amendments to the Memorandum of Understanding that result from this cooperative effort.

We recommend approval of the Memorandum of Understanding. Costs for the contract will be borne by operating Departments.

Tentative Agreement

Between

County of Riverside

And

SEIU, Local 1997

Date: December 19, 2005

**ARTICLE 1
TERM**

Section 1. Term.

Amend to reflect: January 1, 2006, to midnight, June 30, 2009.

**ARTICLE IV
WORKWEEK, OVERTIME AND PREMIUM PAY**

Section 2. Overtime

A. Overtime Work Defined. Overtime work is authorized work in excess of the maximum hours of the established FLSA work week or work performed when the employee is called back to meet an emergency on a holiday or is in a stand-by or call duty status. It does not include regularly scheduled work on a paid holiday.

B. Overtime Provisions of the Fair Labor Standards Act. Except as set out in paragraph C below, employees in classifications that are not exempt from the Fair Labor Standards Act (herein referred to as "FLSA") shall be compensated for overtime consistent with the Act. The Human Resources Director and County Counsel shall determine which classes of positions are exempt from the FLSA.

C. Double Time Employees in the following classifications shall be eligible to receive overtime credit at two times such actual hours for authorized overtime subject the qualifying factors set out below.

Classification:

Qualifying Factors:

1. Working at an RCRMC campus, Public Health, or Detention Health:

- Physician Assistant-Adult Detention
- Licensed Vocational Nurse I and II
- Licensed Psychiatric Technician
- Surgical Technician
- Assistant Nurse Manager

- all hours worked after 12 hours of continuous duty, and/or
- all hours worked on an extra weekend shift

- Institutional Nurse
- Interim Permit Nurse
- Nursing Education Instructor
- Nurse Practitioner I, II and III
- Pre-Hospital Liaison Nurse
- Registered Nurse I, II, III, IV or V
- Senior Institutional Nurse
- Supervising Institutional Nurse

2. Working at an RCRMC campus, Public Health, or Detention Health:

- Licensed Vocational Nurse – Adult Detention
- Respiratory Technician I and II
- Respiratory Care Practitioner I, II
- ~~Senior Respiratory Therapist~~
- Utilization Review Supervisor

- all hours worked on an extra weekend shift

A "weekend shift" for the purposes of this section means a shift starting on or after 3:00 p.m. Friday and ending on or before 7:30 a.m. Monday. An "extra" weekend shift means a weekend shift actually worked in addition to the required weekend shifts that were actually worked in the pay period. To qualify for double time on an extra weekend shift employees must have also actually worked their regular schedule that week.

All classifications listed above as eligible for double time on an extra weekend shift are required - unless specifically excluded by the Department Head - to work two non-premium weekend shifts during the bi-weekly pay period. An extra weekend shift for any employee exempted, in whole or in part, from the mandatory weekend requirement by the Department Head is a weekend shift in addition to his/her normal schedule as established by the Department Head, provided that the employee actually worked his/her normal schedule that week.

This weekend requirement does not apply to Registered Nurses in the RN-W classifications who work only weekend shifts and do not qualify under this section for double time on an extra weekend shift.

Nurses in the RN-W classifications shall receive a weekend premium of \$5.00 per hour for each weekend hour actually worked. A weekend nurse who works 72 weekend hours every pay period shall be considered a full-time employee for purposes of flexible benefit entitlement.

Section 3 Premium Pay

A. Call Duty - General. Except as set out below, when placed by the department head specifically on on-call duty, an employee otherwise off duty shall be paid one (1) hour pay for eight (8) hours of such duty beyond the regular work period in addition to the regular salary. For all employees, notwithstanding any prior work practice to the contrary, said compensation shall cease when said employee reports to work.

Any Social Services Worker or Children's Social Services Worker employed by the Department of Public Social Services who is placed by the department head specifically on on-

call duty, while otherwise off duty shall be paid one (1) hour pay for four (4) hours of such duty beyond the regular work period in addition to the regular salary. For all such employees, notwithstanding any prior work practice to the contrary, said compensation shall cease when said employee reports to work.

B. Minimum Overtime on Call-Back. Except as set out below, an employee called back to work to meet an emergency on an overtime basis, whether or not he/she is in an on-call duty status, shall receive minimum credit for one (1) hours' work.

Exceptions:

- Children's Social Services Worker I, II, III, IV, and V
 - Licensed Vocational Nurse
 - Licensed Psychiatric Technician
 - Physician Assistant I, II
 - Registered Nurse I, II, III, IV, and V working at an RCRMC campus:
 - Radiologic Specialist I and II, and
 - Radiologic Technologist I and II
 - Respiratory Care Practitioner I, II
 - Respiratory Technician I and II
 - ~~Senior Respiratory Therapist~~
 - Social Services Worker III, IV, and V
 - Surgical Technician
- minimum credit for three (3) hours' work

C. Shift Differentials

Applicability of Shift Differentials. Shift differentials do not apply to vacation, sick leave, holiday pay, call or standby duty. The hourly rate for each shift differential is payable in tenths of an hour. Employees who work day shift between the hours of 7:00 a.m. to 6:00 p.m. shall not be entitled to a shift differential.

Classes not eligible for shift differentials. Employees in positions of all the following classes shall not be paid a night shift differential:

Physician I, II, III Psychiatrist I, II, III Psychiatrist IM, IIM, IIIM

Evening Shift - General. County employees whose classes are not specifically mentioned below, working their regularly scheduled shift that ends after 6:00 p.m. and who perform work between the hours of 3:00 p.m. and 11:30 p.m., shall be paid a night differential of \$.60 per hour for the time actually worked between 3:00 p.m. and 11:30 p.m.

Exceptions:

Rate:

<p>(a) employees in the classifications of:</p> <ul style="list-style-type: none"> • Assistant Chief of Respiratory Therapy ♦ • Clinical Lab Scientist I, II, and Q.C. • Electroencephalographic Technician • Electroencephalographic Technician Registered 	<p>\$1.00 per hour</p> <p>♦ For employees in these classifications the evening premium starts at 5:00 p.m.</p>
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<ul style="list-style-type: none"> • Interim Permit Psychiatric Technician • Interim Permit Vocational Nurse • Occupational Therapist I, II • Physical Therapist I, II • Radiologic Specialist • Radiologic Specialist I • Radiologic Technologist I, II • Radiologic Technologist Supervisor • Respiratory Care Practitioner I, II ♦ • Respiratory Technician I and II ♦ • Senior Radiologic Technologist • Senior Respiratory Therapist ♦ 	
<p>(b) employees in the classifications set out below working for RCRMC:</p> <ul style="list-style-type: none"> • Licensed Vocational Nurse I, II ♦ • Licensed Psychiatric Technician • Surgical Technicians 	<p>\$1.10 per hour ♦ Evening premium starts at 5:00 p.m. for LVN's working in RCRMC outpatient clinics.</p>
<p>(c) employees in the classifications set out below working for RCRMC or Detention Health</p> <ul style="list-style-type: none"> • Nursing Education Instructor • Nurse Practitioner I, II and, III • Physician Assistant-Adult Detention 	<p>\$1.60 per hour</p>
<p>(d) employees in the classifications set out below working in any Riverside County outpatient clinic:</p> <ul style="list-style-type: none"> • Registered Nurse I, II, III, IV or V 	<p>\$1.60 per hour NOTE: Evening premium starts at 5:00 p.m. for employees in these classifications working at an RCRMC outpatient clinic.</p>
<p>(e) employees in the classifications of:</p> <ul style="list-style-type: none"> • Clinical Pharmacist • Pharmacist • Senior Clinical Pharmacist • Senior Pharmacist 	<p>\$1.70 per hour</p>
<p>(f) employees in the classifications set out below working for RCRMC Main Campus or Detention Health</p> <ul style="list-style-type: none"> • Assistant Nurse Manager • Institutional Nurse • Interim Permit Nurse • Nurse Practitioner I, II, and III • Pre Hospital Liaison Nurse • Registered Nurse I, II, III, IV, and V • Senior Institutional Nurse • Supervising Institutional Nurse 	<p>\$2.00 per hour</p>

(g) employees in the classifications set out below working at the RCRMC Arlington Campus: <ul style="list-style-type: none"> • Assistant Nurse Manager • Interim Permit Nurse • Registered Nurse I, II, III, IV, and V 	\$4.00 per hour
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Night Shift - General. County employees whose classes are not specifically mentioned below working their regularly scheduled shift that ends after 11:00 p.m. and who perform work between the hours of 11:00 p.m. and 7:30 a.m. shall be paid a night differential of \$1.20 per hour for the time actually worked between 11:00 p.m. and 7:30 a.m.

Exceptions:

(a) employees in the classifications set out below: <ul style="list-style-type: none"> • Interim Permit Psychiatric Technician • Interim Permit Vocational Nurse • Licensed Vocational Nurse I, II • Licensed Psychiatric Technician • Surgical Technicians • Assistant Chief of Respiratory Therapy • Senior Respiratory Therapist • Respiratory Care Practitioner I, II • Respiratory Technician I and II • Electroencephalographic Technician • Electroencephalographic Technician Registered • Radiologic Specialist • Radiologic Specialist I • Radiologic Technologist I, II • Radiologic Technologist Supervisor • Senior Radiologic Technologist • Clinical Lab Scientist I, II, and Q.C. 	\$1.55 per hour
(b) employees in the classifications set out below working for RCRMC or Detention Health <ul style="list-style-type: none"> • Nursing Education Instructor • Nurse Practitioner I, II and, III • Physician Assistant-Adult Detention 	\$2.45 per hour
(c) employees in the classifications set out below working in any Riverside County outpatient clinic: <ul style="list-style-type: none"> • Registered Nurse I, II, III, IV or V 	\$2.45 per hour
(d) employees in the classifications set out below: <ul style="list-style-type: none"> • Pharmacist • Senior Pharmacist • Clinical Pharmacist • Senior Clinical Pharmacist 	\$2.75 per hour

(e) employees in the classifications set out below working for RCRMC or Detention Health <ul style="list-style-type: none"> • Nurse Practitioner I, II, and III 	\$3.00 per hour
(f) employees in the classifications set out below working at any RCRMC campus or Detention Health: <ul style="list-style-type: none"> • Assistant Nurse Manager • Interim Permit Nurse • Registered Nurse I, II, III, IV, and V • Institutional Nurse • Pre Hospital Liaison Nurse • Senior Institutional Nurse • Supervising Institutional Nurse 	\$5.00 per hour

E. Special Assignments. All Registered Nursing personnel assigned to a specialty care area as a primary unit must meet the unit certification requirements within twelve (12) months after assignment to a specialty unit, unless otherwise indicated.

1. **Specialty Requirements.** To be eligible for a specialty differential an employee (a) must work in specialty areas as follows: ICU, PACU, Peds ICU, Emergency Room, Operating Room, Neonatal Intensive Care Nursery, Labor and Delivery, PCU and Psychiatry; and (b) must have completed the course(s) required to qualify for critical care differential. Course requirements for each unit are indicated below.

Specialty Requirements

UNIT	REQUIREMENTS
Emergency	BCC, ACLS, Triage Certification, Non-Violent Crisis Intervention, PALS/ENPC, and MICN* (MICN is to be obtained within the first 2 years of hire or 3 years if a new graduate – during this time employee is eligible for critical care premium but not MICN premium)
ICU	BCC, ACLS, Hemodynamic Monitoring
OR	Operative Room Certification (RCRMC) or CNOR (either every 5 years)
PACU	BCC, ACLS
L&D	ACLS, NRP, Fetal Monitoring
NICU	High Risk Neonate Parts 1 & 2, NRP
Trauma Services	ATCN, TNCC, ACLS and PALS
PICU	BCC for Peds, Basic Pediatric Course, PALS and Hemodynamic Monitoring
PCU	BCC and ACLS LVNs require: BCC and IV Certification
Chemotherapy	Chemotherapy Course (RCRMC)
Psychiatry	Behavior Assaultive Management (BAM), Specialized LPS Legal in-service training by in-house staff/County Counsel/Public Defender, Fifty-one Fifty Designation Training, Six (6) months of Psychiatric Nursing experience

BCC- Basic Coronary Care
 ACLS-Advanced Coronary Life Support
 NRP-Neonatal Resuscitation Program
 PALS-Pediatric Advanced Life Support
 ENPC – Emergency Nurse Pediatrics Course
 MICN-Mobile Intensive Care Nursing
 CNOR- Certified Nurse Operating Room
 ATCN – Advanced Trauma Care Nursing
 TNCC – Trauma Nurse Core Curriculum
 ...

2. Specialty Rates Any employee meeting the critical care requirements and working in the designated units shall receive the indicated specialty care differential:

Unit	Classification	Specialty Rate/Hour
<u>RCRMC:</u> • Mobile Intensive Care area (If employee has a Mobile Intensive Care Nurse (MICN) certificate.)	• Assistant Nurse Manager • Interim Permit Nurse • Nurse Practitioner I, II, and III • Register Nurse I, II, III, IV and V • Pre-Hospital Liaison Nurse	\$1.00
<u>RCRMC:</u> • Intensive Care Unit* • Emergency Room • Neonatal Intensive Care Unit • Labor and Delivery • Operating Room • Pediatric Intensive Care Unit* • Recovery Room • Progressive Care Unit	• Interim Permit Nurse • Nursing Education Instructor • Nurse Practitioner I, II, and III • Licensed Vocational Nurse (* LVN does not receive premium in this unit)	\$1.10
• Emergency Room / Trauma Services ♦♦ • Intensive Care Unit ♦♦ • Labor and Delivery ♦ • Neonatal Intensive Care Unit ♦♦ • Operating Room ♦ • PACU • PCU • Pediatrics • Pediatric Intensive Care Unit ♦♦ • Psychiatry	• Assistant Nurse Manager • Respiratory Care Practitioner I, II • Registered Nurse I, II, III, IV, and V • Pre Hospital Liaison Nurse ♦ & ♦♦ To qualify for the additional premium above the basic \$2.00 premium an RN I – V or Assistant Nurse Manager in these areas (Pre-Hospital Liaison Nurse in Trauma Services) must: 1. be assigned to the area on a full-time basis; and 2. have 4 years of recent clinical experience in the field of specialty	\$2.00 ♦\$3.00 ♦♦\$4.00

4. In-Charge - Other Medical Classes. ...

Any Respiratory Care Practitioner II, Registered when temporarily assigned overall Riverside County Regional Medical Center respiratory therapy responsibilities by the Chief or Assistant Chief of Respiratory Therapy shall be compensated at \$1.50 per hour higher for actual time assigned.

F. Training/Preceptor.

Any regular full-time employee in the designated classifications selected to perform the duties and responsibilities of a preceptor shall be compensated during such assignment at the designated rate of for the time actually worked and assigned as a preceptor.

(a) working for an RCRMC campus: <ul style="list-style-type: none">• Registered Nurse I, II, III, IV or V *• Assistant Nurse Manager	\$5.00 per hour
(b) working at RCRMC Operating Room: <ul style="list-style-type: none">• Licensed Vocational Nurse †• Surgical Technician	\$1.00 per hour
(c) working at RCRMC main campus: <ul style="list-style-type: none">• Radiologic Specialist• Radiologic Specialist Supervisor• Radiologic Technician• Radiologic Technologist Supervisor• Respiratory Care Practitioner I, II• Senior Radiologic Technician	\$1.00 per hour

* To qualify for preceptor pay, the Registered Nurse must complete a 16 hour training program after the selection process.

† Selected by the Operating Room Nurse Manager to precept a Registered Nurse in the Operating Room.

L. Electronic Pay Advice – The County is currently transitioning to an electronic pay advice system. Once the transition is complete the County shall no longer mail pay advices. The electronic pay advice system will permit employees to view/print current and previous bi-weekly pay advice/stubs. Prior to implementation the County will review security and access issues with the Union at the County-wide labor/management meeting. The Union and employees will be given at least three pay periods notice of final implementation of the electronic pay advice system.

ARTICLE V
PAY PRACTICES

Section 1

C. Denial of Step Increase: The department head may disallow a scheduled step increase provided a performance evaluation is first reviewed and approved by the Human Resource Director or a designee. If the increase is disallowed, the employee will be provided the reasons therefore in writing.

