

SIDE LETTER OF AGREEMENT  
BETWEEN  
LAS GALLINAS VALLEY SANITARY DISTRICT  
AND  
OPERATING ENGINEERS LOCAL NO. 3

ALTERNATIVE WORK SCHEDULES

*March 16, 2023*

I. Parties

The Parties to this Side Letter of Agreement (herein after “Side Letter”) are the Las Gallinas Valley Sanitary District (hereinafter referred to as the “District”) and the Operating Engineers Local No. 3 (hereinafter referred to as the “Union”).

II. Background

The Parties are the signatories to a Memorandum of Understanding (hereinafter referred to as the “MOU”) setting forth terms and conditions of employment for certain District employees. The terms set forth below amend the existing MOU. The Parties agree as follows:

III. MOU Side Letter

For Purposes of the MOU, this Side Letter shall replace the current language by replacing the following Sections upon adoption of the Board of Directors. The existing 2021-2023 MOU will, in all other respects, remain in effect without change through the term specified therein.

**3.3.1 Work Schedules**

The work schedule will be 6:00 am to 3:30 pm Monday through Thursday and 6:00 am to 2:30 pm on alternating Fridays for collections, maintenance, operations, and laboratory classification work groups. The General Manager has the discretion to determine the start and ending time of all other classifications. Plant operator schedules include rotational standby duty which may include responding to the plant on Saturdays, Sundays, and holidays.

Alternative 9/80 work schedules are the primary work schedules of the District. Adjustments and flexibility in the work schedule, such as working other alternative schedules or working a traditional 8-hour schedule, can be arranged at mutual agreement between the employee and District management.

The District work schedules are structured in one of the following ways:

1. Alternative 9/80 work schedule: A nine (9) hour workday, four (4) days per work week, and an alternating eight (8) hour workday, occurring once every other work week. A 9/80 schedule will result in 80 hours worked over a two-calendar week period.
2. Traditional 8-hour schedule: An eight (8) hour workday, five (5) days per week.

SIDE LETTER OF AGREEMENT  
BETWEEN  
LAS GALLINAS VALLEY SANITARY DISTRICT  
AND  
OPERATING ENGINEERS LOCAL NO. 3

All Agency employees shall have an established standard workday and workweek schedule, with daily starting and ending times. Each employee is expected to observe his/her schedule, by being at work at their defined start time, and to stay at work until their defined ending time.

Work schedules may be modified or waived by the General Manager in the event of an emergency to ensure the safe operation and maintenance of the wastewater collection system, treatment plant, laboratory, and administrative functions.

**3.3.2 Lunch and Breaks**

Employees are entitled to a thirty (30) minute unpaid lunch break and two fifteen (15) minute paid rest breaks during the workday. An employee may use one fifteen (15) minute break to extend the lunch period to 45 minutes. An employee is entitled to an unpaid one-half (1/2) hour meal break for every five (5) hour work period. The lunch period should be scheduled at the middle of the work shift, whenever possible.

**3.3.3 Workweek Defined**

The District workweek is defined in one of the following ways:

1. For employees working the 9/80 schedule, the workweek shall begin four hours into the alternating eight-hour workday and conclude 168 hours later.
2. For employees working the traditional 8-hour schedule, the workweek shall begin at 00:00 hours on Monday and conclude the following Sunday at 24:00 hours.

Each employee choosing to work an alternative work schedule will have their defined workweek communicated in a written agreement with the employee and will be in compliance with FLSA requirements.

**3.4 Payment of Wages**

Employees are paid biweekly. Paychecks are issued by the District office on Friday for the two-week payroll period which ends the preceding Sunday at 24:00 hours (midnight).

**3.5 Overtime**

Occasionally, non-exempt employees may be required to work overtime. All overtime work must be authorized in advance except when an employee is on standby or is responding to an emergency. The District includes all hours worked and paid time off as eligible hours when calculating overtime. The District compensates for all overtime hours worked by non-exempt employees in accordance with state and federal law. The District has an overtime rounding up/rounding down policy which shall be followed in determining when and how much overtime will be reported.

SIDE LETTER OF AGREEMENT  
BETWEEN  
LAS GALLINAS VALLEY SANITARY DISTRICT  
AND  
OPERATING ENGINEERS LOCAL NO. 3

- All hours worked in excess of employee's scheduled workday or forty (40) hours in one (1) workweek will be treated as overtime.
- A workday for overtime calculation begins at 06:00 hours and ends twenty-four (24) hours later.
- Compensation for hours in excess of forty (40) for the workweek, or in excess of employees scheduled workday and not more than twelve (12) for the workday, will be paid at a rate of one and one-half times the employee's regular rate of pay.
- Compensation for hours in excess of twelve (12) in one (1) workday will be paid at double the regular rate of pay.
- Employees required to work Sundays will be paid double the regular rate of pay for work performed on Sunday.
- Employees whose regularly scheduled workday falls on a paid holiday and who work the holiday will receive holiday pay at one and one-half times the employee's regular rate of pay. Overtime earned for working the holiday will be added to the employee's compensatory time off bank, subject to the accumulation cap in section 15.12.
- Employees who are required to work during their unpaid meal period and receive prior approval from their supervisor shall receive time and one half for their meal period.

