SANTA CRUZ COUNTY
BOARD OF SUPERVISORS INDEX SHEET

Creation Date: **6/17/09**

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Resolution(s): **[1] 181-2009**
[2] 182-2009

Ordinance(s):

Contract(s):

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Index: --Letter of the Director of Personnel, dated June 15, 2009
--Tentative Agreement, June 5, 2009
--Settlement Agreement for **Grievance** No. **505**

Item: 28. APPROVED tentative agreement for the Health Services Physicians Association and ADOPTED RESOLUTION NO. 181-2009 amending salary Resolution No. 279-75 to implement provisions of the agreement, ADOPTED RESOLUTION NO. 182-2009 amending Personnel Regulations Section 160, No. 247-76, as recommended by the Personnel Director

COUNTY OF SANTA CRUZ

PERSONNEL DEPARTMENT
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MICHAEL J. MCDOUGALL, DIRECTOR

APPROVED AND FILED
BOARD OF SUPERVISORS
DATE: June 23, 2009
COUNTY OF SANTA CRUZ
SUSAN A. MAURIELLO
EX-OFFICIO CLERK OF THE BOARD
BY Sharon Mitchell DEPUTY

June 15,2009

Agenda: June 23,2009

Board of Supervisors
County of Santa Cruz
701 Ocean Street
Santa Cruz, CA 95060

APPROVE TENTATIVE AGREEMENT FOR THE HEALTH SERVICES PHYSICIANS ASSOCIATION, AND ADOPT RESOLUTIONS TO IMPLEMENT PROVISIONS OF THE AGREEMENT AS RECOMMENDED BY THE PERSONNEL DIRECTOR

Dear Members of the Board:

A Tentative Agreement with the Health Services Physicians Association was reached on June 5, 2009, and ratified by the Health Services Physicians Association unanimously on June 12, 2009. The agreement is for a three-year contract for the period from November 8, 2008 to November 11, 2011.

The major provisions of the tentative agreement include the following:

- Cost of living increase of 1.5% effective the pay period beginning November 13, 2010.
- Effective the beginning of the first pay period after Association ratification and Board of Supervisor approval, increase all steps with an equity adjustment of **4%** for the Clinic Physician.
- Effective the beginning of the first pay period after Association ratification and Board of Supervisor approval, increase all steps with an equity adjustment of 3% for the Psychiatrist.
- The retirement cap for miscellaneous employees will be eliminated, effective the pay period beginning January 23, 2010.

- The County will roll the 7% employer contribution for PERS into the employee's salary effective the pay period beginning October 16, 2010.
- Establish a Flexible Health Allowance program effective September 1, 2009 or as soon as administratively possible, for additional health premium contributions.
- The County's monthly health contribution for active employees beginning September 1, 2009, or as soon as administratively possible with PERS, shall be 95% for employee only, 85% for employee plus one, and 85% for employee plus two or more of the 2009 Blue Shield Access (EXT) HMO premium.
- The County's monthly health contribution for active employees beginning January 1, 2010 shall be 95% for employee only, 90% for employee plus one, and 90% for employee plus two or more of the 2010 Blue Shield Access (EXT) HMO premium.
- The County's monthly health contribution for active employees beginning January 1, 2011 shall be 95% for employee only, 90% for employee plus one, and 90% for employee plus two or more of the 201 Blue Shield Access (EXT) HMO premium.
- Effective the beginning of the first pay period after Association ratification and Board of Supervisor approval, create an Adult Detention Forensic Services Differential.
- Each active employee in a regular UPA affiliated position will receive a signing bonus of $500 effective the first pay period after Association ratification and Board of Supervisors approval.

