

4/14/23
@ 12:47 p.m.

APPENDIX L – EXTRA HELP AND INTERMITTANT WORKERS

MASTER UNION PROPOSAL – 4/14/23

A. Extra Help

1. Purpose

In order to detail the limitations and the use of extra-help in classifications covered by this Agreement and in order to provide specific notice of extensions of such usage, the parties agree as follows:

2. Policy Statements (Non-Grievable)

- a) An extra-help appointment is one made to a non-permanent position established to meet a peak-load or other unusual work situation.
- b) No extra-help workers will be retained in a department where there are workers on a re-employment list in the same classification unless the workers on the re-employment list refuse the extra-help work or do not possess the necessary skills.
- c) It is the policy of County that persons who work as extra-help employees shall be compensated on an hourly basis in accordance with the provisions of the Santa Clara County Salary Ordinance and the duties to which they are assigned if they meet all the expected minimum requirements for the comparable permanent position. They are expected to meet all such minimum requirements.

3. Limitations

- a) No person may receive pay in an extra-help capacity in any classification in the same department for more than one thousand forty (1,040) hours in any fiscal year, unless otherwise approved by the Board of Supervisors.

No person may receive pay in an extra-help capacity in any classification in another department for more than one thousand forty (1,040) hours in the same fiscal year, unless the extra help worker is filling 1) a vacant coded position for which there is an active recruitment for a coded worker; or 2) a permanent or probationary worker is on leave of absence; or 3) the position is frozen by Freeze Exemption Review Committee; or 4) to meet peak-loads or projects. In order to meet peak-loads or for projects, a

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department must receive authorization from the Director of Personnel prior to hiring an extra- help worker who has completed 1040 hours in another department during that fiscal year.

- b) No more than one (1) extension of 520 hours may be granted in any fiscal year.

4. Extension(s) of Limitations

If an extension is to be requested pursuant to 3(a) above, County shall give prior written notice of such request as provided below.

- a) Notice from County shall be provided to the Union at least twenty (20) working days in advance of the scheduled Board of Supervisors' meeting. Union shall respond within five (5) working days from date of receipt with request to meet and discuss; or Union is deemed to have waived meet and discuss. Union shall attempt to respond sooner, if possible.
- b) County and Union shall meet and discuss for not more than ten (10) working days within receipt of written request from Union. If concerns are not alleviated or agreement not reached, County may proceed.
- c) The Board of Supervisors may proceed without meeting and discussing, if they determine circumstances justify urgency action. Reasonable advance written notice of intention to proceed on such basis shall be provided Union prior to meeting of Board; provided nothing herein shall hamper the Board's lawful exercise of authority under State law in emergency situations.

- 5. Extra Help workers shall be subject to the provisions of Article 2; Section 3.1, Section 3.2, Article 4, section 7.1, Section 7.6, Section 7.7 Sections 8.4, 8.5, 8.6 8.9, 8.10 8.12, 8.15 and 8.16, Section 9.3, Article 13.4, Article 16, Article 18, Articles 25, 26, 27, ~~28~~, and all applicable bargaining unit differentials of the Agreement between the County and Local 521. The following shall also apply to extra help workers:

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- a) For extra help hospital workers, overtime is defined as time worked beyond eighty (80) hours in any fourteen (14) day consecutive work period, or beyond eight (8) hours in any workday. For extra help workers, who do not meet the FLSA criteria for different work periods, overtime is defined

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as time worked beyond forty (40) hours in any seven consecutive day work period or beyond eight (8) hours in any workday. Compensation for overtime shall be paid in cash at the rate of one and one-half (1 1/2) times the regular hourly rate.

- b) When assigned and worked, Extra Help Workers shall be paid at time and one-half for all hours worked on County holidays.
- c) Where extra help workers are required to wear uniforms the department will provide to workers.
- d) Any worker who believes he/she needs safety shoes to safely perform his/her assignment, s/he may request a job hazard assessment of his/her assignment to County OSEC. An assessment shall be conducted by County OSEC or the Safety Coordinator or department designated representative (who is trained to conduct assessments) within 60-90 calendar days to determine whether the position requires safety shoes. If a decision is made that the position requires a safety shoes, the County shall provide safety shoes for use within 120 calendar days.
- e) Extra help workers shall be eligible to participate in the County 457 b) Deferred Compensation plan.

6. Reports

The County shall, each month, furnish the Union with a list of all extra-help worker names, classification, department, and hours worked. Each year in the month of July, the County shall provide the Union a summary of all extra help hours in classifications represented by SEIU Local 521 by name, classification, department, cost center, step placement and hours for the entire preceding FY.

