

11/13/2023  
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## ARTICLE 9 - PAID TIME OFF

### Section 9.1 - Purpose

Paid Time Off was developed to allow more flexibility in the use of nurse's time off. The following were taken into consideration in establishing the amount of time accrued each pay period:

- 3 Personal leave days
- ~~1~~<sup>32</sup> Holidays
- 1 Birthday
- Vacation

### 9.2 – Paid Time Off Accrual

- a) Each nurse shall be entitled to annual Paid Time Off. Paid Time off is earned on an hourly basis. For purposes of this section, a day is defined as eight (8) work hours. Prior to February 16, 2003, the provisions of the prior contract will apply to PTO total yearly accrual, accrual factor, hourly accrual factor per pay period and maximum allowable balances.

Effective February 16, 2003, the accrual schedule shall be as follows:

<u>SERVICE YEARS &amp; WORK-DAY ALLOWABLE EQUIVALENT</u>	<u>TOTAL YEARLY ACCRUAL IN-WORK DAYS</u>	<u>ACCRUAL FACTOR PER HOUR</u>	<u>HOURLY ACCRUAL FACTOR PER PP</u>	<u>MAXIMUM BALANCE</u>
<u>1st year (1st through 261 days)</u>	<u>27</u>	<u>0.103846</u>	<u>8.307</u>	<u>81 work days</u>
<u>2nd through 4th year (262 through 1044 days)</u>	<u>29</u>	<u>0.111538</u>	<u>8.923</u>	<u>87 <del>90</del> work days</u>
<u>5th through 9th year (1045 through 2349 days)</u>	<u>33</u>	<u>0.126923</u>	<u>10.153</u>	<u><del>99</del> work days</u>
<u>10th through 14th year (2350 through 3654 days)</u>	<u>35</u>	<u>0.134615</u>	<u>10.769</u>	<u>105 work days</u>

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15th through 19th year (3655 through 4959 days)	37	0.142307	11.384	111 work days
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20th year and thereafter (4960 days and beyond)	39	0.150000	12.000	117 work days
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SERVICE YEARS & WORK DAY ALLOWABLE EQUIVALENT	TOTAL YEARLY ACCRUAL IN WORK DAYS	ACCRUAL FACTOR PER HOUR	HOURLY ACCRUAL FACTOR PER PP	MAXIMUM BALANCE
1st year (1st through 261 days)	<u>28</u>	0. <u>107692</u>	8. <u>615</u>	<u>84</u> work days
2nd through 4th year (262 through 1044 days)	<u>30</u>	0. <u>115384</u>	<u>9.231</u>	<u>90</u> work days
5th through 9th year (1045 through 2349 days)	<u>34</u>	0. <u>130769</u>	10. <u>461</u>	<u>102</u> work days
10th through 14th year (2350 through 3654 days)	<u>36</u>	0. <u>138461</u>	<u>11.077</u>	<u>108</u> work days
15th through 19th year (3655 through 4959 days)	<u>38</u>	0. <u>146153</u>	11. <u>692</u>	<u>114</u> work days
20th year and thereafter (4960 days and beyond)	<u>40</u>	0. <u>153846</u>	12. <u>308</u>	<u>120</u> work days

### Section 9.3 – Pre-Scheduled Usage

Paid Time Off may be used for any lawful purpose by the nurses; requests for Paid Time Off shall not be submitted more than one (1) year in advance of the requested time; the

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time requested shall require the approval of management with due consideration of nurse convenience and administrative requirements, including but not limited to staffing needs and budget constraints. Requests for paid time off shall not be unreasonably denied. Approvals/denials shall be made in writing to the requesting nurse in accordance with Nursing Standards within thirty (30) days of the receipt of the request. All Paid Time Off hours must be exhausted before Leave Without Pay may be used, unless prohibited by law with the exception of leaves of absence ~~Where there are no earnings in one (1) full pay period.~~ A nurse may be granted Leave Without Pay for less than one (1) pay period upon the approval of the appointing authority or their designee.

Coded part-time nurses working consistently above their code status for at least a six (6) month period of time within the previous twelve (12) months, may request Paid Time Off above their code status to the code status they consistently work as set forth above. Requests for Paid Time Off above code status will be reviewed on a case-by-case basis and are subject to management approval after due consideration to nurse convenience and administrative requirements, including but not limited to staffing needs and budget constraints. Upon request of a part-time nurse denied Paid Time Off above code status, the reasons supporting the denial shall be documented and supplied to the affected nurse or to their authorized RNPA representative. Requests shall not be denied solely because they are above code status. Coded part-time nurses who do not consistently work above their code status for at least a six (6) month period of time within the previous twelve (12) months are not entitled to take Paid Time Off over their code status.

Each unit shall maintain a vacation calendar effective June thirtieth (30) for the upcoming calendar year. The purpose of the calendar is to aid in vacation planning by the nurse and is not to be considered as an approval of a nurse's request. The scheduler will enter nurse's vacation requests(s) on such calendar as it is received.