If the department head disallows such increase, the department head shall review the matter at least quarterly, and may allow the increase effective on the first day of any pay period after that in which the increase could have been allowed. The responsibility for submitting a written allowance of increase, after disallowance, shall be with the department head. The anniversary date shall be postponed until an increase is allowed. Such salary increases shall be given unless there is an affirmative decision of the Department Head to deny the increase.

E. Seasonal Employees: With the same procedures as in the foregoing Subsection, on the first day of the pay period following the completion of one year in a paid status, not including overtime, the salary of a seasonal employee shall be increased. On the first day of the pay period following the completion of an additional one year in a paid status, not including overtime, employee's salary may again be increased, and thereafter in like intervals. The hours in a paid status need not be continuous, provided no interval of more than one year shall occur when the employee is in an unpaid status.

ARTICLE V
PAY PRACTICES

Section 2. New Employees

A. Except as otherwise ... on such advanced step. Should incumbent Registered Nurses working for an RCRMC campus or Detention Health not be advanced in the scenario outlined above, the parties agree to meet and consult on the issue to determine if advancement would be equitable in all the circumstances. When such an ... shall not change.

ARTICLE VI
GENERAL PERSONNEL PROVISIONS

Section 1

B. Length of Initial Probation: The length of the initial probationary period is twelve (12) months for all positions. Computation of the initial probationary period in a paid status does not include overtime, standby, on-call, or military leave of absence. [NOTE: Supervising Welfare Fraud Investigators must serve at least 12 months initial probation after successfully completing the academy.]

E. Probation of Permanent Employees Following Change in Class or Lateral Transfer. During the first twelve (12) months of service in a paid status following a promotion, transfer or demotion, a regular employee who held permanent status at the time of the promotion, transfer or demotion shall, upon the department head's request, be returned to a position in the previously held classification in the former employing department. If the return involves a change in classification, the salary step shall be the same step which the employee held immediately prior to the promotion, transfer or demotion, and the employee's anniversary date will be re-determined based on the number of hours of service the employee had in step at the time of promotion, transfer or demotion. Computation of the probationary period in a paid status does not include overtime, standby, on-call or military leave of absence.

Section 4. Mileage Reimbursement. Employees who are required to use their personal vehicles for County business shall be reimbursed at the Internal Revenue Service (IRS) standard mileage rate. Adjustments to the County rate, if any, shall be made pursuant to and concurrent with the IRS rate changes.

If an employee is required to use his/her personal vehicle while in the course and scope of his/her employment, the employee must, prior to using said vehicle, do the following:

A. Complete County of Riverside "Authorization to Drive Riverside County Vehicle or Private Vehicle for County Business," Form, authorizing the employee to use his/her personal vehicle which must be approved by the Department Head.

B. Insure the vehicle in minimum limits required by the State of California. In addition, employees must have their policies of insurance endorsed to reflect business use. Such insurance must be maintained at all times while employed in a position where it is required or may be required to use a personal vehicle while in the course and scope of employment. In the event of an incident or accident, the County does not assume responsibility for any physical damage to an employee's personal vehicle.

C. Provide a copy of a valid driver's license, which is appropriate for the class of vehicle to be operated. If any restrictions apply, the employee must notify his/her supervisor of the restrictions and/or any and all changes in the license (i.e. suspended, etc.).

The use of motorcycles, mopeds, and similar types of vehicles for the conduct of County business is expressly prohibited, with the exception of the Sheriff's Department sworn personnel.

ARTICLE VII LEAVE PROVISIONS

Section 1. Sick Leave

A. Accrual

Every regular employee – except registered nurses in the RN-PB classifications – shall accrue sick leave on a daily basis and computed at the rate of four (4) hours per pay period.

D. Reason for Usage. Use of accrued sick leave shall be allowed for the purpose of preventative medical, dental care, and care of the family. Family, for this purpose, is defined to mean the employee's spouse, child, parent, brother, or sister (including step-relatives of the same categories), domestic partner (registered with the Secretary of State and providing a Declaration of Domestic Partnership), and child of a domestic partner. Family shall also include grandparents and/or grandchildren if the employee is the primary care giver for such.

Every regular employee shall use accrued vacation, compensatory time, or holiday time when sick leave has been exhausted due to extended illness or injury unless they are on a medical certification program in accordance with subsection B(1.) of this section.

Section 3. Bereavement Leave. The County agrees to allow up to five working days of leave, three of which will be paid and the additional two days to be deducted from the employees' sick leave. Eligible employees must be in an active payroll status and be compelled to be absent from duty by reason of the death, or critical illness where death appears imminent, of the employee's father, father-in-law, mother, mother-in-law, brother, sister, spouse, domestic partner (registered with the Secretary of State and providing a Declaration of Domestic Partnership) child, child of a domestic partner, grandparent, grandchild, or step-relationships of the same categories. The County has the right to require proper documentation in support of the requested leave.

Under extenuating circumstances, and with the prior approval of the department, employees shall be permitted to take up to five additional working days of leave, provided the employee has sufficient vacation time, compensatory time off, or compensatory holiday time off to cover the absence.

ARTICLE VIII
VACATIONS

A. Subject to the limitations and exemptions of this section, every regular employee – except registered nurses in the RN-PB classifications – shall be entitled annually ...

ARTICLE IX
HOLIDAYS

B. Qualifying Factors

1. Only regular, probationary, and seasonal employees in a current paid status shall be eligible for paid holidays.
2. A new employee whose first working day is the day after a paid holiday shall not be paid for the holiday.
3. An employee who is terminating employment for reasons other than paid County retirement, and whose last day as a paid employee is the day before a holiday, shall not be paid for that holiday.

4. An employee who is on a leave of absence without pay for either the regularly scheduled working day before the holiday, or the regularly scheduled working day after the holiday shall not be paid for the holiday.

C. Payment for the Holiday

1. Working the Holiday Regular or seasonal full-time employees covered under the provisions of this Memorandum who actually work on a paid holiday shall be paid at their regular rate for the time actually worked. In addition, such employee shall have a choice of:

- a. Banking compensatory holiday time off - not to exceed eight (8) hours - for such holiday or;
- b. Being paid at his/her regular rate of pay – not to exceed eight (8) hours pay - for the holiday.

2. Not Working the Holiday A full-time employee whose regularly scheduled day off falls on a paid holiday and who do not actually work on the holiday shall have a choice of:

- a. Banking compensatory holiday time off - not to exceed eight (8) hours - for such holiday or;
- b. Being paid at his/her regular rate of pay – not to exceed eight (8) hours pay - for the holiday.

3. Part-Time Employees Regular part-time employees covered under the provisions of this Memorandum who actually work on a paid holiday shall be paid at their regular rate for the time actually worked. In addition, a regular part-time employee shall receive holiday pay for the holiday - or portion thereof - which coincides with their regularly scheduled working hours – not to exceed eight (8) hours pay - (e.g. a part-time employee who regularly works 4 hours each Monday shall receive 4 hours holiday pay for any holiday falling on a Monday.)

If the regular part-time employee does not have a regular shift schedule, he/she shall be receive holiday pay in an amount equivalent to the reduction in his/her regular pay for the workweek – not to exceed eight (8) hours pay - (e.g. a part-time employee with an irregular schedule who normally works 20 hours per week but who, as a result of the holiday, only works 16 hours that week shall receive 4 hours holiday pay for that week). If the regular hours of work for such employee are not reduced during the holiday week then no holiday pay is due.

4. Limitations A registered nurse in the RN-PB classifications shall not be entitled to any holiday pay – whether he/she works the holiday or not. However, he/she will be paid at his/her regular rate for the time he/she actually works on the holiday.

5. Scheduling Holiday Compensatory Time Off Holiday Compensatory Time Off shall be scheduled in the same manner as regular Compensatory Time Off and shall be granted within a reasonable time following the request.

6. Special Provisions Notwithstanding the above, any employee in the class of Sheriff's Communication Supervisor or Senior Public Safety Communications Officer whose regularly scheduled working day falls on a paid holiday, and who actually works on that holiday, shall be entitled to not more than 12 hours of compensation at the rate of one and one-half (1-1/2) times the employee's regular rate of pay in addition to their regular rate of pay for the time actually

worked. Accumulated holiday credit earned at the expiration of each prescribed pay period, upon election of the employee may be accumulated to their accumulated holiday credit up to 80 hours or be paid to the employee by County Warrant.

ARTICLE X
REIMBURSEMENT PROGRAMS

Section 7. Registered Environmental Health Specialists (REHS) – Upon successful hiring, employees in the classification of Registered Environmental Health Specialist shall receive the following reimbursements:

REHS State Application Fee
REHS Transcript Review Fee

Employees in the classification of Registered Environmental Health Specialists who successfully pass the State Environmental Health Specialist exam shall receive the following reimbursements:

REHS State Exam Fee

Employees in the classification of Registered Environmental Health Specialists shall receive reimbursement for all State Bi-annual Registration Renewal Fees.

If the employee voluntarily terminates his or her employment with the County within two years of the payment of the expenses set forth herein, the employee shall be required to repay the reimbursements received under this provision as follows:

Termination (0-12 months from payment): 100% of paid reimbursement
Termination (12-24 months from payment): 50% of paid reimbursement

The employee agrees that by accepting the reimbursement he/she is subject to the repayment obligation outlined above and authorizes the County to deduct from his/her final pay any repayment amount owing pursuant to this subsection.

ARTICLE XXIII
FLEXIBLE BENEFIT PROGRAM

Section 2. Flexible Benefits Contributions.

A. The County shall make the following contributions towards the County's Flexible Benefit plan:

Employees participating in a County sponsored health care plan:

Effective December 22, 2005 (pay date 1/18/06): \$568.00 per month (\$284.00 per biweek for 24 biweeks/year)

Effective November 9, 2006 (pay date 12/6/06):	\$590.46 per month (\$295.23 per biweek for 24 biweeks/year)
Effective November 8, 2007 (pay date 12/5/07):	\$612.92 per month (\$306.46 per biweek for 24 biweeks/year)
Effective November 6, 2008 (pay date 12/4/08):	\$635.40 per month (\$317.70 per biweek for 24 biweeks/year)
Employees not participating in a County sponsored health care plan:	\$465.00 per month (\$232.50 per biweek for 24 biweeks/year)

In addition, the County agrees to subsidize the family and two-party monthly medical insurance premiums chargeable to employees participating in a County sponsored health care plan on the following basis:

Employees with family coverage:	Monthly premium reduced by \$100.00
Employees with two-party coverage:	Monthly premium reduced by \$25.00

This subsidy will remain in place for the duration of the MOU.

B. Employees who fail to timely elect medical coverage will be placed in the lowest-priced employee-only PPO medical plan available.

C. Employees electing not to participate in a County sponsored health care plan must provide evidence of group hospital and medical health plan coverage from their spouse or other sources and sign a statement that they are enrolled and covered under another group hospital and medical health plan. Evidence is defined as a dated certificate of coverage, plan enrollment card, policy, etc. Notice of waiver form showing other group hospital and medical coverage shall be received by the Human Resources Department within sixty days from date of hire, and annually during Open Enrollment.

E. ... Part time employees who work more or less than their designated status for a fiscal year quarter shall be re-characterized at the end of that quarter based on their actual pattern of work during that quarter.

Section 3 Deferred Compensation

The County shall accept lump sum payments of accumulated vacation, sick leave, holiday and compensation time upon retirement up to the IRS approved maximum in any one calendar year in accordance with the County's approved Deferred Compensation Plan.

Section 4. Partial Benefit Nurse A registered nurse in the RN-PB classifications shall not be eligible for any flexible benefit contributions nor any other benefits outlined in this MOU except CalPERS retirement, Social Security, Medicare, and disability.

ARTICLE XXVII
JOINT LABOR/MANAGEMENT COMMITTEE

Amend Housing Authority to conduct quarterly labor management meetings.

Add Community Health Agency to conduct *ad hoc* labor management meetings.

Amend Parks Department to conduct *ad hoc* labor management meetings.

ARTICLE XXVIII
SPECIAL PROVISIONS

Section 4. Special Differentials - Hazardous Materials Management Specialist – Any Hazardous Materials Management Specialists assigned to an Emergency Response Teams shall receive \$150 per month per employee while assigned to the Emergency Response Team.

ARTICLE XXIX
COMPENSATION AND BENEFIT INCREASES

Section 1. Wage Increases

A. General Wage Increase:

Effective January 19, 2006 the positions not specifically mentioned in subparagraphs (C) to (G) below shall receive a 2.5% increase to their base salaries.

Effective October 12, 2006 the positions not specifically mentioned in subparagraphs (C)(ii)-(iii), (D), (E), (F) and (G) below shall receive a 2.0% increase to their base salaries.

Effective September 27, 2007 the positions not specifically mentioned in subparagraphs (C)(ii)-(iii), (D), (E) (F) and (G) below shall receive a 3.0% increase to their base salaries

Effective September 25, 2008 the positions not specifically mentioned in subparagraphs (C) to (G) below shall receive a 3.0% increase to their base salaries and the positions specifically mentioned in subparagraph (C) below shall receive a 2.0% increase to their base salaries.

[NOTE: The parties agree that the general wage increases for 2006 outlined above shall be applied to the base pay plus hot skill pays for IT employees represented by SEIU who are in the hot skill pay program. This is a one-year only arrangement.]

B. Retention Bonus: A full-time employee in any Nurse classification who is regularly assigned to work at the RCRMC main campus, Arlington campus or Detention Health, and who is employed by RCRMC as of the date this MOU is adopted by the County Board of Supervisors

and who is still employed as of June 30, 2009 (NOTE: this does not include nurses who regularly work for another department but who also may work at RCRMC from time to time) shall be entitled to a retention bonus on the following basis.

\$1,000 for each period of continuous full-time employment during the six month time frames set out below:

January 1, 2006 – June 30, 2006	July 1, 2006 – December 31, 2006
January 1, 2007 – June 30, 2007	July 1, 2007 – December 31, 2007
January 1, 2008 – June 30, 2008	July 1, 2008 – December 31, 2008
January 1, 2009 – June 30, 2009	

An employee may include up to four (4) weeks of paid or unpaid leave during any of the periods above towards determining if he/she meets the requirement for continuous full-time employment in that time period. An employee who does not meet the requirement in any one time period may still qualify during any of the other time periods. Payment of the bonus is to be made within four (4) pay periods following June 30, 2009. The employee may elect to receive the bonus in cash or have the bonus deposited to his/her deferred compensation account.

A part-time employee in any Nurse classification who is regularly assigned to work at the RCRMC main campus, Arlington campus or Detention Health, and who is employed by RCRMC as of the date this MOU is adopted by the County Board of Supervisors and who is still employed as of June 30, 2009 (NOTE: this does not include nurses who regularly work for another department but who also may work at RCRMC from time to time) shall be entitled to the retention bonus described above on a pro-rated basis (i.e. average of 20 – 29 hours = 50% of bonus, average of 30 – 39 hours = 75% of bonus).

In addition, a full-time or part-time employee in any Nurse classification who is hired after the date this MOU is adopted by the County Board of Supervisors shall be eligible to accrue the retention bonus during the periods outlined above but shall not be paid such accrued bonus until after the Nurse has completed five (5) years of continuous employment with the County.

Annual Bonus

In addition to the foregoing, any nurse with five (5) or more years of consecutive full-time service with RCRMC (Main Campus, Arlington Campus, or Detention Health) as of January 1, 2006 shall qualify for a retention bonus as follows:

\$1,000 to be paid within four (4) pay periods following January 1, 2006.
\$1,000 to be paid within four (4) pay periods following January 1, 2007.
\$1,000 to be paid within four (4) pay periods following January 1, 2008.

The maximum available bonus under this heading shall be \$3,000. To qualify for the annual bonus the employee cannot have missed more than six (6) weeks of actual work during the preceding year unless on a qualifying FMLA leave, in which case the employee cannot have missed more than twelve (12) weeks of actual work during the preceding year. The employee may elect to receive the bonus in cash or have the bonus deposited to his/her deferred compensation account.

