

County of Santa Clara

Employee Services Agency

Labor Relations

County Government Center, East Wing
70 West Hedding Street, 8th Floor
San Jose, California 95110



June 1, 2023

Dear Mr. Mendez, Ms. Narvaez, and Ms. Hightower:

The Union has indicated that it prioritizes issues related to vacancies and transfers. To be responsive to the Union's concerns, the County presents the attached package proposal, as summarized below, in an effort to improve the County's hiring processes to address the parties' shared interests.

- Proposal to address vacancies. Both parties have discussed issues related to vacancies, including recruitment timelines, classification studies, and delays resulting from multiple levels of posting requirements before managers can fill a vacant position. The County proposes having the ability to proceed directly to an open competitive recruitment when a classification has a County-wide vacancy rate of 5% or higher for ninety (90) consecutive days or longer. This would allow managers to more quickly fill positions directly through the open competitive process, which actually adds new employees to the County workforce. In addition, this would help eliminate the delays caused by requiring multiple transfer processes first, which should have a direct positive impact on the vacancy rate of a classification.
- Transfer proposal. Currently, when a position becomes vacant, the County must engage in multiple levels of the transfer process to fill the position, which may result in an employee transferring into the newly vacant position but also creating a vacancy in the position that transferring employee leaves. As a result, filling a position through the transfer process does not reduce vacancy rates because a new vacancy is created by filling the current vacancy through a transfer.

To achieve efficiencies in the transfer process, the County proposes creating a quarterly transfer process for Clerical Bargaining Unit classifications. In place of the current extended timelines required for posting each individual vacant position, this quarterly process would allow Clerical Bargaining Unit employees to pre-select their preferences for unit, location, shift, and code status once per quarter, allowing managers to quickly request a transfer list and schedule interviews to fill the position.

- Extra Help to Coded. Both parties have expressed a desire for extra-help employees to have a path to benefited coded positions. The County proposes a one-time opportunity for existing extra help employees to find a vacant coded position.

- Merit System Rules. The County is presenting to SEIU ideas for Merit System Rules (MSRs) revisions. The County is interested in amending the MSRs to facilitate more quickly and efficiently filling vacant positions throughout the County, while maintaining the civil service principles of equal opportunity and merit-based hiring. The County hopes that SEIU will support these concepts for MSR revisions and partner with the County to shepherd them through the formal process for adoption.

The County looks forward to a productive and collaborative discussion with SEIU of the County's vacancy and transfer proposals.

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Page 2 of 12

Clerical County-Wide Transfer Opportunities:

The County will use the existing transfer opportunities site to post transfer opportunities in Clerical Bargaining Unit classifications that the County intends to fill. Employees in Clerical Bargaining Unit classifications will be able to access this site on-line. This section supersedes Appendix B.3 – Transfer and Examination System.

1. Job announcements for the quarterly transfer list shall be posted for ten (10) working days quarterly. The first ten (10) working day posting will commence the first full pay period of the fiscal year quarter beginning July 1, 2023 and will continue every quarter. All job postings may be accessed at www.sccjobs.org. The four “quarters” of each fiscal year start on: 1) July 1; 2) October 1; 3) January 1; and 4) April 1.

2. The job announcement will have questions that allow the employee to choose transfer preferences which may include:

- Unit
- Location
- Shift
- Code Status (i.e., Full-Time Equivalent Status, such as .5, .6, .7, .75, .8, .9, or 1.0)

3. Employees in Clerical Bargaining Unit classifications only need to apply on the quarterly transfer list once per quarter. Should a clerical worker wish to change any component of their transfer preference they must wait until the next quarter posting.

Once this process is completed, the newly created quarterly transfer list shall be considered the most current transfer list and the previous list will be abolished. Employees must apply each quarter to be on that quarter’s transfer list.

The County shall be able to conduct open-competitive or promotional recruitments concurrently with transfer postings. Should a vacancy be posted as promotional or open-competitive, any clerical worker interested, eligible, and on the transfer list will be interviewed and considered prior to interviewing outside candidates.

4. To be eligible to apply for the quarterly transfer posting, a clerical worker must: 1) meet the applicable employment standards; 2) be probationary or permanent; and 3) fall within the fifteen percent (15%) transfer band.