7. Extra-Help Labor/Management Committee Meetings

The County and the Union, shall meet, quarterly during the term of the agreement for the purpose of reviewing use of personnel service contracts and appropriate extra-help usage for operational purposes. The parties agree to the creation of six (6) County representatives and six (6) representatives from SEIU, whom shall be granted release time for these meetings.

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The Committee shall work cooperatively to:

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- Identify and recommend processes for ending long-term extra help and provisional employment;
- Review utilization patterns within departments;
- Identify departments that may be better staffed with a higher percentage of permanent positions;
- Review and make recommendations on the use of personnel contracts with the goal to reduce/eliminate personnel contracts;
- Identify and address challenges and moving extra help workers into permanent positions.
 - Identify and increase the number of classes for continuous recruitment;
 - Screen all applications within five (5) working days of recruitment closing;
 - Use of interviews in place of examination for purposes of hiring;
 - Score all exams within five (5) working days of testing;
 - Provide all certification lists to department/agency within three (3) days of a request;
 - Use the Internet for recruitment;
 - Start recruitment process before some jobs become vacant
 - Utilize transfer list for Extra Help to apply and promote into vacant coded positions;
 - Train managers and supervisors on the effective use of eligible lists, filling temporary vacancies and using the recruitment process; and alternatives to extra help usage including Provisional and Substitute Provisional appointments. Training materials shall be provided to the Union.
 - The County and the Union shall meet annually to review and evaluate the effectiveness of the identified streamlining methods.

The Committee shall submit quarterly reports to the County Executive and the Chief Elected Officer of SEIU 521.

8. **Retained for historical purpose Grandfathering/parenting of Benefits from Extra Help Transition Program**

A final process is established, for the term of this agreement, to transition certain extra help/intermittent workers into regular coded vacancies. It is agreed that regular coded worker's rights shall supersede the extra help/intermittent transition program. The following provisions apply:

- a) As of 7/1/06, an extra help worker (including existing Intermittent Workers) must have an average of 60

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hours each pay period for the last two (2) fiscal years (7/1/04 - 6/30/06).

- b) Transition is to either the last classification for extra help work or if more than one classification held then to the highest classification held in these last two (2) fiscal years.
- c) Transition either to the last classification for extra help work, or, if more than one extra help classification held, then to the highest classification held in the last two fiscal years.
- d) The order of offer for transitioning into coded positions will be in order of higher number of extra help hours in the last two (2) fiscal years;
- e) Worked a total of 6,240 hours over the last 5 years; or
- f) Worked an average 50 hours per pay period for those extra help workers with more than 5 years of extra help status;
- g) Meet minimum qualifications for the job class, and pass any skill test and qualifying examination required of the classification;
- h) Serve an original probationary period; and,

No new codes will be created by the County for the purpose of this Program. Former intermittent workers will maintain their hours accrual towards eligibility for health insurance. Formerly intermittent workers will remain at their current step placement and continue to progress through the step system in accordance with Section 10 of this article. Extra help workers who transition into regular codes will have an eight (8) year vesting period for the retiree health program.

- 9. Extra Help Workers shall be eligible and may elect to enroll in the Valley Health Plan, Vision and Dental after 520 paid hours of employment. The worker shall pay a pro-rata portion of the total monthly premium costs based on the following:

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- a) During the first year (13 pay periods) of eligibility of enrollment in the Valley Health Plan, Vision and Dental, the Worker is eligible for 50% subsidy of "worker only" premium

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by the County,

- b) During the second year (~~26~~ pay periods) of eligibility of enrollment in the Valley Health Plan, ~~Vision and Dental~~, the Worker is eligible for 75% subsidy of “worker only” premium by the county,
- c) During the third year (~~39~~ pay periods) of eligibility of enrollment in the Valley Health Plan, ~~Vision and Dental~~, the Worker is eligible for 100% “worker only” premium contribution by the County or 50% subsidy of family coverage.
- d) During the fourth year (~~52~~ pay periods) of eligibility of enrollment in the Valley Health Plan, ~~Vision and Dental~~, the Worker is eligible for 75% subsidy of family coverage.
- e) During the fifth year (~~65~~ pay periods) of eligibility of enrollment in the Valley Health Plan, ~~Vision and Dental~~, the Worker is eligible for 100% family coverage premium payment by the County.
- f) Eligible workers shall be allowed to purchase dependent coverage through payroll deduction.
- g) County paid medical coverage shall be suspended after two (2) pay periods of no paid time.

