

RESOLUTION OF THE BOARD OF SUPERVISORS
COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA

IN THE MATTER OF AMENDING THE)
MANAGEMENT PERSONNEL BENEFITS POLICY)
FOR MANAGEMENT AND CONFIDENTIAL-) RESOLUTION NO. _____
UNREPRESENTED EMPLOYEES)

WHEREAS, the Board of Supervisors recognizes and values the work that management, confidential-unrepresented employees, and unrepresented attorneys do to assure efficient County operations and quality public service; and

WHEREAS, the Board of Supervisors recognizes the responsibilities inherent in management and confidential-unrepresented and unrepresented attorney assignments and the extraordinary performance required of these employees; and

WHEREAS, the Board of Supervisors desires to publish a Management Personnel Benefits Policy whereby benefits and certain terms and conditions of employment to be afforded the management, confidential-unrepresented employees, and unrepresented attorneys are officially recognized by the Board of Supervisors; and

WHEREAS, by Resolution No. 13-263 the Board of Supervisors set forth the Management Personnel Benefits Policy Resolution for management, confidential-unrepresented employees, and unrepresented attorneys; and

WHEREAS, the Board of Supervisors retains the right at any time to change terms and conditions of employment for employees in these groups; and

WHEREAS, the Board of Supervisors desires to revise this Management Personnel Benefits Policy at this time; and

WHEREAS, through the California Fire and Rescue Mutual Aid System at the request of the California Governor's Office of Emergency Services (Cal OES), Cal FIRE, federal fire agencies, or other fire agencies, Santa Barbara County Fire Department (FIRE) personnel can be assigned to locations throughout California in the event of a local, State, or federal emergency; and

WHEREAS, in the past FIRE has been able to compensate its Battalion Chiefs and Division Chiefs on a portal-to-portal basis with additional compensation, when these personnel are assigned to an emergency incident in the jurisdiction of another fire agency; and

WHEREAS, the State's Office of Emergency Services changed the California Fire Assistance Agreement (CFAA) language to eliminate portal-to-portal reimbursement for affected FIRE personnel effective January 1, 2015, unless a Memorandum of Understanding or governing body resolution is in place that confirms FIRE personnel are compensated on a portal-to-portal basis for all time assigned to an emergency incident;

NOW, THEREFORE, BE IT RESOLVED, that Section Thirteen of Resolution No. 13-263 be amended as follows:

SECTION 13. Additional Compensation

Exempt Classifications

- A. The County shall determine and identify those classifications which are exempt from overtime compensation. The determination shall be in accordance with the requirements of the Fair Labor Standards Act. Classifications which have been designated as exempt shall not receive overtime, except as otherwise provided or in an emergency as provided below.
- B. Regular employees in classifications exempt from overtime compensation and, therefore, not otherwise eligible for overtime pursuant to this resolution shall be paid additional compensation for hours worked during an emergency as follows:
1. No additional compensation shall be paid for hours worked during an emergency for the first twelve (12) hours of such emergency hours worked;
 2. Compensation shall be paid at straight time for the second twelve (12) hours of emergency hours worked; and
 3. Additional compensation shall be paid at the rate of time and one-half for all hours worked in excess of twenty four (24) hours during any such emergency.
- C. Emergency for the purposes of Paragraph B of this Resolution shall mean any of the following:
1. The proclamation of a "local emergency" by the Board of Supervisors or the County Administrator or his/her designee.
 2. The proclamation of a "state of emergency" in Santa Barbara County by the Governor.
 3. The designation of a "limited local emergency" by the County Administrator or his/her designee. "Limited local emergencies" may be designated in writing by the County Administrator or his/her designee due to significant or lengthy emergency situations in Santa Barbara County, or outside the County during mutual aid responses, that require ongoing staff support.
- D. Notwithstanding Paragraph B above, Fire Department employees in the classifications of Battalion Chief and Division Chief who are assigned to a covered emergency shall be paid for all hours assigned to the incident, from the time of their initial deployment from their home base in Santa Barbara County, until the time they return to home base from the incident ("portal to portal").

Non-Exempt Classifications

- A. Overtime for non-exempt employees shall be defined as any time worked in excess of forty (40) hours in a seven day work period, exclusive of standby. Overtime shall be authorized in advance by the department head or his/her designee.
- B. Overtime work is compensable at the rate of time and one-half the regular rate as computed in accordance with the Fair Labor Standards Act. Hours worked shall accrue in increments of tenths (1/10) of an hour (6 minutes), subject to a minimum of two-tenths (2/10) of an hour (12 minutes).
- C. Overtime shall be placed in a Compensatory Overtime account or paid in the pay period in which earned, at the discretion of the department head or his/her designated representative. The maximum allowable balance in the Compensatory Overtime account shall be 240 hours.
- D. If an employee wishes to take compensatory time off, it shall be requested at least 48 hours in advance. Denial of a request for compensatory time off is subject to a determination by the department head that it would unduly disrupt the operations of the department. Compensatory Overtime shall be used before any leave-without-pay is granted pursuant to Rule XIV of the Santa Barbara County Civil Service Rule. A direction to take off compensatory overtime by the department head or his designated representative shall be given to the employee at least forty-eight (48) hours before the time off is to be taken.
- E. Except upon termination of employment, hours in the Compensatory Overtime account as of the last pay period ending prior to June 30 and December 31 shall be paid off in cash based on the employee's regular hourly rate of pay in effect at the time of payment. Payments for compensatory overtime hours are taxable as lump sum payments in accordance with IRS and State Franchise Tax Board regulations and are subject to withholding as required by law. Overtime earned in the pay period in which a cash payoff is made shall not be included in the automatic payoff of the account balance.
- F. Part-time, non-exempt employees who work beyond their regularly scheduled work hours, but less than forty (40) hours in a seven (7) day work period, shall be paid at straight time.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this _____ day of _____, 2015 by the following vote:

AYES:

NOES:

ABSENT:

ATTEST:

MONA MIYASATO
COUNTY EXECUTIVE OFFICER
CLERK OF THE BOARD

ACCEPTED AND AGREED:
COUNTY OF SANTA BARBARA

By: _____
Deputy

By: _____
JANET WOLF
Chair, Board of Supervisors

APPROVED AS TO FORM:
MICHAEL C. GHIZZONI
COUNTY COUNSEL

By: Victoria Parks Little
Deputy