



Membership Update December 2019

Greetings and Happy Holidays! We are honored for the opportunity to serve as your Board of Directors and are grateful for your support, which makes it all possible. The Board is looking back at a busy and eventful 2019 and gearing up for 2020. Here is a brief update on news and changes:

FLSA Audit

As mentioned in previous updates, SCXEA met with the City in response to the federal Fair Labor Standards Act (FLSA) audit conducted in 2017. Because of the support of our members, SCXEA was able to retain an attorney specializing in FLSA law to assist with negotiations. We are pleased to announce that SCXEA successfully negotiated **no loss of benefits or wages for existing employees**. Effective December 21, 2019, the City is moving ten classifications from exempt (salaried) to non-exempt (over-time eligible). In addition, five classifications are moving from Unit 14 to Unit 01 but are remaining exempt. Please see the attached Letter of Understanding (LOU) for details about the agreement.

Changes to Overtime Calculations!

As part of the FLSA agreement, SCXEA was able to negotiate a change from FLSA overtime rules to "contract overtime." What does this mean to you? Effective December 21, 2019, all paid time, except for sick leave, will count as time worked when calculating whether you have worked overtime. This change affects all SCXEA-represented employees that are not exempt from the requirements to earn overtime (hourly). See the attached LOU for details.

Civil Service Status

During the FLSA negotiations, SCXEA was able to negotiate that each of the ten affected classifications will now be covered by the rules and regulations of the Civil Service Board. Employees in all ten classifications will receive permanent status. Permanent status means an employee no longer is at-will and can no longer be dismissed for any or no reason.

Unit 10 Director Opening

A huge congratulations to Stephen Hatch, your former Unit 10 Director, for his recent promotion to a position in Unit 14. We are happy to see him continue to advance in his career, but his promotion leaves an opening on your Board of Directors. Please look for future information about the opportunity to serve as the Unit 10 Director.

Employee Representatives

SCXEA is excited to introduce our Employee Representatives, Paul Freeman and Kim Mohler. Both are retired City employees and are available to represent employees during disciplinary action. This is a new service offered by SCXEA to ensure that our members have someone by their side when needed. To discuss pending disciplinary action and seek assistance, email your Unit Director or any other Board member (see contact information below). **If you are nearing retirement and are interested in**

becoming a paid Employee Representative, please contact Board member Melissa Bickel.

What Will We Be Working On in 2020?

- Sending out a survey to hear from you about your priorities before contract negotiations begin
- Revisiting State Disability Insurance (SDI) coverage for Unit 14 and looking for Unit 14 employees to champion the issue
- Recruiting a labor contract negotiating team to begin work in early 2020

How Can You Help?

Are you interested in getting involved with SCXEA? Here are some ways you can help strengthen your Association:

- Attend a Board meeting (details below) and share what's happening in your department
- Volunteer to help at the annual membership meeting
- Are you a webmaster or have you always wanted to be one? Volunteer to help keep the SCXEA website up to date with the help of our website provider

Board Meetings

Your Board usually meets on the first and third Wednesday of the month from 12:00 to 1:00 P.M. in New City Hall Room 1104 and we love to have visitors! This is a great opportunity to ask questions, express concerns, and share ideas. If you are considering running for a Board seat, this is also a chance to see what exactly the Board does. Members are always welcome! **No meetings on January 1 or July 1.**

Questions?

Do you have questions you would like to see addressed in a membership update? Interested in getting involved? Please email Tessa St. John at DirectorA@SCXEA.org.

Wishing you a successful and joy-filled 2020!

Heather Hoekstra
President

Board of Directors 2019-2020

President – Heather Hoekstra, Program Analyst, Youth, Parks, & Community Enrichment,
President@SCXEA.org

Vice-President – Kateshia Knox, Senior Personnel Analyst, Human Resources,
VicePresident@SCXEA.org

Secretary – Kimberly Rhodes, Administrative Analyst, Youth, Parks, & Community Enrichment,
Secretary@SCXEA.org

Treasurer – Melissa Bickel, Senior Deputy City Attorney, City Attorney, Treasurer@SCXEA.org

At-Large Director A – Tessa St. John, Program Manager, Finance, DirectorA@SCXEA.org

At-Large Director B – Sage Millar, Program Specialist, Utilities, DirectorB@SCXEA.org

Unit 01 Director – Jennifer Gore, Deputy City Attorney II, City Attorney, Unit01@SCXEA.org

Unit 10 Director – Vacant

Unit 14 Director – Jenci Smith, Administrative Analyst, Fire, Unit14@SCXEA.org

December 16, 2019

Heather Hoekstra
President
Sacramento City Exempt Employees Association
1017 L Street #503
Sacramento, CA 95814

Jason H. Jasmine
Attorney
Messing Adam & Jasmine LLP
980 9th Street, Suite 380
Sacramento, CA 95814