5. To be removed from the quarterly transfer list, clerical workers must submit a request in writing to ESA Human Resources, currently hr@esa.sccgov.org.

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Page 3 of 12

6. Clerical workers who transfer to another position in a different classification must serve the appropriate probationary period in the new classification as required under County ordinance section A25-175.

7. This Pilot Agreement shall remain in effect as a pilot from date of execution by the parties through June 30, 2024. This Pilot Agreement shall expire by its own terms on June 30, 2024 and shall not be considered the status quo. The parties will assess the Pilot Agreement no later than April 30, 2024.

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Page 4 of 12

High vacancy classification proposal

The HR Director or designee has the authority to proceed directly to an open-competitive recruitment for any current or newly open vacant positions in classifications that have a County-wide vacancy rate of 5% or higher for ninety (90) consecutive days or longer. The HR Director shall post the position(s) as open-competitive and/or allow the use of the existing open-competitive eligible list and bypass all other otherwise applicable requirements and processes regarding transfers and internal postings, such as those in department agreements and the parties' Memorandum of Agreement.

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Page 5 of 12

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Page **6** of **12**

Appendix L Package Proposal

The County proposes the following package proposal to address Appendix L – Extra Help and Intermittent Workers.

1. Deletion of Appendix L. C. Other Provisions. 3. Pathway to Permanency.

3. Pathway to Permanency:

~~The County shall centralize hiring of twenty two (22) extra help classifications as well as expedite the hiring (for vacancies the County intends to fill) of coded classifications with the necessary skill sets for specific jobs, thus reducing training time.~~

~~On January 3, 2011, the County established a Pilot Program which centralizes hiring of the below extra help classifications as well as expedite the hiring of coded classifications with the necessary skill sets for specific jobs, thus reducing training time. Below are the affected Classifications~~

County-wide Classifications	HHS Specific Classifications
Food Service Worker I	Health Information Clerk I
Janitor	Health Services Representative
Office Specialist II	Hospital Services Assistant II
Office Specialist III	Medical Assistant
Stock Clerk	Medical Laboratory Assistant II

~~The following ten classifications are those agreed to be added to the Program:~~

County-wide / Department Specific Classifications	HHS Specific Classifications
Office Specialist I	Mental Health Worker
Community Worker	Pharmacy Technician
Library Page	Medical Unit Clerk
Warehouse Materials Handler Series	Health Information Clerk II
Probation Counselor	Patient Transporter
Food Service Worker Correction	Licensed Vocational Nurse

~~Extra help workers hired in the designated pilot classifications, shall be required to have a passing score on exam prior to employment. Should there be an urgency to hire into such extra help classifications, the pre-employment examination may be waived upon the approval of the Personnel Director. However, the qualifying examination must be taken within sixty days of employment. Those workers failing to achieve a qualifying score (70%) shall not be eligible to be placed into a coded position in that classification under this program.~~

~~The County and the Union shall meet within 90 days of agreement to discuss options in assisting extra help employees achieve employment in coded positions. Discussions shall include training to assist extra help employees be successful in the testing process and job advancement skills. Regular coded workers' rights shall supersede any extra help Transition Program developed from this section.~~

~~The parties agree to meet to evaluate the Pathway to Permanency Program if requested by either the County or the Union.~~

2. Extra help to Unclassified process

a. The County will offer a one-time opportunity for Extra Help workers to move into unclassified positions under the following conditions:

i. The County will alternatively staff the following classifications as unclassified and classified.

<u>County-wide / Department Specific Classifications</u>	<u>HHS Specific Classifications</u>
<u>Community Worker</u>	<u>Health Information Clerk I</u>
<u>Food Service Worker I</u>	<u>Health Information Clerk II</u>
<u>Food Service Worker Correction</u>	<u>Health Services Representative</u>
<u>Janitor</u>	<u>Hospital Services Assistant II</u>
<u>Library Page</u>	<u>Medical Assistant</u>
<u>Material Supplies Specialists</u>	<u>Medical Laboratory Assistant II</u>
<u>Office Specialist I</u>	<u>Medical Unit Clerk</u>
<u>Office Specialist II</u>	<u>Mental Health Worker</u>
<u>Office Specialist III</u>	<u>Pharmacy Technician</u>
<u>Probation Counselor</u>	<u>Patient Transporter</u>
<u>Warehouse Materials Handler Series</u>	<u>Licensed Vocational Nurse</u>

ii. To qualify, Extra Help workers must: 1) meet the employment standards of the classification into which they seek to be appointed; and 2) have worked a minimum of 1040 hours in the last two (2) years.

