

Matt Connolly

Labor Relations – Chief Labor
Negotiator



County of Sacramento

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Sacramento County Administrative Professionals Association
P.O. Box 232767
Sacramento, CA 95823

RE: Fair Labor Standards Act (FLSA) Audit of Airport Operations Officer

I. INTRODUCTION

During the 2022 contract negotiations, Sacramento County ("County") agreed to conduct a Fair Labor Standards Act ("FLSA") audit of the Airport Operations Officer (AOO) classification to determine if individuals in the AOO job classification in various divisions should be classified as overtime exempt under the FLSA.

II. SUMMARY

Below is a summary of the FLSA exemption determinations:

Airport Operations Classifications	FLSA Exemption if applicable
Landside Operations	Executive Exemption
Safety and Risk	Administrative Exemption
General Aviation	Executive, Administrative, Combination Exemption
Facilities Maintenance	Executive, Administrative, Combination Exemption

Airport Operations Classifications	FLSA Exemption if applicable
Facilities Contracts	Administrative Exemption
Airside Operations Officer	Administrative Exemption
Badging	Administrative and Combination Exemption
Communications Center	Executive, Administrative, Combination Exemption
Custodial and Building Services	Administrative Exemption

III. ANALYSIS

A. LANDSIDE OPERATIONS

The Landside Operations AOO classification likely satisfies the duties test for the **Executive Exemption** because this AOO manages a subdivision of the Airport and is involved in employee hiring.

The Landside Operations AOO is responsible for managing the Landside Operations Division. This AOO regularly supervises two to eight full-time employees and has a primary duty of monitoring subordinates' work activities. Additionally, this AOO is responsible for assisting and providing guidance and discipline to subordinates. Therefore, the majority of this AOO's duties involve supervising and overseeing employees.

The Landside Operations AOO also participates in interviewing job candidates, overseeing the training of new employees, and modifying employees' schedules within approved timeframes. In addition, this position oversees work flow, performs annual employee evaluations, addresses grievances that can be handled at the lower level, and issues discipline on an as-needed basis. Thus, the Landside Operations AOO's involvement in managing a division of the Airport and its involvement in hiring, indicate this AOO likely satisfies the Executive Exception.

B. SAFETY AND RISK

Based on the information provided, the Safety and Risk AOO (Safety AOO) classification likely satisfies the duties test for the **Administrative Exemption** because this AOO uses discretion and independent judgment to ensure compliance with regulations and in resolving safety issues.

The Safety AOO classification likely does not satisfy the duties test for the Executive Exemption under the FLSA because this AOO does not regularly direct the work of two or more employees. This AOO also does not satisfy the Professional Exemption because the Safety AOO does not perform work in a recognized field of artistic or creative endeavor, they are not required to have a degree or advanced knowledge, and their work does not require advanced-level computer skills to perform duties such as systems analysis.

As for the Administrative Exemption, the Safety AOO's duties appear to require more discretion and independent judgment. Specifically, this AOO independently investigates incidents, creates detailed reports, and uses their own knowledge and experience to determine and recommend a course of action. The Safety AOO also co-leads the airline Ground Support Equipment audit team to ensure the airlines have complied with OSHA and other regulations. In addition, the Safety AOO manages the Foreign Object Debris program pursuant FAA regulations to help ensure safety at the airport. Thus, the Safety AOO's duties are related to Airport operations and compliance, and likely satisfy the duties test for the Administrative Exemption.

C. GENERAL AVIATION

The General Aviation (GA) AOO classification likely satisfies the duties test for the **Executive, Administrative, and Combination Exemption** because this AOO appears to manage and oversee divisions of the Airport, and they also ensure the safe operation of the GA airports.

The General Aviation AOO's primary duties appear to satisfy the duties test for the Executive Exemption. A majority of the General Aviation AOO's duties appear to involve coordinating, overseeing, and managing. Specifically, this AOO coordinates the NOTAM Program, escort requests, pavement requests and repairs, tenant repairs, work schedules, and the appropriate emergency responses for Airside and Landside. The AOO also oversees the Airport Operations Area, tenant leases, security patrols, and Airside, Landside, and Facility inspections. In addition, the AOO is responsible for managing the work done by the Department of General Services, vendors, and tenants. Aside from these duties, the AOO also regularly supervises two full-time employees and is involved in interviewing and hiring Senior AOWs. Thus, because of this AOO's management and supervisory duties, they likely satisfy the exemption.