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10. Salary Steps

- a) If at step 1 on June 24, 2013, remain at step 1 until 1040 hours are reached by extra help workers after June 24, 2013. Subsequent step increases, step 2 through 5 will occur after each 2080 hours.
- b) If at step 2 or higher on June 24, 2013, remain at that step with movement to subsequent steps, through step 5, to occur after each 2080 hours.

Sub-steps 98 and 99 abolishment:

Sub-steps 98 and 99 shall be abolished effective June 24, 2013.

Extra help workers hired on or before June 24, 2013 and who remain in sub-step 98/99 on or after June 24, 2013 shall be placed in step 1 starting from June 24, 2013.

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Extra help workers hired after June 24, 2013 into sub-step 98/99 shall be placed in step 1 starting from the date of hire.

B. Continuation of the Former Intermittent Worker Benefit Program

The County and the Union agreed to eliminate the Intermittent Worker Program effective June 20, 2006. All Former Intermittent Workers who became Extra Help workers and who elected to enroll in Valley Health Plan as of June 19, 2006, will continue the current schedule of benefits. The worker shall pay a pro-rata portion of the total monthly premium costs as in subsection A.9 above.

C. Other Provisions

The County and the Union mutually agree to continue the following provisions of the agreement from the prior re-opener on the issue of extra help use as follows:

1. Extra Help Usage Cap

Extra help use shall be capped at 1,250,000 hours per fiscal year. Extra help workers working for The Registrar of Voters shall not be counted against the 1,250,000 hour cap. In the event of unanticipated circumstances, which cause additional usage of extra help hours, the County may exceed the extra hour usage caps only after meeting and conferring with the Union and reaching mutual agreement.

2. Where a five percent (5%) vacancy exists within a classification/series, no Extra Help shall be added in the Department. The County shall permit Extra Help to apply into permanent positions through the Transfer line and utilize the interview process in lieu of examination to expedite the hiring process.

3. Pathway to Permanency:

The parties recognize that the overreliance on extra-help employees to fill permanent positions is neither the intent of the parties nor is it in their best interest. Therefore, the parties will endeavor to reduce the number of positions filled by extra-help employees and The County shall prioritize and expedite the hiring of eligible Extra Help into permanent coded positions by at least 25% (375 positions) in the below-listed jobs by June 25, 2024. (i.e. if 500 permanent positions in the below-listed jobs are filled

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The County and the Union jointly identified methods to streamline the hiring process in an effort to reduce the need for extra help. When applicable, these methods include:

¶ Identify and increase the number of classes for continuous recruitment;

¶ Screen all applications within five (5) working days of recruitment closing;

¶ Score all exams within five (5) working days of testing;

¶ Provide all certification lists to department/agency within three (3) days of a request;

¶ Use the Internet for recruitment;

¶ Start recruitment process before some jobs become vacant;

¶ Train managers and supervisors on the effective use of eligible lists, filling temporary vacancies and using the recruitment process; and alternatives to extra help usage including Provisional and Substitute Provisional appointments.

¶ The County and the Union shall meet annually to review and evaluate the effectiveness of the identified streamlining methods.

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by extra-help employees on April 14, 2023, then the goal will have been met if there are 375 permanent positions in the below-listed jobs filled by extra-help employees and at least 125 more permanent positions filled by permanent employees on June 25, 2024) and the total number of positions in those categories filled by permanent employees and extra-help combined on June 25, 2024 is no less than the total number of such positions filled by permanent and extra-help employees on April 14, 2023.

The parties agree to apply good faith efforts in order to achieve this goal by all available means including the implementation of the terms of this section.

If the goal above is not met, the union may reopen only this Appendix L for the purpose of bargaining with respect to issues related to the reduction in the reliance on extra help employees at any time on or after July 1, 2024 unless and until the above-stated goal is met.

The below extra-help classifications are the affected Classifications that shall be prioritized and expedited for moving Extra Help workers into permanent positions:

County-wide Classifications	HHS Specific Classifications
Food Service Worker Series and Food Service Workers Corrections	Health Information Clerk I
Janitor	Health Services Representative Series
Office Specialist Series	Coder
Library Page	Medical Assistant
Rehabilitation Counselor	Diagnostic Imaging Technologist Series
Patient Business Services Clerk Series	Mental Health Worker
Community Worker	Pharmacy Technician/Pharmacy Assistant
Librarian	Medical Unit Clerk
Animal Services Assistant	Health Information Clerk II
Probation Counselor	Patient Transporter
Senior Child Support Officer	Licensed Vocational Nurse
Clinical Dietitian Series	Respiratory Care Practitioner
Materials Supply Handler	Sterile Processing Technician

