

City and County of San Francisco
Department of Human Resources

Overview Presentation on
SEIU, Local 1021 Miscellaneous MOU
Rest Period Arbitration Award
December 12, 2012



Rest Periods

- ❑ All hours worked within the following rest periods pursuant to a callback or holdover (i.e., not voluntary shift sign ups) are paid at the one-and-one-half (1.5) overtime rate:
 - ❑ Between Shifts:
 - ❑ Twelve (12) hours
 - ❑ Legal Holiday (or a single day off):
 - ❑ Thirty-one (31) hours
 - ❑ Weekend (or two consecutive days off):
 - ❑ Fifty-five (55) hours



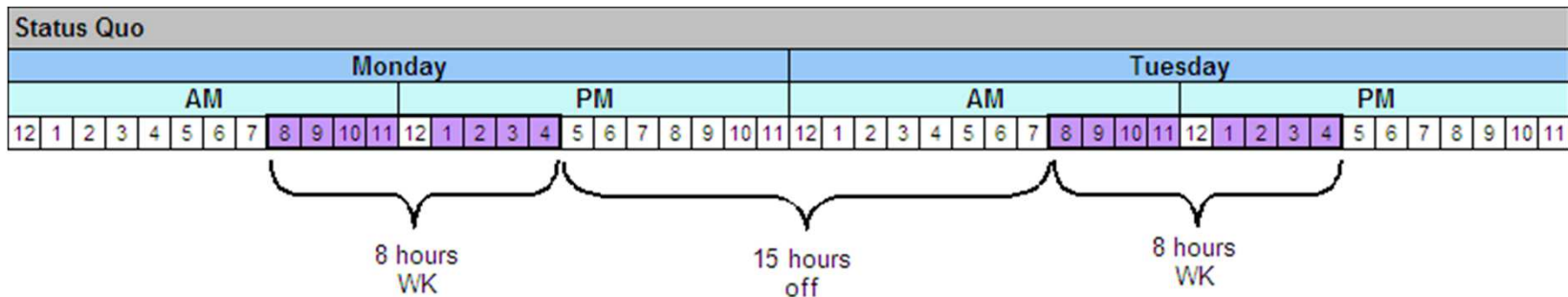
Between Shifts

- ❑ Compensated at one-and-one-half (1.5) overtime rate:
 - ❑ **Old Rule**: Regularly scheduled work hours that are within twelve (12) hours of having ended callback / holdover work hours.
 - ❑ **New Rule**: If called back / held over and return to start one's regularly scheduled shift within eight (8) hours (i.e., 8 hours or less) of ending callback / holdover, all hours worked are at the one-and-one-half (1.5) overtime rate until employee has twelve (12) consecutive hours of rest time.



Example: Status Quo

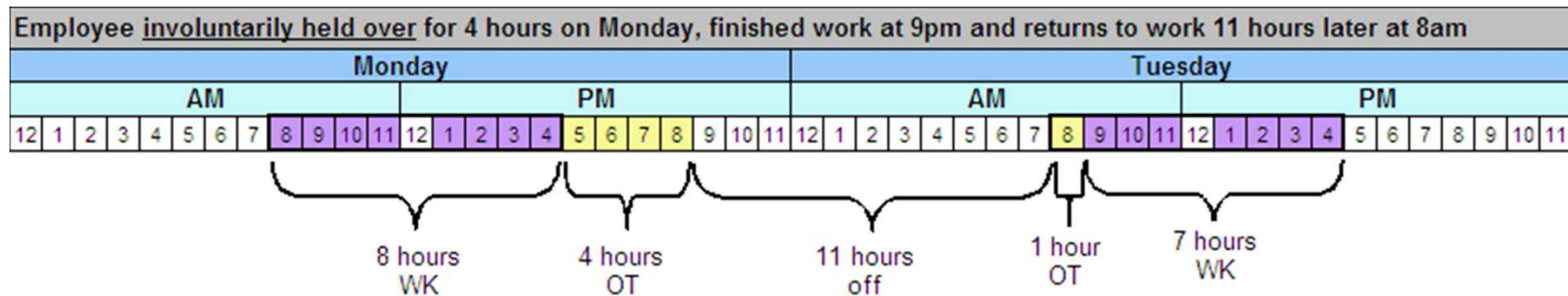
Employee Works Monday through Friday,
8am – 5pm with one hour unpaid lunch at noon



Example: Holdover

Old Rule:

Employee **involuntarily held over** for 4 hours on Monday, finished work at 9pm and returns to work 11 hours later at 8am.



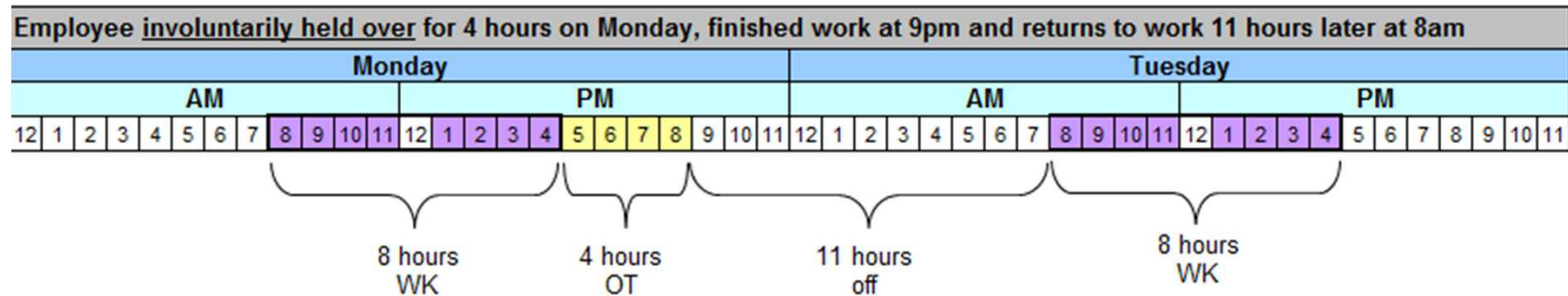
Because shift is **involuntary**, the 4 hours of overtime counts against the 12 hour threshold resulting in payment of 1 hour of additional overtime.



