

## SIDE LETTER

*The City of Rocklin and the Rocklin Police Officers' Association agrees to the following:*

*Pursuant to the meet and confer section within the current Memorandum of Understanding and in conformance with Government Code Section 3500 et. seq., the parties to this side letter agree that Article 1, Definitions-Overtime is hereby amended to read as follows:*

Overtime: For sworn employees, except for sworn employees who are assigned to a patrol schedule with a 12.5 hour and 10 hour makeup shift plan, any time worked in excess of eighty (80) hours in a pay period.

- For sworn employees assigned to a patrol schedule with a 12.5 hour and 10 hour makeup shift plan, any time worked in excess of the regularly scheduled seventy-five (75) or eighty-five (85) hours in a pay period.
- For non-sworn employees, any time worked in excess of forty (40) hours in a work week.

*Pursuant to the meet and confer section within the current Memorandum of Understanding and in conformance with Government Code Section 3500 et. seq., the parties to this side letter agree that Article 13, Overtime is hereby amended to read as follows:*

Overtime shall be compensated at the rate of one and one-half (1-1/2) times the employee's regular rate of pay for each hour or one-fourth (1/4) thereof worked. Employees may choose to accrue compensatory time in lieu of receiving paid overtime in accordance with the provisions of Article 35, Compensatory Time Off. Compensatory time shall be provided at the same rate as overtime is paid.

The amount of overtime an employee will be authorized to work will depend on the service needs of the Department and will be determined by the Police Chief or designee.

Except sworn officers assigned to work a 12.5 hour overtime patrol shift, employees who are required to work more than twelve (12) consecutive hours as the result of an overtime assignment shall be provided an additional thirty (30) minute meal period. Such meal periods may be postponed in case of emergency or due to service demands.

In scheduling overtime, the Department shall utilize the following Overtime Call-Out Procedure.

*Pursuant to the meet and confer section within the current Memorandum of Understanding and in conformance with Government Code Section 3500 et. seq., the parties to this side letter agree that Articles 13.4.1., 13.4.2., and 13.4.4.- Overtime are hereby amended to read as follows:*

- 13.4.1. No employee shall be scheduled to work more than twelve and one-half (12.5) consecutive regular hours in one day, except in emergency or extraordinary circumstances.

- 13.4.2. An employee who is assigned to ten (10) hour shifts shall not be scheduled to return to work without ten (10) hours between assignments. An employee who is assigned to eight (8) hour shifts shall not be scheduled to return to work without eight (8) hours between assignments, except for assigned training days.
- 13.4.4. An employee who is assigned to twelve (12) hour or twelve and one-half (12.5) hour shifts shall not be scheduled to return to work without ten (10) hours between assignments, except for assigned training days.

*Pursuant to the meet and confer section within the current Memorandum of Understanding and in conformance with Government Code Section 3500 et. seq., the parties to this side letter agree that Article 34-Scheduling Procedures-Extended PTO (Vacation) is hereby amended to read as follows:*

#### **ARTICLE 34. SCHEDULING PROCEDURES – EXTENDED PTO (VACATION)**

Employees may schedule extended Paid Time Off (PTO) for use as vacation time as follows:

- 34.1. For all employees except sworn employees assigned to patrol, extended PTO sign-ups will be once a year and will be posted each year from November 1-30, to be effective on January 1 of the following year. For sworn employees assigned to patrol, PTO sign-ups will be posted twice a year, within 10 days of the close of each 6 month rotation sign-up.
- 34.1.1. A schedule will be posted for sign-ups, beginning with the most senior employee and ending with the least senior employee in each classification. Employees who do not sign up according to the schedule will be placed at the bottom of the list for their classification.
- 34.2. Definitions.

