

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



ITEM
3.19
(ID # 2861)

MEETING DATE:
Tuesday, November 15, 2016

FROM : HUMAN RESOURCES:

SUBJECT: HUMAN RESOURCES: Human Resources recommendations regarding the Department of Labor's final ruling of FLSA standard regulations; and amend Ordinance No. 440 pursuant to Resolution No. 440-9046. [District- All] [Total Cost - \$4,820] [Source of Funds-Departmental Budgets]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve the recommended salary adjustments for seventeen (17) job classifications affected by the Department of Labor's final ruling of FLSA standard regulations; and amend Ordinance No. 440 pursuant to Resolution No. 440-9046.

ACTION: Policy


Michael Stock, Assistant CEO/Director of Human Resources 11/7/2016


FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost
COST	\$2,662	\$2,158	\$4,820	
NET COUNTY COST	\$799	\$647	\$1,446	
SOURCE OF FUNDS: Departmental Budgets			Budget Adjustment:	No
			For Fiscal Year:	16/17

C.E.O. RECOMMENDATION: [CEO use]

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Ashley, seconded by Supervisor Jeffries and duly carried, IT WAS ORDERED that the above matter is approved as recommended and that Resolution 440-9046 is adopted as recommended.

Ayes: Jeffries, Benoit and Ashley
Nays: None
Absent: Tavaglione, Washington
Date: November 15, 2016
xc: HR, Co.Co.

Keqia Harper-Ihem
Clerk of the Board
By: 
Deputy

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BACKGROUND:

Summary

The Fair Labor Standards Act (FLSA) of 1938, under Section 13(a)(1), requires that most employees receive at least the federal minimum wage for all hours worked and overtime pay at time and one-half the regular rate of pay for all hours worked over 40 hours in a workweek.

The Department of Labor's (DOL) final ruling to the FLSA standard regulations, will extend overtime protection by defining and delimiting the exemption status for FLSA eligible executive, administrative, and professional (EAP) employees by raising the minimum salary thresholds from \$23,660 annually to \$47,476 annually, effective December 1, 2016 with future automatic updates to the threshold scheduled to occur every three years, beginning on January 1, 2020.

BACKGROUND:

Summary (continued)

Riverside County Human Resources conducted a review of the County of Riverside's (COR's) Classification Plan to identify those job classifications impacted by the DOL's final ruling.

This review was to validate and ensure existing job classifications that are exempt from FLSA overtime meet the new regulatory requirements. Generally, the FLSA standard requirements test must meet the following EAP exemption criteria: 1) Must be paid a predetermined and fixed salary that is not subject to reduction due to variations in the quality or quantity of work performed (salary basis test); 2) amount of salary paid must meet a minimum specified amount (salary level test); and 3) job duties of the employee must primarily involve executive, administrative, or professional duties as defined by the regulations (duties test).

The EAP duties tests differ for each category of exemption as follows:

Exempt Executives: Must be compensated on a salary basis at a rate of not less than \$913 per week or \$47,476 annually and have a primary duty of managing the agency or a department or subdivision of the agency. Exempt executives must also customarily and regularly direct the work of at least two employees and have the authority to hire or fire, or make suggestions and recommendations as to the hiring, firing, or other change of status of employees.

Exempt Administrative: Must be compensated on a salary basis at a rate of not less than \$913 per week or \$47,476 annually and have the primary duty in the performance of office or non-manual work directly related to the management or general business operations of the County or the County's customers. Further, the primary duty of an exempt administrative employee must include the exercise of discretion and independent judgment with respect to matters of significance.

Exempt Professional: Must be compensated on a salary basis at a rate of not less than \$913 per week or \$47,476 annually and have a primary duty of work requiring knowledge of an

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advanced type in a field of science or learning customarily acquired by prolonged, specialized, intellectual instruction and study, or work as a computer systems analyst, computer programmer, software engineer, or other similarly-skilled worker in the computer field. Exempt professional employees must also perform work requiring the consistent exercise of discretion and judgment.