Example: Holdover

New Rule:

Employee **involuntarily held over** for 4 hours on Monday, finished work at 9pm and returns to work 11 hours later at 8am.



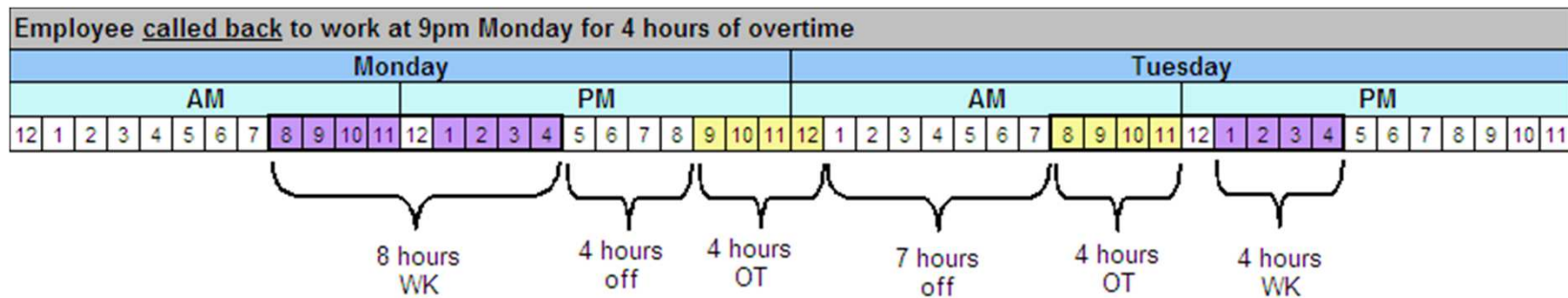
Because employee returned to work eleven (11) hours after completing the holdover assignment, the eight (8) hour threshold was not crossed so all of the employee's regularly scheduled hours are at straight-time.



Example: Call Back

Old Rule:

Employee **called back** to work at 9pm Monday for 4 hours of overtime



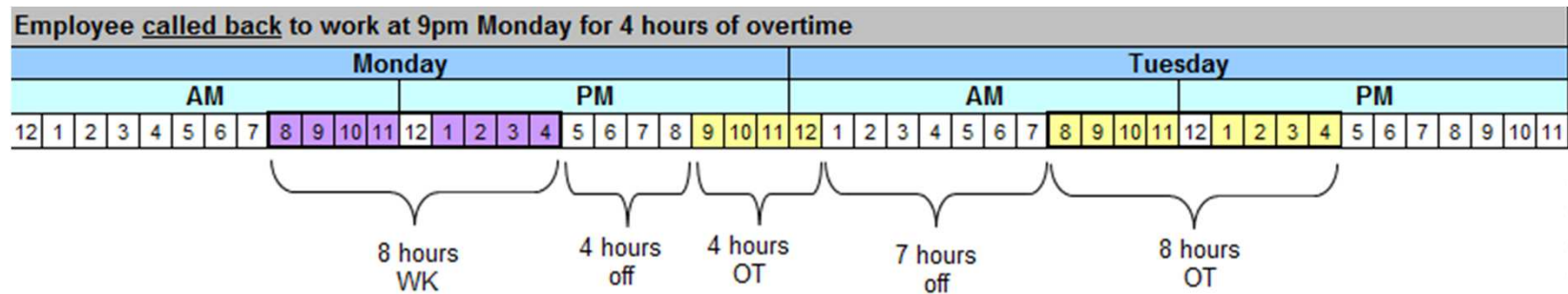
Because the twelve (12) hour rest period must be “unbroken,” the rest period starts at the conclusion of the call back assignment. Excluding the one hour unpaid lunch, the employee’s first four hours of his/her regularly scheduled shift would be at the one-and-one-half overtime rate.



Example: Call Back

New Rule:

Employee **called back** to work at 9pm Monday for 4 hours of overtime



Because the eight (8) hour rest period must be “unbroken,” the rest period starts at the conclusion of the call back assignment. Excluding the one hour unpaid lunch, the employee’s entire regularly scheduled shift is at the one-and-one-half overtime rate.



Sample Worksheet

Delineated below is a sample worksheet that you may use to calculate if/when the rest period provision is applied.

Sample Worksheet																																															
Monday																						Tuesday																									
AM											PM											AM											PM														
12	1	2	3	4	5	6	7	8	9	10	11	12	1	2	3	4	5	6	7	8	9	10	11	12	1	2	3	4	5	6	7	8	9	10	11	12	1	2	3	4	5	6	7	8	9	10	11

