Side Letter of Agreement
Between the
Service Employees International Union, Local 521
and Tulare County

Representatives from the Health & Human Services Agency (HHSA) and the Human Resources & Development Department met with representatives from the Service Employees International Union, Local 521 (SEIU), regarding Senate Bill 1334 (SB 1334) which went into effect on January 1, 2023.

SB 1334 entitles County employees "who provide direct patient care or support direct patient care in a general acute care hospital, clinic, or public health setting" to one unpaid 30-minute meal period on shifts over 5 hours, a 2nd unpaid 30-minute meal period on shifts over 10 hours, and rest periods for every four hours of work or a "major fraction thereof." If the County fails to provide these meal and rest periods, the County would be required to pay the employee an additional hour at the employee's regular rate of pay.

SB 1334 exempts employees that are "covered by a collective bargaining agreement that provides for meal and rest periods, and, if the employee does not receive a meal or rest period required by the agreement, includes a monetary remedy that, at a minimum, is equivalent to one additional hour of pay at the employee's regular rate of compensation for each workday that the meal or rest period is not provided." The purpose of this Side Letter of Agreement ("Agreement") is to provide for meal and rest periods and to include a monetary remedy if employees do not receive these meal and rest periods.

This Agreement applies to classifications that provide direct patient care or support direct patient care at the Visalia and Farmersville Health Clinics, Visalia Adult Integrated Clinic, Porterville Mental Health Clinic, Hillman Health/Tuberculosis Clinic as set forth in the Excel spreadsheet included as Attachment A.

Eligible employees who work more than five (5) hours in a workday are entitled to an unpaid, uninterrupted, duty-free meal period of not less than 30 minutes that is to begin no later than the end of the fifth hour of work. For example, if an employee begins their workday at 8:00 a.m., the first meal period would begin before 1:00 p.m.

Eligible employees who work more than 10 hours in a workday are entitled to a second unpaid, uninterrupted, duty-free meal period of not less than 30 minutes that is to begin no later than the end of the 10th hour of work.

Per SB 1334, eligible employees are also entitled to paid, uninterrupted, duty-free rest period(s) of not less than 10 minutes. Employees who work 3.5 to 6 hours are entitled to one rest period, employees who work 6 hours and up to 10 hours are entitled to two rest periods, and employees who work more than 10 hours up to 14 hours are entitled to three rest periods. Pursuant to Tulare County Personnel Rule 6.3, these rest periods will be 15 minutes for eligible employees.

Waiving Meal Periods

An employee may choose to waive a meal period in the following circumstances:

- The shift will be completed under six (6) hours.
- When the shift is between 10 and 12 hours, the second meal period may be waived as long as the first meal period was taken. If the shift is more than 12 hours, the second meal period cannot be waived.
- Both the employee and supervisor must agree to waive meal periods.
- A waiver must be signed by both the employee and the supervisor acknowledging the agreement.
- Waivers will remain on file until the employee, or the supervisor revokes the agreement in writing. A supervisor and/or employee may revoke the agreement at any time.

Delaying a Meal Period

If an employee desires to delay starting a meal period beyond the end of the 5th work hour, they must request to do so in writing to their supervisor. The employee and the supervisor must agree to the delayed meal period. In no event shall the delayed meal period be taken during the last hour of an employee's shift.

Monetary Impact

To ensure employees are provided rest and meal periods, supervisors will schedule rest and meal periods. Employees are responsible for taking all rest and meal periods as expected. If an employee will be unable to take a rest or meal period as scheduled, the employee is expected to notify their supervisor as soon as possible and in advance of the scheduled rest or meal period. Employees must inform the supervisor of the reasons why they will miss the rest or meal period so the supervisor can rectify it. If the employee misses a rest or meal period, they must provide a written summary identifying the reasons why to their supervisor as soon as possible. When approving employees' timecards, supervisors will review the written summary to determine if an additional hour of pay is owed to the employee.

If an employee is not provided a meal period, the employee is entitled to one additional hour of pay at their regular rate of pay for each workday the meal period if not provided. Consistent with California law, if an employee is not provided multiple meal periods in a workday, they are only entitled to one additional hour of pay. If an employee is not provided with a rest period, they are entitled to one additional hour of pay at their regular rate of pay for each workday the rest period is not provided. If an employee is not provided multiple rest periods in a workday, they are only entitled to a maximum of one additional hour of pay. If an employee is not provided one or more meal periods and one or more rest periods in a workday, they are only entitled to two (2) additional hours of pay.

Missing rest and meal periods is not conducive to a healthy working environment. Employees are expected to make every effort to adhere to rest and meal periods as required above.

The requirements to provide meal and rest periods under this Agreement is contingent on SB 1334 (Labor Code section 512.1) being effective and valid. If Labor Code section 512.1 is no longer in effect or found to be invalid or unenforceable, this Agreement will automatically terminate.

For SEIU:

José Sigala
Print Name

José Sigala (signature)
Signature

_8/14/23_
Date

For Tulare County:

Lupe Garza
Print Name

Lupe Garza (signature)
Signature

_8/15/2023_
Date