

**Side Letter of Agreement
To the Current Memorandum of Understanding
Between the City of Ontario and
Ontario Police Management Group**

The City of Ontario (City) and the Ontario Police Management Group agree to modify Article IX, Hours of Work, Section 9.01 Work Schedules, 9.02 Overtime, Section 9.03 Overtime Police Sergeants, Section 9.04 Overtime Police Lieutenants Work Schedule Change, and Section 9.04 Compensatory Time Off; and Article X Compensation, Section 10.8 Shift Differential of the Memorandum of Understanding covering the period from January 1, 2018 through June 30, 2022. The intent of this side letter is to meet current operations staffing needs in patrol. This provision shall be effective November 21, 2021.

The revised sections will read as follows:

Section 9.01 Work Schedules

- A. The City reserves the right to schedule work as required in a manner most advantageous to the City and consistent with the public interest and the requirement of municipal employment.
- B. Notwithstanding Section 9.01(A) above, the parties have met and conferred regarding the implementation of modification to employee work schedules.
- C. The parties have agreed that employees in Patrol may be assigned to a 3/12.5 work schedule consisting of 3 workdays of 12.5 consecutive hours each week, inclusive of a paid 30-minute meal period and breaks. During each 28-day work period employees assigned to the 3/12.5 work schedule will also be scheduled to work one additional 10-hour work shift, inclusive of a paid 30-minute meal period and breaks. The 10-hour shift will generally be adjacent to an employee's "Monday" or "Friday", but exceptions may exist to accomplish department-wide training or other special details. The parties will mutually develop rules regarding implementation of the modified work schedule, to address issues such as, extended training of 3 days or more, jury duty leaves and other issues.
- D. Employees in Patrol assigned to the 4/10 work schedule will work 4 10-hour workdays each workweek, inclusive of a paid 30-minute meal period and breaks.
- E. Employees in Patrol assigned to the 3/13 work schedule will work 3 workdays of 13 hours each for 3 consecutive 14-day pay periods, inclusive of a paid 30-minute meal period. During the fourth 14-day pay period, employees assigned to the 3/13 work schedule will also be scheduled to work one additional 8-hour work shift, inclusive of a paid 30-minute meal period and breaks. The 8-hour shift will generally be adjacent to an employee's "Monday" or "Friday", but exceptions may occur to accomplish department-wide training or other special details. The parties will mutually develop rules to address the interaction between the 3/13 work schedule and extended training of 3 days or more, jury duty and other implementation issues that arise.

- F. The parties have agreed that Lieutenants in Patrol may be assigned to a 3/13 work schedule consisting of 3 workdays of 13 consecutive hours each week, inclusive of a paid 30-minute meal period and breaks. During each 28-day work period Lieutenants assigned to the 3/13 work schedule will also be scheduled to work one additional 4-hour work shift (Administrative Meeting), inclusive of paid breaks. The 4-hour shift will generally be adjacent to an employee's "Monday" or "Friday", but exceptions may exist to accomplish department-wide training or other special details. The parties will mutually develop rules regarding implementation of the modified work schedule, to address issues such as, extended training, of 3 days or more, jury duty leaves and other issues.
- G. Employees assigned to Patrol required to don and doff uniforms and/or protective equipment will be provided 15 minutes paid time at the start of each work shift for donning and doffing of uniforms and equipment.

Section 9.02 Overtime

The City has adopted a regularly recurring work period of twenty-eight (28) consecutive days for its law enforcement personnel, pursuant to 29 U.S.C. Sec 207(k) of the Fair Labor Standards Act (FLSA). The FLSA overtime threshold for the 28-day 207(k) work period is 171 hours.

Section 9.03 Overtime – Police Sergeants

- A. The City reserves the right to schedule overtime work as required in a manner most advantageous to the City and consistent with the public interest and the requirement of municipal employment. Overtime is subject to prior approval.

Police Sergeants shall receive overtime compensation at the rate of 1½ the employee's regular rate of pay in cash or compensatory time off, for all time worked, or deemed to have been worked (including paid leaves of absences) in excess of the employee's regularly scheduled daily shift or 40 hours per workweek for employees on a 4/10 shift schedule, or 160 hours in a 28-day work period for employees on a 3/12.5 hour shift schedule. For Police Sergeants assigned to the 3/12.5 hour shift schedule, the 28-day work period will be divided into two 14-calendar day pay periods; one pay period shall include 75 scheduled hours and the other 14-calendar day pay period shall include 85 scheduled hours. Overtime shall be paid to the employees assigned to the 3/12.5 hour shift schedule when the number of hours worked (including all paid leaves of absences) exceeds 75 hours or 85 hours in the respective pay period. Overtime worked pursuant to grant funding must be compensated for in cash.

