

## 2023 CITY OF SAN JOSÉ – MEF NEGOTIATIONS

### CITY COUNTERPROPOSAL TO MEF – ARTICLE 7.7, CALL BACK, AND STANDBY PAY

City Proposed Language:

~~7.7 An employee authorized or required to telecommute, which requires at least fifteen minutes of work shall be compensated for the time worked to the nearest fifteen minutes at the appropriate rate.~~

12.7 Call Back. An employee who is called back to work in response to an emergency or other unforeseen circumstance shall be credited for the time worked, or for three (3) hours, whichever is greater, at the appropriate rate (1.5). This section shall apply on either a workday after the employee has departed from their place of employment or on a day off. It shall not apply to scheduled overtime or during a regular shift. Employees who are called back multiple times during a standby shift shall not receive additional pay until the employee has worked a total of three hours, after which time the employee would be eligible for additional pay, but only for actual hours worked.

12.7.1 To the extent possible, when an employee has worked in excess of sixteen (16) hours, upon request by the employee, the Department Director or designee may approve the time off using an employee's available leave, excluding sick leave, to provide the employee with a rest period prior to their next shift.

~~12.7.2 Employees authorized or required by their supervisor to conduct work remotely in response to an emergency or other unforeseen circumstance, including, but not limited to, via a remote connection (telephone or computer), after the employee has departed from their place of employment or on a day off shall be compensated at the appropriate rate of pay for actual time worked rounded to the nearest fifteen-minute increment.~~

12.8 Standby Pay. Employees who are required to perform standby duty shall be credited with one hour compensation at the appropriate rate (1.5) for each eight (8) hour shift or portion thereof the employee performs standby duty. In the event the employee is called back to work, the employee shall be entitled to the compensation provided by Section 12.7 above, in lieu of the one hour of standby compensation for that eight (8) hour shift.

12.8.1 Standby pay is not deemed as actual hours worked for the purpose of calculating eligibility for overtime.

~~12.8.2 Employees required to work standby duty on a holiday, as outlined in Article 10.1, shall receive Standby Pay in accordance with Article 12.8 in addition to any pay or compensatory time for which the employee may be eligible under Article 10.1.~~