This letter also serves as the memorandum from the County Administrative Officer providing the approximate cost of this tentative labor agreement. The approximate cost of the increases associated with this agreement is as follows:

Year 1 November 2008 – November 2009	Year 2 November 2009 – November 2010	Year 3 November 2010 – November 2011	Tail
$90,446	$170,530	$107,327	$2,472

In addition, the Tentative Agreement also includes new contract provisions that are critical during times of economic uncertainty as follows:

1) **Increased Revenue associated with Unit Productivity Improvement to Off-set MOU Increases.** As your Board is aware, the financial viability of the County Clinics and Mental Health Division is dependent on the successful clinical management of patients and the service volume of our doctors. The County physicians and psychiatrists contribute substantially to the financial viability of our clinical services and are largely responsible for generating millions of dollars in Medi-Cal and Medicare reimbursement revenues each fiscal year. In these challenging economic times, the Health Services Agency anticipates that there will be an even greater demand for the services of our

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County physicians and psychiatrists. This increase in demand has required that the clinic and patient appointment schedules be continually modified to allow for additional patient visits. If properly implemented, these additional patient visits can be added with minimal new expenses, and the anticipated net additional revenues from this expansion would be sufficient to fully offset the compensation increases associated with this proposed MOU.

The proposed MOU contains new Subsections 7.1 C and New Article **24** memorialize an on-going process by which Health Services management and the Health Services Physicians Association stewards/members will continue to work together to optimize and increase revenue through modifications to patient appointment schedules and unit productivity standards. These sections also acknowledge that the revenues generated through this process have resulted in projected revenue that will fully offset the compensations increases outlined within the Tentative Agreement.

2) **Economic Re-Opener.** New Subsection 7.7 provides the County with the ability to re-open the contract for negotiation on economic terms in the event that your Board declares a fiscal emergency.

As you are aware, active negotiations were in progress with this bargaining unit on January 27, 2009 when your Board directed Staff to meet and confer with all units to seek economic concessions in order to address the fiscal year 2009/10 budget shortfall. Over the months since that declaration, the parties incorporated concession discussions into the bargaining process. At this time, the parties have completed a meet and confer process over the impacts of a "rolling" 156-hour annual furlough (equivalent to a 7.5% payroll reduction) that will be implemented upon your Board's action on the Supplemental Budget (see Report on Furlough Implementation, pages S27-1 through S27-6). The approximate cost savings associated with the concessions are as follows:

Year 1	Year 2
-($66,850)	-($133,700)

IT IS THEREFORE RECOMMENDED that your Board:

1. Approve the tentative agreement for the Health Services Physicians Association.

2. Adopt the attached resolutions implementing the salary and benefit provisions of the tentative agreement;

3. Direct the Personnel Director to return with the final Memorandum of Understanding (MOU);

4. Authorize the Auditor-Controller, Personnel Director and the County Administrative Officer to take all necessary administrative actions to effectuate administrative and benefit changes as discussed in this letter; and

5. Direct the County Administrative Officer report back on the last day of Budget Hearings with the necessary financial actions to effectuate the changes as discussed in this letter; and

Very truly yours,

Michael J. McDougall
Personnel Director

RECOMMENDED:

Susan A. Maurello

County Administrative Officer

cc: Auditor-Payroll (2), Personnel Department (2); Rama Khalsa, Health Services Agency Director; Patricia Hernandez, UAPD

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COUNTY OF SANTA CRUZ AND UNION OF AMERICAN PHYSICIANS & DENTISTS
TENTATIVE AGREEMENT
6/5/09

TERM:	11/08/08 – 11/11/2011
RETIREMENT:	**Remove** the PERS Cap of 15.05% (4.14% added to take-home yay) Effective 1/23/10 414(h) Rolf-over **Effective** 10/16/10
EQUITY:	3% for **Psychiatrists** **4% for** Physicians Effective the first **pay** period **after** Unit ratification and Board **of** Supervisors approvai
HEALTH:	95/85/85 Effective 9/1/09 or **as** soon as administratively possible under PERS timelines 95/90/90 Effective: 1/1/10 95/90/90 Effective: 1/1/11 Implement FHA Language, including OPEB corninittee
RETIREE **HEALTH:**	No **change** to current **language**
FORENSIC DIF:	5% above **base** if majority of hours in **adult** detention-settings. **If less** than 50% of hours, then $4 **per** hour actual time with DH approval. **Effective** the first **pay** period after Unit ratification and Board of supervisor **approval**
COLA:	1.5% Effective: 11*it* 3/10

