

ORDINANCE NO 9943 (NEW SERIES)

AN ORDINANCE AMENDING THE COMPENSATION ORDINANCE  
RELATING TO TENTATIVE AGREEMENT PENDING RATIFICATION FOR ONE BARGAINING UNIT  
REPRESENTED BY THE SUPERVISING PROBATION OFFICERS' ASSOCIATION  
TO TAKE EFFECT IMMEDIATELY.

The Board of Supervisors of the County of San Diego ordains as follows:

**Section 1.** Subsection (g) (2) of Section 1.5.1 of the Compensation Ordinance is hereby amended to read as follows:

SECTION 1.5.1: WORK PERIODS

(g) Rest Periods.

- (2) Employees are normally allowed rest periods within working hours restricted to fifteen (15) minutes during each four (4) hours worked. Rest periods shall be taken in accordance with the needs of the Department.

Eligible Classes: Classes designated PO and SO.

**Section 2.** Subsection (g) (3) of Section 1.6.2 of the Compensation Ordinance is hereby amended to read as follows:

SECTION 1.6.2: OVERTIME AND FLSA/NON-FLSA COMPENSATORY TIME.

(g) Method of Calculation

(3) Exclusion of Leave from Hours Actually Worked for Overtime Purposes.

- (a) Classes Designated AE, CL, FS, MM, PR, PS and SS. Any absence including, but not limited to, paid sick leave, disability leave, bereavement leave, vacation, holiday, jury duty, reporting for a draft board, compensatory time off or the investigation, preparation or presentation of a grievance, or other release time granted for an employee to engage in lawful employee organization activity, or unpaid work furlough or any other paid or unpaid time off which may be infrequent, sporadic or unpredictable, shall not be counted as hours actually worked during a work period when establishing eligibility for any type of overtime compensation. (MM classes listed in the chart above are eligible for Holidays to count as time worked (See chart: 1.6.2(g)(4)(h) below: Hours Counted as Hours Worked for Overtime Purposes Non-Exempt Employees.)
- (b) Classes Designated CM and CR. Any absence including, but not limited to, paid sick leave, disability leave, bereavement leave, vacation, jury duty, reporting for a draft board, compensatory time off or the investigation, preparation or presentation of a grievance, or other release time granted for an employee to engage in lawful employee organization activity, or unpaid work furlough or any other paid or unpaid time off which may be infrequent, sporadic or unpredictable, shall not be counted as hours actually worked during a work period when establishing eligibility for any type of overtime compensation.
- (c) Classes Designated HS. Any absence including, but not limited to, paid sick leave, disability leave, vacation, holiday, jury duty, reporting for a draft board, compensatory time off or the investigation, preparation or presentation of a

grievance, or other release time granted for an employee to engage in lawful employee organization activity, or unpaid work furlough or any other paid or unpaid time off which may be infrequent, sporadic or unpredictable, shall not be counted as hours actually worked during a work period when establishing eligibility for any type of overtime compensation.

- (d) Classes Designated PO and SO. Any absence including, but not limited to, paid sick leave, disability leave, bereavement leave, vacation, holiday, jury duty, reporting for a draft board, compensatory time off, or unpaid work furlough or any other paid or unpaid time-off which may be infrequent, sporadic or unpredictable shall not be counted as hours actually worked during a work period when establishing eligibility for any type of overtime compensation.
- (e) Classes Designated RN. Any absence including, but not limited to, paid sick leave, disability leave, vacation, holiday, reporting for a draft board, compensatory time off or the investigation, preparation or presentation of a grievance, or other release time granted for an employee to engage in lawful employee organization activity, or unpaid work furlough or any other paid or unpaid time off which may be infrequent, sporadic or unpredictable, shall not be counted as hours actually worked during a work period when establishing eligibility for any type of overtime compensation.
- (f) Classes Designated SW. Any absence including, but not limited to, paid sick leave, disability leave, bereavement leave, vacation, holiday, jury duty, reporting for a draft board, compensatory time off, or unpaid work furlough or any other paid or unpaid time-off which may be infrequent, sporadic or unpredictable shall not be counted as hours actually worked during a work period when establishing eligibility for any type of overtime compensation.

**Section 3.** Subsection (g) (4) (c) of Section 1.6.2 of the Compensation Ordinance is hereby amended to read as follows:

SECTION 1.6.2: OVERTIME AND FLSA/NON-FLSA COMPENSATORY TIME.