ARTICLE XXIX
COMPENSATION AND BENEFIT INCREASES

C. Recruiting/Retention Issues

i. To address recruiting/retention issues effective January 19, 2006 the following classifications shall receive a 5.5% increase to their base salaries:

Job Code	Classification
78312	Dietitian II
78345	Nutritionist
79811	Children Social Services Supervisor I
79812	Children Social Services Supervisor II
79808	Children Social Services Worker III
79809	Children Social Services Worker IV
79810	Children Social Services Worker V
54422	Correctional Food Services Supervisor
98710	Clinical Lab Scientist I
98712	Clinical Lab Scientist II
98715	Clinical Lab Scientist Q.C.
98731	Cytotechnologist
98713	Senior Clinical Lab Scientist
74323	Senior Appraiser
74324	Supervising Appraiser
78740	Public Health Microbiologist Trainee
78745	Public Health Microbiologist I
78750	Public Health Microbiologist II
78755	Supervising Public Health Microbiologist
98733	Radiologic Specialist I
98734	Radiologic Specialist II
98736	Radiologic Supervisor
98723	Radiologic Technologist I
98724	Radiologic Technologist II
98726	Radiologic Technologist Supervisor
98753	Respiratory Care Practitioner I – Registered Eligible
98757	Respiratory Care Practitioner II - Registered
79879	Social Services Supervisor I
79880	Social Services Supervisor II
79875	Social Services Worker III
79876	Social Services Worker IV
79878	Social Services Worker V
73445	Physical Therapist I
73446	Physical Therapist II
73438	Occupational Therapist I
73436	Occupational Therapist II
73611	Pharmacist
73613	Senior Pharmacist
73616	Clinical Pharmacist

73608	Senior Clinical Pharmacist
73617	Supervising Pharmacist

- ii. To address recruiting/retention issues effective January 19, 2006 the following classifications shall receive a 6.0% increase to their base salaries:

Job Code	Classification
73540	Environmental Health Specialist II
73545	Environmental Health Specialist III
73548	Environmental Health Specialist IV
73550	Supervising Environmental Health Specialist
73585	Hazardous Materials Management Specialist I *
73586	Hazardous Materials Management Specialist II *
73587	Hazardous Materials Management Specialist III *
73588	Hazardous Materials Management Specialist IV *
73582	Supervising Hazardous Materials Management Specialist *

* unless assigned to the emergency response team, employees in this classification will no longer receive the hazardous materials differential pay.

- iii. To address recruiting/retention issues effective October 12, 2006 the following classifications shall receive a 6.0% increase to their base salaries:

Job Code	Classification
73540	Environmental Health Specialist II
73545	Environmental Health Specialist III
73548	Environmental Health Specialist IV
73550	Supervising Environmental Health Specialist
73585	Hazardous Materials Management Specialist I *
73586	Hazardous Materials Management Specialist II *
73587	Hazardous Materials Management Specialist III *
73588	Hazardous Materials Management Specialist IV *
73582	Supervising Hazardous Materials Management Specialist *

- iv. To address recruiting/retention issues effective September 27, 2007 the following classifications shall receive a 6.0% increase to their base salaries:

Job Code	Classification
73540	Environmental Health Specialist II
73545	Environmental Health Specialist III
73548	Environmental Health Specialist IV
73550	Supervising Environmental Health Specialist
73585	Hazardous Materials Management Specialist I *
73586	Hazardous Materials Management Specialist II *
73587	Hazardous Materials Management Specialist III *
73588	Hazardous Materials Management Specialist IV *

D. Registered Nurses Effective January 19, 2006 the current wage structure for Registered Nurses shall be abandoned and the following substituted therefore:

- Interim Permit Nurse: Rate is two steps (5.5%) below step 1 of the new RN I wage scale.
- RN I: A six-step scale starting at the equivalent of step 9 of the existing RN I pay scale.
- RN II: A nine-step scale starting at the equivalent of step 4 of the new RN I pay scale.
- RN III: A ten-step scale starting at the equivalent of step 4 of the new RN II pay scale.
- RN IV: An eight-step scale starting at the equivalent of step 5 of the new RN III pay scale.
- RN V: An eight-step scale starting at the equivalent of step 3 of the new RN IV pay scale.

Implementation:

Registered Nurse I: Employees in this classification shall stay at the approximate equivalent of their current step on the former wage scale (e.g. Step 9 = Step 1, Step 10 = Step 2 ... Step 14 = Step 6).

Registered Nurse II: Employees in this classification at Steps 1 – 10 of the old wage scale shall move to Step 1 of the new wage scale. Employees at step 11 of the old wage scale shall move to Step 2 of the new wage scale. Employees at step 12 of the old wage scale shall move to Step 3 of the new wage scale. Employees at Step 13 of the old wage scale shall move to Step 4 of the new wage scale. Employees at Step 14 of the old wage scale shall move to Step 5 of the new wage scale.

Registered Nurse III: Employees at Steps 1 – 9 of the old wage scale shall move to Step 1 of the new wage scale. Employees at step 10 of the old wage scale shall move to Step 2 of the new wage scale. Employees at step 11 of the old wage scale shall move to Step 3 of the new wage scale. Employees at step 12 of the old wage scale shall move to Step 4 of the new wage scale. Employees at step 13 of the old wage scale shall move to Step 5 of the new wage scale. Employees at step 14 of the old wage scale shall move to Step 6 of the new wage scale.

Registered Nurse IV: Employees in this classification at steps 1 – 11 of the old wage scale shall be moved to Step 1 of the new wage scale. Employees at step 12 of the old wage scale shall move to Step 2 of the new wage scale. Employees at step 13 of the old wage scale shall move to Step 3 of the new wage scale. Employees at step 14 and step 0 of the old wage scale shall move to Step 4 of the new wage scale.

Registered Nurse V: Employees in this classification at steps 1 – 11 of the old wage scale shall be moved to Step 1 of the new wage scale. Employees at step 12 of the old wage scale shall move to Step 2 of the new wage scale. Employees at step 13 of the old wage scale shall move to Step 3 of the new wage scale. Employees at step 14 of the old wage scale shall move to Step 4 of the new wage scale.

Step Increases: An employee in the classifications of Registered Nurse I and Registered Nurse II shall progress through the new wage scale in 2-step increments up to and including

the maximum step for their classification on their anniversary date in accordance with the step advance dates outlined in this Memorandum of Understanding.

Employees in the classifications of Registered Nurse III, Registered Nurse IV, and Registered Nurse V shall advance through their respective pay scales in 1-step increments up to the maximum step for their classification on their anniversary date in accordance with the step advance dates outlined in this Memorandum of Understanding.

Advancement between Classifications: A Registered Nurse promoted to a higher rated classification shall be placed at the first step of the wage scale applicable to the classification promoted to unless such placement would not result in an increase in pay, in which case the Registered Nurse I or Registered Nurse II shall be placed at the step on the wage scale of the classification promoted to that is equivalent to a 2-step increase from his/her former position and the Registered Nurse III or Registered Nurse IV shall be placed at the step on the wage scale of the classification promoted to that is equivalent to a 1-step increase from his/her former position.

Advance Step at Hiring: Nothing herein shall restrict the department's ability to hire at an advanced step in accordance with the provisions of this Memorandum of Understanding.

E. Public Health Nurses: Effective January 19, 2006 Public Health Nurses in all classifications shall be converted from their current classification as a Public Health Nurse I – V to the corresponding level on the Registered Nurse I – V pay scale and be placed at the agreed upon step on the new wage scale.

Thereafter any Registered Nurse I, II, III, IV or V working for the Community Health Agency in a Public Health Nursing Program assigned to performing first level supervising duties that provides direction and leadership to one or more Registered Nurses; and/or to monitor or coordinate a special program with the Health Department, and/or the nursing aspects of an agency-wide program, shall be compensated during such assignment at a rate of \$1.00 per hour while actually performing these functions.

Every effort will be made to assign the in-charge duty to Registered Nurses who wish to assume the in-charge responsibilities. The Agency reserves the right to make an assignment when volunteers are unavailable.

F. Other Nurses Effective January 19, 2006] there shall be an additional 6 steps (2.71% per step) added to the existing wage scale for the following nurse classifications:

Nursing Education Instructor
Assistant Nurse Manager
Pre-Hospital Liaison Nurse
Nurse Practitioner I – III

Supervising Institutional Nurse
Senior Institutional Nurse
Institutional Nurse
Supervising Clinic Site Nurse

Effective January 19, 2006, each employee in these classifications shall advance 2 steps on the expanded wage scale. Thereafter, the employees in these classifications shall advance 2 steps on their anniversary date – as defined herein – up to and including step 14

(step 11 for the Nursing Education Instructor). Advancement after step 14 shall be in 1 step increments up to step 20 (step 17 for the Nursing Education Instructor).

G. Supervising Deputy Coroners: Employees in the classifications of Supervising Deputy Coroner, Supervising Deputy Coroner A, and Supervising Deputy Coroner B shall have their salaries increased as follows:

January 19, 2006	2.0%
July 6, 2006	3.0%
July 5, 2007	3.0%
October 11, 2007	1.5%

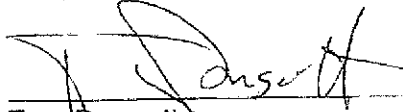
ARTICLE XXX
UNION RIGHTS

Section 1. Bulletin Boards: Space will be made available to SEIU on a reasonable number of departmental bulletin boards designated for such purpose, provided such use is reasonable. Notices shall be dated and signed by a SEIU representative. The privilege does not extend to the individual members of SEIU. The posting and removal of bulletin board material must be maintained in a timely fashion. The County, through the Human Resources Director, or designee, reserves the right to suspend or cancel bulletin board privileges for abuse.

Section 7. Stewards: Except as set out below, SEIU may elect or appoint one (1) Steward in each County Department, one (1) additional Steward in departments with more than 200 SEIU members, and one (1) additional Steward in departments with more than 500 SEIU members in more than ten (10) geographical locations. At RCRMC SEIU may elect or appoint five (5) stewards as follows: 2 at the main campus, 1 at the Arlington Campus, and 2 at Detention Health. At DPSS SEIU may elect or appoint eight (8) stewards as follows: 3 in south County, 3 in mid-County, and 2 in the desert.


[To avoid any conflict of interest, any Steward elected or appointed from the supervisory unit shall be limited to representing employees in the supervisory unit.] The Stewards are recognized as representatives of SEIU in their department with the power to bind SEIU in all matters pertaining to this Memorandum. SEIU agrees to notify the County Human Resources Department in writing of the names of its Stewards and the effective dates of their election or appointment. ...

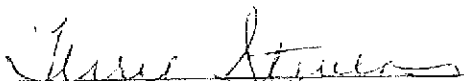
FOR THE COUNTY

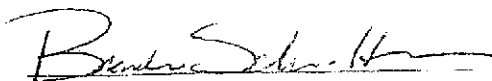

Tom Brescott

Sarah Franco

Robin Downs


Sue Birch

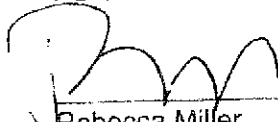

Terrie Stevens

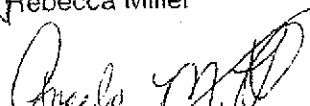

Brande Schaefer

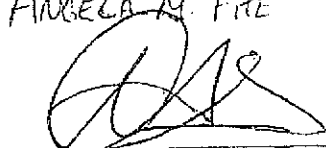
John Mooney

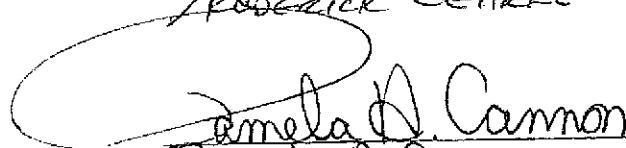
Roger Uminski

FOR THE UNION

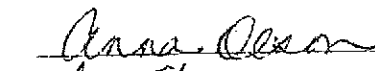

Rebecca Miller

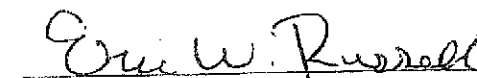

ANGELA M. FIRE

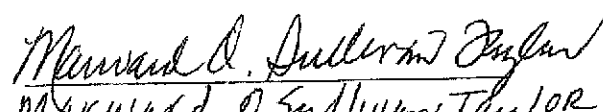

RODRICK GETTKE


Pamela A. Cannon


Leticia Meek


Anna Olson


Eric Russell


Marward O'Sullivan Taylor

Nancy Lopez
Nancy Lopez

Sayori Baldwin
Sayori Baldwin

Katherine Eaves
Katherine Eaves

Sylvia DePorto
Sylvia DePorto

Patti Polly
Patti Polly

Anna Martinez
Anna Martinez

Luciano Crespo
LUCIANO CRESPO

Catherine Eide Nilson
Catherine Eide Nilson

Puze McETTINI
PUZE McETTINI

David C Bishop
DAVID C BISHOP

Therese A Vetrine
THERESE A VETRINE

Elaine Allen
ELAINE ALLEN

William D Berkley
William D BERKLEY
William D Berkley

Summary of Tentative Agreement with SEIU

Term: 42 months

Wages:	<u>General Wage Increases</u>	<u>◆Env. Health & Haz Mat</u>
	1/19/2006 2.5*◆%	1/19/2006 6.0%
	10/12/2006 2.0*◆%	10/12/2006 6.0%
	9/27/2007 3.0%	10/27/2007 6.0%
	9/25/2008 3.0%	

*IT employees receive general wage increase to base pay plus hot skills in 2006 only

Recruiting & Retention Issues

The following classifications will receive 5.5% on 1/19/2006, instead of 2.5%

Dietician II	Nutritionist
Children Social Service Worker III	Children Social Service Worker IV
Children Social Service Worker V	Children Social Service Supervisor I
Children Social Service Supervisor II	Correctional Food Services Supervisor
Clinical Lab Scientist I & II	Clinical Lab Scientist Q.C.
Cytotechnologist	Senior Clinical Lab Scientist
Senior Appraiser	Supervising Appraiser
Public Health Microbiologist Trainee	Public Health Microbiologist I
Public Health Microbiologist II	Supv. Public Health Microbiologist
Radiologic Specialist I & II	Radiologic Supervisor
Radiologic Technologist I & II	Radiologic Technologist Supv.
Respiratory Care Practitioner I, Reg. Elig.	Respiratory Care Practitioner II-Reg.
Social Services Supervisor I & II	Social Services Worker III, IV & IV
Physical Therapist I & II	Occupational Therapist I & II
Pharmacist	Senior Pharmacist
Clinical Pharmacist	Senior Clinical Pharmacist
Supervising Pharmacist	

RCRMC Registered Nurses

Augment current wage structure by adding 6-10 steps to the existing RN pay scales which will equal between 13.97%-14.54% over three years for RN III-IV

Public Health Nurses

Convert PH Nurse I-V to RN 1-V & be placed on the new wage scales above

Other Nurses

Eff 1/19/2006 additional 6 steps added to wage scales (2.71% each step)

Supervising Deputy Coroners Increases

1/19/2006	2.0%
7/6/2006	3.0%
7/5/2007	3.0%
10/11/2007	1.5%

Flex Benefits: Eff 12/22/05 increase to \$568*/mo

Eff 11/9/2006 increase to \$590.46*/mo
Eff 11/8/2007 increase to \$612.92*/mo
Eff 11/6/2008 increase to \$635.40*/mo
* Employees not participating in County plan \$465/mo
Subsidize family & two-party monthly medical premiums
Family reduced by \$100 & two-party reduced by \$25

Overtime:	For FLSA covered employees consistent with FLSA
Standby Call Duty:	1 hour for every 8 hours on standby Social Workers 1 hour for every 4 hours
Shift Differentials:	Clarified language & increased differentials for certain classifications
Electronic Pay Advice:	Language in MOU will allow us to transition to electronic pay advice
Initial Probation:	All SEIU classifications serve 12 month initial probation
Promotional Probation:	All SEIU classifications serve 12 month (instead of 6)
Sick Leave:	Added grandparents and grandchildren to list for use of sick leave
Holidays:	Clarified language on who is/is not paid and how on holiday.
Reimbursement Program:	Reg. Env. Health Specialists receive reimbursement for fees, etc..
Partial Benefit Nurse:	Created new Partial Benefit Nurse
Retention Bonus:	RCRMC Nurses employed through 6/30/2009 receive retention bonus of \$1000 for every six months of employment (\$7000 max during the term of contract)
Annual Bonus	RCRMC nurses with 5 or more years of service can receive an additional \$1000 per year for every year of service during the contract (\$3000 max)
Stewards:	Increased number of stewards per department

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

256



FROM: Human Resources Department

SUBMITTAL DATE:
October 30, 2006

SUBJECT: Approval of the 2006 - 2010 Memorandum of Understanding with Laborers' International Union of North America (LIUNA), Local 777.

