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**Special Public Meeting
of the Board of Directors**

**Monday, March 4, 2024, 6:00 pm
1819 Trousdale Dr., Burlingame
(Classroom)**

Agenda

1. Call to Order and Roll Call

2. Public Comment on Non-Agenda Items

At this time, any person in the audience may speak on any items not on the agenda and any other matter within the jurisdiction of the District. Speakers are customarily limited to three minutes. If you cannot attend the meeting, but would like to offer comments, please email your comments to Voula.theodoropoulos@peninsulahealthcaredistrict.org or visit our website <https://www.peninsulahealthcaredistrict.org/public-comment-form>, and your comments will be read into the record. Public comments will be taken for each agenda item prior to the Board's consideration of that item.

3. New Business:

a. Adopt Modifications to Employee Handbook: CEO, Ana M. Pulido

4. Adjourn:

Any writings or documents provided to a majority of the Board of Directors regarding any item on this agenda will be made available for public inspection at the District Office, 1819 Trousdale, Burlingame during normal business hours. Please call 650-697-6900 to arrange an appointment.

If you are an individual with a disability and need an accommodation to participate in this meeting, please contact Peninsula Health Care District at least 48-hours in advance at 650-697-6900.



DATE: March 4, 2024
TO: PHCD Board of Directors
FROM: Ana M. Pulido, Chief Executive Officer
SUBJECT: Approval to Adopt Modifications to Employee Handbook

BACKGROUND

Since the launch of allcove San Mateo on January 22, 2024, there has been a discussion regarding the need for increased flexibility in scheduling non-exempt employees to align with allcove's operating hours. allcove operates on Mondays, Tuesdays, Thursdays, Fridays, and Saturdays, with limited hours on Saturdays from 10 am to 1 pm. Currently, allcove team members divide their work hours from Monday through Saturday, with Sunday being their only full day off. Staff members have expressed a desire to work additional hours during allcove's regular operating days to allow for two full days off, similar to other PHCD employees. However, the current policy at Peninsula Health Care District mandates payment of overtime to non-exempt employees for hours worked beyond eight in a single workday and for more than 40 hours in a workweek. Furthermore, the District compensates employees at double the regular rate for hours exceeding twelve in a workday and for more than eight hours on the seventh consecutive workday in a workweek.

Subject to Board approval, effective March 19, 2024, the District proposes a revision to the policy handbook to compensate overtime (at one and a half times the regular rate of pay) for hours worked beyond forty (40) in a single workweek. PHCD will discontinue the practice of paying daily overtime or double time.

As a public agency, PHCD is exempt from certain California wage and hour regulations, such as daily overtime and double time requirements. Instead, PHCD must adhere to federal law, specifically the Fair Labor Standards Act (FLSA), which mandates only a weekly overtime provision. Historically, PHCD has chosen to offer daily overtime to all non-exempt employees as a policy decision. However, in response to the changing requirements of the organization, transitioning to weekly overtime will provide increased scheduling flexibility and enhance the District's ability to meet community needs through its programs. Any adjustments to work hours remain subject to approval by the employee's supervisor and PHCD management, as schedules are designed to best support the District's operational requirements and community expectations.

Please find the updated "Wages" section of PHCD's Employee Handbook attached for reference.

RECOMMENDATION

Approve the suggested amendment related to "Wages" in the PHCD Employee Handbook.



Wages

Overtime for Non-Exempt Employees

Employees may be required to work overtime as necessary. Only actual hours worked in a given workday or workweek can apply in calculating overtime. All overtime work must be previously authorized by the CEO. The District provides compensation for all overtime hours worked by non-exempt employees in accordance with ~~applicable state and federal~~ law as follows:

- All hours worked in excess of ~~8 hours in one workday or~~ 40 hours in one workweek will be treated as overtime. A workday begins at 12:01 a.m. and ends at midnight 24 hours later. Workweeks begin each Sunday at 12:01 a.m.;
- Compensation for hours in excess of 40 for the workweek, ~~or in excess of eight and not more than 12 for the workday, and for the first eight hours on the seventh consecutive day of work in one workweek,~~ shall be paid at a rate one and one-half times the employee's regular rate of pay;
- ~~Compensation for hours in excess of 12 in one workday and in excess of eight on the seventh consecutive workday in a workweek shall be paid at double the regular rate of pay; and~~
- Exempt employees may have to work hours beyond their normal schedules as work demands require. No overtime compensation will be paid to exempt employees.

