

*Before the Board of Supervisors
County of Monterey, State of California*

Resolution No.: 23-100

PPPR Control No. 23-017

- a. Amend Personnel Policies and Practices Resolution (PPPR))
No. 98-394 to modify Section V Definitions to add a definition)
for Exempt Classification;)
- b. Amend Personnel Policies and Practices Resolution (PPPR))
No. 98-394 to retitle and modify Section A.8.7 Administrative)
Leave for Overtime Exempt Classes;)
- c. Amend Personnel Policies and Practices Resolution (PPPR))
No. 98-394 to retitle and modify Sections A.8.9 Additional)
Pay for Exempt Employees. A.8.9.1 Emergency Compensation)
for Exempt Classes and A.8.9.2 Declared Local)
Emergency/Disaster – Pay for Exempt Employees;)
- d. Direct the Human Resources Department and Auditor-)
Controller’s Office to implement the changes.)

WHEREAS, the Human Resources Department recommended amendments to the Personnel Policies and Practices Resolution No. 98-394 to clarify the preferred means of compensation for Exempt Employees performing extraordinary work assignments and the process for eligible Exempt Employees to be compensated for extra hours worked for a special assignment outside of their normal job duties during an emergency response; and

WHEREAS, under the Personnel Policies and Practices Resolution Section 8.7 Administrative Leave for Overtime Exempt Classes, overtime exempt employees may be provided paid administrative leave by their appointing authority in lieu of receiving compensation for extraordinary work assignments; and

WHEREAS, the Human Resources Department recommended retitling and modifying Personnel Policies and Practices Resolution Section 8.7 Administrative Leave for Overtime Exempt Classes to clarify what the two (2) days in a pay period equate to for employees who normally work an eight (8) hour shift versus a twelve (12) hour shift; and

WHEREAS, the Human Resources Department recommended retitling Section A.8.9 Additional Pay for Exempt Employees and retitling and modifying the two subsections A.8.9.1 Emergency Overtime for Exempt Classes and A.8.9.2 Declared Local Emergency-Pay for Exempt Employees to clarify the eligibility and process for how the County Administrative Officer may compensate eligible Exempt Employees for extra hours worked when an emergency situation occurs in the County or when there is a declared local, state, or national emergency or disaster; and

WHEREAS, lastly the Human Resources Department recommended adding Exempt Classification as a definition under Section V. Definition; and

WHEREAS, the actions require the Personnel Policies and Practices Resolution No. 98-394 to be amended;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors in and for the County of Monterey as follows:

1. Section V Definitions to add a definition for Exempt Classification of Personnel Policies and Practices Resolution No.98-394 are amended as indicated below:

Exempt Classification

Classifications that are designated as exempt from overtime under the Fair Labor Standards Act (FLSA).

2. A.8.7 Administrative Leave for Overtime Exempt Classes of Personnel Policies and Practices Resolution No. 98-394 are amended as indicated below:

A.8.7 Administrative Leave for Employees in Exempt Classifications

The use of administrative leave with pay is the preferred means to compensate Exempt Employees for extraordinary work assignments. Eligible employees may receive the leave upon approval by their appointing authority or their designee in the event that County operations result in extraordinary work assignments for such employees. Such administrative leave shall not exceed sixteen (16) hours per period, or twenty-four (24) hours per pay period for employees working twelve (12) hour shifts. The County Administrative Officer may approve additional administrative leave with pay, upon written request from an employee's appointing authority showing special circumstances warranting such leave. Such approval shall be given in writing. The provisions of this section shall be administered by the appointing authority but shall in no way establish any right to any type of overtime compensation for Exempt Employees, regardless of whatever records are kept by the appointing authority. Notwithstanding the provision of this section, Exempt Employees may be eligible for extra compensation as set forth in Section A.8.9.

3. Sections A.8.9 Additional Pay for Exempt Employees, A.8.9.1 Emergency Compensation for Exempt Classes, and A.8.9.2 Declared Local Emergency/Disaster – Pay for Exempt Employees of Personnel Policies and Practices Resolution No.98-394 are amended as indicated below:

A.8.9 Additional Pay for Employees in Exempt Classifications

A.8.9.1 Compensation for Employees in Exempt Classifications under Emergency Situation

The provisions of Section 8.7 notwithstanding, Exempt Employees, but not including elected officials or employees in Unit Y, may become eligible to receive compensation for work authorized during specific emergency situations, but not including declared local, state or national emergencies or disasters as described in Section A.8.9.2, which require the extraordinary performance of services by such employees in order to protect life or property or to prevent a disruptive interruption of County services. The County Administrative Officer shall determine when such emergency situation exist. In such emergency situation, eligible Exempt Employees, at the discretion of the County Administrative Officer, may be compensated at the regular hourly-equivalent rate of pay for hours worked in excess of forty (40) hours in a work week or eighty (80) hours in a

pay period. Emergency situation compensation pursuant to this section and at the option of the employee may be accrued as compensatory time off on an hour-for-hour basis or paid in cash at the regular hourly-equivalent rate of pay. Pursuant to the NMC HR MOU Regarding Delegation of HR Functions, the Hospital Chief Executive Officer may approve such action, with concurrence of the County Administrative Officer, for employees employed by Natividad.

A.8.9.2 Compensation for Employees in Exempt Classifications under Disaster or Declared Emergency

Upon and during a declaration of Local Emergency by the County Administrative Officer or Board of Supervisors, or a State or National Emergency declared by the Governor or President and applicable in the County of Monterey, or the occurrence of a Disaster as defined herein, the County Administrative Officer or authorized designee may direct that compensation be paid for extra hours worked by Exempt Employees, but not including elected officials or employees in Unit Y. For purposes of this provision, disaster is defined as a sudden event, such as an accident or a natural catastrophe, that causes great damage or loss of life. Eligible employees will be assigned to provide emergency special services outside of normal job duties for the protection of life, property and environment, or to prevent a significant interruption in County services. In such Emergency or Disaster, eligible Exempt Employees shall be compensated at their regular hourly-equivalent rate of pay for hours worked in excess of forty (40) hours in a work week or eighty (80) hours in a pay period. Compensation under this provision for eligible Exempt Employees shall be processed in accordance with the Administrative Guidelines established by the County Administrative Officer or Human Resources Director.

4. The Human Resources Department and Auditor Controller's Office are directed to implement changes.

PASSED AND ADOPTED on this 21st day of March 2023, by roll call vote:

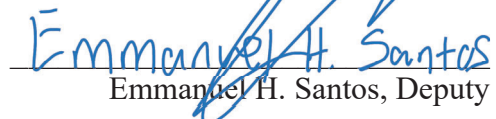
AYES: Supervisors Alejo, Church, Lopez, and Root Askew
NOES: Supervisor Adams
ABSENT: None

Motions Passed 4 to 1

I, Valerie Ralph, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book 82 for the meeting on March 21, 2023.

REVISED Date: March 28, 2023
File ID: RES 23-250
Agenda Item No. 25.1

Valerie Ralph, Clerk of the Board of Supervisors
County of Monterey, State of California


Emmanuel H. Santos, Deputy