

April is upon us! I hope you are all enjoying this season. Spring break is over and before you know it, we will be in the heat of summer. I want to encourage all of you to take time to plan a vacation away from work to relax and make memories. Life is too short and unpredictable to not have moments where you are taking a break to refresh your perspective and fuel your soul.

Each month this year, I have committed to reviewing articles in the FDSA Memorandum of Understanding. I appreciate the positive feedback I'm receiving about the value of these articles.

I want to share Article 4 and Article 6 this month related to standby pay and special call back situations, specifically when dealing with court and regular work duty callout.

Court Callout is a minimum of 4 hours of overtime pay, plus a half an hour of travel time that is also paid at an overtime rate. Meaning the court callout is a total of 4.5 hours of overtime when you must respond to court when you are not on duty. This article of compensation does not apply when you are working during the normal business hours when the courts are in session.

Some different scenarios have come up that we have dealt with over the years regarding this article. When you are working shift work, specifically swing shift and graveyard shift, this article does apply to you even during your normal workweek.

An example is if you are on your normal workweek and called to court at 10am – and you work one of the shifts I mention, you will be compensated for 4.5 hours of overtime. Once you go past the 4 hours of having to be in court you will continue to stay on the clock hour for hour at the overtime rate.

Another situation that has arisen over the years is when you are called to court twice in one day. Meaning – you arrived at court as instructed at 830am, you testify and are told you, as an officer, are subject to recall. You arrive back home at 11am. The Court Liaison Officer calls you and you are told the DA needs you back in court at 2pm to give further testimony. You will then be compensated another 4.5 hours for that second callout. I bring this up, because we have seen this happen before and it is not that uncommon.

Furthermore, no matter if you are called to court and are there for one hour, you will be compensated for the full minimum callout at 4.5 hours of overtime. Always fall back to this article of the MOU if the question is ever brought up that you were there for only one hour so you will be paid for only one hour.

ARTICLE 6 - SPECIAL CALL-BACK SITUATIONS

Court Time

Court time call-back shall apply to those appearances in court as a witness to testify as to matters discovered in the course of duty when such appearances are outside the employee's work hours.

Special Hearings Call-back for special hearings shall apply to those instances authorized by a Sheriff's Captain in the Sheriff's Department where testimony on behalf of department management is required and when such appearances are outside the employee's scheduled work hours.

Compensation

Compensation for call-back under this article shall be the greater of:

- A. Minimum of four (4) hours overtime; or
- B. Time spent at the work location at overtime.

Travel Time Employees called back under provisions of this article shall additionally be paid overtime at their "regular hourly rate" for thirty (30) minutes travel time. Note: This article does not apply to the Deputy Coroner classification series.

ARTICLE 4 - STANDBY PAY/ON-CALL

When Sheriff's Department employees are ordered by the Sheriff-Coroner or his/her designee to stand by for duty and restricted as to their movement while off duty, they shall be compensated at twenty-five percent (25%) of their base salary for such time (one-half [$\frac{1}{2}$] hour minimum).

When Sheriff's Department employees or Deputy Coroners are ordered to stand by for court time and restricted as to their movement while off duty, they shall be compensated twenty-five percent (25%) of their regular hourly for such time (four hour minimum equal to one hour of pay).

When Deputy Coroners are ordered, as a result of emergency situations, to stand by for duty by the Sheriff-Coroner, or her/his designee, and restricted as to their movement while off duty, he/she shall be compensated at twenty-five percent (25%) of their base salary for such time (one-half [$\frac{1}{2}$] hour minimum).

When a Deputy Coroner is scheduled by the Sheriff-Coroner, or her/his designee, to be on-call, he/she shall be compensated for time spent on-call at the rate of one (1) hour's pay for each eight (8) hours on-call. Additionally, when a Deputy Coroner, who is scheduled to be on-call, responds to the field to resolve an issue, he/she shall be compensated for time spent in the field at the rate of time and one-half ($1\frac{1}{2}$) their base hourly rate of pay for time actually spent resolving the issue.

MOU

I want to share some things going on within the County of Fresno and the Fresno Deputy Sheriff's Association. Based on my fifteen years of running this organization and 18 years of being involved in contract negotiations, I am seeing posturing on behalf of Fresno County Labor Relations – seemingly as a preemptive strike prior to negotiations.

While I have seen this before, it is typically a tactic used by skilled negotiators who are well connected with County Supervisors and the CAO, and it is narrowly tailored to trying to manipulate the outcome of a specific issue. The tactic can sometimes be difficult to deal with when used in this way.

Here, however, the tactic does not appear to be narrowly tailored and is being employed as a general attempt to undermine the FDSA. There is simply a knee-jerk negative reaction to anything the FDSA would like to attain on behalf of its members and/or the Sheriff. Rather than working together to meet the needs of the County, the Sheriff, our members, and the citizens of Fresno County, County Labor and Human Resources is setting itself up as an adversary that wants nothing but to do battle and fight with us. This goes against the direction the Board of Supervisors has given which is to have labor peace.

I share this to be as transparent as possible and to prepare you for what may be coming at the end of this year. We fully anticipate that Fresno County Labor and Human Resources will attempt to speak and act tough in an effort to hide weakness and a lack of direction, leadership, and problem-solving ability.

Over the years, we have had some battles with County HR. On occasion- those leaders have taken firm positions that we have disagreed with, but there was an overriding sense of respect and trust going both ways. Unfortunately, we no longer feel like we can trust that County HR has our best interests at heart.

But I assure all of you that this organization is run with the utmost integrity and will not be bullied. As we near closer to the end of the year, I will be updating you more as things transpire further on this front.

Stay safe out there everyone.

At your service,

Eric