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Deleted: as well as expedite the hiring of coded classifications with the necessary skill sets for specific jobs, thus reducing training time. Below

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Deleted: Hospital Services Assistant II

Deleted: Office Specialist III

Deleted: Stock Clerk

Deleted: Medical Laboratory Assistant II

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¶ County-wide / Department Specific Classification (... [1]

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D. Extra help workers hired in the designated eligible coded classifications, shall be required to have a passing score on oral interviews as allowed under Merit System Rule A25-140 and A25-141. Those workers failing to achieve a qualifying score (70%)

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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 60 days of agreement under the provisions of Section 7 of this Appendix to commence a path to permanency for extra help employees to achieve employment in coded positions.

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

1. Float Pools:

Continue the Float Pool program established in Santa Clara Valley Health and Hospital System and in the Department of Correction. Float positions are used to cover the absences of classified or unclassified workers for special projects as needed.

The program in Santa Clara Valley Health and Hospital System consists of the following classifications:

Classification	# of Codes
Hospital Services Assistant II	7
Janitor	3
Health Services Representative	5
Medical Assistant	1
Nursing Attendant	4
Office Specialist I	3

The program in the Department of Correction will consist of two (2) Float positions to be selected by management from the classifications of FSW- Correction, Cook II, Dietetic Assistant or Baker.

2. Part Year Codes

The County and the Union agreed to the establishment of half-year (13 pay periods) and three-quarter year (19 pay periods) positions in the Department of Parks and Recreation. Workers hired into such positions shall work full-time for either 13 or 19 pay periods. The County agrees to expand to other areas as appropriate by agreement of the County and Union.

Workers hired into such positions shall be eligible for benefits as full-time employees for the effective time period (13 pay periods or 19 pay periods) of the code. Workers who work beyond the time period of the code shall be eligible for benefits in accordance with Section 7.4b) of the Agreement between the County and the Union.

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All time worked in a part year coded classification will be used for the purposes of determining a part year worker's probationary period under Section 6.1.

Workers in half-year or three-quarter year codes shall not be eligible for coverage under Article 5 - Layoff.

Workers in such positions shall be released from County employment at the expiration of the time period established for the position, but may be retained on an as needed basis by the Department of Parks & Recreation. Workers released from such positions because of the expiration of time for the position are not guaranteed recall into such positions in subsequent years. To the extent that the County determines to fill such positions in subsequent years, workers will be recalled by classification and seniority.

Seniority shall be defined as the date of hire within a part year coded classification in the Department of Parks & Recreation within the classified service of the County. For the purpose of computing total time in the worker's classification, the worker will be given credit for all time in any part year classification at the same or higher salary level, in which status had formerly been held. Date of hire shall be adjusted for all time on leave without pay, which extends beyond one full pay period, but shall not be adjusted for all time on maternity leave, worker's compensation leave and military leave.

The hiring for the positions will be done according to Merit System Rules. For the initial hiring, the Department of Parks & Recreation the 1999 seasonal workers were offered positions by seniority based on the total length of extra help service as determined by the department and in consultation with the Union.

The County agreed to delete the extra help classification of Park Aide and to establish the classification of Parks Services Attendant.

3. **Reports:**

- a) Extra help hours report:
The County will modify the bi-weekly extra help hours report to include the total number of extra help hours in each budget unit and the original date of hire of each extra help worker. Any date prior to February 23, 1998 will not be considered.

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- b) Quarterly reports to Board of Supervisors:
If the Board of Supervisors is provided with a quarterly report on extra help workers represented by Local 521, the report will include the total number of hours by department/agency. Local 521 will be provided with a copy of the report.
 - c) Creation of tests:
The Union will provide the County with a list of concerns where members report problems with the test and suggestions for revisions. The County agrees to study and respond to the Union's report.
4. **Budget Item:**
Starting FY 2001-2002, a line item for each budget will be included in the County Budget that represents the cost of budgeted extra help usage.
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Department/Agency Meetings:¶

At the request of the Union, a joint meeting conducted with Union representatives, Department representatives and representatives of the Employees Services Agency (ESA) when a County department/agency significantly exceeds extra help targets. ESA will prepare a report that includes a review of the meeting, the reasons the extra help target was exceeded and any plans or recommendations to reduce extra help use if appropriate. The report will be provided to the County Executive and copied to Union.¶

¶

Create a centralized oversight committee to meet 4 times per year to ensure that progress is made on pathways to permanency and to monitor usage.

