

Sideletter of Agreement between County of Mendocino and Mendocino County Law Enforcement Management Association

January 10, 2022

Mendocino County Law Enforcement Management Association (MCLEMA) members are generally exempt from overtime under Fair Labor Standards Act (FLSA) and as such, may earn Flexible time off (FTO) at straight time for hours worked in excess of their regular schedule.

Under unusual or extenuating circumstances requiring exempt employees to perform first responder duties that require excessive work outside an exempt employee's normal work schedule, such as responding to an emergency, by way of this side-letter, exempt employees may receive overtime or compensatory time off at the rate of 1.5, subject to supervisor approval.

1. The next-level supervisor must authorize such overtime for the performance of first responder duties on an incident-by-incident basis.
2. The parties agree to expand the Unit's Flex Time Off accrual from its current maximum of 60 hours to 96 hours.
3. The parties agree that members of the bargaining unit will not be eligible for overtime pay under this provision until such time as their Flex Time off account (FTO) reaches a cap of 96 hours.
4. Work in excess of regular schedule not determined to be first responder hours will be compensated as FTO.
5. If FTO bank reaches the maximum 96 hours, any first responder duty hours in excess of regular schedule will be compensated as overtime pay at rate of 1.5.
6. If FTO bank is at 96 hours, only hours for first responder duties will provide compensation in excess of the 96 hours.

The parties agree that any compensation provided to employees pursuant to this provision constitutes permissible "additional compensation" under 29 CFR § 541.602(a) (2020), is not part of the employees' salary, and does not impact the recipient employee's exemption from FLSA overtime requirements.

Per the retirement law, overtime is excluded from compensation earnable (legacy pre-PEPRA members) and pensionable compensation (PEPRA) members.

In Section 2 of the Resolutions 2021-03 and 2021-04, Overtime pay codes 200, 201 and 202, and CT codes 321 and 324, are excluded from includible compensation. Comp time used, code 322, (like sick leave or vacation use) is includible since it is in lieu of regular pay.

This agreement is in full use and effect under the current Memorandum of Understanding (MOU), until a new MOU is fully executed.

Dated:

COUNTY OF MENDOCINO

By: *Cherie Johnson*
CHERIE JOHNSON, DEPUTY CEO

Date: 1/12/22

**MENDOCINO COUNTY LAW
ENFORCEMENT MANAGEMENT
ASSOCIATION**

By: *Andrew Porter #2403*
ANDREW PORTER, MCLEMA
REPRESENTATIVE

Date: 01/12/22

COUNTY OF MENDOCINO

By: *TW*
TED WILLIAMS, Chair
BOARD OF SUPERVISORS

Date: 1/27/2022

ATTEST:

CARMEL J. ANGELO, Clerk of said Board

By: *Carmel Angelo*
Deputy 1/27/2022

I hereby certify that according to the provisions of
Government Code section 25103, delivery of this
document has been made.

CARMEL J. ANGELO, Clerk of said Board

By: *Carmel Angelo*
Deputy 1/27/2022