(g) Method of Calculation

(4) Hours Counted as Time Worked for Overtime Purposes.

- (c) For employees in classes designated PO, SO and SW, investigation, preparation or presentation of a grievance and authorized release time for negotiations shall count as hours worked for overtime purposes.

**Section 4.** Section 1.6.3 of the Compensation Ordinance is hereby amended to read as follows:

SECTION 1.6.3: CALL-BACK.

(a) Definition.

- (1) Work required of an employee who, following the completion of the employee's work day and departure from the employee's work site, is ordered to report back to duty to perform necessary work. To qualify for this call-back provision, the employee must leave the place from which the employee is called and actually report to a work site. Neither changes in a shift or work schedule when at least fifteen (15) hours advanced notice is given, nor service performed on a regular standby shift, or from a voluntary listing on an

available list shall constitute call-back work. Upon mutual agreement between the employee and the appointing authority, call-back overtime hours actually worked may be used to delay the start of the next work day.

Eligible Classes: Classes designated AE, CL, CM, CR, DI, DM, FS, HS, MM, PO, PR, PS, RN, SO and SS.

- (2) DS and SW Classes. The appointing authority may on occasion find it necessary to contact an employee who is off duty and order the employee to report back to the work site to perform necessary services. To qualify for regular call-back compensation, they must have left the work site and be required to physically report back to a work site. Upon mutual agreement between the employee and the appointing authority, call-back overtime hours actually worked may be used to delay the start of the next work day.

- (b) Court Call-Back. Call back shall also include an order to appear before a court where the employee is representing the County and not on his/her regular shift.

Eligible Classes: Classes designated AE, CL, CM, CR, DI, DM, FS, HS, MM, PO, PR, PS, RN, SO and SS.

- (1) The Court may subpoena an employee to appear in Court on official business at a time which is outside the employee's regular work schedule. In addition, the prosecuting attorney may require the employee's presence to prepare its case at a time which is outside the employee's work schedule. To be eligible for court call-back, the employee must be required to respond to the Court's subpoena by appearing in court on County business outside the employee's regular work schedule.

Eligible Classes: Classes designated DS.

- (2) The Court may subpoena an employee to appear in Court on official business at a time which is outside the employee's regular work schedule. To be eligible for court call-back, the employee must be required to respond to the Court's subpoena by appearing in court on County business outside the employee's regular work schedule.

Eligible Classes: Classes designated SW.

- (c) Compensation/Calculation of Call-Back.

- (1) An employee who is called back as defined above, shall receive a minimum of three (3) hours time-and-one-half pay or comp time at time and one-half for a minimum of three (3) hours. The decision to pay for overtime worked in cash or compensatory time off shall be the sole discretion of the appointing authority, and is non-appealable by the employee.

Eligible Classes: Classes designated AE, CL, CM, CR, FS, HS, MM, PR, PS, RN, and SS.

- (2) Actual work performed in excess of three (3) hours shall be compensated as overtime at the same rate as such employees receive for scheduled overtime compensation, not subject to Section 1.6.2(g) (Method of Calculation).

Eligible Classes: Classes designated AE, CL, CM, CR, FS, HS, MM, PR, PS, RN, and SS.

- (3) DI and DM Classes.

(a) An employee who is called back shall receive a minimum of three (3) hours time and one-half pay.

(b) Actual work performed in excess of three (3) hours and not part of a regular work shift shall be compensated as overtime if the employee has actually worked more than eighty (80) hours inclusive of call-back work, in the work period.

(4) DS Classes.

(a) Compensation for each call-back shall be based on a minimum of three (3) hours pay at time and one-half, even if the employee worked less than three (3) hours during the call-back.

(b) Employees, who are called back to appear in court shall be compensated for a minimum of three (3) hours pay at time-and-one-half or time actually spent in court, whichever is greater. When the court appearance requires attendance over the lunch hour, that period shall be considered as time worked.

(c) Changes in a shift or work schedule, when at least fifteen (15) hours advance notice is given, shall not constitute call-back work.

(5) CE, CEM and SW Classes.

(a) Compensation for each call-back shall be based on a minimum of three (3) hours pay at time and one-half, even if the employee worked less than three (3) hours during the call-back.

(b) Time worked in excess of three (3) hours shall be compensated in accordance with Section 1.6.2 (Overtime FLSA/NON-FLSA Compensatory Time), except for CE and CEM, with a biweekly rate of pay which, at the top step, does not exceed \$2,144.00.