Granting of summer vacation requests between Memorial Day and Labor Day shall be limited to a three (3) calendar week period of time.

Every effort will be made to grant time off for one (1) of the three major holidays (Thanksgiving, Christmas, and New Year's Day for day and night shifts or Thanksgiving, Christmas Eve, New Year's Eve for evening shift). Granting of vacation requests during the holiday season in the months of November and December is limited and will only be approved by management after it can be assured that all nurses are granted a request for one (1) of the major holidays. Requests shall be granted in order of seniority on a rotating basis from year to year after due consideration is given to nurse convenience and administrative requirements.

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Before denying a request, the employer will make all reasonable attempts to accommodate conflicts considering the utilization of over code work, scheduling extra help and per diem, and voluntary shift trades in support of vacation scheduling.

Upon request of a nurse denied vacation, management shall meet with the nurse on an individual basis no later than forty-five (45) days before schedules are finalized in order to explore all reasonable options for resolving such conflicts. Requests for vacation shall be prioritized by submission date. Should two or more requests be submitted on the same date, seniority will be used to resolve the conflict.

For the purposes of this Section, seniority shall be defined as the total length of continuous employment in a coded classification from the first date of hire within the bargaining unit. In the event that two or more nurses from the same unit have the same date of hire, the nurses' California Board of Registered Nursing (BRN) number will be utilized to break a tie, with the nurse having the lowest number been granted their request for vacation and/or holiday.(i.e., The first nurse's BRN number is 456000, and the second nurse's BRN number is 566000, the first nurse will be granted the time off.).

When the County receives a request to use Paid Time Off, the County will deduct the hours from the nurse's Compensatory Time Off, if any, before deducting from the nurse's Paid Time Off.

#### Section 9.4 - Paid Time Off Carry Over

In the event the nurse does not take all the paid time off to which they are entitled in the succeeding payroll year (twenty-six (26) or twenty-seven (27) pay periods), the nurse shall be allowed to carry over the unused portion, provided that the nurse may not accumulate more than three (3) years' earnings except:

- a) When absent on full salary due to work-related compensation injury which prevents the nurse from reducing credits to the maximum allowable amount, or
- b) In the case of inability to take paid time off because of extreme emergency, such as fire, flood or other similar disaster, an additional accumulation may be approved by the County Executive.

#### Section 9.5 - Paid Time Off Pay-Off

Upon termination of employment a nurse shall be paid the monetary value of the earned Paid Time Off balance as of the actual date of termination of employment.

#### Section 9.6 - Nurse's Exit from Paid Time Off Program

In the event that a nurse covered by this section ceases to be covered by this section, the nurse shall revert back to Ordinance Section A25-693 "Vacations", A25-688 "Bereavement Leave", A25-694 "Sick Leave" and A25-664 "Holidays", or superseded

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agreement with a recognized employee organization. Any balance of paid time off shall be reconverted to vacation leave, and any paid time off accumulated over an amount allowed without reference to this section shall be credited as compensatory time off which must be used within one (1) year. Any balance in the Sick Leave Bank shall be converted to Sick Leave.

#### Section 9.7 – Annual Cash Out of PTO

~~A Nurse's eligibility for cash out is determined by the number of occurrences of unscheduled absences, including sick leave, in the payroll year (twenty-six or twenty-seven pay periods). The period for cash out eligibility for 2020 begins December 16, 2019 and ends December 27, 2020. The period for cash out eligibility for 2021 begins December 28, 2020 and ends December 26, 2021. The period for cash out eligibility for 2022 begins December 27, 2021 and ends December 25, 2022. The period for cash out eligibility for 2023 begins December 26, 2022 and ends December 24, 2023.~~

~~Cash out of PTO may be requested by the nurse during the month of February for the previous payroll year. Forms will be supplied and processed by Santa Clara Valley Health and Hospital System Human Resources.~~

~~PTO may be cashed out annually on the following basis (prorated for nurses other than full time on the basis of code status):~~

- ~~a) — If a nurse has no more than two (2) occurrences of unscheduled absences, the nurse may cash out up to eighty (80) hours of PTO.~~
- ~~b) — If the nurse has no more than four (4) occurrences of unscheduled absences, the nurse may cash out up to forty (40) hours of PTO.~~

~~Employees may request to cash out up to (80) PTO hours during the calendar year in which the PTO hours are earned, paid out at the employee's current pay rate exclusive of any premium pays or differentials, but to do so, employees must make an irrevocable election in November of the preceding calendar year of the number of hours to cash out in the upcoming calendar year. An employee's failure to elect a specific cash out amount in November for the following year shall preclude the employee from cashing out any PTO hours. Employees may elect to receive payment of the elected hours at any time during the calendar year for which the election was made, but only after the PTO hours are accrued. Hours that have been elected for cash out, that remain uncashed by pay period 25 of the payroll calendar year will be cashed out to the employee by the Controller's Office in pay period 25 of the payroll calendar year.~~

#### Section 9.8 - Sick Leave Conversion to PTO

A nurse's eligibility for sick leave conversion is determined by the number of occurrences of sick leave usage. Sick leave use attributed to Worker's Compensation shall not be