iii. On August 7, 2023, the appointing authority may select for an unclassified position any extra help employee in the classifications under Section 2.a.i above who meet the requirements in Section 2.a.ii.

iv. Employees will have up to nine (9) months to have a favorable promotional rating form completed by their manager/supervisor. If the employee receives a favorable promotional rating form, the employee must take and pass the qualifying test to qualify to make a status change and be promoted into the coded classified position they are currently holding.

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CHAPTER III. MERIT SYSTEM

Sec. A25-124. Discrimination prohibited.

No person in the classified service or seeking admission thereto shall in any way be unlawfully discriminated against because of sex, race, color, national origin, ethnicity, creed, religion, union activity, organizational affiliations, political opinions, age, disabled status, sexual orientation or any other status protected by state or federal law.

Add gender identity

Sec. A25-148. Qualifying examinations.

Qualifying examinations may be held to test fitness for reinstatement, re-employment, for certain position reclassifications as described in Section A25-103, for certain transfers and demotions as described in Section A25-175(b), for alternate classifications as defined in Section A25-36, or for transfer of employees from unclassified positions funded by public sources other than the County to classified positions in the same classification or for establishing eligibility to participate in promotional examinations as described in Section A25-156. Employees in the unclassified service in coded positions shall be eligible to take such qualifying examination after receiving a positive recommendation on a promotional rating form.

A25-148 delete “funded by other sources other than the county” and “same classification” – as long as the unclassified employee meets the other transfer requirements, they may apply to the transfer in any classification. Expand to allow extra help, provisional, and sub provisional (pv) to also apply to transfers after they take and pass the qualifying exam

Sec. A25-149.1. Extra help preferential credits.

In an open-competitive examination, any person who has worked in an extra-help capacity for at least 2,080 hours within the last five years shall, upon attaining the passing mark established for a numerically scored examination, be given a preferential credit of five percent. Extra-help credit shall only be granted for classifications in the same or lower related classification.

A25-149.1– allow for preference credit for any current county employee regardless of status – remove the requirement for hours worked.

Sec. A25-154. Examination review and retesting

HR currently evaluating for possible revisions

Sec. A25-156. Promotional examinations.

When an examination is designated as a promotional examination, only current County employees are eligible to take it. The Director, in consultation with the appointing authority, shall determine when a promotional examination is appropriate. All promotional examinations shall be held on a service-wide basis, except as provided in Section A25-148. Employees in unclassified status in coded positions who have taken and passed the qualifying examination for the class in which they are working shall be permitted to take any promotional examination for a class for which they are qualified.

A25-156 – modify to be open to any County employee regardless of status with a favorable rating from the supervisor on the promotional rating form and after taking and passing the examination

Sec. A25-157. Eligibility for promotion.

(a) A candidate for promotion must meet all prescribed standards for the class to which the employee seeks promotion and is an employee in one of the following categories:

- (1) A permanent employee,
- (2) A probationary employee,
- (3) An unclassified employee in a coded position who has qualified under Section A25-156, or
- (4) A current employee in any status in a coded position who previously held probationary or permanent status.

A25-157 modify to include provisional or substitute provisional and extra help who have qualified under A25-156

Sec. A25-174. Order of employment from lists.

(a) Re-employment lists:

- (1) Where a vacancy exists in a department in a classification where a re-employment list exists of permanent employees laid off, the person standing highest on such re-employment list shall be offered the appointment. Refusal on the part of the former employee to accept the appointment shall remove the employee's name from the re-employment list.
- (2) Where a vacancy exists in a classification and in a department other than that department where the layoff occurred, the names of three persons on re-employment lists for other departments shall be certified in inverse order of the date of placement on the re-employment lists. If no such re-employment lists exist, or there are fewer than three names, additional names not to exceed a total of three shall be certified from eligible list in the priority order as shown below.