**3.6 Standby / Call-Back**

Employees scheduled for standby are entitled to premium pay. Employees called-back to perform regular or emergency after-hours work are entitled to premium pay.

**3.6.1 Standby**

Employees who are scheduled for standby duty will receive a pay premium of two hours of straight time for each day the employee is assigned standby duty. Standby duty begins when the employee leaves the work site after a regular scheduled shift. Standby compensation shall be limited to pay only and cannot be converted to compensatory time off.

**3.6.2 Weekend and Holiday Standby Coverage for Standby Plant Operators**

Standby employees scheduled to work overtime on weekends and holidays are entitled to the following premium pay in addition to daily standby premium pay:

- a. Physical Response to the Plant: Employee will receive a minimum of two (2) hours of premium pay at one-and-one-half times (1.5x) their base hourly wage rate. Under these circumstances the premium pay will commence when the employee arrives at the plant and will conclude upon the employee leaving the plant.

SIDE LETTER OF AGREEMENT  
BETWEEN  
LAS GALLINAS VALLEY SANITARY DISTRICT  
AND  
OPERATING ENGINEERS LOCAL NO. 3

- b. Remote Monitoring of the Plant: Employee will receive a minimum of one (1) hour of premium pay at one-and-one-half times (1.5x) their base hourly wage rate.

**3.6.3 Emergency Response Call-Back**

Any employee, including a standby employee, who is called back and is required to work are entitled to the following premium pay in addition to daily standby premium pay:

- a. Physical Response to a Plant Alarm or Event: Any employee, including a standby employee, who physically responds to the plant or pump station for an alarm, plant emergency or line stoppage, will receive a minimum of two (2) hours of premium pay at one-and-one-half times (1.5x) their base hourly wage rate. Under these circumstances the premium pay will commence when the employee leaves their home and will conclude upon the employees return to their home.
- b. Remote Response to a Plant Alarm or Event: Any employee, including a standby employee, who remotely responds to an alarm or plant notification, will receive a minimum of one (1) hour of premium pay at one-and-one-half times (1.5x) their base hourly wage rate. Compensation for multiple incidents within the one (1) hour window will be compensated for only one (1) hour of premium pay.

The responding Supervisor or Operator may receive one (1) hour of remote access premium pay up to two (2) hours total for the Stand-by period. Compensation for multiple incidents within the one (1) hour window will be compensated for only one (1) hour of premium pay.

For a remote access response to qualify it must meet all of the following criteria:

An alarm must be triggered;

The assigned person must respond and act; and

The action taken requires a log book entry.

The log book entry will be made upon returning to the treatment plant to report for scheduled duty or by having another Operator enter the action in the log book, if the responding party will not be returning to the treatment plant before the start of the next day's shift.

The decision to physically respond to the plant or pump stations must be in good judgment.

**15.1 Holidays**

The District observes the following paid holidays:

New Year's Day

Martin Luther King Jr.

SIDE LETTER OF AGREEMENT  
BETWEEN  
LAS GALLINAS VALLEY SANITARY DISTRICT  
AND  
OPERATING ENGINEERS LOCAL NO. 3

Presidents' Day  
Memorial Day  
Independence Day  
Labor Day  
Veterans Day  
Thanksgiving Day  
Day after Thanksgiving  
Christmas Eve (or the weekday before the Christmas Day Holiday)  
Christmas Day

When a holiday falls on a Sunday, it will be observed on the following Monday. When a holiday falls on a Saturday, it will be observed on the preceding Friday. Holiday pay shall be based on the number of hours in the employees regular scheduled work shift. A regular work shift is considered to be nine (9) or eight (8) hours per day for full-time employees, depending on if the employee has chosen to work an alternative or traditional schedule.

**15.2      **Vacation****

Regular full-time employees receive paid vacation based on years of active service with the District. Active service begins with an employee's first day of work and continues thereafter unless broken by certain unpaid leaves of absence, except as required by law. Overtime hours are not included in vacation accrual. Temporary and part-time employees do not accrue paid vacation time. If an employee is on alternative schedule and takes a vacation day, the employee will need to record the appropriate number of hours with respect to their schedule. For example, employees on the 9/80 schedule will require 9 hours of vacation to be recorded. Traditional schedules will require 8 hours of vacation to be recorded.

IV. General Provisions

- A. This Side Letter will take effect immediately upon approval and adoption by the District Board of Directors.
- B. The written terms herein embody the entire Side Letter of Agreement between the Parties.

[Signatures on next page]

SIDE LETTER OF AGREEMENT  
BETWEEN  
LAS GALLINAS VALLEY SANITARY DISTRICT  
AND  
OPERATING ENGINEERS LOCAL NO. 3



ALTERNATIVE WORK SCHEDULES

IN WITNESS WHEREOF, the parties hereto have executed this Side Letter of Agreement on  
this 29<sup>th</sup> day of MARCH, 2023.


For Las Gallinas Valley  
Sanitary District

For Operating Engineers Local 3

  
\_\_\_\_\_

  
\_\_\_\_\_ CARL E. CARR, JR.  
  
\_\_\_\_\_

Date: 03/29/2023

  
\_\_\_\_\_

Date: 29 MAR 23