PAY, Article 7.1, New Subsection C

C. The compensation **increases** provided herein **are supported by the** ongoing **process** within the Department. In that **process, UAPD** and the County **will** collegially discuss

productivity standards and how best to implement any departmental modification of such standards. This process has resulted in projected revenue increases that fully offset compensation increases herein. Both parties are committed to the continuation and success of such process]

SIGNING BONUS, Article 7.1. New Subsection D

$500 signing bonus upon Board adoption of MOU after Union ratification

ECONOMIC REOPENER. Article 7, New Subsection 7.7

If at any time during the term of this MOU, the Board of Supervisors declares a fiscal emergency, the County may reopen the MOU for negotiation on any economic issues including but not limited to wages, health benefits and retirement. Negotiations shall commence within 10 days of notice from the County. If the parties do not reach agreement within 30 days after commencement of negotiations, they may mutually agree to mediate the dispute under the auspices of the State Mediation and Conciliation Service, provided that such mediation shall commence within five dnys of the agreement to mediate and shall conclude within 14 days unless the parties otherwise mutually agree.

In the event of a declaration of a fiscal emergency, it is the County's intent to also reopen the collective bargaining agreements of other labor groups for negotiations on the economic issues outlined above in accordance with all applicable provisions of the MOU's.

HSA PHYSICIAN/MANAGEMENT COMMITTEE, Article 24

Replace existing language with:

The parties agree that there will he a committee comprised of representatives of HSA management and the UAPD stewards/members with both psychiatrists and clinic physicians being represented. The committee will plan to meet at least quarterly and more often if needed for specific issues by mutual agreement. The purpose of the committee is for communication and information sharing; problem solving on relevant HSA issues such as changes to the work environment, new state or federal requirements, optimal methods for pharmacy management, recruitment and retention issues, patient care arid staffing, optimizing revenues to support needed services, efficient use of valuable staff time and resources, etc. Any proposals mutually agreed to by the Committee will bc recommended to the Agency Director for review and response. Issues discussed in the Committee are only grievable if they otherwise meet the definitions of a grievance under Article 22.

LANGUAGE:

All other lion-economic language changes previously agreed to, i.e., Article 13.7 (After Hours Phone Service), Article 2 (Recognition), Monthly Data Reports

OTHER PROVISIONS:

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Recognition Process
The Union has filed a petition for certification of recognized employee organization. The petition is accompanied by sufficient proof of support. The County shall process the petition to election pursuant to Section 18.8 of the County's EERP.

Union to Withdraw PERB Charge No. SF-CE-621-M

Union to withdraw grievance #505 per attached settlement agreement

The parties tentatively agreed to this document on June 5,2009 and shall each recommend the TA to their principals.

Susan Mauriello
CAO, Santa Cruz County

Patricia Hernandez
UAPD

Michael McDougall
Personnel Director, Santa Cruz County

SETTLEMENT AGREEMENT FOR GRIEVANCE NO, 505

This Settlement Agreement is entered into between the County of Santa Cruz (County), and Union of American Physicians and Dentists (UAPD) on behalf of employees in the classification of Psychiatrists.

RECITALS

1. UAPD filed Grievance Number 505 on September 8, 2008.

2. A level two response meeting was held on May 14, 2009 in which Ajita Patel, Deputy Director, served as the hearing officer as the Personnel Director's designee. Patrick Teverbaugh was present and Sue Wilson on behalf of UAPD.

3. The following are the issues that were raised by UAPD: a) work has been taken away from Psychiatrists and given to the Psychiatric Medical Directors, b) UAPD disputes the need to have 3 FTE Psychiatric Medical Directors and c) the ratio of Nurse Practitioners/Physician Assistants to Psychiatrists needs to be improved.

4. UAPD acknowledges the value of the Nurse Practitioners/Physician Assistants and has no objection to their participation in the mental health model.

5. The Psychiatric Medical Director positions are in the Middle Management bargaining unit. The Chief of Psychiatry is in the Executive Management Unit.