RECOMMENDED MOTION: That the Board of Supervisors approve the 2006-2010 Memorandum of Understanding between the Laborers' International Union of North America (LIUNA), Local 777 and the County of Riverside (Attachment B).

BACKGROUND: LIUNA, which represents approximately 6200 County employees, asked to open negotiations for a new Memorandum of Understanding. Discussions started in March 2006, and a tentative agreement for a new forty eight (48) month Memorandum of Understanding, covering 2006 through 2010, was reached on Wednesday, July 12, 2006. The cost of the contract does not exceed the parameter given by the Board of Supervisors. LIUNA advised that the agreement was ratified by the membership on August 16, 2006.

(continued on page 2)

Ronald W. Komers
Asst. County Executive Officer/Human Resources Dir.

FINANCIAL DATA	Current F.Y. Total Cost:	\$ 12,314,829	In Current Year Budget:	No
	Current F.Y. Net County Cost:	\$ 2,709,262	Budget Adjustment:	No
	Annual Net County Cost:	\$ 3,096,300	For Fiscal Year:	2006/2007

SOURCE OF FUNDS: Department Funds

Positions To Be Deleted Per A-30
Requires 4/5 Vote

C.E.O. RECOMMENDATION:

APPROVE

County Executive Office Signature

Consent
 Policy
 Consent
 Policy

Dep't Recomm.:
Per Exec. Ofc.:

Prev. Agn. Ref.:

District:

Agenda Number:

3 . 21

The County and LIUNA agreed to form a subcommittee to cooperate in a cleanup of the Memorandum of Understanding pertaining to language, spelling, grammar, and formatting following the ratification of the tentative agreement. We return to the Board with the final version of the new Memorandum of Understanding that resulted from this cooperative effort.

Attachment A contains a summary of the key elements of the tentative agreement which have been included in the Memorandum of Understanding, including wage and benefit enhancements on which the financial data is based. We recommend the Board approve the attached Memorandum of Understanding.

Highlights of the Tentative Agreement
Between the County of Riverside and LIUNA

- **Term**
 - July 1, 2006 – June 30, 2010 (48 months)
- **Wages**
 - July 20, 2006 – approved by the Board on July 25, 2006
 - General Increase - 4% (across the board)
 - Special groups
 - Parity adjustment for Sheriff's Forensic, Warrants & Cooks – 11%
 - Parity adjustment for Eligibility Technicians – 5.5%
 - Fire Dispatchers – Parity with Sheriff dispatchers – 8.36% to 11.54%
 - Parity adjustment for Fire Technicians & Specialists – 5.5%
 - July 5, 2007 – 2.5% (across the board)
 - May 8, 2008 – top step (+2.71%)
 - July 3, 2008 – 2.5% (across the board)
 - May 7, 2009 – top step (+2.71%)
 - July 2, 2009 – 2.5% (across the board)
 - May 6, 2010 – top step (+2.71%)
- **Flexible Benefits**
 - November 9, 2006 - + \$22.46 (to \$590.46/mo.)
 - November 8, 2007 - + \$22.46 (to \$612.92/mo.)
 - November 6, 2008 - + \$22.48 (to \$635.40/mo.)
 - November 5, 2009 - + \$22.48 (to \$657.88/mo.)
- **Other**
 - Overtime to be based on FLSA rules
 - Clarification of qualifications to earn double time
 - Clarification of holiday pay practices
 - Changes to Post Employment Plan to comply with IRS regulations
 - Lengthened the initial probationary period for specific classifications
 - Added Domestic Partner language (sick/bereavement/employment of relatives)
 - Implemented detention differential for Facilities Management classifications
 - Enhanced tool reimbursement and allowance
 - Enhancement to the Short Term Disability benefits

**SIDE LETTER TO THE
2006-2009
MEMORANDUM OF UNDERSTANDING**

BETWEEN

SEIU, LOCAL 721

AND

THE COUNTY OF RIVERSIDE

WHEREAS the parties negotiated a Memorandum of Understanding ("MOU") that, with some limited exception, pays overtime in accordance with the rules established in the Fair Labor Standards Act ("FLSA");

AND WHEREAS the County has reviewed all the classifications in the bargaining units represented by SEIU to determine which classifications are exempt from the FLSA overtime provisions;

AND WHEREAS the County recognizes that immediately applying the FLSA rules to certain exempt classifications would result in a recruiting and/or retention problem;

NOW THEREFORE the parties hereto agree as follows:

1. Any employee in the FLSA exempt classifications set out below shall be paid a recruitment/retention premium for all hours actually worked in excess of 80 in a pay period. The premium shall be equivalent to one and one-half (1½) times the employee's "base rate". The base rate is calculated at one-fortieth (1/40th) of the employees regular weekly salary (i.e. does not include any other premiums or differentials).

Job Code	Classification
79811	Children Social Services Supervisor I
79812	Children Social Services Supervisor II
79808	Children Social Services Worker III
79809	Children Social Services Worker IV
79810	Children Social Services Worker V
79879	Social Services Supervisor I
79880	Social Services Supervisor II
79875	Social Services Worker III
79876	Social Services Worker IV
79878	Social Services Worker V

2. Any employee in the FLSA exempt classifications set out below shall be paid a two-tiered recruitment/retention premium for all hours actually worked in excess of 80 in a pay period. The premium for the first tier premium shall be equivalent to one (1x) times the employee's "base rate". The base rate is calculated at one-fortieth (1/40th) of the employees regular weekly salary (i.e. does not include any other premiums or differentials). The first tier premium shall be paid for all hours actually worked in excess of 80 in a pay period up to and including 84 hours in a pay period. The premium for the

second tier shall be equivalent to one and one-half (1½) times the employee's "base rate" The second tier premium will be paid for all hours actually worked in excess of 84 in a pay period.

Job Code	Classification
73951	Registered Nurse I
73992	Registered Nurse II
73953	Registered Nurse III
73991	Registered Nurse IV
73992	Registered Nurse V
74006	Registered Nurse I - PB
74007	Registered Nurse II - PB
74008	Registered Nurse III - PB
74009	Registered Nurse IV - PB
74013	Registered Nurse V - PB
73913	Pre-Hospital Liaison Nurse
73936	Supervising Clinic Site Nurse
73924	Assistant Nurse Manager
73955	Institutional Nurse
73969	Senior Institutional Nurse
73963	Supervising Institutional Nurse

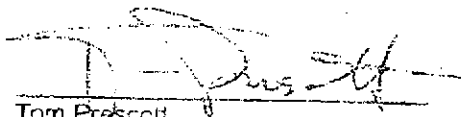
3. The calculation of hours actually worked in excess of 80 or 84 in a pay period shall not include any hours for which the employee has already received a premium pursuant to the terms of the MOU (i.e. time and one-half or double time).

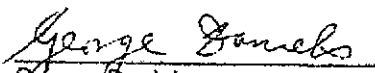
4. This agreement shall terminate on June 30, 2009, unless expressly extended in writing by the parties hereto.

Signed this 29th day of August 2007, at Riverside, California.

For Riverside County

For SEIU, Local 721


 Tom Prescott
 Employee Relations Division Manager


 George Daniels
 Inland Empire Region Director

SIDE LETTER TO THE
2006-2010
MEMORANDUM OF UNDERSTANDING

BETWEEN

LABORERS INTERNATIONAL UNION OF AMERICA, LOCAL 777

AND

THE COUNTY OF RIVERSIDE

The parties hereto agree to the following side letter to the 2006-2009 Memorandum of Understanding (MOU) between LIUNA and the County:

1. Article IV, Section 2 (B) is amended as follows:

B. Overtime Provisions of the Fair Labor Standards Act.

Exceptions:

...

3. If as a result of a designated staffing shortage, employees in the following classifications are required to work an extra shift or shifts beyond their 80-hour regular shift pattern in each pay period, they shall be paid at one and one-half their regular rate of pay for such time worked, whether or not such work would qualify as overtime pursuant to the provisions of the FLSA. This provision applies only to extra shift(s) or shift extension(s) that are identified on the schedule or given as mandatory work assignments and does not apply to other voluntary work assignments taken by the employee during the workweek.

Job Code

13796	Sheriff 911 Communication Officer I
13797	Sheriff 911 Communication Officer II
13806	Public Safety Communication Officer I
13807	Public Safety Communication Officer II
54402	Correctional Baker
54420	Correctional Cook
54453	Correctional Sr. Food Services Worker
13790	Sheriff Records/Warrants Assistant I
13791	Sheriff Records/Warrants Assistant II
13792	Sheriff Records/Warrants Assistant III
13789	Sr. Sheriff Records/Warrants Assistant

4. The parties recognize that employees in the classifications listed below who are assigned to the traveling road crew of the Transportation & Land Management Agency, Transportation Department, may have their daily work schedule extended beyond the normal, scheduled hours because the employees do not have transportation available at the end of the work day to convey them back to their reporting work site. In the event the daily work schedule of any such employee is extended because he/she has to wait for

transportation in these circumstances the employees shall be paid at one and one-half his/her regular rate of pay for such shift extension, whether or not such work would qualify as overtime pursuant to the provisions of the FLSA.

Job Code	
66511	Equipment Operator I
66512	Equipment Operator II
66516	Truck and Trailer Driver
66513	Sr. Equipment Operator
66529	Maintenance and Construction Worker

5. The parties recognize that employees in the classification of Heavy Equipment Mechanic (Job Code 66451) working for the Riverside County Fire Department may, as a result of a significant fire(s), be required to work an additional shift or shifts, or shift extension(s), to meet the needs of the Department to service equipment required to suppress such fire(s). In such circumstances the employee shall be paid at one and one-half his/her regular rate of pay for such shift extension(s) or additional shift(s), whether or not such work would qualify as overtime pursuant to the provisions of the FLSA.
6. Notwithstanding the above, if an overtime assignment would not result in any premium rate, the employee shall be permitted to refuse the overtime assignment.

Signed this ____ day of September, 2008, at Riverside, California.

For Riverside County

For LIUNA, Local 777

Ron Komers
HR Director/Asst. CEO

Fred Lowe
Business Manager/Secretary-Treasurer

Overtime Fact Sheets

The FLSA Overtime Fact Sheet



SITUATION	<p>SEIU and LIUNA negotiators agreed to the adoption of the Fair Labor Standards Act (FLSA) overtime rules as part of the most recent labor agreements, approved in 2006. The contracts guarantee employees fair wage increases of 10.5% to 24% over 3.5 to 4 years. Public safety employees are not affected by the FLSA changes.</p> <p>The union members ratified the contract that implemented this change and the County held 24 workshops and distributed thousands of fliers and pamphlets and posted information on its websites to educate employees in the months prior to the changes.</p>
WHY FLSA	<p>Following the law will help curtail manipulation of the overtime system and will save Riverside County taxpayers nearly \$11 million annually.</p> <p>More than half of the \$31.6 million in overtime and comp time paid in 2007 was earned by only 10 % of the SEIU or LIUNA employees, with each earning an average of \$17,600 before the new overtime provisions were enacted.</p>
WHAT CHANGED	<p>The law requires employers to pay overtime to eligible employees who actually work more than 40 hours in a seven-day work week.</p> <p>Paid leave time such as vacation, sick, holiday and compensatory time off is not considered time worked when computing overtime under the law.</p> <p>Eighty percent of the 14,596 County SEIU and LIUNA employees remain eligible for overtime under the federal overtime provisions now in place.</p> <p>In addition, 1,598 employees -- 952 nurses and 646 social workers -- receive premium pay, negotiated with the union on their behalf, in lieu of overtime pay.</p> <p>Premium pay includes retention/recruitment bonuses or compensation at an hourly rate of time-and-a-half for every hour worked over 40 per work week.</p>
IMPACTS	<p>Through FLSA, the County will more efficiently manage its overtime costs and improve its service to the public by reducing worker fatigue and saving taxpayer money that can be paid to hire additional employees.</p> <p>The new overtime provisions give the County greater flexibility to meet the needs of taxpayers and residents while allowing managers the flexibility to alter work schedules so employees can meet family and personal needs without incurring overtime.</p>



FLSA and Riverside County Human Resources Frequently Asked Questions

1. Who agreed that the FLSA provisions should be adopted?

Riverside County and negotiators for both SEIU and LIUNA agreed to the adoption of the Fair Labor Standards Act overtime provisions in the most recent labor agreements enacted in 2006. The agreements do not affect public safety employees.

2. What does compliance with the law mean to Riverside County taxpayers?

In 2007, Riverside County paid \$25.6 million in overtime pay and \$6 million in comp time to non-public safety employees, including those represented by SEIU or LIUNA. Ten percent of those employees collected more than half, \$16 million, of that overtime pay, each averaging \$17,600. This disproportionate distribution of overtime is unfair to the majority of County employees. Adherence to the law ensures fairness in the payment for the amount of work performed by County staff. Management will authorize overtime when it is financially prudent or hire new workers when necessary.

By following federal overtime rules, the County will save nearly \$11 million dollars annually in overtime costs. The County will improve its services to taxpayers and residents, increase cost-effectiveness and work productivity while simultaneously reducing costs.

3. Who is eligible for overtime under the law?

After a review of County job classifications, 80% of the 14,596 employees represented by SEIU or LIUNA remain eligible for overtime. Of those who are not eligible for overtime, 1,598 employees -- 952 nurses and 646 social workers -- will receive premium pay, negotiated with the union on their behalf, in lieu of overtime.

County doctors, lawyers, executives, administrators, and some information technology employees are not eligible to receive overtime. They are salaried employees who earn the same amount of pay each workweek. In many situations these employees still receive additional compensation for their hard work in the various forms negotiated with the union on their behalf (e.g. call back pay or recruitment and retention premiums).

4. How is overtime calculated under the law?

Under the previous overtime system the County paid overtime for any hours that exceeded the regular work day (e.g. nurses regularly work 12-hour shifts). Actual work hours and paid leave time, such as vacation or sick time, counted toward calculating overtime. Under the law the County pays overtime only for hours actually worked in excess of 40 during a seven-day workweek. Paid leave time, holidays and sick time do not count toward the 40-hour threshold.

5. Are some Riverside County employees losing overtime pay because of this change?

Yes, 13 job classifications lost overtime eligibility while another 204 are now entitled to overtime for the first time. Overtime pay is intended to compensate an employee for the inconvenience of having to put in an extra long work week. Under the old system some employees earned overtime without actually working a 40-hour workweek. This resulted in an unfair system that has now been corrected. Although some employees may have grown dependent on overtime as a regular source of income, the County's obligation is to provide quality service to its residents in the most cost effective manner possible, not to support employees through excessive overtime payments.

THE MYTHS ABOUT FLSA




COUNTY OF
Riverside
HUMAN RESOURCES

In recent weeks, materials have been circulated that incorrectly characterized the impact and implementation of the federal Fair Labor Standards Act.

