

Memorandum

Date: January 26, 2026

To: Supervisor Bob Nelson, Chair
Supervisor Steve Lavagnino
Supervisor Laura Capps
Supervisor Joan Hartman
Supervisor Roy Lee

From: Bill Brown, Sheriff-Coroner 

Subject: Sheriff's Office Response to the Auditor-Controller's Review and Analysis of FY 2024–25 Sheriff's Office Overtime

CC: Mona Miyasato, County Executive
Betsy M. Schaffer, CPA, CFE, CPFO, Auditor-Controller
Paul Clementi, Budget Director
Kristine Schmidt, Human Resources Director
Rachel Van Mullem, County Counsel



Background

The Sheriff's Office appreciates this opportunity to more fully respond to the Auditor-Controller's Office memorandum entitled "Data Analysis of FY 2024–25 Sheriff's Office Overtime" dated December 12, 2025. We submit this response to clarify key factual and contextual issues and ensure that the Board's deliberations – particularly those related to budget and staffing – are informed with a better understanding of some of the factors that drive Sheriff's Office overtime.

It's important to note that this limited scope analysis of payroll, timesheet, and general ledger data was conducted without consulting the Sheriff's Office, County Employee Relations, County Counsel, or employee bargaining units, and that it did not take into consideration the operational necessities of a chronically understaffed 24/7/365 law enforcement mission. By assessing overtime in isolation from these considerations, the memorandum's observations lack essential context and risk misleading conclusions.

Sheriff's Office overtime usage should be evaluated with an understanding of the following seven key points:

- Minimum staffing requirements
- State and federal regulatory obligations
- Court orders and settlement requirements
- Inmate classification requirements
- Vacancy-driven backfilling
- Impact of training timelines
- Emergency incidents or major criminal investigations

Multiple internal and external studies over the decades have examined Sheriff's Office staffing and come to similar conclusions: even with zero vacancies and no trainees in the academy or initial on-the-job training, the number of funded positions in both patrol and custody remains insufficient to maintain the minimum staffing levels necessary to provide mandated services and reasonable levels of safety for our community members, personnel, and inmates. To bridge these staffing gaps, the Sheriff's Office can use only two tools available to us: the use of overtime and extra-help staff.

That said, the Sheriff's Office is implementing several measures to reduce overtime, including greater use of demand-driven scheduling, addressing key drivers of overtime, targeted service reductions, and strengthened time and attendance management controls. These efforts are already producing positive results: overtime usage decreased by 19,634.33 labor hours (12.8%) when comparing the first fifteen Pay Periods in FY24/25 to the same period in FY25/26.¹ The Sheriff's Office will continue to pursue additional savings, reductions, and efficiencies moving forward.

Management Responses to Specific Observations

Observation 1: Use of Leave Balances to Generate Overtime

The inclusion of certain paid leave categories as "time worked" for overtime calculation purposes is explicitly authorized under Section 15(B) of the Deputy Sheriffs' Association (DSA) Memorandum of Understanding (MOU), which was negotiated by County Employee Relations and approved by the Board of Supervisors.

Observation 2: Overtime Coded First on Timesheets

Overtime eligibility for Sheriff employees represented by the Deputy Sheriffs' Association (DSA) is based on total creditable hours worked within an established 14-day, 80-hour FLSA work period, not by the chronological order in which hours are

¹ 153,223.20 overtime hours in FY24/25; 133,588.87 overtime hours in FY25/26

entered or coded on a timesheet. Neither the FLSA nor the DSA Memorandum of Understanding requires overtime hours to be coded only after regular hours have been recorded within a pay period.

It is also important to recognize that, for many Sheriff's Office employees, their assigned work week does not align with a traditional work week starting on the first Monday of a County pay period. Coding the hours in the order they're actually worked is required to accurately track both overtime and regular hours.

Observation 3: No Limits on Employee Work Hours

The Sheriff's Office acknowledges the importance of monitoring employee work hours to ensure employee wellness, operational safety, and fiscal responsibility.

The memorandum cites instances of workdays exceeding 12, 16, and 19 hours, including limited instances of 24-hour compensated days.

Such extended workdays are typically associated with emergency responses to major incidents and criminal investigations, court-mandated appearances, training combined with operational assignments, employees called to active duty while on stand-by status, and/or "portal-to-portal" compensation provisions required under MOU provisions negotiated by County Employee Relations and approved by the Board of Supervisors.

Generally, we follow our agency's policy which states that *"an employee covered by this policy shall not work more than (18) eighteen hours in a 24-hour period. Exceptions may be authorized by a commander in the event of an unplanned or unforeseen event or an emergency situation."*

The Sheriff's Office appreciates the willingness of certain employees to work a larger amount of overtime. Nevertheless, the agency is currently working on implementing additional methods for Sheriff's management to monitor timecards and employee logged hours.