For purposes of this Article 34 the following definitions apply:

- 34.2.1. Classifications for the purpose of Extended PTO are identified as follows:
- Police Sergeant and Police Corporal assigned to patrol
  - Police Officer
  - Detective/Detective Sergeant
  - Public Safety Dispatch Supervisor/Senior Public Safety Dispatcher/Public Safety Dispatcher I/II
  - Community Service Officer
  - Animal Control Officer
  - Senior Records Clerk/Police Records Clerk
  - Crime Analyst

- 34.2.2. Prime Time is defined as follows:  
Memorial Day through Labor Day  
Thanksgiving through New Year's Day  
The week prior to and the week after Easter
- 34.2.3. Weekday Shift Assignment is defined as the patrol shift schedule that includes the majority of the patrol workdays occurring during the workweek of Monday through Thursday.
- 34.2.4. Weekend Shift Assignment is defined as the patrol shift schedule that includes the majority of the patrol workdays occurring during the weekend of Saturday and Sunday. Typically Friday is part of the Weekend Shift Assignment, but Fridays may be included in the Weekday Shift Assignment based on the needs of the Department.
- 34.3. Sign-up Limitations.
- 34.3.1. For all employees except sworn employees assigned to patrol, sign-ups for extended PTO will be limited to one employee per week for each classification.
- 34.3.2. For sworn employees assigned to patrol, sign-ups for extended PTO will be limited to one employee for each shift assignment for each classification per week, with no more than two patrol officers off for each Weekday Shift Assignment and two officers off for each Weekend Shift Assignment.
- 34.3.3. Police officers assigned as Corporals and Police Sergeants who are assigned to the same shift or assigned to overlap any portion of an operational period, shall not take simultaneous extended PTO.
- 34.3.4. A maximum of one Sergeant or one Corporal is allowed off for each Weekday Shift Assignment and for each Weekend Shift Assignment.
- 34.3.5. Minimum Sign up: One week. Week is defined as Saturday – Friday. However, for sworn officers assigned to patrol on the Weekend Shift Assignment, extended PTO will begin on the Friday of the beginning of their shift assignment for the week chosen.
- 34.3.6. Maximum Sign up: Two weeks during Prime Time; unlimited outside Prime Time. However, for sworn officers assigned to patrol, the maximum sign up for each sign up opportunity is one week during Prime Time and two weeks outside of Prime Time.
- 34.4. Cancellation of a leave period scheduled through this procedure must be made and acknowledged in writing thirty (30) days in advance of the beginning date of the leave, excluding emergencies, or with the approval of the Chief of Police or

designee. Employees who do not cancel scheduled leaves in this manner will be required to take the leave as scheduled.

34.4.1. Cancelled leave periods will be posted within five (5) days of receipt of notice of cancellation for a period of fifteen (15) days to allow other employees to bid for the available period. Eligible employees may bid for the available leave period. The most senior eligible employees will be awarded the leave.

34.5. Employees whose scheduled extended PTO (vacation) does not coordinate with their work schedule at the time of the leave may request special consideration for incidental days off.

34.6. Changes to Scheduling Procedures – Extended PTO (Vacation)

If the RPOA proposes a different procedure for handling scheduling procedures – extended PTO (vacation) during the term of the MOU, the City agrees to meet and confer with the RPOA on the proposal. If the parties reach impasse, the scheduling procedures – extended PTO (vacation) shall remain the same.

*Pursuant to the meet and confer section within the current Memorandum of Understanding and in conformance with Government Code Section 3500 et. seq., the parties to this side letter agree that Article 43-Work Hours And Schedule is hereby amended to read as follows:*

#### **ARTICLE 43. WORK HOURS AND SCHEDULE**

43.1. Workweek

43.1.1. The normal work period of non-sworn employees shall consist of forty (40) hours per work week. The normal work period for sworn employees shall be eighty (80) hours per two week pay period. Notwithstanding the foregoing, the normal work period for sworn employees assigned to patrol with the 12.5 hour patrol schedule shall be in compliance with section 7(k) of the Fair Labor Standards Act (FLSA) 29 United States Code Section 207(k). The specified FLSA 7(k) work period is twenty-eight (28) days.

Except during emergency situations, employees shall be permitted to take two paid 15 minute rest periods during each work shift. Rest periods will not be taken consecutively nor in conjunction with a lunch break, but shall be scheduled approximately midway between the lunch break and the beginning and the end of each shift.

43.1.2. Twelve and One-Half Hour Patrol Schedule

43.1.2.1. Effective at the time of the patrol shift change in January of 2015, the parties agree to implement for a period of one year a four 10 hour patrol shift and a

three 12.5 hour patrol shift plan for sworn officers assigned to patrol for the purpose of accomplishing the following agreed upon objectives:

- Reduce overtime costs to the City and lessen burden of extra-hours worked by employees.
- Improve physical fitness among first-responders by creating a shift overlap to allow for a more consistent on-duty exercise/workout consistent with Article 43.2.6.
- Implement a schedule that creates built-in department training on straight-time, without incurring unnecessary overtime costs.
- Enhance Department collaboration and teambuilding.