**Re: Letter of Understanding – Fair Labor Standards Act White Collar
Exemption Audit**

Dear Mrs. Hoekstra, and Mr. Jasmine:

This letter confirms the agreement reached between the City of Sacramento (City) and the Sacramento City Exempt Employees Association (SCXEA) regarding the Fair Labor Standards Act (FLSA) White Collar Exemption Audit. Effective December 21, 2019, the City shall change the below listed classifications from exempt to non-exempt status under the FLSA:

Accountant Auditor	Senior Accountant Auditor
Administrative Analyst	Senior Budget Analyst
Budget Analyst	Senior Deputy City Clerk
Personnel Analyst	Special Assistant to the City Attorney
Program Analyst	Treasury Analyst

Current employees in the above classifications shall remain in or be placed in Representation Unit 14 (Unit 14). The employees in these classifications on December 20, 2019, shall be known as “Legacy Employees” and continue to receive the benefits received by Unit 14 employees pursuant to the operative Memorandum of Understanding between the City and SCXEA (MOU).

Any Legacy Employee who promotes or transfers into a classification outside of Unit 14, and subsequently returns to a classification in Unit 14 within one (1) year of leaving the classification in Unit 14, shall return to their status as a Legacy Employee. Any Legacy Employee who promotes or transfers into a classification outside of Unit 14, and subsequently returns to a classification in Unit 14 more than one (1) year of leaving the previously held classification within Unit 14 shall lose their status as a Legacy Employee.

All current employees in the above listed classifications who have completed one (1) or more years of service in their current classification, shall immediately obtain permanent status, as defined in the Rules and Regulations of the Civil Service Board, unless exempted from that status by the City Charter. Employees who have less than one (1)

year of service in the above listed classifications shall first serve a one-year probationary period from date of appointment to that classification.

Employees hired into a classification listed above on or after December 21, 2019, shall be placed in Representation Unit 10 and shall receive the benefits received by employees in Unit 10 pursuant to the operative MOU.

Further, the classifications of Investigator, Stores Administrator, Workers' Compensation Claims Representative, and Workers' Compensation Claims Supervisor, which are currently in Representation Unit 14 and are FLSA exempt, shall be placed in Representation Unit 01.

In addition, section 11.1 (Overtime Compensation for FLSA Covered Employees) of the MOU will be amended to read as follows:

This section applies only to those employees who are non-exempt from the overtime provisions of the Fair Labor Standards Act:

- a. Employees required to work in excess of forty (40) hours in a single workweek, or on a recognized holiday, shall be compensated at one and one-half (1.5) times their regular rate of pay in cash payment or compensatory time off (CTO) as determined by the department head or designee. All paid time, with the exception of sick leave, shall count as time worked for the purposes of calculating overtime.
- b. Employees may accrue up to one hundred and twenty (120) hours of CTO. The City may cash out CTO hours accumulated in excess of eighty (80) hours at any time provided that the use of such time off has not been previously approved.
- c. The use of accrued CTO shall be at the discretion of the Department Head or designee. Employees who request use of accrued CTO shall be permitted to use such time within a reasonable period after making the request if the use of CTO does not unduly disrupt the operations of the work unit.
- d. Upon termination from City service, employees shall be paid for any unused CTO hours at the applicable rate of pay.
- e. If the City and at least half of its recognized bargaining units amend their operative memoranda of understanding to limit the receipt of overtime to the provisions of the Fair Labor Standards Act, this section will immediately terminate without additional negotiation and overtime eligible employees overtime will be paid in accordance with the Fair Labor Standards Act.

This Agreement does not establish a precedent, nor does it interpret any employee rights under the language of the Labor Agreements, the Rules and Regulations of the Civil Service Board or any applicable policies and procedures of City departments or the City of Sacramento except as expressly stated herein.

The Agreement memorializes and constitutes the entire understanding between the parties as to all matters referred to or included herein, and supersedes and replaces all prior negotiations, proposed discussions, whether written or oral.

If this is your understanding of the agreement reached, please sign and date as indicated below and return one (1) original to Labor Relations. I have enclosed an additional original for your files.

Sincerely,



Dawud Brewer
Labor Relations Officer

FOR THE CITY

AGREED TO:



Howard Chan
City Manager



Aaron Donato
Labor Relations Manager

FOR THE ASSOCIATION

AGREED TO:



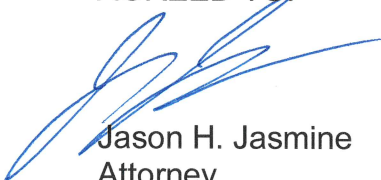
Heather Hoekstra
SCXEA President

AGREED TO:



Shelley Banks-Robinson
Human Resources Director

AGREED TO:



Jason H. Jasmine
Attorney

APPROVED AS TO FORM:



Brett M. Witter
Supervising Deputy City Attorney