(b) Eligible lists:

- (1) Promotional lists resulting from service-wide promotional examinations including the names of unclassified employees resulting from examinations given under the provisions of Section A25-156.
- (2) Eligible lists resulting from open competitive examinations.

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Page 10 of 12

A25-174 b (1) should be updated to include all those added that are allowed to be on the promotional list

Sec. A25-175. Transfers and demotions as alternatives to new appointments.

- (a) As an alternative to appointment from any employment list, a position may be filled by transfer within the same class, provided:
 - (1) A permanent employee so transferred to any department shall retain permanent status in the same class.
 - (2) A probationary employee who transfers voluntarily within a department may be required, at the discretion of the appointing authority, to serve the full probationary period in the new position.
 - (3) A probationary employee who transfers to a new department must serve the full probationary period in the new department.
- (b) As an alternative to appointment from any employment list, a position may be filled by a transfer or voluntary demotion to a different class, provided:
 - (1) The employee must serve the full probationary period in the new position if not already holding permanent status in the new class.
 - (2) The employee meets all the requirements of the position to which transfer or demotion is requested, as determined by the Director.
 - (3) The salary for such an employee shall be adjusted as provided for in Section A25-661.
- (c) As an alternative to appointment from any employment list, a position may be filled by a transfer provided that the transfer opportunity is posted for a minimum of seven calendar days (by email where available; if not, posted on the bulletin board) within the work unit or the department and qualified applicants be given the opportunity to be interviewed. Posting on the Countywide transfer line will satisfy this posting requirement when done concurrently or when the above method has been completed.

A25-175 – update to define the probationary period for extra help, provisional, and sub provisional employees who participate in the transfer process.

Sec. A25-184. Certification of eligibles.

- (a) Upon approval of a requisition from the appointing authority, the Director shall certify the ten names highest on the appropriate eligible list except as specified in Section A25-174(a), "Reemployment lists," and in Section A25-152, "Resolving of ties."
- (b) When certifying from an open/competitive eligible list if there is more than one vacancy in one class in the same department, four additional names beyond ten shall be certified for each additional vacancy. When certifying from a promotional list if there is more than one vacancy in one class in the same department, one additional name beyond ten shall be certified for each additional vacancy.
- (c) An appointing authority may specify particular abilities, knowledge or traits when requesting personnel stating in writing the reason for the special qualifications request. Certification of the highest ranking eligible possessing such qualifications may be made after investigation and finding of clear evidence that efficient performance can best be performed by those with the specialized requirement.

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Page 11 of 12

- (d) The appointing authority or designated interviewers shall interview all eligibles who have responded to notice of certification prior to appointment, and shall send to the Personnel Director a written record of each interview.
- (e) No eligible shall be certified from the same eligible list to the same department more than three times, in any six-month period unless requested by the appointing authority.
- (f) Any eligible whose name has been certified to three departments from an eligible list and who is designated in writing as permanently unacceptable by the appointing authorities for appointments in those departments, may have the eligible's name removed from the eligible list by the Director.

A25-184 (b) Allow for five additional names to be certified for each additional vacancy for open competitive and promotional recruitments.

A25-184 (new) (draft)

Upon completion of interviews from the original certification, the Department may request five (5) additional names plus ties for each remaining vacancy.

A25-184 (e) Make it easier for department to invoke the three times rule if they wish – perhaps *candidate* referred to the same department (budget unit) three times in the last six months, rather than limiting it to the same eligible list.

Sec. A25-186. Notification to eligibles.

A notice of certification shall be sent to the most recent address appearing on the Human Resources Department records of persons certified for appointment. The notice of certification shall instruct eligibles to communicate with the appointing authority or the appointing authority's designee within three working days following the date notice was mailed.

Modernize to reflect notification method– not by mail

Sec. A25-188. Substitute and extra-help appointments.

Update to define temp provisional and substitute provisional

A25-188 (b) - Add definition of sub probationary and make it clear that it is to fill behind a leave of one year or more

A25-188 (g) Reduce the waiting period for sub pv for paid leave to be 14 days (same as for unpaid)