MYTH	FACT	EXPLANATION
Riverside County unfairly imposed FLSA overtime changes on its employees without their knowledge or consent.	SEIU and LIUNA negotiators agreed to the adoption of the FLSA overtime policies as part of the most recent labor contracts, approved in 2006.	The County held 24 workshops, distributed thousands of fliers and pamphlets, and posted information on its websites to educate employees about FLSA.
Riverside County does not pay workers a fair market wage. Now the county wants to take away overtime.	County wages meet or exceed market rates. The County has conducted more than 100 parity studies that raised salaries \$14.8 million annually to ensure employees' wages match or exceed those paid in the private sector.	Under the 2006 labor agreement, SEIU members received wage increases of 10.5% to 24%. The contract also gave 1,598 nurses and social workers premium pay in lieu of overtime, and other hard-to-recruit positions received up to an 11% pay increase.
Riverside County wants its employees to work more hours without giving them overtime and that's not fair.	Qualifying employees are paid for every hour worked. Under the previous system employees qualified for overtime without working a full 40-hour work week. Vacation, sick leave and holidays are no longer counted in overtime calculations.	Through FLSA, the County will improve its service to the public by efficiently managing overtime costs, reducing worker fatigue and saving taxpayers money that can be pay to hire additional employees if needed.
The FLSA did away with overtime compensation for most Riverside County employees.	Eight out of 10 County employees remain eligible for overtime under the FLSA. More than half of the 2,940 employees who no longer receive overtime instead collect premium pay - a salary bonus or an hourly wage equal to overtime when they exceed a 40-hour work week.	A thorough year-long review of all employee classifications resulted in an additional 204 job classifications being designated as eligible for overtime under the law.
Riverside County is cutting overtime to reduce its costs due to the weak economy and a declining housing market.	The labor agreements that implemented the overtime provisions were enacted in 2006, well before the downturn in the economy and the real estate market.	Adherence to the law will save County taxpayers nearly \$11 million a year – public funds that can be used to hire more workers when necessary and to pay for other vital services.
Most Riverside County employees will see dramatic reductions in pay as a result of FLSA standards.	Only 10 percent of the County's SEIU or LIUNA employees collected more than half of the \$31.6 million in overtime and comp time paid last year, each averaging \$17,600.	Some employees earned excessive overtime pay, such as a registered nurse with a base pay of \$84,000 who earned an additional \$111,000 in overtime. Of the six unions, SEIU is the only one to complain about the FLSA changes to which it agreed.


Legal Requirements of FLSA



The Fair Labor Standards Act


presented by
Brian Walter
Liebert Cassidy Whitmore

County of Riverside



History of the FLSA


- ◆ Enacted in 1938
- ◆ Portal to Portal Act passed in 1947 to minimize harsh effect of law on employers
- ◆ Did not apply to public agencies until 1985
 - Congress amended FLSA and DOL amended regulations in 1986 to reduce impact to public agencies




Basic FLSA Requirements

- ◆ Minimum Wage
- ◆ Overtime at 1.5x regular rate if employee *actually works* beyond FLSA threshold
 - 40 hours in a 7 day workweek for most civilian employees
- ◆ Recordkeeping and Posting
- ◆ No Retaliation


Liebert Cassidy Whitmore

 **What the FLSA Does Not Require**

- ◆ State Wage and Hour Laws
 - Daily Overtime
 - Double Time
 - Meal breaks and rest breaks
 - Alternative Workweek Elections
- ◆ Standby or On-call Pay

 **Enforcement and Remedies**

- ◆ Remedies
 - 2 or 3 Year Statute of Limitations
 - Back Pay
 - Liquidated ("Double") Damages
 - Attorney Fees and Costs
 - Criminal Penalties
- ◆ Enforcement
 - Secretary of Labor (DOL)
 - Private Litigation

 **Regular Rate of Pay**

- ◆ FLSA Regular Rate is Not the Same as Employee's Base Hourly Rate
 - Include special pays in regular rate
 - Bilingual Pay
 - Shift Differential Pay



The Work Period

- ◆ The work period is the basis for determining if an employee has worked overtime under the FLSA
 - Civilian - 7 days/40 hours
 - Safety - 14 days/86 hours
 - Hospital - 14 days/80 hours
- ◆ Work period ≠ work schedule
- ◆ Special designation for 9/80 employees




Payment of Overtime

- ◆ Has Employee Actually Worked Over 40 Hours in 7 day Workweek?
 - Do not consider paid time leave as hours worked
 - Must ensure that comply with FLSA, regardless of MOU provisions
- ◆ Timely Payment of Wages
 - Keep payroll process simple to avoid problems




Determining Hours Worked

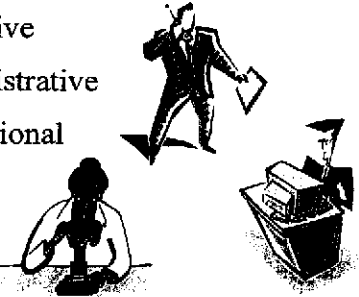
- ◆ Do Not Count Paid Leave in Determining FLSA Overtime
 - Complicates Payroll System if Paid Leave Counted
 - Creates incentive to take leave and then work additional hours
 - Can compound or pyramid overtime
 - Employee who takes leave and replacement employee can both earn overtime at the same time


 **Overtime Exemptions**

- ◆ Not required to pay overtime
- ◆ Not required to record actual hours worked
- ◆ Exemptions must be narrowly construed in favor of employee
- ◆ Significant liability if misclassify as exempt

 **White Collar Exemptions - Duties**

- ◆ Executive
- ◆ Administrative
- ◆ Professional



 **White Collar Exemptions - Salary**

- ◆ Predetermined Pay - \$455/week
- ◆ Exceptions
 - Deductions for a day or more
 - Partial day docking for personal leave
 - Disciplinary deductions



Compensatory Time Off

- ◆ Agreement Required
- ◆ Must be given at Time and One Half
- ◆ FLSA Limits on Accrual
 - Safety - 480 hours
 - Non-safety - 240 hours
- ◆ Agree on a reasonable period for employee to use CTO

***Results of the Classification
Review of FLSA***

Change in FLSA Status

Job Code	Job Title	Emps	Union	FLSA	New FLSA
77444	SUPV AUDITOR-APPRAISER	4	SES	N	E
79819	PROGRAM SPECIALIST II	4	SES	N	E
13609	SUPV PROGRAM SPECIALIST	2	SES	N	E
37566	CHA PROGRAM COORDINATOR II	16	SE2	N	E
73586	HAZARDOUS MTRLS MGMT SPEC II	4	SE2	N	E
73587	HAZARDOUS MTRLS MGMT SPEC III	14	SE2	N	E
73588	HAZARDOUS MTRLS MGMT SPEC IV	5	SE2	N	E
79818	PROGRAM SPECIALIST I	4	SES	N	E
79819	PROGRAM SPECIALIST II	28	SES	N	E
79815	PROGRAM SPECIALIST II, C.S.S.	9	SES	N	E
79820	SR PROGRAM SPECIALIST	6	SES	N	E
79816	SR PROGRAM SPECIALIST - C.S.S.	3	SES	N	E
13609	SUPV PROGRAM SPECIALIST	5	SES	N	E
79820	SR PROGRAM SPECIALIST	1	SES	N	E
13609	SUPV PROGRAM SPECIALIST	2	SES	N	E
85005	AREA PARK MANAGER - PARKS	2	SPS	N	E
85014	HISTORIC PRESERVATION OFCR-PKS	1	SPS	N	E
79819	PROGRAM SPECIALIST II	7	SES	N	E
79819	PROGRAM SPECIALIST II	1	SES	N	E
Total Non-Exempt to Exempt		118			19
86111	BUSINESS PROCESS ANALYST II	17	SE2	E	N
15927	ACCOUNTING TECHNICIAN II - C	3	UNC	E	N
86108	BUSINESS PROCESS ANALYST I - C	4	UNC	E	N
73459	HEALTH EDUCATION ASST II - C	1	UNC	E	N
74771	HUMAN RESOURCES ANALYST I	10	UNC	E	N
74470	HUMAN RESOURCES ANALYST TRNEE	2	UNC	E	N
74321	APPRAISER I	8	SE2	E	N
74322	APPRAISER II	24	SE2	E	N
13526	ARCHIVIST/RECORDS ANALYST I	2	SE2	E	N
77442	AUDITOR/APPRAISER II	7	SE2	E	N
86110	BUSINESS PROCESS ANALYST I	1	SE2	E	N
86111	BUSINESS PROCESS ANALYST II	2	SE2	E	N
92245	CHF GIS SPECIALIST	1	SES	E	N
77104	GIS ANALYST	1	SE2	E	N
77106	GIS SENIOR ANALYST	1	SE2	E	N
86177	IT SUPV SYSTEMS OPERATOR	1	SES	E	N
86187	IT SUPV USER SUPPORT TECH	2	SES	E	N
15917	SUPV ACCOUNTING TECHNICIAN	2	SES	E	N
15310	SUPV ACR TECHNICIAN	16	SES	E	N
13524	SUPV ARCHIVES & REC TECH I	6	SES	E	N
13525	SUPV ARCHIVES & REC TECH II	2	SES	E	N
92244	SUPV GIS SPECIALIST	1	SES	E	N
77411	ACCOUNTANT I	5	SE2	E	N
15916	ACCOUNTING TECHNICIAN II	4	SES	E	N
86110	BUSINESS PROCESS ANALYST I	1	SE2	E	N
86111	BUSINESS PROCESS ANALYST II	3	SE2	E	N
15917	SUPV ACCOUNTING TECHNICIAN	2	SES	E	N
77411	ACCOUNTANT I	2	SE2	E	N

Change in FLSA Status

Job Code	Job Title	Emps	Union	FLSA	New FLSA
15916	ACCOUNTING TECHNICIAN II	3	SES	E	N
86110	BUSINESS PROCESS ANALYST I	1	SE2	E	N
86111	BUSINESS PROCESS ANALYST II	1	SE2	E	N
15325	SR TAX COLLECTION INVESTIGATOR	1	SES	E	N
15917	SUPV ACCOUNTING TECHNICIAN	9	SES	E	N
13007	ELECTIONS ANALYST	1	SES	E	N
13001	ELECTIONS COORD - SERVICES	2	SES	E	N
77104	GIS ANALYST	1	SE2	E	N
77411	ACCOUNTANT I	3	SE2	E	N
77410	ACCOUNTANT TRAINEE	2	SE2	E	N
15916	ACCOUNTING TECHNICIAN II	6	SES	E	N
62771	BLDG MAINTENANCE SUPERVISOR	1	SES	E	N
74184	DEVELOPMENT SPECIALIST II	32	SE2	E	N
74185	DEVELOPMENT SPECIALIST III	54	SE2	E	N
77497	FISCAL ANALYST	3	SE2	E	N
97462	HOUSING SPECIALIST I	23	SE2	E	N
97463	HOUSING SPECIALIST II	14	SE2	E	N
97464	HOUSING SPECIALIST III	5	SE2	E	N
74917	REAL PROPERTY AGENT III	1	SE2	E	N
74186	SR DEVELOPMENT SPECIALIST	34	SES	E	N
74921	SR REAL PROPERTY AGENT	1	SE2	E	N
62105	AIRPORT OPS & MAINT SUPERVISOR	1	SES	E	N
74185	DEVELOPMENT SPECIALIST III	2	SE2	E	N
74186	SR DEVELOPMENT SPECIALIST	1	SES	E	N
62771	BLDG MAINTENANCE SUPERVISOR	1	SES	E	N
74185	DEVELOPMENT SPECIALIST III	1	SE2	E	N
77411	ACCOUNTANT I	1	SE2	E	N
15916	ACCOUNTING TECHNICIAN II	3	SES	E	N
86187	IT SUPV USER SUPPORT TECH	1	SES	E	N
37573	SUPV INVESTIGATIVE TECH	1	SES	E	N
79784	SUPV VICTIM/WITNESS CLAIM TECH	1	SES	E	N
79792	VICTIM SERVICES SUPERVISOR	6	SES	E	N
15916	ACCOUNTING TECHNICIAN II	1	SES	E	N
15914	SUPV ACCOUNTING ASSISTANT	1	SES	E	N
15917	SUPV ACCOUNTING TECHNICIAN	1	SES	E	N
15916	ACCOUNTING TECHNICIAN II	1	SES	E	N
77411	ACCOUNTANT I	2	SE2	E	N
15916	ACCOUNTING TECHNICIAN II	10	SES	E	N
66419	BLDG & MAINTENANCE SUPER-CORR	1	SES	E	N
54422	CORRECTIONAL FOOD SVCS SUPV	8	SES	E	N
13471	CRIME ANALYST SUPERVISOR	1	SES	E	N
74233	PUBLIC INFORMATION SPECIALIST	3	SE2	E	N
13809	SHERIFF COMMUNICATIONS SUPV	18	SES	E	N
13476	SHERIFF RECORDS/WARRANTS SUPV	5	SES	E	N
15917	SUPV ACCOUNTING TECHNICIAN	1	SES	E	N
37539	SUPV FINGERPRINT EXAMINER	2	SES	E	N
13868	SUPV OFFICE ASSISTANT II	12	SES	E	N
13822	SUPV SHERIFF CORRECTIONS ASST	5	SES	E	N
13813	SUPV SHERIFF COURT SVCS ASST	3	SES	E	N
77411	ACCOUNTANT I	2	SE2	E	N

Change in FLSA Status

Job Code	Job Title	Emps	Union	FLSA	New FLSA
15916	ACCOUNTING TECHNICIAN II	1	SES	E	N
54422	CORRECTIONAL FOOD SVCS SUPV	3	SES	E	N
54480	HOUSE MANAGER	3	SES	E	N
86100	IT APPS DEVELOPER I	1	SE2	E	N
54421	SR COOK - DETENTION	2	SES	E	N
13868	SUPV OFFICE ASSISTANT II	2	SES	E	N
15916	ACCOUNTING TECHNICIAN II	2	SES	E	N
62771	BLDG MAINTENANCE SUPERVISOR	1	SES	E	N
13804	EMERGENCY COMMAND CENTER SUPV	2	SES	E	N
37876	FIRE SAFETY SUPERVISOR	7	SES	E	N
77104	GIS ANALYST	1	SE2	E	N
77106	GIS SENIOR ANALYST	1	SE2	E	N
74233	PUBLIC INFORMATION SPECIALIST	2	SE2	E	N
92753	SR MEDIA PRODUCTION SPECIALIST	1	CNF	E	N
74234	SR PUBLIC INFO SPECIALIST	1	SE2	E	N
15834	SUPV STOREKEEPER	1	SES	E	N
78705	AG & STANDARDS INVESTIGATOR I	3	SE2	E	N
15916	ACCOUNTING TECHNICIAN II	3	SES	E	N
77104	GIS ANALYST	6	SE2	E	N
77106	GIS SENIOR ANALYST	4	SE2	E	N
77105	GIS SUPERVISOR ANALYST	3	SES	E	N
15821	SUPPORT SERVICES SUPERVISOR	1	SES	E	N
15914	SUPV ACCOUNTING ASSISTANT	1	SES	E	N
15917	SUPV ACCOUNTING TECHNICIAN	2	SES	E	N
33253	SUPV LAND USE TECHNICIAN	2	SES	E	N
33235	PRINCIPAL BUILDING INSPECTOR	3	SE2	E	N
74802	URBAN/REGIONAL PLANNER II	4	SE2	E	N
15916	ACCOUNTING TECHNICIAN II	6	SES	E	N
66561	ASST DISTRICT ROAD MAINT SUPV	13	SES	E	N
13411	CROSSING GUARD SUPERVISOR	1	SES	E	N
66509	DISTRICT ROAD MAINTENANCE SUPV	17	SES	E	N
66475	EQUIPMENT FLEET MANAGER	1	SES	E	N
66413	EQUIPMENT SERVICE SUPV	1	SES	E	N
77106	GIS SENIOR ANALYST	1	SE2	E	N
76420	JUNIOR ENGINEER	3	SE2	E	N
97434	PRINCIPAL ENG TECH	12	SES	E	N
97438	PRINCIPAL ENG TECH - PLS/PE	1	SES	E	N
15917	SUPV ACCOUNTING TECHNICIAN	1	SES	E	N
97435	TECHNICAL ENG UNIT SUPERVISOR	6	SES	E	N
97383	TRAFFIC SIGNAL SUPERVISOR	1	SES	E	N
33256	COMMUNITY IMPROVEMENT SPEC II	3	SE2	E	N
77411	ACCOUNTANT I	3	SE2	E	N
77410	ACCOUNTANT TRAINEE	3	SE2	E	N
15916	ACCOUNTING TECHNICIAN II	4	SES	E	N
79703	CHF PATIENTS RIGHTS ADVOCATE	1	SES	E	N
15906	INSURANCE BILLING SUPV I	1	SES	E	N
86187	IT SUPV USER SUPPORT TECH	1	SES	E	N
79753	SUPV BEHAVIORAL HEALTH SPEC	7	SES	E	N
13868	SUPV OFFICE ASSISTANT II	1	SES	E	N
77411	ACCOUNTANT I	1	SE2	E	N