Both parties recognize that adjustments may be needed as the 12.5 hour patrol shift plan is implemented. The provisions of this MOU related to the 12.5 hour patrol shift plan are effective until the patrol shift change in January of 2016 at which time said provisions will sunset unless extended in writing by the mutual agreement of the Rocklin Police Officers' Association and the City Manager on behalf of the City. Should the patrol shift sunset, the patrol schedule shall revert to the patrol shift plan in effect as of January 1, 2014 unless the City and the Rocklin Police Officers' Association have mutually agreed in writing to a different patrol shift plan.

43.1.2.2. Sworn employees assigned 12.5 hour patrol shifts will normally be scheduled three 12.5 hour shifts each week. In addition, such employees will be assigned one additional 10 hour makeup shift for each 28 day FLSA 7(k) work period to maintain 160 hours of pay for each 28 day FLSA 7(k) work period.

Consistent with existing pay practices, and to provide officers with a regular recurring source of income more frequently than if the pay period is extended to 28 days, the parties agree that the pay periods shall continue at the current 14 day intervals with 80 hours of base pay. The parties agree that in the event an employee leaves employment with the City, the actual hours worked and the actual hours paid will be reconciled. If the employee owes the City for hours already paid, but not worked, the employee will repay the City or use accrued PTO hours or CTO hours for reimbursement to the City.

The City recognizes that employees have traditionally been permitted to work 80 hours every two weeks and thus when assigned to a 12.5 hour patrol shift the patrol officer may suffer a deficit of five hours at straight-time pay were the remaining hours not subsequently made up at straight-time rates. In order for employees to "make-up" for such time, and to permit the City and affected employees to benefit from the ability to have extra regularly scheduled training days, days for special enforcement projects or other extra work as determined by the Chief of Police or designee, an additional 10 hour makeup shift ("10 hour makeup shift") shall be scheduled within each 28 day FLSA 7(k) work period. The 10 hour makeup shift will be for previous or current pay received at the straight time rate of pay. The 10 hour makeup shift shall be scheduled during a workday

in which the officer is not assigned a patrol shift and shall occur within the same 28 day FLSA 7(k) work period.

Patrol officers assigned to the 12.5 hour shift plan will receive overtime pay as defined by Article 1.13.

Sworn officers assigned to the 12.5 hour patrol shift schedule attending a 40 hour school during his or her 37.5 hour assigned work week, may receive 2.5 hours of overtime. Sworn officers assigned to the 12.5 hour patrol shift schedule attending a 40 hour school during his or her 47.5 hour normally scheduled work week are required to use time off in compliance with this MOU for all normally scheduled hours remaining in excess of those worked.

For sworn officers assigned to the 12.5 hour patrol shift, all time off will be recorded as the actual time away from work (including sick time). For example, if an employee is absent for an entire shift, the amount of leave time deducted will be 12.5 hours. If the leave is during the entire 37.5 hour workweek, the amount deducted is 37.5 hours. If the leave is during the entire 47.5 hour workweek, the amount deducted is 47.5 hours. If the time off falls on the scheduled 10 hour makeup shift the amount deducted is 10 hours.

The scheduled 10 hour makeup shifts are mandatory unless time off is approved in advance by the Chief of Police or designee.

43.2. Work Schedules

43.2.1. Five Eight-Hour Days (5/8)

Non-sworn employees in the classifications of Senior Records Clerk and Police Records Clerk will normally work ten (10) eight (8) hour days per pay period. Pay periods are fourteen (14) consecutive days, beginning on Saturday and ending on Friday. Each eight (8) hour shift shall include one thirty (30) minute meal break for which the employee shall be paid.

43.2.2. Four Ten-Hour Days (4/10)

Non-sworn employees in the classifications of Animal Control Officer, Community Service Officer, Public Safety Dispatch Supervisor, Senior Public Safety Dispatcher, Evidence/Property Technician, Public Safety Dispatcher I/II, and Police Technical Assets Coordinator, and sworn employees so assigned will work four (4) consecutive ten (10) hour shifts each week. Each ten (10) hour shift shall include one thirty (30) minute meal break for which the employee will be paid.