The General Aviation AOO also appears to satisfy the Administrative Exemption because the AOO's duties are directly related to matters of significance. Specifically, airport operations and security. In order for the AOO to ensure the safe operations of the airport, they must exercise discretion and independent judgment. This involves determining the level of urgency required for items needing repair, how to respond to tenant issues, and the appropriate emergency response for Airside and Landside. Thus, the General Aviation AOO's duties likely satisfy the duties test for the Administrative Exemption.

As discussed above, the General Aviation AOO's primary duties likely meet the performance of exempt executive and administrative work. Thus, this AOO also likely satisfies the Combination Exemption.

D. FACILITIES MAINTENANCE

The Facilities Maintenance AOO classification likely satisfies the duties test for the **Executive, Administrative, and Combination Exemption** because this AOO appears to manage the Call Center, has full authority to make changes to the SAP system, and ensures calls are properly routed.

The Facilities Maintenance AOO's primary duties appear to satisfy the duties test for the Executive Exemption, as the Facilities Maintenance AOO's duties involve managing and hiring. Specifically, the Facilities Maintenance AOO manages the Call Center and has the oversight authority to ensure work orders are properly routed. As the subject matter expert for the Call Center, this AOO is actively involved in the hiring process of new employees, including interviewing, ranking, and making the hiring decision. In the case of a termination, this AOO's opinion would also carry weight in the final decisions. Thus, it appears the Executive Exemption applies, as this employee does have a strong role in hiring and has particular weight given to their suggestions and recommendations regarding hiring and terminating.

In addition, the Facilities Maintenance AOO classification also appears to satisfy the Administrative Exemption because this AOO's duties are directly related to matters of significance, and the AOO exercises discretion and independent judgment in performing their duties. Specifically, since the Airport is heavily regulated, this AOO must know Federal Aviation Administration (FAA) and Transportation Security Administration (TSA) regulations since the Call Center receives FAA and TSA work orders. The consequences of not properly handling a work order can impact all of Airport operations. Furthermore, this AOO identifies contract needs for future budgets and ensures that work orders receive the full weight they deserve. Lastly, as the only SAP administrator for the airport, this employee has full authority to submit changes to the SAP system without needing approval. Thus, this employee likely satisfies the Administrative Exemption.

As discussed above, the Facilities Maintenance AOO's primary duties likely meet the performance of exempt executive and administrative work. Thus, based on our analysis of the available information, this AOO also likely satisfies the Combination Exemption.

E. FACILITIES CONTRACTS

The Facilities Contracts AOO classification likely satisfies the duties test for the **Administrative Exemption** because this AOO oversees Airport contracts and ensures federal rail and California Public Utilities Commission (CPUC) regulation compliance.

The Facilities Contracts AOO appears to satisfy the Administrative Exemption because this AOO's duties are directly related to matters of significance, and the AOO exercises discretion and independent judgment in performing their duties. Specifically, the Facilities Contracts AOO oversees the maintenance contracts that the Airport relies on for operating, and the AOO inspects and audits the work of contractors to ensure they are following the maintenance contracts. Furthermore, this AOO determines the budget needs for the maintenance contracts and ensures the Automated People Mover operations are in compliance with federal rail and CPUC regulations. Thus, the Facilities Contract classification likely satisfies the Administrative Exemption.

F. AIRSIDE OPERATIONS OFFICERS

The Airside Operations AOO likely satisfies the duties test for the **Administrative Exemption** because this AOO engages in legal and regulatory compliance work.