(6) PO and SO Classes.

(a) Employees who are called back shall be compensated at time and one-half (1½) cash for a minimum of three (3) hours when called back.

(b) Employees who are called back are entitled to full call back compensation, irrespective of paid time off, for all hours worked outside of the normal shift.

(7) Medical Examiner Investigators. Medical Examiner Investigators contacted by the department during standby shifts and required to perform services without leaving their place of contact shall receive credit for a minimum of one hour at time-and-one-half pay. Only one call-back is applicable for each standby shift.

Eligible Classes:

5740	Medical Examiner Investigator II
5741	Medical Examiner Investigator I

(d) Additional Assignment While on Call-Back.

(1) An employee who is contacted while serving call-back work and is called to another site for additional duties, shall not be compensated for a second or subsequent call-back for this assignment. However, if the employee has left that work site, or sites, and is actually

returning, or has returned, to his/her original point of contact, and is then called back again, the employee shall be compensated for an additional callback.

Eligible Classes: Classes designated AE, CL, DI, DM, FS, MM, PR, PS, and SS.

- (2) An employee called back again during the 3-hour period of an initial call-back, shall be compensated for three (3) hours of call-back duty only, except that if the second or subsequent call-back adds time worked beyond the initial three (3) hours, this time shall be compensated in accordance with Section 1.6.2 Scheduled Overtime. Upon expiration of the first three (3) hours of a call-back, and provided the employee has gone off duty and left the work site, an additional call-back shall be compensated as for the initial call-back.

Eligible Classes: Classes designated SW.

- (e) Work Performed/Overtime at Place of Contact. An employee contacted by the department during his/her off-duty hours and required to perform services without leaving the place of contact, shall receive compensation for such time worked in the same manner such employees receive scheduled overtime compensation. To be eligible for such compensation, employees must be authorized and ordered by the department to perform such services.

Eligible Classes: Classes designated AE, CL, CR, CM DI, DM, FS, HS, MM, PR, PS, RN and SS.

- (f) Employees called back to duty shall, except for emergency situations, be given eight (8) hours rest in the 24-hour period which began at the start of their last normal shift. When an employee's next normal shift must be rescheduled to provide this eight (8) hours rest, non-routine shift change premium shall not be applicable.

Eligible Classes: Classes designated AE, CL, DI, DM, FS, HS, MM, PR, PS, RN SS and SW.

**Section 5.** Section 1.7.32 of the Compensation Ordinance is hereby amended to read as follows:

SECTION 1.7.32: ARMED UNIT DIFFERENTIAL Eligible employees assigned to a position in an Armed Unit that requires the carrying of a firearm shall be paid at a rate which is two and one-half (2.5%) percent higher than their hourly rate. This premium shall be paid for time worked only and shall not apply toward terminal payoff.

Eligible Classes:

5065	Deputy Probation Officer
5068	Correctional Deputy Probation Officer I
5069	Correctional Deputy Probation Officer II
5090	Senior Probation Officer
5115	Supervising Probation Officer

**Section 6.** Subsection (a) of Section 1.13.4 of the Compensation Ordinance is hereby amended to read as follows:

SECTION 1.13.4: JUVENILE PROBATION INSTITUTIONS MAINTENANCE AND MEALS.

- (a) The following employees regularly assigned to Juvenile Institutions shall be furnished meals served during the scheduled work day as part of their compensation: (005090) Senior Probation Officers, (005065) Deputy Probation Officers, (005068, 005069) Correctional Deputy Probation Officers and Supervising Probation Officers (005115).

**Section 7.** Subsection (b) of Section 1.13.7 of the Compensation Ordinance is hereby amended to read as follows:

SECTION 1.13.7: CANINE ALLOWANCE.

- (b) The appointing authority may designate an employee to keep and maintain a dog for use in the Probation Department's canine program. For employees so designated who do actually maintain a County owned dog, the County will pay all costs concerning veterinary costs, food, supplies, dog shelter and any other approved expense relating to the maintenance of the dog. Employees who are compensated under this provision shall keep all required immunizations and licenses current for the dog.

Eligible Classes: Classes designated PO and SO.

**Section 8.** Subsection (g) (2) (b) of Section 4.2.1 of the Compensation Ordinance are hereby amended to read as follows:

SECTION 4.2.1: VACATION.

- (g) Maximum Vacation Accumulation

- (2) Maximum Allowable Accumulation (Maximum Balance).