Change in FLSA Status

Job Code	Job Title	Emps	Union	FLSA	New FLSA
15916	ACCOUNTING TECHNICIAN II	6	SES	E	N
98712	CLINICAL LAB SCIENTIST II	1	SE2	E	N
74162	COMMUNITY DEVELOPMENT REP	1	SE2	E	N
73530	ENV HEALTH SPEC I	5	SE2	E	N
73531	ENV HEALTH SPEC I - DESERT	6	SE2	E	N
79824	HEALTH CARE SOCIAL WORKER	23	SE2	E	N
73458	HEALTH EDUCATION ASST II	28	SE2	E	N
86187	IT SUPV USER SUPPORT TECH	2	SES	E	N
62340	LEAD HOUSEKEEPER	7	SES	E	N
73517	LIEUTENANT OF FIELD SERVICES	4	SES	E	N
92754	MEDIA/COMMUNICATIONS COORD	1	CNF	E	N
78750	P.H. MICROBIOLOGIST II	3	SE2	E	N
73961	SR COMMUNICABLE DISEASES SPEC	6	SES	E	N
73575	SR INDUSTRIAL HYGIENIST	1	SES	E	N
92753	SR MEDIA PRODUCTION SPECIALIST	1	CNF	E	N
74234	SR PUBLIC INFO SPECIALIST	1	SE2	E	N
15821	SUPPORT SERVICES SUPERVISOR	3	SES	E	N
73520	SUPV ANIMAL ADOPTION COUNSELOR	2	SES	E	N
73502	SUPV ANIMAL CARE TECHNICIAN	2	SES	E	N
13432	SUPV MEDICAL RECORDS TECH	1	SES	E	N
13868	SUPV OFFICE ASSISTANT II	6	SES	E	N
73500	SUPV REG VETERINARY TECHNICIAN	2	SES	E	N
15916	ACCOUNTING TECHNICIAN II	1	SES	E	N
54614	ASST LAUNDRY MANAGER (D)	1	SES	E	N
86112	BUSINESS SYSTEMS ANALYSIS	1	SE2	E	N
98715	CLINICAL LAB SCIENTIST - Q.C.	2	SE2	E	N
98712	CLINICAL LAB SCIENTIST II	17	SE2	E	N
13403	HOSPITAL ADMISSIONS SUPERVISOR	3	SES	E	N
62344	HOSPITAL ENVIRO SERVICES SUPV	4	SES	E	N
72901	HOSPITAL PATIENT ADVOCATE	1	SE2	E	N
15907	INSURANCE BILLING SUPV II	1	SES	E	N
86177	IT SUPV SYSTEMS OPERATOR	1	SES	E	N
86187	IT SUPV USER SUPPORT TECH	1	SES	E	N
62340	LEAD HOUSEKEEPER	4	SES	E	N
79834	MEDICAL SOCIAL WORKER I	4	SE2	E	N
13425	MEDICAL TRANSPORTATION COORD	1	SES	E	N
74233	PUBLIC INFORMATION SPECIALIST	1	SE2	E	N
73461	RECREATION THERAPIST	1	SE2	E	N
98753	RESP CARE PRACT I, REG ELIG	5	SE9	E	N
98757	RESP CARE PRACT II, REG	29	SE9	E	N
15315	REVENUE & RECOVERY SUPV I	1	SES	E	N
15317	REVENUE & RECOVERY SUPV II	1	SES	E	N
98713	SR CLINICAL LAB SCIENTIST	5	SES	E	N
15917	SUPV ACCOUNTING TECHNICIAN	1	SES	E	N
54433	SUPV COOK	1	SES	E	N
54456	SUPV FOOD SERVICE WORKER	4	SES	E	N
13452	SUPV MEDICAL RECORDS CODER	1	SES	E	N
13432	SUPV MEDICAL RECORDS TECH	2	SES	E	N
13823	SUPV MEDICAL TRANSCRIPTIONIST	1	SES	E	N
13436	SUPV PHARMACY TECHNICIAN	1	SES	E	N

Change in FLSA Status

Job Code	Job Title	Emps	Union	FLSA	New FLSA
98754	SUPV RESP CARE PRACTITIONER	6	SES	E	N
62750	SUPV STATIONARY ENGINEER	1	SES	E	N
13430	UTILIZATION REVIEW COORDINATOR	1	SES	E	N
77411	ACCOUNTANT I	1	SE2	E	N
76420	JUNIOR ENGINEER	3	SE2	E	N
66507	OPS & MAINT SUPERVISOR	5	SES	E	N
15917	SUPV ACCOUNTING TECHNICIAN	1	SES	E	N
66578	WASTE MGMT PROJECTS SUPERVISOR	1	SES	E	N
77411	ACCOUNTANT I	3	SE2	E	N
77410	ACCOUNTANT TRAINEE	6	SE2	E	N
15916	ACCOUNTING TECHNICIAN II	2	SES	E	N
86111	BUSINESS PROCESS ANALYST II	3	SE2	E	N
74151	COMMUNITY PRGM SPECIALIST I	4	SE2	E	N
74185	DEVELOPMENT SPECIALIST III	1	SE2	E	N
13416	DPSS OFFICE SUPPORT SUPV	61	SES	E	N
13604	ELIGIBILITY SUPERVISOR	116	SES	E	N
86187	IT SUPV USER SUPPORT TECH	2	SES	E	N
15317	REVENUE & RECOVERY SUPV II	1	SES	E	N
79886	SOCIAL SERVICE PLANNER	3	SE2	E	N
79873	SOCIAL SERVICES WORKER I	32	SE2	E	N
79874	SOCIAL SERVICES WORKER II	129	SE2	E	N
15821	SUPPORT SERVICES SUPERVISOR	1	SES	E	N
15917	SUPV ACCOUNTING TECHNICIAN	7	SES	E	N
13399	SUPV CUSTOMER SUPPORT REP	1	SES	E	N
13787	SUPV DATA ENTRY OPERATOR	1	SES	E	N
79890	SUPV EMPLOYMENT SVCS COUNSELOR	28	SES	E	N
37573	SUPV INVESTIGATIVE TECH	4	SES	E	N
37599	SUPV WELFARE FRAUD INV - B	2	SES	E	N
77411	ACCOUNTANT I	1	SE2	E	N
74151	COMMUNITY PRGM SPECIALIST I	3	SE2	E	N
97463	HOUSING SPECIALIST II	2	SE2	E	N
74234	SR PUBLIC INFO SPECIALIST	1	SE2	E	N
77410	ACCOUNTANT TRAINEE	1	SE2	E	N
74132	PROGRAM OPERATIONS SUPERVISOR	1	SES	E	N
77411	ACCOUNTANT I	4	SE2	E	N
77410	ACCOUNTANT TRAINEE	3	SE2	E	N
15916	ACCOUNTING TECHNICIAN II	2	SES	E	N
86111	BUSINESS PROCESS ANALYST II	1	SE2	E	N
62324	CUSTODIAL SUPERVISOR	4	SES	E	N
76601	FACILITIES PROJECT MGR I	2	SE2	E	N
76602	FACILITIES PROJECT MGR II	5	SE2	E	N
76608	FACILITIES PROJECT MGR III	7	SE2	E	N
62344	HOSPITAL ENVIRO SERVICES SUPV	1	SES	E	N
86187	IT SUPV USER SUPPORT TECH	1	SES	E	N
62322	LEAD CUSTODIAN	24	SES	E	N
62330	M.H. FAC HOUSEKEEPING SUPV	1	SES	E	N
74919	REAL PROPERTY AGENT I	3	SE2	E	N
74918	REAL PROPERTY AGENT II	1	SE2	E	N
74917	REAL PROPERTY AGENT III	5	SE2	E	N
74921	SR REAL PROPERTY AGENT	2	SE2	E	N

Change in FLSA Status

Job Code	Job Title	Emps	Union	FLSA	New FLSA
15917	SUPV ACCOUNTING TECHNICIAN	2	SES	E	N
13868	SUPV OFFICE ASSISTANT II	1	SES	E	N
52744	SUPV PARKING OPS OFFICER	1	SES	E	N
15834	SUPV STOREKEEPER	1	SES	E	N
66415	AUTOMOTIVE SERVICE SUPERVISOR	2	SES	E	N
86110	BUSINESS PROCESS ANALYST I	1	SE2	E	N
66414	GARAGE BRANCH SUPV	3	SES	E	N
62435	PRINTING PRODUCTION SUPERVISOR	1	SES	E	N
15917	SUPV ACCOUNTING TECHNICIAN	1	SES	E	N
13399	SUPV CUSTOMER SUPPORT REP	2	SES	E	N
77411	ACCOUNTANT I	1	SE2	E	N
86177	IT SUPV SYSTEMS OPERATOR	2	SES	E	N
15917	SUPV ACCOUNTING TECHNICIAN	1	SES	E	N
15834	SUPV STOREKEEPER	1	SES	E	N
74185	DEVELOPMENT SPECIALIST III	1	SE2	E	N
85041	SR PARK RANGER - PARKS	2	SPG	E	N
15927	ACCOUNTING TECHNICIAN II - C	1	UNC	E	N
15916	ACCOUNTING TECHNICIAN II	1	SES	E	N
74233	PUBLIC INFORMATION SPECIALIST	1	SE2	E	N
80026	EQUIPMENT SERVICE SUPV - WRMD	1	MWU	E	N
80095	JUNIOR ENGINEER - WRMD	1	SW2	E	N
80058	OPS & MAINT SUPERVISOR - WRMD	5	MWU	E	N
80073	SR EQUIPMENT OPERATOR - WRMD	3	SW5	E	N
80040	SUPV HAZ WASTE INSPECTOR-WRMD	1	MWU	E	N
77411	ACCOUNTANT I	2	SE2	E	N
66413	EQUIPMENT SERVICE SUPV	1	SES	E	N
77104	GIS ANALYST	1	SE2	E	N
76420	JUNIOR ENGINEER	3	SE2	E	N
97434	PRINCIPAL ENG TECH	4	SES	E	N
97438	PRINCIPAL ENG TECH - PLS/PE	3	SES	E	N
74233	PUBLIC INFORMATION SPECIALIST	1	SE2	E	N
74919	REAL PROPERTY AGENT I	1	SE2	E	N
66505	REGIONAL FLOOD CNTRL MAINT SPV	2	SES	E	N
74921	SR REAL PROPERTY AGENT	1	SE2	E	N
15917	SUPV ACCOUNTING TECHNICIAN	1	SES	E	N
92286	SUPV PHOTOGRAMMETRIST	1	UP4	E	N
13416	DPSS OFFICE SUPPORT SUPV	1	SES	E	N
Total Exempt to Non-Exempt		1345			265

Remaining Exempt with OT Rate Change

Job Code	Job Title	Emps	Union	FLSA	New FLSA	OT Rate	New Rate
13901	DEP CLERK OF THE BOARD	2	UNC	E	E	1.5	0
74105	ADMIN SERVICES ANALYST I	1	SE2	E	E	1	0
86117	IT BUSINESS SYS ANALYST III	19	SE2	E	E	1.5	0
86139	IT DATABASE ADMIN III	2	SE2	E	E	1.5	0
86155	IT NETWORK ADMIN III	1	SE2	E	E	1.5	0
86119	IT SUPV BUSINESS SYS ANALYST	3	SES	E	E	1.5	0
86140	IT SUPV DATABASE ADMIN	1	SES	E	E	1.5	0
86165	IT SYSTEMS ADMINISTRATOR III	4	SE2	E	E	1.5	0
74106	ADMIN SERVICES ANALYST II	3	SE2	E	E	1	0
74199	ADMIN SERVICES SUPV	2	SES	E	E	1	0
13527	ARCHIVIST/RECORDS ANALYST II	1	SE2	E	E	1.5	0
86103	IT APPS DEVELOPER III	6	SE2	E	E	1.5	0
86117	IT BUSINESS SYS ANALYST III	2	SE2	E	E	1.5	0
86139	IT DATABASE ADMIN III	1	SE2	E	E	1.5	0
86153	IT NETWORK ADMIN II	1	SE2	E	E	1.5	0
86155	IT NETWORK ADMIN III	3	SE2	E	E	1.5	0
86105	IT SUPV APPS DEVELOPER	1	SES	E	E	1.5	0
86119	IT SUPV BUSINESS SYS ANALYST	1	SES	E	E	1.5	0
77413	SR ACCOUNTANT	1	SE2	E	E	1.5	0
74323	SR APPRAISER	38	SE2	E	E	1.5	0
77443	SR AUDITOR/APPRaiser	6	SE2	E	E	1.5	0
74324	SUPV APPRAISER	15	SES	E	E	1	0
74327	SUPV DEPUTY ACCR	3	SES	E	E	1	0
77412	ACCOUNTANT II	8	SE2	E	E	1.5	0
86117	IT BUSINESS SYS ANALYST III	2	SE2	E	E	1.5	0
86153	IT NETWORK ADMIN II	1	SE2	E	E	1.5	0
86119	IT SUPV BUSINESS SYS ANALYST	1	SES	E	E	1.5	0
77413	SR ACCOUNTANT	17	SE2	E	E	1.5	0
77421	SR INTERNAL AUDITOR	7	SE2	E	E	1.5	0
77416	SUPV ACCOUNTANT	8	SES	E	E	1.5	0
77412	ACCOUNTANT II	1	SE2	E	E	1.5	0
74106	ADMIN SERVICES ANALYST II	2	SE2	E	E	1	0
86103	IT APPS DEVELOPER III	1	SE2	E	E	1.5	0
86117	IT BUSINESS SYS ANALYST III	1	SE2	E	E	1.5	0
86153	IT NETWORK ADMIN II	1	SE2	E	E	1.5	0
86155	IT NETWORK ADMIN III	1	SE2	E	E	1.5	0
86119	IT SUPV BUSINESS SYS ANALYST	1	SES	E	E	1.5	0
77413	SR ACCOUNTANT	1	SE2	E	E	1.5	0
77416	SUPV ACCOUNTANT	1	SES	E	E	1.5	0
74199	ADMIN SERVICES SUPV	1	SES	E	E	1	0
86115	IT BUSINESS SYS ANALYST II	1	SE2	E	E	1.5	0
86153	IT NETWORK ADMIN II	1	SE2	E	E	1.5	0
86119	IT SUPV BUSINESS SYS ANALYST	1	SES	E	E	1.5	0
86140	IT SUPV DATABASE ADMIN	1	SES	E	E	1.5	0
77412	ACCOUNTANT II	2	SE2	E	E	1.5	0
86138	IT DATABASE ADMIN II	2	SE2	E	E	1.5	0
86155	IT NETWORK ADMIN III	1	SE2	E	E	1.5	0
86197	IT SUPV WEB DEVELOPER	1	SES	E	E	1.5	0
86164	IT SYSTEMS ADMINISTRATOR II	1	SE2	E	E	1.5	0
86165	IT SYSTEMS ADMINISTRATOR III	1	SE2	E	E	1.5	0