6. The County considers the work done by the Psychiatrists, Psychiatric Medical Director, and the Chief of Psychiatry as separate and distinct, The County desires all levels of staff to be available and able to provide clinical care as operationally necessary.

7. The County understands and acknowledges that Psychiatrists find that the issues raised in Grievance No. 505 are ~~truly~~ clinical issues rather than classification issues. The parties will ~~would like to~~ continue open communication regarding clinical care and the division of duties.

TERMS AND CONDITIONS OF SETTLEMENT

1. The County and UAPO will utilize the HSA Physician/Management described in Article 24 of the Memorandum of Understanding (MOU), as amended, as a forum to discuss any clinical issues that may arise from the mental health model, including the Union's concerns about the ratio of Nurse Practitioner/Physician Assistants to psychiatrists.

2. The proposed budget for fiscal year 09/10 includes the deletion of one (1) vacant full time Psychiatric Medical Director position.

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3. UAPD withdraws the grievance with prejudice. This settlement applies only to the circumstances that gave rise to this grievance and not to similar circumstances arising at some future date. This agreement does not establish any precedent or practice between the parties and is intended to address the unique circumstances of this situation. By signing below, the parties indicate their concurrence with the terms of this Settlement Agreement. In consideration of the above, Union will consider the resolution of Grievance #505 final.

Date: 6/5/09 — Patricia Hernandez, UAPD

Date: 6/5/09 — Patrick Teverbaugh, Psychiatrist

Date: 6/5/09 — Rama Khalsa, Health Services Agency Administrator

Date: 6/5/09 — Ajita Patel, Deputy Director Personnel

BEFORE THE BOARD OF SUPERVISORS
OF THE COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA

RESOLUTION NO. 181-2009

On the motion of Supervisor Pirie
Duly seconded by Supervisor Leopold
The following resolution is adopted:

RESOLUTION AMENDING SALARY RESOLUTION NO. 279-75
(Amendment No. 775)

WHEREAS, this Board of Supervisors on June 25, 1975, adopted Resolution No. 279-75 establishing the compensation of County officers, deputies, assistants, and employees; and

WHEREAS, the Board of Supervisors has approved a Tentative Agrement for the Health Services Physicians Association, which provides for changes in the salary steps over the term of November 8,2008 through November 11,2011; and

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that Resolution No. 279-75 be amended effective the pay period beginning November 13,2010, at 12:01 a.m., by increasing each of the hourly rates with a cost of living increase for classes in the Health Services Physicians Association by 1.5%.

BE IT FURTHER RESOLVED AND ORDERED that Resolution No. 279-75 be amended effective the beginning of the first full pay period after Association ratification and Board of Supervisor approval, at 12:01 a.m., by increasing each of the hourly rates with an equity adjustment for Clinic Physician by **4%** and the Psychiatrist by 3%.

BE IT FURTHER RESOLVED AND ORDERED that Resolution No. 279-75 be amended effective the pay period beginning January 23,2010, at 12:01 a.m. to eliminate the retirement cap for miscellaneous employee in the Health Services Physicians Association.

BE IT FURTHER RESOLVED AND ORDERED that Resolution No. 279-75 be amended effective the pay period beginning October 16,2010, at 12:01 a.m., by rolling the employer paid employee PERS contribution of 7% into the hourly rates in the salary range for classes in the Health Services Physicians Association **(414H** rollover).

BE IT FURTHER RESOLVED AND ORDERED that Resolution No. 279.75 be amended effective the beginning of the first pay period after Association ratification and Board of Supervisor approval to give regular budgeted employees, a one time signing bonus of $500.00 (less legally required payroll tax deductions).

BE IT FURTHER RESOLVED AND ORDERED that Resolution No. 279.75 be amended effective the beginning of the first pay period after Association ratification and Board of Supervisor approval to create a Forensic Services Differential for the Psychiatrist classification of 5% above the base hourly rate if the majority of their hours are in an adult detention setting. If less than 50% of their hours are in an adult detention setting, then they would receive $4 per hour for actual time worked in an adult forensic setting for backup coverage with Department Head approval.