- (b) The County shall provide a one-time notification to employees who have reached eighty percent (80%) of their Maximum Balance. For employees designated SO, The County shall provide quarterly notification to employees who have reached eighty (80%) of their Maximum Balance. Employees who subsequently reduce their balance below eighty percent (80%) will be notified again on a one-time basis upon reaching eighty percent (80%) of their Maximum Balance

**Section 9.** Subsection (i) (1) of Section 4.2.1 of the Compensation Ordinance is hereby amended to read as follows:

SECTION 4.2.1: VACATION.

- (i) Vacation Credits at Separation from County Service

- (1) Separation from County Service. At the time an employee is separated from the County service, the monetary value of all vacation entitlement shall be paid, except for subsection (a) below.

- (a) No vacation credits shall be eligible for terminal payment until the employee has completed a minimum of one (1) year of continuous paid service in his/her current employment except when the separation is because of layoff.

Eligible Classes: Classes designated AE, AM, AS, CC, CL, CM, CR, CS, DA, DI, DM, DS, FS, HS, MM, PD, PM, PO, PR, PS, RN, SM, SO, SS and SW.

- (b) Vacation credits shall be eligible for terminal payment as earned.

Eligible Classes: Classes designated CE, CEM, EM, MA, NA, NE, NM, NS and UM.

**Section 10.** Subsections (c) (4) and (d) of Section 4.2.5 of the Compensation Ordinance is hereby amended to read as follows:

**SECTION 4.2.5: COURT LEAVE AND JURY DUTY.**

- (c) Court Leave shall be limited to:
  - (4) Employees in classes designated AS, AM, CC, CS, DA, PO, SO and SW. Leave is granted for the time the employee is in attendance at court together with reasonable travel time between court and the employee's work location. If attendance at court is for less than a full day, the employee is to return to work, provided that adequate time exists prior to the end of the employee's regular work shift for the employee to so return.
- (d) Release Time (PO and SO Units).
  - (1) Employees assigned to jury duty must provide notice to management within three (3) working days of receipt of the jury summons.
  - (2) An employee selected as a juror may request a change in regularly scheduled working hours to a Monday through Friday day shift, or other mutually agreed schedule for the duration of such jury duty. Such requests shall be granted if practicable. Non-routine shift change compensation shall not apply to such reassignment

**Section 11.** Subsection (a) (7) of Section 4.2.13 of the Compensation Ordinance is hereby amended to read as follows:

**SECTION 4.2.13: CATASTROPHIC LEAVE PROGRAM.**

- (a) Definition
  - (7) Sick Leave Credits. Employees in classes designated AE, AM, AS, CC, CE, CEM, CL, CM, CR, CS, DA, EM, FS, HS, MA, MM, NA, NE, NM, NS, PD, PM, PO, PR, PS, RN, SO and UM are eligible to donate up to 24 hours of sick leave credits annually when participating in this program

**Section 12.** Subsection (d) (8) of Section 5.1.6 of the Compensation Ordinance is hereby amended to read as follows:

**SECTION 5.1.6: FLEXIBLE BENEFITS PLAN.**

- (d) County Contributions Toward Flexible Benefit Plan. Insurance premium costs shall be borne by the employee excepting that the County shall make the following contribution toward the Flexible Benefits Plan (which includes health insurance). The employee's insurance premium costs will be reduced by the amount the employee elects to distribute to his or her insurance premium costs from the County's contribution toward the Flexible Benefits Plan. The County's contribution toward the Flexible Benefits Plan shall be:

- (8) Employees in classes designated under the SO Benefit Program.

<u>Effective June 20, 2008:</u>	Monthly
Employee Only	\$ 361.00
Employee + 1 Dependent	529.00
Employee + 2 or More Dependents	739.00

Effective January 1, 2009:

Monthly

Employee Only

\$ 397.00

Employee + 1 Dependent

582.00

Employee + 2 or More Dependents

813.00



**Section 13.** Effective Date. Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 of this ordinance affects compensation and shall take effect upon adoption. Within fifteen days after the date of adoption of this ordinance, a summary shall be published once with the name of those members voting for and against the same in the newspaper of general circulation published in the County of San Diego.

**Section 14.** Operative Date. This ordinance shall be operative June 20, 2008.

**PASSED, APPROVED AND ADOPTED** by the Board of Supervisors of the County of San Diego this 24<sup>th</sup> day of June, 2008.