



Mendocino County

Legislation Text

File #: 24-0431, **Version:** 1

To: BOARD OF SUPERVISORS

From: Human Resources

Meeting Date: April 23, 2024

Department Contact: Kao Saeturn

Phone: 707-234-6600

Item Type: Consent Agenda

Time Allocated for Item: N/A

Agenda Title:

Adoption of Resolution Authorizing an Alternative Work Week Allowing the Utilization of a 9/80 Work Schedule for All Departments

Recommended Action/Motion:

Adopt resolution authorizing an alternative work week providing for the utilization of a 9/80 work schedule for all departments; and authorize Chair to sign same.

Previous Board/Board Committee Actions:

Ordinance No. 363 was adopted in 1956, with multiple amendments since; Ordinance No. 4342, passed August 18, 2015 to amend certain sections of Title 3 Personnel; Mendocino County Code Section 3.04.100 - Hours of Work establishes the County work week for pay purposes.

Summary of Request:

Pursuant to Mendocino County Code 3.04.100 Hours of Work (A) All County employment is based on a forty (40) hour week, or such other number of hours as the Board of Supervisors may designate by resolution. The County work week for all departments shall be computed from 0001 hours Sunday through 2400 hours the following Saturday (i.e., midnight Saturday through midnight Saturday) for pay purposes; provided, however, that the work week for any department may be changed to a different workweek by resolution of the Board of Supervisors.

Departments have expressed the desire to utilize a 9/80 alternative work schedule. A 9/80 schedule is a desirable schedule, contributing to work-life balance, job satisfaction, employee retention and recruitment.

This schedule is not designed to evade overtime requirements in the law. Under a 9/80 alternative work schedule, enrolled employees work eight (8) 9-hour days and one (1) 8-hour day for a total of 80 hours during the two-week period. The Department of Labor - Fair Labor Standards Act (FLSA) (29 CFR Section 778.105) permits employers to designate FLSA workweeks for employees to utilize a 9/80 schedule in which their FLSA workweek begins four (4) hours after the start of their shift on their 8-hour day. An official designation of an alternative workweek is crucial to ensuring compliance with FLSA regulations.

Human Resources hereby requests the Board adopt a Resolution authorizing an alternative workweek for all departments, allowing for a 9/80 alternative work schedule.

This alternative workweek will begin at 1201 hours (12:01 p.m.) on Friday and will end at 1200 hours (12:00 noon) on Friday of the following week.

In submitting this request, a department electing to use the alternative work schedule, acknowledges that the utilization of such schedule requires the strict adherence and monitoring in order to be compliant with FLSA regulations. If not followed, the result is that an employee could work 44 hours in one week without overtime compensation. A department utilizing the 9/80 work schedule will be required to acknowledge that enrolled employees may not flex or alter their schedule in any way that jeopardizes the 9/80 work schedule, and that this change for some employees will not prejudice customer service.

Human Resources has engaged in required discussion with affected bargaining units regarding the implementation of schedule changes.

Alternative Action/Motion:

If not approved, return to staff with further direction.

Strategic Plan Priority Designation: An Effective County Government

Supervisory District: All

Vote Requirement: Majority

Supplemental Information Available Online At: N/A

Fiscal Details:

source of funding: N/A

current f/y cost: N/A

budget clarification: N/A

annual recurring cost: N/A

budgeted in current f/y (if no, please describe): N/A

revenue agreement: N/A

AGREEMENT/RESOLUTION/ORDINANCE APPROVED BY COUNTY COUNSEL: N/A

CEO Liaison: Cherie Johnson, Deputy CEO

CEO Review: Yes

CEO Comments:

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Executed By: Atlas Pearson, Senior Deputy Clerk

Date: April 24, 2024

Final Status: **Adopted**

Executed Item Type: Resolution

Number: 24-058