The FLSA standard test review conducted by Human Resources, found seventeen (17) FLSA Exempt job classifications impacted by the DOL's final ruling. The recommendation is to adjust the annual base salary minimum to \$47,476 or slightly above for the job classifications listed in Attachment A, to ensure regulatory compliance with updated FLSA standard requirements, maintaining exemption status. The following recommended salary adjustments shall be effective the first pay period following the approval of this Form 11:

Administrative Services Analyst I - CE: From salary plan grade MCO 180/L18 (\$42,407 to \$66,837) to MCO 227/L13 (\$48,580 to \$66,837), adjusting the minimum salary to meet FLSA regulatory standard requirements. There are currently no incumbents assigned to this job classification.

Assistant CEO Executive Assistant: From salary plan grade MCO 101/L0 (\$21,107 to \$82,372) to MC2 105/L0 (\$47,476 to \$82,372), adjusting the minimum salary to meet FLSA regulatory standard requirements. It is recommended that the two incumbents currently assigned to this job classification maintain their current salary.

CEO Executive Assistant: From salary plan grade MCO 101/L0 (\$21,107 to \$82,372) to MC2 105/L0 (\$47,476 to \$82,372), adjusting the minimum salary to meet FLSA regulatory standard requirements. It is recommended that the one incumbent currently assigned to this job classification maintain their current salary.

Deputy Clerk of the Board: From salary plan grade MCO 179/L16 (\$43,010 to \$63,873) to MCO 223/L12 (\$47,758 to \$63,873), adjusting the minimum salary to meet FLSA regulatory standard requirements. It is recommended that the two incumbents currently assigned to this job classification maintain their current salary.

Executive Assistant I: From salary plan grade MCO 177/L16 (\$41,973 to \$62,296) to MCO 224/L11 (\$47,795 to \$62,296), adjusting the minimum salary to meet FLSA regulatory standard requirements. It is recommended that twelve incumbents currently assigned to this job classification maintain their current salary and one incumbent receive an increase of approximately 8.1%.

Executive Assistant I – At-Will: From salary plan grade MCO 177/L16 (\$41,973 to \$62,296) to MCO 224/L11 (\$47,795 to \$62,296), adjusting the minimum salary to meet FLSA regulatory standard requirements. It is recommended that the one incumbent currently assigned to this job classification maintain their current salary.

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Executive Assistant I – Parks: From salary plan grade PKM 100/L16 (\$41,973 to \$62,296) to PKM 104/L11 (\$47,795 to \$62,296), adjusting the minimum salary to meet FLSA regulatory standard requirements. It is recommended that the one incumbents currently assigned to this job classification maintain their salary.

Executive Assistant II: From salary plan grade MCO 205/L16 (\$45,339 to \$67,374) to MCO 225/L14 (\$47,795 to \$67,374), adjusting the minimum salary to meet FLSA regulatory standard requirements. It is recommended that the twenty incumbents currently assigned to this job classification maintain their current salary.

Executive Assistant II – At-Will: From salary plan grade MCO 205/L16 (\$45,339 to \$67,374) to MCO 225/L14 (\$47,795 to \$67,374), adjusting the minimum salary to meet FLSA regulatory standard requirements. It is recommended that the one incumbent currently assigned to this job classification maintain their current salary.

Grand Jury Secretary: From salary plan grade MCO 205/L16 (\$45,339 to \$67,374) to MCO 225/L14 (\$47,795 to \$67,374), adjusting the minimum salary to meet FLSA regulatory standard requirements. It is recommended that the one incumbent currently assigned to this job classification maintain their current salary.

Local Government Analyst I: From salary plan grade MCO 211/L15 (\$46,553 to \$67,374) to MCO 225/L14 (\$47,795 to \$67,374), adjusting the minimum salary to meet FLSA regulatory standard requirements. There are currently no incumbents assigned to this job classification.

Operations and Maintenance Supervisor: From salary plan grade WMM 113/L15 (\$47,424 to \$68,635) to WMM 113/L15 (\$47,476 to \$68,675), adjusting the salary range to meet FLSA regulatory standard requirements. It is recommended that the two incumbents currently assigned to this job classification receive a .1% salary increase.

Nutritionist - CE: From salary plan grade MCO 204/L18 (\$45,432 to \$71,659) to MCO 226/L16 (\$48,076 to \$71,659), adjusting the minimum salary to meet FLSA regulatory standard requirements. There are currently no incumbents assigned to this job classification.

