

Proposal from SEIU 521 to Kern County

SEIU reserves the right to add, modify, and delete to the following proposal.

A. Standby

1. Definition of Standby - Only after first seeking volunteers. an employee who is required during off-duty hours to remain "on-call" on the County's premises or elsewhere or under conditions so circumscribed that he/she/they cannot use the time effectively for his/her/their own purposes is working while "on-call." Employees who are working while "on-call" are on "standby." An employee who is not required to remain on the County's premises or elsewhere and is merely required to leave word at his/her/their home or with County officials where he/she/they may be reached, or is merely required to be available via a communications device, is not working while "on-call" and shall not be considered on "standby." This definition of "standby" is intended to be the same definition as "working while on-call" which is contained in 29 CFR 785.17 and to duplicate the definition of compensable standby (i.e., working while "on-call") found in the Fair Labor Standards Act as it is presently interpreted.

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2. Compensation for Standby - An employee required by the department head to be on stand-by duty shall receive one-quarter of his/her/their hourly pay. Employees on stand-by duty, who are called back to work, shall receive pay at time and a half while on call back status.

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3. A department head seeking to place employees on standby duty shall first, make a reasonable effort to solicit volunteers prior to mandating any employee in Standby/Availability.

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B. Availability Pay

1. Due to urgent situations, employees in certain classifications must frequently be available to report to work outside their regular work schedule, upon request of their department head or designee. Such employees shall be required to carry a

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communications device to ensure their availability. The department head shall not impose conditions, which so restrict the employee that the employee is on standby as defined by Article V, Section 4.A, unless the employee is placed on standby.

2. As compensation for being available to respond to such situations, those employees shall receive either

(1) a biweekly allowance equal to ~~8%~~ of their biweekly base salary, or (2) one-quarter of his/her/their hourly pay for the hours required to be available. Employees required to respond shall not receive the one-quarter pay for the hours that they receive full compensation, including any 2-hour minimum call back overtime pay.

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3. A department head seeking to place employees on availability duty shall first, make a reasonable effort to solicit volunteers prior to mandating any employee in Standby/Availability.

~~4.~~ Employees who return to work shall be eligible for the 2-hour minimum call back overtime pay, ~~each time the employee receives a call back.~~

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~~5.~~ Classifications eligible to receive availability pay shall include all classifications listed in Appendix A of this Agreement.

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~~6.~~ The parties agree to meet and confer regarding the addition of other classifications to Appendix A at any time during the term of this Agreement. The Chief Human Resources Officer is authorized upon agreement with SEIU to add additional classifications to those eligible for availability pay and shall maintain a list which is incorporated by reference into this agreement.

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~~Availability Pay- Additional Work Units~~

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In the event that SEIU identifies additional work units in which employees are specifically required to be available for after-hours emergency/urgent response for the protection of public safety or property and/or for the maintenance of systems that impact public safety or property, the parties agree to meet and confer regarding inclusion of the work unit in a category of availability pay.

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Article V, Section 4 is intended to govern all of the standby and availability rights of the employees covered by this Agreement. None of the Ordinance Code or provisions relating to standby or availability pay shall apply to those employees.

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