



It's unbelievable how fast 2014 is moving. We are already into September and headed into the holiday season. Shift change is approaching, and tentatively we have a signup date of Wednesday, October 1, 2014. Make your calendars, as we are trying to finalize the seniority list and key slot number with the patrol captain and area commanders. Once that agreement is reached, those of you signing up will be notified by the FDSA of the official date and your time slot.

Also, I want to make sure all of you received the update to the July President's Message regarding the Ventura court decision. This involves the pension ballot initiative that's slated to go onto the November ballot. Please visit the FDSA website to read the decision in its entirety by the judge.

## **Recent Calculation of Overtime Issue**

Many of you were concerned and called or emailed me late last month, when information was emailed out to everyone in the Sheriff's Office regarding the *Calculation of Overtime*. I am attaching the language from the MOU of Unit 1 and 14 in regards to the Overtime Provision.

### **ARTICLE 3 - OVERTIME PAY**

*Employees shall receive compensation in cash or compensatory time off (CTO) as provided below at the rate of one and one-half (1½) the employee's hourly rate of pay, as set forth below, for overtime worked as defined in Section 800, of the Fresno County Salary Resolution.*

#### *Overtime Defined*

*For employees of this Unit who are engaged in "law enforcement activities" as defined under provisions of the Fair Labor Standards Act (FLSA), overtime is BOTH:*

*1. Authorized work performed in excess of eight (8) hours in a day, (or over, nine (9), ten (10), etc., hours per day pursuant to an alternative work schedule), or over forty (40) hours in a workweek (from 12:01 a.m., Monday through Midnight the following Sunday);*

*AND*

*2. Authorized work performed in excess of eighty-six (86) hours in a work period under Section 7k of the FLSA. The work period is a fourteen-day (14) period commencing at 12:01 a.m., Monday and terminating at Midnight the second following Sunday.*

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*The following Unit classifications, under FLSA, are not considered to be engaged in "law enforcement activities" as defined under provisions of the FLSA: Communication Dispatcher I/II/III/Specialist; Community Service Officer/Senior; Criminalist I/II/Specialist; Deputy Coroner I/II; Forensic Autopsy Technician; Identification Technician I/II/III/IV; and Rangemaster. For these employees, overtime is defined as:*

*Authorized work performed in excess of eight (8) hours in a day, (or over nine [9], ten [10], etc., hours per day pursuant to an alternative work schedule), or over forty (40) hours in a workweek/FLSA work period, (from 12:01 a.m., Monday through Midnight the following Sunday).*

*Overtime shall also include all authorized consecutive hours worked over eight (8), (nine [9], ten [10], etc.) in a day and which extend into a new day. This provision shall include hours worked before or at the end of a work shift. However, overtime paid in this setting shall not be included in any overtime/double-time computation for regularly assigned work hours on the new day.*

*In determining whether or not overtime hours have been worked for the Deputy Coroner classification series, only productive work hours (actual hours worked) shall apply. Time off for a holiday during the pay period in which the holiday occurs shall be considered productive time.*

As you can tell, this calculation of overtime can tend to be confusing when you receive an email stating there will be a new way of calculation. Many of you have raised frustration regarding this memo. I know a lot of you have been working shift after shift, and there are times when fatigue will kick in and you need to take a day off to rest your body. Nobody wants to be penalized for that, while still trying to provide a service to the public and backup for their beat partner.

I want to stress to you as members of the FDSA, this issue of "Productive/Non-Productive Time," has been one that does come up at the bargaining table. The FDSA views this issue as a benefit to the membership and would see it as a take away. Over the years, during contract negotiations, we have been able to talk this issue out and keep it from affecting our membership. We want your work time to be your time, whether it is straight time, holiday pay or overtime. And we want it compensated at the most fair rate for the member and for the County of Fresno.

The email specifically tends to point our Unit 2, (Correctional Officers in SEIU) who are and have been without a contract for about three years now. During the impasse of a labor contract, issues like this can and will be taken up by the County, since working conditions, without the existence of a current labor contract- are

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wide open. All that is provided are discussions of the impacts. Again, this does not affect FDSA.

This email also caught me by surprise, since nothing of this sort has been discussed between FSO, County of Fresno or the FDSA. I hope in the future, issues this sensitive in nature can be clarified and reviewed before they are sent out in a department-wide email. I understand this is very confusing and concerning. Again, I will stress, these types of issues are dealt with at the bargaining table, and would not come out of nowhere *for our group(s)*.

