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RNPA Proposal 35, October 12, 2023

Section 8.2 - Overtime Work

a) Overtime Defined

1. Exempt Nurses

Overtime is defined as time worked beyond eighty (80) hours on a bi-weekly pay period, or beyond eight (8) hours in any workday except as mutually agreed upon between the County and the Association. Time for which pay is received but not worked such as vacation, sick leave, and authorized compensatory time off, will be counted towards the base period. The County Executive shall determine by administrative order those classes and positions which shall be eligible for overtime work and for cash payment.

2. Non-exempt Nurses

For non-exempt nurses all provisions regarding overtime shall be as set by the Fair Labor Standards Act. All disputes regarding that Act shall be within the sole jurisdiction of the U.S. Department of Labor and shall not be subject to grievance or arbitration under this contract. At least five (5) working days prior to filing any complaint regarding the Act with the U.S. Department of Labor, the Association shall give the County written notice. Such notice shall contain specific information so that the County can prepare a response.

b) Rate of Pay

When overtime work is assigned and is authorized by the appointing authority to be worked, compensation for such time worked shall be time off with pay computed as noted in 1. and 2. below, except that such overtime work shall be paid in cash for nurses where required by State or

- Kaiser Sec. C Overtime (pg. 18)
- El Camino Article 14 Overtime (pg.22)
- Stanford Sec. 7.6 Overtime Compensation (pg. 12)
- Regional/Good Samaritan Article 4 (pg. 4)
- La County Article 59 Overtime (pg. 190)



Federal law or when specifically authorized by administrative order of the County Executive.

1. Regular Overtime - Any hours worked in excess of an employee's regular work shift (e.g., more than eight (8) hours, more than ten (10) hours) up to and including twelve hours worked, shall be compensated at the rate of one-and-one-half (1.5x) the nurse's regular rate of pay. ~~one and one-half (1 1/2) hours for every hour of overtime worked.~~
 2. Continuous Shift - one and one-half (1 1/2) hours for the first four (4) hours of overtime contiguous to their regular shift of a minimum of eight (8) hours and two (2) hours for any additional hours worked.
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2. Double Time- Any nurse who works in excess of twelve (12) hours in any workday shall be compensated at the rate of two times (2x) the nurse's regular rate of pay.

All compensatory time off must be taken within twelve (12) months of accrual ~~the date the overtime was worked.~~ After twelve (12) months, compensatory time that has not been used shall be paid in cash at the regular rate of pay. ~~and failure to take the compensatory time off shall be deemed a waiver of the compensatory time by the nurse. In the event the appointing authority does not provide compensatory time off during the mandatory time period, the nurse may take compensatory time off as a matter of right immediately before the end of the pay period in which the compensatory time would be lost.~~

Compensatory time balances shall be paid in cash on separation. A nurse may elect in advance to receive compensatory time-off credit in lieu of cash compensation for overtime where compensatory time off is allowed. ~~if the~~

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~~appointing authority agrees.~~

c) Distribution of Overtime

In situations where the need for overtime work exists, coded nurses in the applicable work unit shall first be offered

the overtime work, before Extra Help or Per Diem Nurses.

Overtime work shall be distributed among nurses in the applicable work unit as equally as practicable. If continuity of care for patients is not an issue, priority will be given to the nurse(s) with the least amount of cumulative overtime in the current pay period. If two or more nurses have the same amount of cumulative overtime in the current pay period, the most senior nurse as defined in Section 5.1- Seniority Defined will be offered the overtime. In the event that two or more nurses have the same date of hire, the process in Section 5.1 - Seniority Defined shall be used to determine which nurse will be offered the overtime.

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