In lieu of overtime compensation, employees may receive equal compensatory time off upon their request and with the approval of the Bureau Commander.

For Employees on a 3/13 hour shift schedule, when the number of hours worked (including all paid leaves of absences), exceeds 78 hours or 86 hours in the respective pay period, as follows:

For employees assigned to the 3/13 hour shift schedule, the employee will be assigned 78 scheduled hours for three (3) consecutive 14-calendar day pay periods and then one (1) 14-day calendar pay period which shall include 86 scheduled hours. Overtime shall be paid to the employees assigned to the 3/13 shift schedule when the numbers of hours worked, or deemed to have been worked (including all paid leaves of absences), exceeds 78 hours or 86 hours in the respective pay period.

Section 9.04 Overtime – Police Lieutenants

- A. Police Lieutenants shall receive overtime compensation at the rate of 1½ the employee's regular rate of pay in cash or compensatory time off for all time worked or deemed to have worked (including paid leaves of absences) in excess of the employee's regularly scheduled daily shift or 40 hours per workweek for employees on a 4/10 schedule, or 160 hours in a 28 day work period for employees on a 3/12.5 hour shift schedule. For Police Lieutenants assigned to the 3/12.5 hour shift schedule, the 28-day work period will be divided into two 14-calendar day pay periods; one pay period shall include 75 scheduled hours and the other 14-calendar day pay period shall include 85 hours. Overtime shall be paid to Police Lieutenants assigned to the 3/12.5 schedule when the number of hours worked (including all paid leaves of absences) exceeds 75 hours or 85 hours in the respective pay period. Overtime worked pursuant to grant funding must be compensated for in cash.
- B. For Employees on a 3/13 hour shift schedule, when the number of hours worked (including all paid leaves of absences), exceeds 78 hours or 82 hours in the respective pay period, as follows:

For employees assigned to the 3/13 hour shift schedule, the 28-day work period will be divided into two 14-calendar day pay periods; one pay period shall include 78 scheduled hours and the other 14-calendar day pay period shall include 82 scheduled hours. Overtime shall be paid to the employees assigned to the 3/13 hour shift schedule when the number of hours worked (including all paid leaves of absences) exceeds 78 hours or 82 hours in the respective pay period.

Section 10.08 Shift Differential

- A. Shift differential shall be 3% above base pay. Employees assigned to the 4/10 work schedule whose regular work shift begins prior to 5 a.m. or ends at 8 p.m. or later, shall receive shift differential compensation. Employees assigned to the 3/12.5 or 3/13 work schedule whose work shift begins between Noon and 5 a.m. shall receive shift differential compensation.
- B. All employees on work assignments that require that their shift start and end times are subject to modification periodically by supervision shall likewise be entitled to shift differential.
- C. Shift differential shall not be paid for any hours worked as overtime by employees not assigned to these identified shifts/assignments.

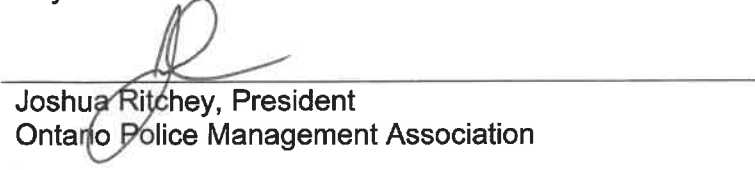
Side Letter of Agreement to Current Memorandum of Understanding Between The City Of Ontario and Ontario Police Management Association - Article IX, Hours of Work, Section 9.01 Work Schedules, 9.02 Overtime, Section 9.03 Overtime Police Sergeants, Section 9.04 Overtime Police Lieutenants Work Schedule Change, and Section 9.04 Compensatory Time Off; and Article X Compensation, Section 10.8 Shift Differential

Approved:



Angela C. Lopez, Executive Director Human Resources/Risk Management
City of Ontario

3/18/22
Date



Joshua Ritchey, President
Ontario Police Management Association

2/24/22
Date