The Airside Operations AOO appears to satisfy the Administrative Exemption because this AOO's duties are directly related to matters of significance, and the AOO exercises discretion and independent judgment in performing their duties. Specifically, the Airside Operations AOO inspects and ensures that the Airport is in compliance with federal, state, and local regulations, and minimizes any airfield operation disruptions. In addition, outside of normal business hours when Management is absent, the Airside Operations AOO serves as Management's representative and is in charge of making critical Airport-wide decisions that entail exercising wide discretion. Thus, the Airside Operations AOO likely satisfies the Administrative Exemption.

G. BADGING

The Badging AOO classification likely satisfies the duties test for the **Administrative and Combination Exemption** because this AOO appears to regularly supervise three employees, influences hiring, and performs work related to government regulations and airport safety.

The Badging AOO's primary duties appear to satisfy the duties test for the Administrative Exemption because the AOO's duties are directly related to matters of significance, and the AOO exercises discretion and independent judgment in performing their duties. Specifically, the Badging AOO's duties include maintaining and ensuring Transportation Security Agency (TSA) compliance, and regularly engaging in government relations with the TSA inspectors, local management, and the Airport's Federal Bureau of Investigations liaison. In addition, this position must use discretion and judgment to determine whether to issue Airport badges based on RapBack records (Record of Arrest and Prosecution BACK) and confidential employee information, which pertains to airport safety. Thus, the Badging AOO likely satisfies the Administrative Exemption.

As discussed above, the Badging AOO's primary duties likely meet the performance of exempt administrative work. In addition, the Badging AOO also performs some exempt executive work because the AOO regularly supervises three employees and influences hiring decisions. Thus, based on our analysis of the available information, this AOO likely satisfies the Combination Exemption too.

H. COMMUNICATIONS CENTER

Based on the information provided, the Communications Center AOO classification likely satisfies the duties tests for the **Executive, Administrative, and Combination Exemption** because this AOO appears to regularly supervises two or more employees, manages the 911 Call Center, and ensures government and contract compliance.

The Communications Center AOO's primary duties appear to satisfy the duties test for the Executive Exemption. This is because the AOO regularly directs the work of two to four full-time employees, influences the hiring of employees by providing hiring advice to the manager, and oversees and manages the 911 Call Center.

In addition, the Communications Center AOO classification also appears to satisfy the Administrative Exemption because this AOO's duties are directly related to matters of significance, and the AOO exercises discretion and independent judgment in performing their duties. Specifically, some of the AOO's duties include performing Quality Assurance and drafting an annual report for auditing; ensuring TSA compliance by tracking down information and creating plans and protocols; and ensuring CalOSHA compliance by conducting weekly and/or daily inspections. Every year, the AOO is also responsible for drafting a quality assurance report and submitting it to the County for audit purposes. Additionally, this AOO writes and updates all the protocols, policies, and procedures for the Communications Center within parameters provided by the state, county, fire, and sheriff. This AOO is also responsible for overseeing approximately six to seven large contracts that must be administered daily, typically for services. Lastly, this AOO must be able to manage "on the fly" and use their discretion to address incidents that fall outside the confines of existing incident protocols and processes.

As discussed above, the Communications Center AOO's primary duties likely meet the performance of exempt executive and administrative work. Thus, based on our analysis of the available information, this AOO likely satisfies the Combination Exemption too.

I. CUSTODIAL AND BUILDING SERVICES

The Custodial and Building Services AOO classification likely satisfies the duties test for the **Administrative Exemption** because this AOO appears to engage in work involving purchasing, auditing, and legal and regulatory compliance.

The Custodial and Building Services AOO classification appears to satisfy the Administrative Exemption because this AOO's duties are directly related to matters of significance, and the AOO exercises discretion and independent judgment in performing their duties. Specifically, the AOO's duties include observing and auditing staff, contractors, and tenants to ensure Airport and contractors' safety policies are followed, and deciding the work to be accomplished as well as the products and services used. The Custodial and Building Services AOO also ensures legal and regulatory compliance with regards to the Americans with Disabilities Act (ADA), safety measures, egress, and fall protection. Lastly, this classification also participates in government relations with the FAA, CPUC, and TSA as required regarding Airport operations. Thus, the Custodial and Building Services classification likely satisfies the Administrative Exemption.