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counted as an occurrence. The period for cash out eligibility for 2020 begins December 16, 2019 and ends December 27, 2020. The period for cash out eligibility for 2021 begins December 28, 2020 and ends December 26, 2021. The period for cash out eligibility for 2022 begins December 27, 2021 and ends December 25, 2022. The period for cash out eligibility for 2023 begins December 26, 2022 and ends December 24, 2023. The period for cash out eligibility for 2024 begins December 25, 2023 and ends December 22, 2024. The conversion of sick leave to PTO will be for those nurses meeting the eligibility requirements below and upon the nurse's request to the ~~Health and Hospital Systems~~ Santa Clara Valley Healthcare Human Resources Department. A nurse must identify any sick leave use attributed to Worker's Compensation with the request in order for such leave to be disregarded as an occurrence. Requests for sick leave conversion for 2020 must be submitted in February 2021 and conversion to PTO shall be credited on March 22, 2021 (paycheck of April 9, 2021). Requests for sick leave conversion for 2021 must be submitted in February 2022 and conversion to PTO shall be credited on March 21, 2022 (paycheck of April 8, 2022). Requests for sick leave conversion for 2022 must be submitted in February 2023 and conversion to PTO shall be credited on March 20, 2023 (paycheck of April 7, 2023). Requests for sick leave conversion for 2023 must be submitted in February 2024 and conversion to PTO shall be credited on March 18, 2024 (paycheck of April 5, 2024).

Sick leave may be converted annually on the following basis (prorated for nurses other than full time on the basis of code status):

- a) If a nurse has no sick leave usage, seven (7) days of sick leave will be converted into PTO.
- b) If a nurse has one (1) occurrence of sick leave usage, six (6) days of sick leave will be converted into PTO.
- c) If a nurse has two (2) occurrences of sick leave usage, five (5) days of sick leave will be converted into PTO.
- d) If a nurse has three (3) occurrences of sick leave usage, two (2) days of sick leave will be converted into PTO.
- e) If a nurse has four (4) occurrences of sick leave usage, one (1) day of sick leave will be converted into PTO.
- f) If a nurse has five (5) or more occurrences of sick leave usage, no sick leave shall be converted to PTO.

#### Section 9.9 - Usage of Paid Time Off on Holidays

- a) The following shall apply to all holidays listed below:

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1. Holiday falls on regularly scheduled day to work and nurse does not work -  
- Charge maximum eight (8) hours PTO.
2. Holiday falls on regularly scheduled day to work and nurse works -- Charge  
maximum eight (8) hours PTO and pay time and one-half for all hours  
worked.
3. Holiday falls on scheduled day off and nurse does not work -- Nothing is  
charged as holidays are in PTO accrual rate.
4. Holiday falls on scheduled day off and nurse works -- No charge to PTO  
Bank and pay time and one-half for all hours worked.
5. Half-time nurses who do not work the holiday may elect in advance to  
charge four (4) hours to PTO and the remainder to leave without pay.

b) The following shall be observed as legal holidays:

1. January 1st
2. Third Monday in January
3. Third Monday in February
4. March 31st
5. Last Monday in May
6. Juneteenth, June 19th
7. July 4th
- ~~7~~8. First Monday in September
- ~~8~~9. Second Monday in October
- ~~9~~10. Veteran's Day to be observed on the date State of California workers  
observe the holiday
- ~~10~~11. Fourth Thursday in November (Thanksgiving Day)
- ~~11~~12. The Friday following Thanksgiving Day (Day After Thanksgiving)
- ~~12~~13. December 25th
- ~~13~~14. Other such holidays as may be designated by the Board of Supervisors.

All previous informal time off practices are eliminated and unauthorized.

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- c) Nurses shall enjoy the same number of holidays, regardless of variations in work weeks. For nurses who are assigned to positions which are not normally staffed on the weekends (Saturdays and Sundays, such as the clinics and Staff Development), holidays which fall on Sunday are observed on the following Monday and holidays which fall on Saturdays shall be observed on the preceding Friday. For employees who are assigned to positions which normally work on weekends (such as the Medical Units, ICU's, Institutional Units, etc.) the holiday shall be observed on the actual day listed in (b), supra.
- d) The employer will use its best efforts to rotate equitably holiday time off among coded nurses for each unit for Thanksgiving, Christmas and New Year holidays.
- e) A nurse may elect in advance to receive compensatory time off credit in lieu of cash compensation.
- f) A nurse may elect in advance to use compensatory time off for a holiday in lieu of charging PTO.

Section 9.10 - Call Back From PTO

When a nurse is called back from PTO, which has been scheduled at least five (5) calendar days in advance of the first day of PTO, the nurse shall be paid at 1 1/2 times the nurse's base hourly rate.

Section 9.11 – PTO Illness Conversion

If a nurse on PTO becomes ill, the nurse may convert PTO to sick leave with pay. Such conversion must be supported by a statement from an accredited physician.