Observation 4: Mandatory Overtime Shift Length Generally Exceeds Regular Shift Length

In regard to longer shift lengths, the practice of placing custody deputies on stand-by and paying portal to portal if ordered in to work a 12-hour mandatory overtime shift was a negotiated item with the DSA.

The Sheriff's Office agrees with the Auditor-Controller to determine the necessity for mandatory overtime. We are pleased to report that the number of mandatory overtime shifts in our Custody Branch has been reduced this year from 14 shifts down to only 4 shifts per Custody staff for the coming shift rotation.

This reduction stems from lowering our effective vacancy rate. This comes from the support of this Board, including the authorization of the hiring incentives, and the amazing work of the Sheriff's Human Resources Bureau.

Observation 5: Overtime-Exempt Employees with Extra Help Job Assignments

The Sheriff's Office acknowledges the data presented in Observation 5. The assignment of overtime-exempt Sheriff's Office managers – at the rank of Lieutenant through Chief – to perform operational shifts compensated at the lower rate of a Sergeant through the Extra Help account, arose from a mutually agreed-upon Side Letter agreement executed on July 15, 2022, between the Deputy Sheriffs' Association (DSA) and the Sheriff's Management Association (SMA) approved by County labor relations staff.

This Side Letter was implemented during a period of significant staffing shortages and was intended to provide operational flexibility by allowing qualified managers to voluntarily fill critical vacancies when line staffing was insufficient.

Importantly, a recent memorandum from the DSA formally terminating the Side Letter agreement, effective March 1, 2026, confirms that this practice was temporary, intentional, and responsive to staffing conditions, rather than a permanent or uncontrolled workaround.

Observation 6: Operational Need for Compensatory Overtime Account

Prior to the Auditor's memorandum and on May 27, 2025, the Sheriff's Office reaffirmed and strengthened controls governing compensatory overtime usage and stated that Overtime Taken (OTT) is no longer authorized for DSA-represented employees when its use would result in additional overtime costs to backfill the absence, consistent with Section 15(D) of the DSA MOU. With very limited exceptions (e.g., Family and Medical Leave Act usage or documented personal hardship), accrued overtime for most Custody, Law Enforcement, and Judicial Services personnel must be cashed out rather than used to avoid regularly scheduled shifts. Any proposal to eliminate or fundamentally alter this negotiated benefit would require collective bargaining and Board approval.

Observation 7: Employee Overtime Earnings Higher Than Regular Earnings

As previously mentioned, while our agency appreciates the willingness of certain employees to work a larger amount of overtime, the Sheriff's Office understands the importance of monitoring individual overtime usage to mitigate fatigue, manage costs, and ensure employee well-being. Consistent with that responsibility, the Department continues to implement measures to reduce mandatory overtime as staffing improves and to enhance supervisory oversight of overtime assignments.

Some of these measures include:

- Reducing mandatory overtime shifts in the Custody branch from 14 shifts to 4 shifts with the goal of zero in May 2026.
- Continuing with the control governing compensatory overtime usage for DSA-represented employees.
- Increased control and oversight of use of other employee leave balances when overtime is necessary.
- Reviewing and testing demand-based staffing models where applicable.

Observation 8: Newly Hired Employees Also Working Overtime

The auditor-controller's analysis of overtime used by new employees over a **two-year** period did not take into consideration a training timeline of six months to a year for new law enforcement and custody deputies.

It therefore does not differentiate between overtime used during initial training and overtime earned *after* these new employees completed training and joined fully productive staff.

However, the Sheriff's Office has identified instances where the amount of overtime used by newly-hired employees *in training* can be eliminated or substantially reduced without significant mission impact, and it has implemented policies to do so.

Conclusion

The Sheriff's Office remains fully committed to working with the Auditor-Controller, County leadership, employee bargaining units, and the Board of Supervisors to develop a shared, accurate understanding of overtime drivers, reduce reliance on overtime as staffing levels improve, and continue to evaluate scheduling practices to balance operational needs, employee wellness, and fiscal responsibility.

Through incentives such as recruitment bonuses, the County and this Board have helped the Sheriff's Office reduce the number of unfilled funded vacancies to historically low levels.

The Auditor-Controller's analysis in this memorandum, although of limited scope and applicability, is a first step toward meeting that challenge, with the understanding that any further review should take into consideration the relevant nuances and requirements associated with running the county's largest 24/7/365 public safety agency. We are confident that through a more collaborative and informed approach, both the County and the Sheriff's Office can realistically budget and responsibly manage overtime, while still ensuring the continued delivery of safe, lawful, and effective law enforcement and custody services.