43.2.3. Twelve (12) Hour or Twelve and One-Half (12.5) Hour Shifts – Patrol Operations

Sworn patrol employees may be assigned to a schedule consisting of a number of twelve (12) hour shifts, or twelve (12) hour and eight (8) hour shifts, or twelve and one-half (12.5) hour and ten (10) hour shifts. The maximum number of regularly scheduled 12 hour shifts or regularly scheduled 12.5 hour shifts within one payroll period shall not exceed seven (7). Each 12 hour or 12.5 hour shift shall include one 40 minute meal break for which the employee is paid.

43.2.4. Specialty Assignment

With mutual agreement between the Police Chief and the employee, an employee may be assigned to a shift which meets the employee's special assignment such as SIU, Investigations, DARE, School Resource Officer, and any other designated special assignment.

43.2.5. Change of Work Hours and Schedules

It is agreed upon between the RPOA and the City that a change in the schedules listed above shall be made using the meet and confer process between the Police Chief and the RPOA. A schedule change shall not take effect until after the meet and confer process between the Police Chief and the RPOA has occurred. However, if the parties reach impasse, the Police Chief may implement the new schedule. In addition, the Police Chief may change the schedule on a temporary basis if it is to meet an emergency need.

43.2.6. On-Duty Work-Outs (Code 7F)

Members of this unit have the option twice per work-week of utilizing the department gym for purposes of physical fitness in lieu of a meal break. If this option is taken, 15 minutes will be added to their normal meal break time. Employees may exercise this option if workload permits the break as determined by his or her supervisor. The employee may be called away from any paid break in case of an emergency. If the employee requests and receives approval for a Code 7F, it is expected that the employee will engage in a fitness related exercise. Code 7F breaks may be requested any time during the scheduled shift.

For purposes of physical fitness, sworn officers assigned to patrol on a 4-10 or 3-12.5 shift plan have the option of utilizing the department gym each work-day during the first 60 minutes of their assigned shift, unless modified for a specific patrol shift or assignment based on the needs of the department. The 60 minutes allotted includes time for showering and donning of the uniform and equipment. Employees shall be prepared for their regular work-duties after the maximum one hour workout time. This workout time will not be in lieu of their normal meal break time. Sworn employees on the 4-10 or 3-12.5 shift plan may request this option if workload permits, as determined by his or her supervisor, and they may be called away in case of an emergency. If the employee requests and receives approval for a Code 7f, it is expected that the employee will engage in a fitness related exercise.

43.3. Shift Scheduling

43.3.1. Five Eight-Hour Days (5/8) and Four Ten-Hour (4/10) Days Work Schedules

All sworn personnel on a four ten-hour (4/10) work schedule and non-sworn personnel who are assigned to shift work will be assigned to one of the following shifts: day shift, swing shift, relief shift, or graveyard shift.

43.3.2. Twelve (12) Hour or Twelve and One-Half (12.5) Hour Shift Combinations Work Schedule

Sworn personnel assigned to a twelve (12) hour, or a combination twelve (12) hour eight (8) hour schedule, or a combination twelve and one-half (12.5) hour and ten (10) hour makeup schedule, will be assigned to one of the following shifts: day shift, swing shift, relief shift, or graveyard shift.

43.3.3. Relief Shifts

The hours of the relief shift will be established in accordance with the needs of the Department. At the discretion of the Chief of Police or his or her designee, if there is no operational need for a relief shift there may not be a relief shift assignment.

43.4. Shift Rotation - Sworn Personnel and Community Service Officers:

43.4.1. The shift bid will be held two (2) times each calendar year.

43.4.2. Shifts will change at the beginning of the pay period, or for sworn officers assigned to the 12.5 hour patrol schedule shifts will change at the beginning of the 28 day FLSA 7(k) work period, closest to January 1 in the month of January, and closest to July 1 in the month of July.

43.5. Shift Rotation – Non-Sworn Personnel (Except Community Service Officers):

43.5.1. The shift bid will be held three (3) times each calendar year.

43.5.2. Shifts will change at the beginning of the pay period closest to January 1 in the month of January, at the beginning of the pay period closest to May 1 in the month of May, and at the beginning of the pay period closest to September 1 in the month of September.

