



**HUMAN RESOURCES  
COUNTY OF HUMBOLDT**

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**SIDELETTER OF AGREEMENT  
With AFSCME regarding Holiday Pay**

This letter represents the Parties' agreement amending Sections 13.5, 20.6, and 20.7 of their Memorandum of Understanding for Representation Units 1, 2, 3 and 4 covering the term of October 1, 2017 to December 31, 2020. The purposes of the changes to Sections 13.5, 20.6, and 20.7 are to:

- 1) Enhance existing MOU language describing the calculation of contractual overtime and time worked on a county observed holiday;
- 2) Relocate holiday pay from Section 13.5 concerning overtime to Section 20.6 concerning holidays;
- 3) Confirm that holiday pay is calculated upon regular rate of pay;
- 4) Provide that the term holiday pay will be established under this contract and hours paid as such will be reported to CalPERS as pensionable special compensation and;
- 5.) The parties will separately discuss union concerns over past administration of the holiday compensation/holiday time provisions of the MOU, including but not limited to employee compensation for pay and benefits. This side letter is intended to timely resolve concerns with the construction of the MOU but does not reflect a waiver of any further claims or responsibilities by either party.

The Parties therefore agree that Sections 13.5, 20.6 of the MOU are hereby replaced and Section 20.7 added as follows:

“13.5. Overtime. All overtime compensation is calculated at straight time based upon each employee's regular rate of pay unless one of the exceptions in Section 13.5.1 or 13.5.2 apply. Overtime compensation for these two exceptions is calculated at one and one-half times each employee's regular rate of pay:

13.5.1. Time Worked on a Regular Day Off (1½). The first exception is time worked on a regular day off for those employees who normally work a thirty-seven and one-half (37½) or forty (40) hour FLSA workweek period.

13.5.2. Work Over Forty Hours Per Week (1½). The second exception is time worked in excess of forty (40) hours per FLSA workweek period.




20.6. Compensation for Work on Holidays.

20.6.1. Pensionable Holiday Pay: An employee who is scheduled to work without regard to holidays and required to work on a County observed holiday that falls within their normal work schedule shall be paid one and one-half times the employee's regular rate of pay on the holiday. This holiday compensation will be reported to CalPERS as special compensation.

20.6.2. Non-Pensionable Holiday Pay: An employee who is not required to work on a County observed holiday, but volunteers to work, bids for the option to work, or elects to work on an observed holiday shall be paid one and one-half times the employee's regular rate of pay on the holiday. This premium pay above straight time compensation will not be reported to CalPERS.

20.6.3. The above holiday premiums shall be paid in monetary compensation for the pay period in which the holiday is worked.

20.7. Holiday Time for Work on Holidays. Any employee who works on an approved holiday shall be paid as specified in Paragraph 20.6 above and, in addition, shall receive an appropriate number of holiday units for actual hours worked up to a maximum of 8 hours for employees who work 80 hours biweekly and 7.5 hours for employees who work 75 hours biweekly. The holiday units can be taken off at any time with the approval of the appointing power. This paragraph is provided with the intent of assuring equitable treatment for all employees.

<hr/> ESTELLE FENNELL Chair, Humboldt County Board of Supervisors	Date	 <hr/> Jimmy J. Gossage (Nov 5, 2020 13:10 PST)	Date
		President	
<hr/> AMY NILSEN County Administrative Officer	Date	 <hr/> Madeline Higginson (Nov 9, 2020 15:27 PST)	Date
		Board Member	
<hr/> LINDA LE Director of Human Resources	Date	 <hr/> Drew Redden	11/5/20 Date
		AFSCME Representative	










# merged changes Side Letter AFSCME Overtime and Holiday Pay final - signed

Final Audit Report

2020-11-09

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