Pay for Mandatory Meetings/Training

The District will pay non-exempt employees at an amount equal to their hourly wage for their attendance at meetings, lectures, and training programs under the following conditions:

- Attendance is mandatory;
- The meeting, course, or lecture is directly related to the employee's job; and
- The employee who is required to attend such meetings, lectures, or training programs will be notified of the necessity for such attendance by his or her supervisor;
- Any hours in excess of ~~eight in a day or~~ 40 in one workweek will be paid at the appropriate overtime rate, at the hourly rate in effect at the time the overtime work is being performed.

On occasion, we may request that you attend a mandatory company-sponsored meeting. We do our best to schedule mandatory meetings at times when most employees are scheduled to work. However, there may be cases where they are not during hours you are normally scheduled to work. If a mandatory company-sponsored meeting is held during your non-working hours, and you are a non-exempt employee, you will be eligible for payment based on the actual meeting time attended. Exempt employees will not receive any additional salary ~~consideration~~ compensation.

Payment of Wages

Paychecks are normally available by 5:00 p.m. on the 15th and last day of each month at the District office.

Workweek

The District's workweek starts at 12:01am on Sunday and concludes on Saturday at 12:00 midnight.

Twice-Monthly Payments

All employees are paid twice a month on the 15th and last day of the month.

Deductions (Mandatory)

The District is required by law to make certain deductions from your paycheck each time one is prepared. Among these are your federal and state income taxes and your contribution to Social Security. These deductions will be itemized on your paycheck stub. The amount of the deductions from your paycheck may depend on your earnings and on the information you furnish on your W-4 form regarding the number of withholding allowances you claim. Any change in name, address, telephone number, marital status or number of exemptions must be reported to human resources immediately, to ensure proper credit for tax purposes. The W-2 form you receive for each year indicates precisely how much of your earnings were deducted for these purposes. Any other mandatory deductions to be made from your paycheck, such as court-ordered levies or garnishments, will be explained to you whenever the District is ordered to make such deductions.

Deductions (Optional)

If you elect to participate in the health, dental, and/or vision insurance plan(s), or the flexible savings plan appropriate deductions will be made from your paycheck.

Automatic Deposit

The District, through its payroll service, offers automatic payroll deposit for employees. You may begin and stop automatic payroll deposit at any time. To begin automatic payroll deposit, you must complete a form (available from the CFO) and return it to payroll at least 10 days before the pay period for which you would like the service to begin. You should carefully monitor your payroll deposit statements for the first two pay periods after the service begins.

To stop automatic payroll deposit, complete the form available from the CFO and return it to the CFO at least 10 days before the pay period for which you would like the service to end. You will receive a regular payroll check on the first pay period after the receipt of the form, provided it is received no later than 10 days before the end of the pay period.

Timekeeping Requirements

Time Recording for Exempt Employees

State and federal laws require employers to pay overtime pay to some classes of employees, but other classes of employees, including most managers, administrative employees and professionals, are "exempt" from coverage under these laws provided they are paid on a salary basis. An employer must treat an exempt employee in very specific ways, or the employee may lose the exempt status. For example, an employer can only reduce the salary of an exempt employee under certain circumstances, as reflected in this policy.

If an exempt employee takes time off due to sickness or personal reasons, each full day of absence will result in a salary reduction of one day's pay, except to the extent the absence is covered by Paid Time Off benefits, and no reduction in salary will be made for an absence of less than one day. If the exempt employee has no available Paid Time Off, their salary will not be reduced in increments of less than one day. Regardless of whether an absence would result in a salary reduction under this policy, a PTO request or timesheet adjustment is required whenever an exempt employee misses one scheduled work day.

If an exempt employee takes time off due to jury duty, military service or appearance in court as a witness, each full week of absence will result in a salary reduction of one week's pay, except to the extent the absence is covered by Paid Time Off or Jury Duty benefits, and no reduction in salary will be made for an absence of less than one week. Exempt employees are required to use any available Paid Time Off benefits to cover any time off from regularly scheduled work. In the sole discretion of your manager, you may make up missed time instead of using paid leave benefits, whether or not the "make up" time is within the same workweek. In that event, no PTO request or timecard adjustment is required. When recording time off as an exempt employee, whether paid or unpaid, you must document request in writing to the CEO. Reductions in salary will only be made in accordance with this policy.