Remaining Exempt with OT Rate Change

Job Code	Job Title	Emps	Union	FLSA	New FLSA	OT Rate	New Rate
86195	IT WEB DEVELOPER II	1	SE2	E	E	1.5	0
74221	PRINCIPAL DEVELOPMENT SPEC	18	SES	E	E	1.5	0
77413	SR ACCOUNTANT	5	SE2	E	E	1.5	0
77416	SUPV ACCOUNTANT	2	SES	E	E	1.5	0
74920	SUPV REAL PROPERTY AGENT	1	SES	E	E	1.5	0
74221	PRINCIPAL DEVELOPMENT SPEC	1	SES	E	E	1.5	0
77412	ACCOUNTANT II	1	SE2	E	E	1.5	0
74106	ADMIN SERVICES ANALYST II	2	SE2	E	E	1	0
74199	ADMIN SERVICES SUPV	1	SES	E	E	1	0
86101	IT APPS DEVELOPER II	1	SE2	E	E	1.5	0
86139	IT DATABASE ADMIN III	2	SE2	E	E	1.5	0
86155	IT NETWORK ADMIN III	3	SE2	E	E	1.5	0
86157	IT SUPV NETWORK ADMIN	1	SES	E	E	1.5	0
77413	SR ACCOUNTANT	2	SE2	E	E	1.5	0
79881	TRAINING OFFICER	3	SES	E	E	1.5	0
74106	ADMIN SERVICES ANALYST II	2	SE2	E	E	1	0
74199	ADMIN SERVICES SUPV	1	SES	E	E	1	0
37556	CHILD SUPPORT SVCS SUPERVISOR	13	SES	E	E	1.5	0
37494	DEP CHILD SUPP ATTORNEY III	4	PR7	E	E	1	0
37493	DEP CHILD SUPP ATTORNEY IV	8	PR7	E	E	1	0
37492	DEP CHILD SUPP ATTORNEY IV-S	2	PR7	E	E	1	0
86103	IT APPS DEVELOPER III	2	SE2	E	E	1.5	0
86117	IT BUSINESS SYS ANALYST III	3	SE2	E	E	1.5	0
86119	IT SUPV BUSINESS SYS ANALYST	1	SES	E	E	1.5	0
86164	IT SYSTEMS ADMINISTRATOR II	1	SE2	E	E	1.5	0
86165	IT SYSTEMS ADMINISTRATOR III	2	SE2	E	E	1.5	0
79861	STAFF DEVELOPMENT OFFICER	1	SES	E	E	1.5	0
74106	ADMIN SERVICES ANALYST II	1	SE2	E	E	1	0
86167	IT SUPV SYSTEMS ADMINISTRATOR	1	SES	E	E	1.5	0
86164	IT SYSTEMS ADMINISTRATOR II	1	SE2	E	E	1.5	0
86165	IT SYSTEMS ADMINISTRATOR III	1	SE2	E	E	1.5	0
79875	SOCIAL SERVICES WORKER III	1	SE2	E	E	1.5	0
79878	SOCIAL SERVICES WORKER V	1	SE2	E	E	1.5	0
37567	SUPV PUBLIC DEFENDER INVEST	5	SES	E	E	1.5	0
77412	ACCOUNTANT II	1	SE2	E	E	1.5	0
74106	ADMIN SERVICES ANALYST II	3	SE2	E	E	1	0
74199	ADMIN SERVICES SUPV	3	SES	E	E	1	0
79735	CHAPLAIN	3	SE2	E	E	1.5	0
73895	FORENSIC PATHOLOGIST III	3	SE2	E	E	1.5	0
73894	FORENSIC PATHOLOGIST IV	1	SE2	E	E	1.5	0
86103	IT APPS DEVELOPER III	1	SE2	E	E	1.5	0
86115	IT BUSINESS SYS ANALYST II	2	SE2	E	E	1.5	0
86117	IT BUSINESS SYS ANALYST III	6	SE2	E	E	1.5	0
86119	IT SUPV BUSINESS SYS ANALYST	1	SES	E	E	1.5	0
86167	IT SUPV SYSTEMS ADMINISTRATOR	2	SES	E	E	1.5	0
86164	IT SYSTEMS ADMINISTRATOR II	6	SE2	E	E	1.5	0
86165	IT SYSTEMS ADMINISTRATOR III	6	SE2	E	E	1.5	0
79837	RESEARCH SPECIALIST I	1	SE2	E	E	1.5	0
77413	SR ACCOUNTANT	2	SE2	E	E	1.5	0
77416	SUPV ACCOUNTANT	2	SES	E	E	1.5	0

Remaining Exempt with OT Rate Change

Job Code	Job Title	Emps	Union	FLSA	New FLSA	OT Rate	New Rate
37527	SUPV DEPUTY PUBLIC ADMIN	1	SES	E	E	1.5	0
74106	ADMIN SERVICES ANALYST II	2	SE2	E	E	1	0
86103	IT APPS DEVELOPER III	1	SE2	E	E	1.5	0
86117	IT BUSINESS SYS ANALYST III	1	SE2	E	E	1.5	0
86155	IT NETWORK ADMIN III	2	SE2	E	E	1.5	0
77416	SUPV ACCOUNTANT	1	SES	E	E	1.5	0
77412	ACCOUNTANT II	1	SE2	E	E	1.5	0
74105	ADMIN SERVICES ANALYST I	2	SE2	E	E	1	0
74106	ADMIN SERVICES ANALYST II	5	SE2	E	E	1	0
74199	ADMIN SERVICES SUPV	2	SES	E	E	1	0
37877	FIRE PROTECTION ENGINEER	1	SE2	E	E	1.5	0
86117	IT BUSINESS SYS ANALYST III	2	SE2	E	E	1.5	0
86124	IT COMMUNICATIONS ANALYST III	2	SE2	E	E	1.5	0
86139	IT DATABASE ADMIN III	1	SE2	E	E	1.5	0
86119	IT SUPV BUSINESS SYS ANALYST	1	SES	E	E	1.5	0
86125	IT SUPV COMMUNICATIONS ANALYST	1	SES	E	E	1.5	0
86167	IT SUPV SYSTEMS ADMINISTRATOR	1	SES	E	E	1.5	0
86165	IT SYSTEMS ADMINISTRATOR III	1	SE2	E	E	1.5	0
86196	IT WEB DEVELOPER III	1	SE2	E	E	1.5	0
77413	SR ACCOUNTANT	1	SE2	E	E	1.5	0
78706	AG & STANDARDS INVESTIGATOR II	5	SE2	E	E	1.5	0
78708	AG & STANDARDS INVESTIGATOR IV	18	SE2	E	E	1.5	0
78707	AG & STANDARDS INVESTIGATR III	5	SE2	E	E	1.5	0
78709	SUPV AG & STANDARDS INVEST I	3	SES	E	E	1.5	0
78710	SUPV AG & STANDARDS INVEST II	2	SES	E	E	1.5	0
74106	ADMIN SERVICES ANALYST II	1	SE2	E	E	1	0
85060	ECOLOGICAL RESOURCES SPEC II	4	SE2	E	E	1.5	0
86103	IT APPS DEVELOPER III	2	SE2	E	E	1.5	0
86117	IT BUSINESS SYS ANALYST III	2	SE2	E	E	1.5	0
86138	IT DATABASE ADMIN II	1	SE2	E	E	1.5	0
86153	IT NETWORK ADMIN II	1	SE2	E	E	1.5	0
86155	IT NETWORK ADMIN III	1	SE2	E	E	1.5	0
86140	IT SUPV DATABASE ADMIN	3	SES	E	E	1.5	0
86167	IT SUPV SYSTEMS ADMINISTRATOR	1	SES	E	E	1.5	0
86164	IT SYSTEMS ADMINISTRATOR II	2	SE2	E	E	1.5	0
86165	IT SYSTEMS ADMINISTRATOR III	4	SE2	E	E	1.5	0
74809	PRINCIPAL PLANNER	2	SES	E	E	1	0
79837	RESEARCH SPECIALIST I	1	SE2	E	E	1.5	0
77416	SUPV ACCOUNTANT	1	SES	E	E	1.5	0
76426	SUBDIVISION ENGINEER	1	SES	E	E	1	0
74809	PRINCIPAL PLANNER	10	SES	E	E	1	0
74804	URBAN/REGIONAL PLANNER III	7	SE2	E	E	1.5	0
74806	URBAN/REGIONAL PLANNER IV	8	SE2	E	E	1.5	0
77412	ACCOUNTANT II	1	SE2	E	E	1.5	0
74105	ADMIN SERVICES ANALYST I	2	SE2	E	E	1	0
74106	ADMIN SERVICES ANALYST II	2	SE2	E	E	1	0
76424	ASSOC CIVIL ENGINEER	5	SE2	E	E	1.5	0
76423	ASSOC ENGINEER	5	SE2	E	E	1.5	0
76421	ASST ENGINEER	8	SE2	E	E	1.5	0
77413	SR ACCOUNTANT	1	SE2	E	E	1.5	0

Remaining Exempt with OT Rate Change

Job Code	Job Title	Emps	Union	FLSA	New FLSA	OT Rate	New Rate
76425	SR CIVIL ENGINEER	6	SES	E	E	1	0
76484	SR LAND SURVEYOR	2	SES	E	E	1	0
76483	SR SURVEYOR	2	SES	E	E	1	0
74831	SR TRANSPORTATION PLANNER	4	SE2	E	E	1.5	0
77416	SUPV ACCOUNTANT	2	SES	E	E	1.5	0
76403	SUPV LAND SURVEYOR	2	SES	E	E	1	0
33244	SUPV CODE ENFORCEMENT OFFICER	9	SES	E	E	1.5	0
33258	SUPV COMM IMPROVEMENT SPEC	1	SES	E	E	1.5	0
77412	ACCOUNTANT II	4	SE2	E	E	1.5	0
74105	ADMIN SERVICES ANALYST I	1	SE2	E	E	1	0
74106	ADMIN SERVICES ANALYST II	13	SE2	E	E	1	0
74199	ADMIN SERVICES SUPV	4	SES	E	E	1	0
79711	CLINICAL PSYCHOLOGIST	2	SE2	E	E	1.5	0
79740	CLINICAL THERAPIST I	89	SE2	E	E	1.5	0
79744	CLINICAL THERAPIST I - BLYTHE	2	SE2	E	E	1.5	0
79742	CLINICAL THERAPIST II	107	SE2	E	E	1.5	0
86117	IT BUSINESS SYS ANALYST III	6	SE2	E	E	1.5	0
86153	IT NETWORK ADMIN II	1	SE2	E	E	1.5	0
86155	IT NETWORK ADMIN III	2	SE2	E	E	1.5	0
86119	IT SUPV BUSINESS SYS ANALYST	1	SES	E	E	1.5	0
86157	IT SUPV NETWORK ADMIN	1	SES	E	E	1.5	0
79717	M.H. SERVICE SUPV-A	40	SES	E	E	1	0
79723	M.H. SERVICE SUPV-A - BLYTHE	1	SES	E	E	1	0
79718	M.H. SERVICE SUPV-B	7	SES	E	E	1	0
73436	OCCUPATIONAL THERAPIST II	1	SE2	E	E	1.5	0
73952	REGISTERED NURSE II	2	SE8	E	E	1.5	0
73953	REGISTERED NURSE III	4	SE8	E	E	1.5	0
73991	REGISTERED NURSE IV	29	SE8	E	E	1.5	0
73992	REGISTERED NURSE V	5	SE8	E	E	1.5	0
77462	RESEARCH ANALYST	4	SE2	E	E	1.5	0
79837	RESEARCH SPECIALIST I	1	SE2	E	E	1.5	0
77413	SR ACCOUNTANT	1	SE2	E	E	1.5	0
79715	SR CLINICAL PSYCHOLOGIST	10	SE2	E	E	1.5	0
79861	STAFF DEVELOPMENT OFFICER	1	SES	E	E	1.5	0
77416	SUPV ACCOUNTANT	3	SES	E	E	1.5	0
37526	SUPV DEPUTY PUBLIC GUARDIAN	2	SES	E	E	1.5	0
73834	SUPV RESEARCH SPECIALIST	1	SES	E	E	1.5	0
77412	ACCOUNTANT II	4	SE2	E	E	1.5	0
74105	ADMIN SERVICES ANALYST I	1	SE2	E	E	1	0
74106	ADMIN SERVICES ANALYST II	27	SE2	E	E	1	0
74199	ADMIN SERVICES SUPV	1	SES	E	E	1	0
76825	ASSOC P.H. PROF ENG/GEOLOGIST	1	SE2	E	E	1.5	0
73924	ASST NURSE MANAGER	26	SES	E	E	1.5	0
13630	CA CHILDREN SVCS SUPERVISOR	1	SES	E	E	1.5	0
74107	CHA PROGRAM COORDINATOR I	9	SE2	E	E	1.5	0
79740	CLINICAL THERAPIST I	1	SE2	E	E	1.5	0
79742	CLINICAL THERAPIST II	1	SE2	E	E	1.5	0
74293	CONTRACTS & GRANTS ANALYST	1	SE2	E	E	1.5	0
73877	DENTIST	1	SE2	E	E	1	0
73540	ENV HEALTH SPEC II	7	SE2	E	E	1.5	0

Remaining Exempt with OT Rate Change

Job Code	Job Title	Emps	Union	FLSA	New FLSA	OT Rate	New Rate
73541	ENV HEALTH SPEC II - DESERT	3	SE2	E	E	1.5	0
73545	ENV HEALTH SPEC III	34	SE2	E	E	1.5	0
73544	ENV HEALTH SPEC III - DESERT	11	SE2	E	E	1.5	0
73548	ENV HEALTH SPEC IV	12	SE2	E	E	1.5	0
73546	ENV HEALTH SPEC IV - DESERT	5	SE2	E	E	1.5	0
73484	HEALTH EDUCATOR	5	SE2	E	E	1.5	0
86103	IT APPS DEVELOPER III	2	SE2	E	E	1.5	0
86115	IT BUSINESS SYS ANALYST II	7	SE2	E	E	1.5	0
86117	IT BUSINESS SYS ANALYST III	4	SE2	E	E	1.5	0
86119	IT SUPV BUSINESS SYS ANALYST	3	SES	E	E	1.5	0
86167	IT SUPV SYSTEMS ADMINISTRATOR	2	SES	E	E	1.5	0
86164	IT SYSTEMS ADMINISTRATOR II	8	SE2	E	E	1.5	0
79832	MEDICAL SOCIAL WORKER II	3	SE2	E	E	1.5	0
73982	NURSE PRACTITIONER II	2	SE8	E	E	1.5	0
73984	NURSE PRACTITIONER III	4	SE8	E	E	1.5	0
78345	NUTRITIONIST	19	SE2	E	E	1.5	0
73438	OCCUPATIONAL THERAPIST I	1	SE2	E	E	1.5	0
73436	OCCUPATIONAL THERAPIST II	13	SE2	E	E	1.5	0
73445	PHYSICAL THERAPIST I	2	SE2	E	E	1.5	0
73446	PHYSICAL THERAPIST II	10	SE2	E	E	1.5	0
73976	PHYSICIAN ASSISTANT III	3	SE2	E	E	1.5	0
73803	PHYSICIAN III	5	SE2	E	E	1.5	0
73804	PHYSICIAN IV	18	SE2	E	E	1.5	0
73951	REGISTERED NURSE I	1	SE8	E	E	1.5	0
73952	REGISTERED NURSE II	9	SE8	E	E	1.5	0
73953	REGISTERED NURSE III	32	SE8	E	E	1.5	0
73991	REGISTERED NURSE IV	59	SE8	E	E	1.5	0
73992	REGISTERED NURSE V	23	SE8	E	E	1.5	0
79837	RESEARCH SPECIALIST I	4	SE2	E	E	1.5	0
79875	SOCIAL SERVICES WORKER III	1	SE2	E	E	1.5	0
79876	SOCIAL SERVICES WORKER IV	1	SE2	E	E	1.5	0
77413	SR ACCOUNTANT	1	SE2	E	E	1.5	0
73487	SR HEALTH EDUCATOR	1	SE2	E	E	1.5	0
78344	SR NUTRITIONIST	14	SE2	E	E	1.5	0
76826	SR P.H. PROF ENG/GEOLOGIST	1	SES	E	E	1	0
73466	SR THERAPIST	9	SE2	E	E	1.5	0
79861	STAFF DEVELOPMENT OFFICER	2	SES	E	E	1.5	0
77416	SUPV ACCOUNTANT	2	SES	E	E	1.5	0
73550	SUPV ENV HEALTH SPEC	11	SES	E	E	1	0
73547	SUPV ENV HEALTH SPEC - DESERT	3	SES	E	E	1	0
73582	SUPV HAZ MAT MGMT SPECIALIST	4	SES	E	E	1.5	0
78347	SUPV NUTRITIONIST	8	SES	E	E	1	0
73467	SUPV THERAPIST	8	SES	E	E	1.5	0
77412	ACCOUNTANT II	3	SE2	E	E	1.5	0
74105	ADMIN SERVICES ANALYST I	1	SE2	E	E	1	0
74106	ADMIN SERVICES ANALYST II	6	SE2	E	E	1	0
74199	ADMIN SERVICES SUPV	1	SES	E	E	1	0
98756	ASST CHF OF RESP THERAPY	1	SES	E	E	1.5	0
73924	ASST NURSE MANAGER	39	SES	E	E	1.5	0
77493	ASST PATIENT ACCOUNTS MANAGER	1	SES	E	E	1	0

