

ATTACHMENT A

V. Definitions

Exempt Classification

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

Added 3/21/23; 23-xxx

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A.8.7 Administrative Leave for Employees in Overtime Exempt Classifications

The use of administrative leave with pay is the preferred means to compensate Exempt Employees who are not in overtime eligible classes for extraordinary work assignments. shall not receive compensation for overtime, but may be authorized administrative leave with pay. Eligible employees may receive the leave upon approval by their appointing authority or ~~his/her~~ 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 two (2) working days in any 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 ~~overtime Exempt~~ 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.

Amended 3/21/23; 23-xxx

A.8.9 Additional Pay for Employees in Exempt ~~Employees~~ Classifications

A.8.9.1 ~~Emergency~~ Compensation for Employees in Exempt Classifications under Emergency Situations

The provisions of ~~the section titled "Administrative Leave For Overtime Exempt Classes"~~ Section 8.9.7 notwithstanding, ~~Exempt e~~ Exempt Employees, ~~but not including elected officials or employees in Unit Y, who are in overtime exempt classes~~ may become eligible to receive compensation for work authorized during specific emergency situations, ~~but~~ not including declared local, or 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 overtime exempt classes~~ in order to protect life or property or to prevent a disruptive interruption of County services, ~~as declared by~~ The County Administrative Officer shall determine when such emergency situation exist. ~~Extra hours worked for such emergencies shall be defined as time actually worked in excess of forty (40) hours in a work week or eighty (80) hours in a pay period pursuant to applicable bargaining unit Memorandum of Understanding (MOU) or in accordance with Section A.8.4. In such emergency situations, eligible Exempt e~~ Employees in overtime exempt classes may, at the discretion of the County Administrative Officer, may be compensated

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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 ~~pursuant to applicable bargaining unit MOU or in accordance with Section A.8.4.~~ 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, at the option of the employee. Pursuant to the NMC HR MOU Regarding Delegation of HR Functions, the ~~NMC Hospital~~ Chief Executive Officer may approve such action, with concurrence of the County Administrative Officer, for employees employed by Natividad ~~Medical Center.~~

*Amended 4/29/08; 08-017
Amended 7/25/17; 17-287
Amended 7/09/19; 19-249
Amended 3/21/23; 23-xxx*

A.8.9.2 ~~Declared Local Emergency/Disaster~~ Pay Compensation ~~for Employees in~~ Exempt Classifications ~~Employees under Disaster or Declared Emergency~~

Upon and during a declaration of Local Emergency/~~Disaster~~ 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 and the State and as ratified by the Board of Supervisors under Section 2.68.060 on the Monterey County Code and Government Code section 8630, or the occurrence of a Disaster as defined herein, the County Administrative Officer or authorized designee shall 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 ~~during such Local Emergency/Disaster. Disaster is defined as a sudden event, such as an accident or a natural catastrophe, that causes great damage or loss of life.~~ In such ~~Local Emergency or~~ Disaster, eligible Exempt employees ~~in overtime exempt classes,~~ 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. ~~pursuant to applicable bargaining unit MOU or in accordance with Section A.8.4. Compensation under this provision~~ Declared Local Emergency Pay for eligible Exempt Employees shall be processed in accordance with the Administrative Guidelines established by the County Administrative Officer ~~and~~ or Human Resources Director.

*Added 7/25/17; 17-287
Amended 7/09/19; 19-249
Amended 3/21/23; 23-xxx*