43.5.3. Each non-sworn employee must rotate to another shift at least one (1) time within a two (2) year period. This rotation will be mandatory for all classifications whose function must be provided twenty-four (24) hours per day, seven (7) days per week.

43.5.4. In the event there is no available slot for an employee who must change shifts due to mandatory shift rotation, the least senior employee on an appropriate shift who is not on mandatory shift rotation will be bumped and assigned to another shift.

43.6. Shift Selection

43.6.1. Shift selection will be based on the following criteria:

- Seniority as defined below
- Department needs

43.6.2. Seniority is determined by the length of continuous service in current classification. For purposes of shift selection, the specialty assignment of Corporal shall be treated as a separate classification.

43.6.3. Each shift sign-up shall be posted sixty (60) days prior to the actual rotation. Employees will sign up by appointment during the first two (2) weeks of the posting. Appointments are scheduled by the Department in order of seniority as defined in 43.6.2. Employees who do not keep their scheduled appointment will be moved to the bottom of the list.

43.6.4. Schedules shall be posted a minimum of thirty (30) days in advance of shift rotation.

43.6.5. Beginning with the shift rotation in July 2015, the Department will assign probationary employees to shifts that provide for maximum benefit to the employee and the Department. This assignment is in lieu of seniority, as defined in 43.6.2, and determined by the Chief of Police or designee. If a probationary employee concludes probation during a six (6) month rotation, the employee shall be placed in a permanent assignment for the remainder of the shift rotation that best meets the needs of the Department.

43.7. Incidental Days Off and Other Shift Modifications

43.7.1. All shift schedules shall be posted thirty (30) days in advance of shift rotation. Employees who desire one or more incidental days off that have not been scheduled as vacation or sick leave shall request such time off at least thirty (30) days in advance but no more than sixty (60) days in advance. Employee requests for incidental days off shall be reviewed and returned within ten (10) days. Such requests shall not be unreasonably denied. Incidental time off on Christmas, New Year's Day, Thanksgiving, and Independence Day will be granted only when a voluntary replacement is available.

43.7.2. Employees must request and receive approval for any modification of their assigned shift schedule. Employees who request a modification of their assigned

shift schedule less than thirty (30) days in advance will be granted the time off at the discretion of the Police Chief or designee.

- 43.7.3. Except in cases of emergency, employees who have requested and received approval for incidental time off within these timelines to observe a holiday shall not have such time off cancelled or adjusted.
- 43.7.4. For purposes of requesting incidental days off, seniority as defined in 43.6.2 will be considered only when more than one request for the same day or days is received on the same date. Requests for incidental days off will be denied if the same date has previously been requested and approved for another employee in the same classification who is assigned to the same shift.
- 43.7.5. For purposes of efficient operations, the Police Chief may change an employee's assigned shift, provided the employee is given fourteen (14) days notice of such change, unless such notice is waived by agreement of the employee. The fourteen (14) day notice period will not apply in case of emergency.

*Pursuant to the meet and confer section within the current Memorandum of Understanding and in conformance with Government Code Section 3500 et. seq., the parties to this side letter agree that Exhibit D-Training And Travel Items 1 and 5.c are hereby amended to read as follows:*

- 1. If an employee travels by common carrier during work hours, they are in paid status for the regular work day and corresponding hours during non-work days. They are not eligible for overtime unless the hours go beyond the limits in this MOU.

5.c. The City will continue its current practice:

For employees on twelve (12) hour days or twelve and one-half (12.5) hour days who are sent to eight (8) hour classes, time will be charged as follows: Eight (8) hours regular time, and four (4) hours or four and one-half (4.5) hours PTO or CTO. If a class extends beyond the employee's regular scheduled work days compensable hours will be paid as overtime.

Signed: Adrian Passadore

Date: 1/6/15

Adrian Passadore, Union President  
Rocklin Police Officers' Association

Signed: John Noble

Date: 1/8/15

John Noble, Business Agent  
Rocklin Police Officers' Association

Signed: Kim Sarkovich

Date: 1-14-15

Kim Sarkovich, Assistant City Manager/CFO  
City of Rocklin

**Reviewed for Content**

Signed: Ricky A. Horst

Date: 1-14-15

Ricky A. Horst, City Manager  
City of Rocklin