Time Recording for Non-Exempt Employees

Employees who are not paid a salary and employees who do not perform work that is managerial, professional or administrative are classified as "non-exempt" from state and federal overtime laws. Non-exempt employees must be paid overtime for all time worked in excess of 8 hours per day and 40 hours per week. By law, we are obligated to keep accurate records of the time worked by non-exempt employees. As a non-exempt employee, you are responsible for recording your starting and stopping times on your timecard.

All nonexempt employees are required to submit a timecard to record time worked for payroll purposes. All time worked must be accurately reported on your time record. Employees must record their own time at the start and at the end of each work period. Employees will be required to certify that their time record is accurate.

Non-exempt employees are not permitted to "make up" hours not worked in one workweek by working extra hours in another workweek, if this would result in more than 8 hours of work in any day or 40 hours of work in any workweek. This is because the law does not allow employees to waive their statutory right to overtime pay. Any make up time within the same workweek requires express written approval from management.

Work Schedules

The District's regular core business hours are 8am - 6 pm. Certain District programs have adjusted hours on weekdays and also observe some weekend hours. Board and Board Committee meetings are typically scheduled weekdays between 5 pm - 9 pm and occasionally on weekends. The non-exempt staffs' scheduled shifts on those occasions will be adjusted. Whenever possible, the District will notify the non-exempt employee of any schedule change at least 5 business days prior to schedule change. Employee shifts will be assigned by the District and will be based on operational needs of the department/program involved. In certain situations, the District will approve alternative work schedules that meet District needs and that do not result in overtime.

Meal and Rest Periods

Rest Breaks

All non-exempt employees are entitled to rest break periods during their workday. If you are a non-exempt employee, you will be paid for all such break period. You are expected to return to work promptly at the end of any rest break.

Number of Rest Breaks

You will be authorized and permitted one (1) ~~105~~-minute net rest break for every four (4) hours you work. A rest break need not be authorized for employees whose total daily work time is less than three and one half (3.5) hours.

For shifts in excess of 14 hours, you will continue to be entitled to additional paid 10-minute rest breaks for every four (4) hours you work, or major fraction thereof.

Timing of Rest Breaks

You are authorized and permitted to take a rest break in the middle of each four-hour work period.

There may be practical considerations that make this general timing infeasible and that require the District to deviate from this general rule. You will be informed if there are practical considerations that make this timing infeasible.

Meal Period

All nonexempt employees will be provided an uninterrupted unpaid meal period of at least 30 minutes if you work more than five (5) hours in a workday. During your meal period, you are relieved of all work and you are free to come and go as you please and are free to leave the premises. You are expected to return to work promptly at the end of any meal period.

If your total work period for the day is more than five hours per day but no more than six hours, you may waive the meal period. This cannot be done without the mutual consent of you and your supervisor. You must discuss any such waiver with your supervisor in advance. The waiver must be in writing.

Timing of Meal Period

Your meal period will be provided no later than the end of your fifth hour of work. For example, if you begin work at 8:00 a.m., you must start your meal period by 12:59 p.m. (which is before the end of your fifth hour of work).

Recording Meal Periods

You must record any meal period on your timecard.

All work time must be accurately reported on your timecard.

If for any reason you are not provided a meal period in accordance with our policy, or if you are in any way discouraged or impeded from taking your meal period or from taking the full amount of time allotted to you, please immediately notify the CEO.

Anytime you miss a meal period that was provided to you (or you work any portion of a provided meal period), you will be required to report to CEO.

Confirmation of Receipt

I have received my copy of the District's [updated Wages section in the](#) employee handbook. I understand and agree that it is my responsibility to read and familiarize myself with the policies and procedures contained in the handbook, [including regarding Wages](#).

I understand and agree that nothing in the employee handbook creates or is intended to create a promise or representation of continued employment and that employment at the District is employment at-will; employment may be terminated at the will of either the District or myself. My signature certifies that I understand that the foregoing agreement on at-will status is the sole and entire agreement between the District and myself concerning the duration of my employment and the circumstances under which my employment may be terminated. It supersedes all prior agreements, understandings, and representations concerning my employment with the District.

I understand that except for employment at-will status, any and all policies or practices can be changed at any time by the District. The District reserves the right to change my hours, wages, and working conditions at any time. I understand and agree that other than the CEO, no manager, supervisor, or representative of the District has authority to enter into any agreement, express or implied, for employment for any specific period of time, or to make any agreement for employment other than at-will; only the CEO has the authority to make any such agreement and then only in writing, signed by the CEO.

Employee's Signature _____

Employee's Printed Name _____

Date