BE IT FURTHER RESOLVED AND ORDERED that the Personnel Director and County Administrative Officer take the necessary administrative actions to effectuate these changes.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Santa Cruz, State of California, this 23th day of June, 2009, by the following vote:

AYES:	SUPERVISORS	Leopold, Pirie, Campos, Stone and Coonerty
NOES:	SUPERVISORS	None
ABSENT:	SUPERVISORS	None

NEAL COONERTY

Neal Coonerty, Chairperson of the Board

ATTEST: TESS FITZGERALD

Clerk of the Board

Approved as to form:

Assistant County Counsel

cc: Auditor-Payroll; Personnel (2); Rama Khalsa, Health Services Agency Administrator; Patricia Hernandez, UAPD;

STATE OF CALIFORNIA)
COUNTY OF SANTA CRUZ) ss

I SUSAN A MAURIELLO, County Administrative Officer and ex-officio Clerk of the Board of Supervisors of the County of Santa Cruz, State of California do hereby certify that the foregoing is a true and correct copy of the resolution passed and adopted by and entered in the minutes of the said board. In witness whereof I have hereunto set my hand and affixed the seal of the said Board on June 25 20 09.

SUSAN A MAURIELLO, County Administrative Officer

By Sharon Mitchell Deputy

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BEFORE THE BOARD OF SUPERVISORS
OF THE COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA

RESOLUTION NO. 182-2009

On the motion of Supervisor Pirie
Duly seconded by Supervisor Leopold
The following resolution is adopted:

RESOLUTION AMENDING PERSONNEL REGULATIONS SECTION 160, NO. 247-76
BY: _____
(Amendment No. 776 **)**

WHEREAS, this Board of Supervisors has adopted Personnel Regulations as part of the County's Procedure Manual by Resolution No. 247-76 and subsequent amendments; and

WHEREAS, the Board of Supervisors has approved the Tentative Agreement for the Health Services Physician Association for the period of November 8, 2008 through November 11, 2011, which contains explicit changes in salary, compensation and leave regulation provisions that are also contained in Section 160 of the Personnel Regulations; and

WHEREAS, it is now desirable and necessary to amend said resolution to incorporate the changes in salary, compensation, and leave provisions contained in the Tentative Agreement into the Personnel Regulations.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that Part 160 (Salary Compensation and Leave Provisions) be amended by modification of Section 164 effective the beginning of the first pay period after Association ratification and Board of Supervisor approval to create a Forensic Services Differential for the Psychiatrist classification of 5% above the base hourly rate if the majority of their hours are in an adult detention setting. If less than 50% of their hours are in an adult detention setting, then they will receive $4 per hour for actual time worked in an adult forensic setting for backup coverage with Department Head approval.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the Personnel Director is authorized to make revisions to the text and format of Part 160 (Salary, Compensation, and Leave provisions) of the Personnel Regulations which reflect revisions to parallel provisions in the Memorandum of Understanding for the Health Services Physician Association for the period of November 8, 2008 through November 11, 2011, and to publish Part 160 with said revisions.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Santa Cruz, State of California, this 23th day of June, 2009, by the following vote:

AYES: SUPERVISORS Leopold, Pirie, Campos, Stone and Coonerty
NOES: SUPERVISORS None
ABSENT: SUPERVISORS None

NEAL COONERTY
Neal Coonerty, Chairperson of the Board

ATTEST: TESS FITZGERALD
Clerk of the Board

Approved as to form:

Assistant County Counsel

cc: Auditor-Payroll; Personnel (2); Rama Khalsa, Health Services Agency Administrator; Patricia Hernandez, UAPD;

STATE OF CALIFORNIA)
COUNTY OF SANTA CRUZ) ss

I. SUSAN A. MAURIELLO. County Administrative Officer and ex-officio Clerk of the Board of Supervisors of the County of Santa Cruz. State of California do hereby certify that the foregoing is a true and correct copy of the resolution passed and adopted by and entered in the minutes of the said board. In witness whereof I have hereunto set my hand and affixed the seal of the said Board on June 25 2009.

SUSAN A. MAURIELLO. County Administrative Officer

By Sharon Metcalf Deputy