County of San Diego

DEPARTMENT OF HUMAN RESOURCES

LABOR RELATIONS DIVISION

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LETTER OF UNDERSTANDING BETWEEN THE COUNTY OF SAN DIEGO AND THE SAN DIEGO PROBATION OFFICERS' ASSOCIATION (PO UNIT)

PUBLIC EMERGENCY ORDER NOT TO REPORT TO NORMAL WORK LOCATION AND AUTHORIZATION OF COMPENSATION

This attests to and records the agreement of the County of San Diego and the San Diego Probation Officers' Association (PO Unit) regarding Public Emergency Order Not to Report to Normal Work Location and Authorization of Compensation.

(a) **Eligibility.** Employees serving in positions designated biweekly are eligible for compensation authorized by this section, except as provided in subsection (f) of this section. Eligible employees under this section are employees who are ordered by their appointing authority to not report to their normal assigned work location pursuant to this section, and who come within the meaning of the following definitions:

(1) Employees who serve in positions that are not designated as "Key COOP Staff" or "Contingency COOP Staff", as defined in their department's Continuity of Operations Plan (COOP), and who may or may not be directed by their appointing authority to work at home or an alternate work location during an emergency.

(2) Employees who serve in positions that are designated as "Key COOP Staff" or "Contingency COOP Staff" as defined in their department's COOP, and who are directed by their appointing authority to work at home or an alternate work location during an emergency.

(b) Authorization and Public Emergency Justification for Order Not to Report to Normal Work Location.

(1) Chief Administrative Officer (CAO) Authorization for Order Not to Report to Normal Work Location. If the CAO activated the County's COOP, the CAO may authorize County appointing authorities, including both elected and appointed County officials, to order eligible employees to not report to their normal assigned work locations.

(2) Public Emergency Justification. The justification for the CAO's authorization to the appointing authorities, pursuant to this section, shall be based upon the CAO's determination that the public health and safety requires minimal to no travel on the local roads and highways, or social distancing of members of the public and County employees.

(c) Authorization for Appointing Authorities to Order Eligible Employees Not to Report to Normal Work Location and to Direct Eligible Employees Whether to Work at Home or Alternate Work Location. Pursuant to this section, appointing authorities are authorized to order eligible employees to not report to their normal assigned work location only if the CAO authorizes such order pursuant to subsection (b) above. When the CAO authorizes such an order, the appointing authority may determine which eligible employees shall be ordered to not report to their normal assigned work location, and shall direct such employees whether to perform their assigned duties, as follows:

(1) Employees in Positions Not Designated as Key COOP Staff or Contingency COOP Staff. When the appointing authority orders eligible employees, who serve in positions that are not designated as Key COOP Staff or Contingency COOP Staff, to not report to their normal assigned work location, the appointing authority's order shall also include direction to the employees that they either: (i) must continue to perform their regular work duties, to the extent possible, at their home (or alternate location as specified in subsection (c)(4)) during their regularly scheduled hours while the order under this subsection is in effect, or (ii) are not required to perform their regular work duties because it is not possible to perform such duties outside their normal work locations.

(2) Employees in Positions Designated as Key COOP Staff or Contingency COOP Staff. When the appointing authority orders eligible employees, who serve in positions that are designated as Key COOP Staff or Contingency COOP Staff, to not report to their normal assigned work location, the appointing authority's order shall also include direction to the employees that they must continue to perform their regular work duties, to the extent possible, at their home (or alternate location as specified in subsection (c)(4)) during their regularly scheduled hours while the order under this subsection is in effect.

(3) Period of Time for Order Not to Report to Normal Work Location. The period of time during which an appointing authority is authorized to have in effect any order not to report to a normal assigned work location shall: (i) commence on or after the day the CAO activates the County's COOP, and (ii) terminate on or before the day the CAO deactivates the County's COOP, as determined by the appointing authority by designation of such time period for each eligible employee that is ordered not to report to his/her normal work location.

(4) Alternate Work Location. An appointing authority may order some or all eligible employees pursuant to this agreement to perform work during their regularly scheduled hours at their home, an alternate work location, including other County facilities, or any other location approved by the appointing authority.

(d) Authorization and Calculation of Compensation. Eligible employees under this section are authorized to be compensated pursuant to the following calculation:

(1) The calculation of the payment authorized by this subsection shall be based upon the number of hours in the employee's established regularly scheduled standard work day that the eligible employee was scheduled to work during the period of time the employee was ordered not to report to his/her normal assigned work location pursuant to subsection (c), regardless of whether the employee performed work.

(2) The calculation of payment will not include any scheduled or anticipated overtime.

(3) Compensation paid pursuant to this agreement shall not count as hours worked for purposes of calculating overtime, except for those hours which the eligible employee performed work.

(e) Early Departure or Late Arrival. For emergency related reasons, following the activation of the County's COOP, an appointing authority: (1) may order eligible employees, who are currently working, to leave their normal work location before the scheduled end of their assigned work shift, or (2) may order eligible employees, who are not currently working, to arrive at their normal work location later than the scheduled beginning of their assigned work shift. Eligible employees who are ordered to leave early or arrive late pursuant to this subsection shall be paid for their scheduled hours not worked as provided in this agreement.

(f) Exceptions. This section shall not apply to employees who were on authorized paid leave of absence (e.g., vacation, sick leave, compensatory time off, or other paid leave) during all or a portion of any of the days specified in

subsection (c). Such employees shall be compensated pursuant to the paid leave of absence provisions applicable to their absence from work during the days specified in subsection (c). This section also shall not apply to employees who were on authorized leave without pay during all or any portion of any of the days specified in subsection (c) since such employees would not have worked on these days regardless of the emergency conditions. This section may be waived by the appointing authority for good cause.

FOR THE COUNTY OF SAN DIEGO

COURTNEY BARRETT
Labor Relations Officer

Date: 9/21/09

FOR THE SAN DIEGO PROBATION OFFICERS' ASSOCIATION (PO UNIT)

JOSEPH CRISTARELLA
President

Date: 9-21-09