



**COUNTY OF  
SAN BERNARDINO**

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April 10, 2007

The Honorable Members  
Committee on Public Employees, Retirement and Social Security  
State Capitol Building  
Sacramento, CA 95814

RE: **AB 503 (Swanson)** – As Amended March 26, 2007 - **OPPOSE**

Dear Committee Members:

The County of San Bernardino, along with the California State Association of Counties, the League of California Cities, the Regional Council of Rural Counties, and the Urban Counties Caucus respectfully opposes and requests your “no” vote on AB 503 (Swanson), as amended.

As you know, existing law pertaining to public agency overtime payment is governed by the Federal Fair Labor Standards Act (FLSA) and generally requires payment of time and one half time pay for overtime work that exceeds forty hours in a seven day period of time, except for extended work periods provided by specified Public Safety employees. In addition, issues involving work schedules or the effects of work schedules are generally within the scope of collective bargaining for state and local public agency employees.

AB 503 would significantly restrict the ability of public agencies to require an employee who qualifies for overtime payment to work hours outside the employees normal work schedule unless a minimum of eight hours’ written notice of that work assignment has been provided to the employee. This mandate would not apply in the event of an “operational emergency.”

This legislation would lead to limitless grievance and litigation, in part, because it fails to define what constitutes “normal work schedule”, “operational emergency” nor what constitutes adequate “written notice.” It would lead to a level of inflexibility in countless operational situations, such as: a road-work crew hours from their assigned yard who must return a second day for a small amount of routine maintenance that could not be completed during their normal shift, and institutional workers such as hospital, jail or juvenile hall who could not be scheduled to work extra hours necessitated by unanticipated illness or workload increase. The provisions in this legislation could be accomplished under current law in collective bargaining agreements, and it will mandate additional costs that ultimately will be reimbursed by the state general fund.

For these reasons, the County of San Bernardino opposes AB 1496 (Swanson), as amended and again, respectfully requests your “no” vote when the item comes before you.

Sincerely,

**PAUL BIANE**  
Chairman, Board of Supervisors

*The mission of the government of the County of San Bernardino is to satisfy its customers by providing service that promotes the health, safety, well being, and quality of life of its residents according to the County Charter, general laws, and the will of the people it serves.*