

SANTA BARBARA COUNTY BOARD AGENDA LETTER



Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Agenda Number:
Prepared on: 5/24/06
Department Name: Human Resources
Department No.: 064
Agenda Date: 6/06/06
Placement: Administrative
Estimate Time:
Continued Item: NO
If Yes, date from:

TO: Board of Supervisors

FROM: Susan Paul, Assistant CEO/HR Director
568-2817

STAFF CONTACT: Joe Pisano, Sr. HR Analyst
568-2839

SUBJECT: Overtime for Exempt Fire Safety Employees

Recommendation(s):

That the Board of Supervisors:

Adopt a resolution effective June 5, 2006 amending Resolution 05-183 (the Management Personnel Benefits Policy for management and confidential employees) to provide time-and-one-half overtime for Fire Battalion Chiefs and Fire Division Chiefs for all hours worked in a reimbursable overtime event in order to continue receipt of full state and federal reimbursements.

Alignment with Board Strategic Plan:

The recommendation(s) are primarily aligned with Goal No. 2. A Safe and Healthy Community in Which to Live, Work, and Visit.

Executive Summary and Discussion:

The current County policy regarding overtime compensation for exempt employees working in a declared emergency provides that such employees are not paid for the first twelve hours of overtime worked, and are paid at their straight time rate for the next twelve hours. All subsequent hours worked in an emergency are compensated at time-and-one-half the employee's regular rate of pay.

State and Federal agreements allow the County Fire Department to receive reimbursement for overtime costs when Fire Safety Employees respond to emergencies on state and federal lands. Based on the County's current policy, exempt employees and the Fire Department are ineligible to receive compensation available for the first twenty-four hours of a response to emergencies on state and federal lands.

Adhering to the current policy in reimbursable emergencies will cause a net negative financial impact to the Fire Department of approximately \$150,000 per year as the Department will not be able to bill for the first 24 hours of Battalion Chiefs' and Division Chiefs' time on incidents but will still incur full overtime costs in those instances where they backfill behind a Battalion Chief. Amending the policy with regard to the specific circumstances described will avoid this negative financial impact.

Fiscal and Facilities Impacts:

The recommended action will allow the Fire Department to maximize cost recovery for emergencies on state and federal lands and avoid a \$150,000 reduction in annual revenues.

Special Instructions:

Please return one signed copy of the resolution to Sandra Viola, Human Resources Department.

cc: Auditor-Controller
County Counsel
Fire Chief

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

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

WHEREAS, by Resolution No. 05-183 the Board of Supervisors set forth the Management Personnel Benefits Policy for Management and Confidential-Unrepresented Employees; and

WHEREAS, the Board of Supervisors desires to revise this Management Personnel Benefits Policy to provide for overtime for Fire Battalion Chiefs and Fire Division Chiefs for all hours worked in a reimbursable overtime event in order to continue receipt of full state and federal reimbursements;

NOW, THEREFORE, BE IT RESOLVED, and it is the finding and determination of the Board of Supervisors as follows:

Resolution No. 05-183 is amended effective June 5, 2006, as follows:

SECTION 13. OVERTIME

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. Except as specified in Paragraph C below, regular employees in classifications exempt from overtime compensation and, therefore, not otherwise eligible for overtime pursuant to this resolution shall be paid for overtime worked during an emergency as follows:
 - 1. No overtime compensation shall be paid for overtime work during an emergency for the first twelve (12) hours of such emergency overtime work;
 - 2. Overtime compensation shall be paid at straight time for the second twelve (12) hours of emergency overtime work; and

3. Overtime compensation shall be paid at the rate of time and one-half for all hours of overtime worked in excess of twenty four (24) hours during any such emergency.
- C. Notwithstanding Paragraph B above, employees in the classifications of Fire Battalion Chief and Fire Division Chief shall be paid at the rate of time and one-half for all hours of overtime worked in a reimbursable emergency on state and federal lands.
- D. Emergency for the purposes of Paragraphs B and C 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.

Non-Exempt Classifications

- E. 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.
- F. 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).
- G. 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.
- H. 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.
- I. 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.

- J. 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 6th day of June, 2006, by the following vote:

AYES:

NOES:

ABSENT:

Chair, Board of Supervisors

ATTEST:
Michael F. Brown
Clerk of the Board

BY: _____
Deputy Clerk

APPROVED AS TO FORM:

Robert W. Geis, C.P.A.
Auditor-Controller

Stephen Shane Stark
County Counsel

By: _____

By: _____