In conclusion, I want you all to understand this provision does not affect any of you in the FDSA or FSSA. There is a little confusion when it comes to the Lieutenants bargaining unit, but we are attempting to work that out with the County of Fresno.

### **FDSA 8<sup>th</sup> Annual Memorial Golf Tournament**

We are gearing up for the 8<sup>th</sup> Annual FDSA Memorial Golf Tournament, being held on Friday, October 17, 2014 at Eagle Springs Golf and Country Club. Proceeds from this tournament go towards the FDSA Peace Officer Memorial Fund. This fund supports families of deputy sheriff's killed in the line of duty in Fresno County. It is also used to help support families of officers killed in the line of duty within the State of California. Also, each year, the account pays for two members to attend the Peace Officer Memorial in Washington D.C., to honor our fallen co-workers. In addition, we send members to the Peace Officer Memorial in Sacramento to honor our deputies who have been killed while doing their job.

This golf tournament is the primary source of money raised for this fund. We continue to do the monthly BBQs as well, but the greatest sum of money is generated from the FDSA golf tournament.

The cost to play in the tournament is \$125 a person, or \$400 for a foursome. Breakfast and lunch are included in the price, along with countless goodies in the player's bag. All day long, players can enjoy great food and beverages. And we have a variety of prizes to win during the raffle. A great, fun day on the green is guaranteed!

I am very passionate about this tournament, because the cause is so worthy. Putting on a tournament this size (it's growing every year ☺), is labor intensive and

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stressful at times. But, taking care of our own is another very important part of this association- so we are happy to carry on the tournament tradition.

Since 'many hands make light work,' your help the day of the event would be most appreciated. You don't have to golf or to participate. The set up doesn't take too long, since the course does most of it for us- however, we can always use help with the things that come up the day of the event.

## **Health Insurance Renewal**

Currently, we have our health plan out to bid. We do this each year to get the best rates for the members and their families. This goes for the medical, dental and vision plans. Overall, we have had an average or OK year, when it comes to health insurance.

Our PPO Plan had a very high usage rate this year, which resulted in some large claims. The HMO rate came in very low on the usage and didn't really have much more than 65%, as its highest on the usage. Our dental plan was right at about 100% of usage, which we anticipate each year because our members use its full benefits. Currently, we are in talks with Met Life, and asking for a pass on the rate since we are a new customer.

The way this works, since our plan(s) are out to bid with other carriers like Blue Cross, Health Net, Kaiser, etc., they will look at what we offer and also our experience for the past year and prior years- then come up with a bid. Blue Shield, our currently health care provider also bids, but wants to keep the business since this Insurance Trust has been with Blue Shield for over 25 years. In the world of health insurance, we still continue to have a rich benefit plan even though we have had to make some benefit adjustments to keep out-of-pocket costs down for all of you, while still covering you.

I want to stress something about our rates. The most frustrating costs, are those which are uncontrollable costs under Obama Care, or the Affordable Health Care Act. This will be the third year that health carriers have felt the effects of Obama Care, which for this Insurance Trust has cost us 15.6% of costs we have ZERO control over. Fortunately, being a group of law enforcement officers, this has not spiked as high as some in the 27-30% range. The plan is for one more year, 2015 of cost increase to fund this program, and then the funding will no longer increase to those with health care.

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# FDSA

**FRESNO DEPUTY SHERIFF'S ASSOCIATION**

We do a great job trying to educate our membership on how to control costs when it comes to health care. For example, the benefit of going to urgent care, instead of ER's for minor things, using in-network providers, and having a person on staff at Dibuduo and Defendis to help navigate our plan and policies.

Please understand this process as the Insurance Trust members go through the plans to decide the best plan and affordable cost for our members. Insurance Trust board members are as follows;

Chair – Eric Schmidt, Vice Chair – Anthony Gomes, Treasurer- Kevin Draughon and Board Members, Isaac Torres, James Bewely, Sarah Davis and Ryan Gilbert.

I will have more to come in the near future in regards to the 2015 plan year. Remember again, shift signups are around the corner. Those of you who are eligible and do not see your name on the signup list, please get in contact with me so we can figure out a solution.

Remember to stay safe, get enough rest and take care of each other.

Truly,

A handwritten signature in blue ink, appearing to be "ES" or "Eric Schmidt", written over a blue circular stamp or seal.

-Eric

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