



KERN COUNTY PROBATION DEPARTMENT

Policies And Procedures

TITLE: Working Hours		Article: 1305	
APPROVED: TR Merickel, Chief Probation Officer			
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POLICY

As used in this and other Sections in this manual, "Duty" is defined as follows:

A sworn probation employee is considered "On Duty" during the scheduled hours of his/her scheduled work day. Those scheduled hours are further defined as "Duty Hours." During unscheduled hours or days, an officer is considered "Off duty."

Only a Division Director, Deputy Chief Probation Officer or the Chief Probation Officer can call a sworn probation employee to duty during that officer's unscheduled hours. An officer cannot call himself/herself back to duty unless at the end of that officer's scheduled work day he/she is engaged in an authorized probation activity that cannot be interrupted such as an arrest, booking or other situation that requires the officer's continued presence. In such situations, the authorization to extend "On Duty" hours is implied and consent need not be sought. However, the officer must report such occasions to his/her immediate supervisor by the following work day.

The hours during which county business must be transacted is provided for in the Ordinance Code of Kern County Offices and facilities of county government shall be open for business everyday from 8:00 a.m. to 5:00 p.m. except Saturdays, Sundays, and specified holidays. Offices and institution facilities requiring variance from the foregoing schedule (shifts and flex hours) shall remain open and will have personnel on duty as necessary with prior approval from the Division Director.

Management expects all employees to be at work by 8:00 a.m. or at the start of their shift ready to start the day's business activities. Where the needs of the department require a deviation from the above normal schedule, a flextime schedule may be approved by the Division Director. Such approval must be requested in advance and through the employee's supervisor.

A request for a flextime schedule shall contain the following:

- A. The special circumstances of the job which requires its performance during a different time period.
- B. To advise what the adverse effects would be if the request is not approved.

BREAK PERIODS

Employees may be allowed, at their Department Head's discretion, a fifteen-minute rest period for every four hours worked. The rest period is a privilege granted by the Board of Supervisors. The Department Head has delegated authority to establish policy to regulate rest periods.

Employees who work continuous hours; i.e., 8 or 10-hour shifts shall be given an opportunity for reasonable meal and break periods.

ABSENCE AND TARDINESS

When an employee is going to arrive late, the employee should personally inform his/her supervisor immediately. Any employee arriving at work after the designated hour shall be deemed tardy. Failure to correct a problem of excessive tardiness shall be grounds for disciplinary action. Excessive tardiness is defined as two or more times within a month. It is the responsibility of the supervisors to monitor and discuss tardiness with employees.

No one may be absent themselves during regular work times, except in the performance of county business. Under no circumstances is the lunch hour to be modified to a lesser time in order to justify tardiness or to leave early. No work is to be performed during the lunch hour without the express authorization of the employee's supervisor. Staff is permitted one hour for lunch, to be taken generally between 12:00 noon and 1:00 p.m. Staff, who work evenings or shifts, is permitted one hour for dinner, to be taken generally between 5:00 p.m. and 6:00 p.m.

The issue of tardiness applies equally to breaks and designated meal breaks.

Any employee who is absent without authorization and without contacting his or her supervisor for three consecutive working shifts, or longer, will be presumed to have voluntarily resigned from County service, effective on the date at which the unauthorized absence began.

DAYLIGHT SAVINGS/STANDARD TIME CONVERSION

Federal Law and County Ordinance requires that all represented and/or non-exempt employees who work more than eight hours in one shift and/or forty hours in a week must receive overtime compensation. Therefore, all such employees who work 40-hour shifts and who are on duty when the Daylight Savings time to Standard time conversion occurs must be compensated for the additional hour worked. Said compensation will be in the form of compensatory time earned (CTE). Conversely, there is no authority to pay for the hour of work lost on night shifts when Standard time converts to Daylight Savings time. Departments are, therefore, directed to offer employees, working at the time of the Spring conversion, the opportunity to utilize one hour of vacation or accrued compensation time in order to have a complete (80-hour) pay check.

SHIFT DIFFERENTIAL

The shift differential pay shall be as negotiated under the collective bargaining agreement with the respective employee associations.

A "shift" for the purpose of shift differential pay is defined under the collective bargaining agreement with the respective employee associations. It is generally agreed as follows: **P.M. Shift:** Any work period encompassing at least five (5) hours of work between the hours of 3:00 p.m. and 12:00 midnight.

A.M. Shift: Any work period encompassing at least five (5) hours of work between the hours of 12:00 midnight and 09:00 a.m.

In counting the five hours worked provisions, the following are excluded:

- a. Any time off with or without pay, i.e., meal time, vacation, sick leave, compensatory time, etc. (rest periods excepted).
- b. Time for which compensatory time is earned.
- c. Time for which overtime pay is to be received.

(b) and (c) shall not apply where the time earned is the result of working a holiday recognized under the memorandum of understanding (MOU). Any regular employee, other than a safety member, shall be entitled to shift differential pay for his/her entire shift (not just the five (5) hours necessary qualifying time).

STAND-BY

An employee required by the Department Head to be on stand-by duty shall receive one-quarter of his straight time pay for the hours on stand-by. Employees on stand-by duty, called back to work, shall not receive stand-by pay while in a called-back status. Upon completion of the called-back status, the employee shall be eligible for stand-by duty pay for the remaining hours of the stand-by shift.

COURT STAND-BY

An employee subpoenaed to appear in a job-related Court matter during off duty hours, subject to attorney's approval, shall have the option of electing to go on Court stand-by. If an employee elects Court stand-by, the employee shall receive \$10.00 for each day of such Court stand-by.

OVERTIME

SEIU represented employees should consult with their applicable MOU for guidance.

Overtime generally refers to work performed by a regular employee on a normal work schedule in excess of eight (8) hours in a work day or forty (40) hours in a work week. For employees on an alternative work schedule, refer to the Alternative Work Schedule policy. With respect to the latter, routine shift changes in schedules which in themselves cause work hours in excess of a regular work week, shall not entitle a regular employee to any overtime compensation. No overtime shall be performed without the knowledge and approval of the employee's Division Director. Such approval is to be sought through the employee's supervisor. Any request for over-time should include a justification and an estimate of the amount of time to be worked. Compensation is generally in the form of compensatory time off (CTO) at time and a half. Paid overtime will not be granted nor compensated without the expressed consent of the Chief Probation Officer.