Remaining Exempt with OT Rate Change

Job Code	Job Title	Emps	Union	FLSA	New FLSA	OT Rate	New Rate
77409	BUDGET/REIMBURSEMENT ANALYST	2	SE2	E	E	1	0
73616	CLINICAL PHARMACIST	7	SE2	E	E	1.5	0
79711	CLINICAL PSYCHOLOGIST	2	SE2	E	E	1.5	0
79740	CLINICAL THERAPIST I	10	SE2	E	E	1.5	0
79742	CLINICAL THERAPIST II	3	SE2	E	E	1.5	0
78312	DIETITIAN II	4	SE2	E	E	1.5	0
73955	INSTITUTIONAL NURSE	64	SE8	E	E	1.5	0
86115	IT BUSINESS SYS ANALYST II	2	SE2	E	E	1.5	0
86117	IT BUSINESS SYS ANALYST III	7	SE2	E	E	1.5	0
86139	IT DATABASE ADMIN III	1	SE2	E	E	1.5	0
86153	IT NETWORK ADMIN II	1	SE2	E	E	1.5	0
86155	IT NETWORK ADMIN III	1	SE2	E	E	1.5	0
86119	IT SUPV BUSINESS SYS ANALYST	3	SES	E	E	1.5	0
86165	IT SYSTEMS ADMINISTRATOR III	2	SE2	E	E	1.5	0
79717	M.H. SERVICE SUPV-A	2	SES	E	E	1	0
79832	MEDICAL SOCIAL WORKER II	13	SE2	E	E	1.5	0
73960	NURSE INTERIM PERMITTEE	6	SE8	E	E	1.5	0
73982	NURSE PRACTITIONER II	1	SE8	E	E	1.5	0
73984	NURSE PRACTITIONER III	3	SE8	E	E	1.5	0
73941	NURSING EDUCATION INSTRUCTOR	5	SES	E	E	1.5	0
73438	OCCUPATIONAL THERAPIST I	1	SE2	E	E	1.5	0
73436	OCCUPATIONAL THERAPIST II	5	SE2	E	E	1.5	0
73611	PHARMACIST	4	SE2	E	E	1.5	0
73446	PHYSICAL THERAPIST II	7	SE2	E	E	1.5	0
73976	PHYSICIAN ASSISTANT III	1	SE2	E	E	1.5	0
73802	PHYSICIAN II	3	SE2	E	E	1.5	0
73803	PHYSICIAN III	5	SE2	E	E	1.5	0
73804	PHYSICIAN IV	11	SE2	E	E	1.5	0
73913	PRE HOSPITAL LIAISON NURSE	1	SE8	E	E	1.5	0
74174	PROVIDER RELATIONS SUPERVISOR	1	SE2	E	E	1.5	0
73951	REGISTERED NURSE I	77	SE8	E	E	1.5	0
73952	REGISTERED NURSE II	108	SE8	E	E	1.5	0
73953	REGISTERED NURSE III	275	SE8	E	E	1.5	0
73991	REGISTERED NURSE IV	117	SE8	E	E	1.5	0
73992	REGISTERED NURSE V	13	SE8	E	E	1.5	0
73456	SPEECH-LANGUAGE PATHOLOGIST	2	SE2	E	E	1.5	0
77413	SR ACCOUNTANT	1	SE2	E	E	1.5	0
73608	SR CLINICAL PHARMACIST	2	SES	E	E	1.5	0
79715	SR CLINICAL PSYCHOLOGIST	2	SE2	E	E	1.5	0
73969	SR INSTITUTIONAL NURSE	8	SES	E	E	1.5	0
73613	SR PHARMACIST	5	SE2	E	E	1.5	0
73466	SR THERAPIST	1	SE2	E	E	1.5	0
73936	SUPV CLINIC SITE NURSE	4	SES	E	E	1.5	0
78314	SUPV DIETITIAN	1	SES	E	E	1	0
73963	SUPV INSTITUTIONAL NURSE	3	SES	E	E	1.5	0
73435	SUPV OCCUPATIONAL THERAPIST	1	SES	E	E	1.5	0
76424	ASSOC CIVIL ENGINEER	1	SE2	E	E	1.5	0
76423	ASSOC ENGINEER	3	SE2	E	E	1.5	0
76421	ASST ENGINEER	1	SE2	E	E	1.5	0
86103	IT APPS DEVELOPER III	1	SE2	E	E	1.5	0

Remaining Exempt with OT Rate Change

Job Code	Job Title	Emps	Union	FLSA	New FLSA	OT Rate	New Rate
86153	IT NETWORK ADMIN II	1	SE2	E	E	1.5	0
76425	SR CIVIL ENGINEER	2	SES	E	E	1	0
74804	URBAN/REGIONAL PLANNER III	1	SE2	E	E	1.5	0
74806	URBAN/REGIONAL PLANNER IV	1	SE2	E	E	1.5	0
77412	ACCOUNTANT II	13	SE2	E	E	1.5	0
74105	ADMIN SERVICES ANALYST I	1	SE2	E	E	1	0
74106	ADMIN SERVICES ANALYST II	31	SE2	E	E	1	0
74199	ADMIN SERVICES SUPV	7	SES	E	E	1	0
79811	CHILDREN'S SOCIAL SVC SUPV I	7	SES	E	E	1.5	0
79812	CHILDREN'S SOCIAL SVC SUPV II	94	SES	E	E	1.5	0
79808	CHILDREN'S SOCIAL SVC WKR III	135	SE2	E	E	1.5	0
79809	CHILDREN'S SOCIAL SVC WKR IV	64	SE2	E	E	1.5	0
79810	CHILDREN'S SOCIAL SVC WKR V	245	SE2	E	E	1.5	0
74163	COMMUNITY ACTION DIVISION SUPV	1	SES	E	E	1.5	0
74152	COMMUNITY PRGM SPECIALIST II	5	SE2	E	E	1.5	0
86101	IT APPS DEVELOPER II	2	SE2	E	E	1.5	0
86103	IT APPS DEVELOPER III	10	SE2	E	E	1.5	0
86115	IT BUSINESS SYS ANALYST II	3	SE2	E	E	1.5	0
86117	IT BUSINESS SYS ANALYST III	12	SE2	E	E	1.5	0
86121	IT COMMUNICATIONS ANALYST II	3	SE2	E	E	1.5	0
86124	IT COMMUNICATIONS ANALYST III	1	SE2	E	E	1.5	0
86139	IT DATABASE ADMIN III	2	SE2	E	E	1.5	0
86153	IT NETWORK ADMIN II	2	SE2	E	E	1.5	0
86105	IT SUPV APPS DEVELOPER	4	SES	E	E	1.5	0
86119	IT SUPV BUSINESS SYS ANALYST	5	SES	E	E	1.5	0
86125	IT SUPV COMMUNICATIONS ANALYST	1	SES	E	E	1.5	0
86167	IT SUPV SYSTEMS ADMINISTRATOR	2	SES	E	E	1.5	0
86164	IT SYSTEMS ADMINISTRATOR II	4	SE2	E	E	1.5	0
86165	IT SYSTEMS ADMINISTRATOR III	4	SE2	E	E	1.5	0
79837	RESEARCH SPECIALIST I	7	SE2	E	E	1.5	0
79838	RESEARCH SPECIALIST II	4	SE2	E	E	1.5	0
79880	SOCIAL SERVICES SUPERVISOR II	8	SES	E	E	1.5	0
79875	SOCIAL SERVICES WORKER III	13	SE2	E	E	1.5	0
79876	SOCIAL SERVICES WORKER IV	8	SE2	E	E	1.5	0
79878	SOCIAL SERVICES WORKER V	31	SE2	E	E	1.5	0
77413	SR ACCOUNTANT	12	SE2	E	E	1.5	0
77421	SR INTERNAL AUDITOR	3	SE2	E	E	1.5	0
79882	SR TRAINING OFFICER	1	SES	E	E	1.5	0
79861	STAFF DEVELOPMENT OFFICER	4	SES	E	E	1.5	0
77416	SUPV ACCOUNTANT	3	SES	E	E	1.5	0
73834	SUPV RESEARCH SPECIALIST	1	SES	E	E	1.5	0
77419	SYSTEMS ACCOUNTANT II	4	SE2	E	E	1.5	0
79881	TRAINING OFFICER	7	SES	E	E	1.5	0
74106	ADMIN SERVICES ANALYST II	1	SE2	E	E	1	0
74163	COMMUNITY ACTION DIVISION SUPV	1	SES	E	E	1.5	0
74152	COMMUNITY PRGM SPECIALIST II	2	SE2	E	E	1.5	0
77413	SR ACCOUNTANT	1	SE2	E	E	1.5	0
74158	SR COMMUNITY PROG SPECIALIST	1	SES	E	E	1.5	0
77412	ACCOUNTANT II	1	SE2	E	E	1.5	0
74105	ADMIN SERVICES ANALYST I	1	SE2	E	E	1	0

Remaining Exempt with OT Rate Change

Job Code	Job Title	Emps	Union	FLSA	New FLSA	OT Rate	New Rate
74291	CONTRACTS & SERVICES OFFICER	1	SES	E	E	1.5	0
86119	IT SUPV BUSINESS SYS ANALYST	1	SES	E	E	1.5	0
79717	M.H. SERVICE SUPV-A	1	SES	E	E	1	0
78345	NUTRITIONIST	1	SE2	E	E	1.5	0
74090	OFFICE ON AGING PRGM SPEC I	4	SES	E	E	1.5	0
74091	OFFICE ON AGING PRGM SPEC II	4	SES	E	E	1.5	0
73952	REGISTERED NURSE II	1	SE8	E	E	1.5	0
73953	REGISTERED NURSE III	1	SE8	E	E	1.5	0
79880	SOCIAL SERVICES SUPERVISOR II	1	SES	E	E	1.5	0
79875	SOCIAL SERVICES WORKER III	4	SE2	E	E	1.5	0
79876	SOCIAL SERVICES WORKER IV	4	SE2	E	E	1.5	0
79878	SOCIAL SERVICES WORKER V	7	SE2	E	E	1.5	0
77413	SR ACCOUNTANT	2	SE2	E	E	1.5	0
74106	ADMIN SERVICES ANALYST II	7	SE2	E	E	1	0
74199	ADMIN SERVICES SUPV	4	SES	E	E	1	0
86155	IT NETWORK ADMIN III	1	SE2	E	E	1.5	0
74922	PRINCIPAL REAL PROPERTY AGENT	2	SE2	E	E	1.5	0
77413	SR ACCOUNTANT	1	SE2	E	E	1.5	0
73539	SR ENVIRONMENTAL PLANNER	1	SE2	E	E	1.5	0
77416	SUPV ACCOUNTANT	2	SES	E	E	1.5	0
76606	SUPV FACILITIES PROJECT MGR	3	SES	E	E	1	0
74920	SUPV REAL PROPERTY AGENT	2	SES	E	E	1.5	0
74106	ADMIN SERVICES ANALYST II	1	SE2	E	E	1	0
86101	IT APPS DEVELOPER II	1	SE2	E	E	1.5	0
86153	IT NETWORK ADMIN II	2	SE2	E	E	1.5	0
77413	SR ACCOUNTANT	1	SE2	E	E	1.5	0
74105	ADMIN SERVICES ANALYST I	5	SE2	E	E	1	0
86103	IT APPS DEVELOPER III	5	SE2	E	E	1.5	0
86115	IT BUSINESS SYS ANALYST II	5	SE2	E	E	1.5	0
86117	IT BUSINESS SYS ANALYST III	4	SE2	E	E	1.5	0
86121	IT COMMUNICATIONS ANALYST II	3	SE2	E	E	1.5	0
86124	IT COMMUNICATIONS ANALYST III	22	SE2	E	E	1.5	0
86138	IT DATABASE ADMIN II	1	SE2	E	E	1.5	0
86139	IT DATABASE ADMIN III	2	SE2	E	E	1.5	0
86153	IT NETWORK ADMIN II	1	SE2	E	E	1.5	0
86155	IT NETWORK ADMIN III	2	SE2	E	E	1.5	0
86119	IT SUPV BUSINESS SYS ANALYST	1	SES	E	E	1.5	0
86125	IT SUPV COMMUNICATIONS ANALYST	3	SES	E	E	1.5	0
86135	IT SUPV COMMUNICATIONS TECH	3	SES	E	E	1.5	0
86140	IT SUPV DATABASE ADMIN	1	SES	E	E	1.5	0
86157	IT SUPV NETWORK ADMIN	1	SES	E	E	1.5	0
86167	IT SUPV SYSTEMS ADMINISTRATOR	5	SES	E	E	1.5	0
86164	IT SYSTEMS ADMINISTRATOR II	3	SE2	E	E	1.5	0
86165	IT SYSTEMS ADMINISTRATOR III	10	SE2	E	E	1.5	0
86195	IT WEB DEVELOPER II	2	SE2	E	E	1.5	0
76431	RADIO COMMUNICATIONS ENG I	2	SE2	E	E	1.5	0
76429	RADIO COMMUNICATIONS ENG II	2	SE2	E	E	1.5	0
77413	SR ACCOUNTANT	2	SE2	E	E	1.5	0
85055	ACCOUNTANT II - PARKS	2	SPG	E	E	1.5	0
85046	ADMIN SERVICES SUPV - PARKS	1	SPS	E	E	1.5	0

Remaining Exempt with OT Rate Change

Job Code	Job Title	Emps	Union	FLSA	New FLSA	OT Rate	New Rate
85010	CURATOR OF HISTORY - PARKS	1	SPG	E	E	1.5	0
85062	PARK PLANNER	4	SPG	E	E	1.5	0
85063	SR PARK PLANNER	2	SPS	E	E	1.5	0
74106	ADMIN SERVICES ANALYST II	2	SE2	E	E	1	0
77409	BUDGET/REIMBURSEMENT ANALYST	1	SE2	E	E	1	0
80089	ADMIN SERVICES ANALYST II-WRMD	1	SW2	E	E	1	0
80010	ASSOC CIVIL ENGINEER - WRMD	1	SW2	E	E	1.5	0
80066	ASSOC ENGINEER - WRMD	1	SW2	E	E	1.5	0
80064	ASST ENGINEER - WRMD	1	SW2	E	E	1.5	0
80102	IT NETWORK ADMIN III - WRMD	1	SW2	E	E	1.5	0
80105	IT WEB DEVELOPER III - WRMD	1	SW2	E	E	1.5	0
80081	URBAN/REGIONAL PLANNER IV-WRMD	1	SW2	E	E	1.5	0
74106	ADMIN SERVICES ANALYST II	5	SE2	E	E	1	0
76424	ASSOC CIVIL ENGINEER	16	SE2	E	E	1.5	0
76618	ASSOC ENG-AIR/WTR QLTY CONT-RE	1	SE2	E	E	1.5	0
76617	ASSOC ENG-AIR/WTR QLTY CONTROL	1	SE2	E	E	1.5	0
76423	ASSOC ENGINEER	2	SE2	E	E	1.5	0
76421	ASST ENGINEER	3	SE2	E	E	1.5	0
86103	IT APPS DEVELOPER III	1	SE2	E	E	1.5	0
86119	IT SUPV BUSINESS SYS ANALYST	1	SES	E	E	1.5	0
86140	IT SUPV DATABASE ADMIN	1	SES	E	E	1.5	0
86164	IT SYSTEMS ADMINISTRATOR II	2	SE2	E	E	1.5	0
66531	OPS & MAINT SUPERINTENDENT	1	SES	E	E	1	0
77413	SR ACCOUNTANT	1	SE2	E	E	1.5	0
76425	SR CIVIL ENGINEER	13	SES	E	E	1	0
76484	SR LAND SURVEYOR	2	SES	E	E	1	0
76403	SUPV LAND SURVEYOR	2	SES	E	E	1	0
74920	SUPV REAL PROPERTY AGENT	1	SES	E	E	1.5	0
74106	ADMIN SERVICES ANALYST II	1	SE2	E	E	1	0
74152	COMMUNITY PRGM SPECIALIST II	5	SE2	E	E	1.5	0

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