Pharmacy Resident - First Year-E: From salary plan/grade EXE 159/L1 (\$46,897) to EXE 163/L1 (\$47,476), adjusting the salary to meet FLSA regulatory standard requirements. It is recommended that the two incumbents currently assigned to this job classification receive a 1.2% salary increase.

Physician Assistant Fellowship: From salary plan/grade PHY 100/L1 (\$37,698) to PHY 101/L1 (\$47,476), adjusting the salary to meet FLSA regulatory standard requirements. There are currently no incumbents assigned to this job classification.

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Volunteer Services Program Manager: From salary plan/grade MRP 143/18 (\$45,777 to \$71,650) to MRP 171/L16 (\$48,243 to \$71,650), adjusting the minimum salary to meet FLSA regulatory standard requirements. It is recommended that the three incumbents currently assigned to this job classification maintain their current salary.

Volunteer Services Program Manager – Parks: From salary plan grade PMRP 104/L18 (\$45,777 to \$71,650) to PMRP 105/L16 (\$48,243 to \$71,650), adjusting the minimum salary to meet FLSA regulatory standard requirements. It is recommended that the one incumbent currently assigned to this job classification maintain their current salary.

Impact on Residents and Businesses

The required increases in salary are solely based on the update to the FLSA regulatory standard requirements. The impact on residents or businesses is minimal.

ATTACHMENT A. Resolution No. 440-9046

1 RESOLUTION NO. 440-9046

2
3 BE IT RESOLVED by the Board of Supervisors of the County of Riverside, State of California, in
4 regular session assembled on November 15, 2016, that pursuant to Section 8(c) of Ordinance No. 440, the
5 Assistant County Executive Officer/Human Resources Director is authorized to amend the Class and
6 Salary Listing of Ordinance No. 440, operative the beginning of the pay period following approval, as
7 follows:

8 Job		From Salary	To Salary
9 Code	Class Title	Plan/Grade	Plan/Grade
74088	Administrative Services Analyst I - CE	MCO 180/L18	MCO 231/L13
13938	Assistant CEO Executive Assistant	MCO 101/L0	MC2 105/L0
13939	CEO Executive Assistant	MCO 101/L0	MC2 105/L0
13901	Deputy Clerk of the Board	MCO 179/L16	MCO 223/L12
13925	Executive Assistant I	MCO 177/L16	MCO 224/L11
13944	Executive Assistant I - At-Will	MCO 177/L16	MCO 224/L11
85011	Executive Assistant I - Parks	PKM 100/L16	PKM 104/L11
13926	Executive Assistant II	MCO 205/L16	MCO 225/L14
13945	Executive Assistant II - At-Will	MCO 205/L16	MCO 225/L14
81038	Grand Jury Secretary	MCO 205/L16	MCO 225/L14
74816	Local Government Analyst I	MCO 211/L15	MCO 225/L14
78343	Nutritionist - CE	MCO 204/L18	MCO 226/L16
80058	Operations & Maintenance Supervisor - WRMD	WMM 113/L15	WMM 113/L15
73623	Pharmacy Resident - First Year-E	EXE 159/L1	EXE 163/L1
73978	Physician Assistant Fellowship	PHY 100/L1	PHY 101/L1
79785	Volunteer Services Program Manager	MRP 143/L18	MRP 171/L16
85083	Volunteer Services Program Manager - Parks	PMRP 104/L18	PMRP 105/L16

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2 **RESOLUTION 440-9046**

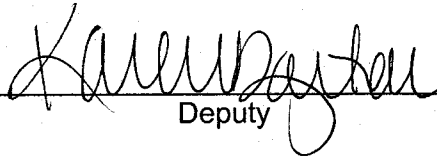
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4 ADOPTED by Riverside County Board of Supervisors on November 15, 2016.

5 ROLL CALL:

6
7 Ayes: Jeffries, Benoit and Ashley
8 Nays: None
9 Absent: Tavaglione and Washington

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11 The foregoing is certified to be a true copy of a resolution duly adopted by said Board of
12 Supervisors on the date therein set forth.

13 KECIA HARPER-IHEM, Clerk of said Board

14 By: 
15 Deputy

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