



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: Human Resources
Department No.: 064
For Agenda Of: April 7, 2020
Placement: Administrative
Estimated Time:
Continued Item: No
If Yes, date from:
Vote Required: Majority and 4/5

TO: Board of Supervisors *Signature for Maria Elena De Guevara*
FROM: Department Maria Elena De Guevara, Human Resources Director, 568-
Director(s) 2816
Contact Info: Joseph Pisano, Employee Relations Division Chief, 568-2839
SUBJECT: Proposed changes in terms and conditions of employment to respond to
the COVID-19 emergency.

County Counsel Concurrence

As to form: Yes

Auditor-Controller Concurrence

As to form: Yes

Other Concurrence:

As to form: N/A

Recommended Actions:

That the Board of Supervisors:

- a) Approve side letters with each recognized labor organization to 1) permit the use of vacation by employees with less than six months continuous employment for absences that are a direct result of the COVID-19 emergency, and 2) provide for reauthorization of such vacation use in the event the CEO declares any subsequent emergencies or disasters (Attachment A);
- b) Approve the amended resolution in Attachment B to 1) permit the use of vacation by unrepresented employees with less than six months continuous employment for absences that are a direct result of the COVID-19 emergency, and 2) provide for reauthorization of such vacation use in the event the CEO declares any subsequent emergencies or disasters;
- c) Allow extra help employees and certain contractors on payroll to use their accrued sick leave for COVID-19 related absences before they have completed ninety days of employment, which is currently required by Resolution 15-169;

- d) Temporarily suspend the limitation in Civil Service Rule 905 that extra help appointments shall not exceed one thousand and forty hours in the twelve month period immediately following the first day of the first appointment without extension by the Civil Service Commission when such extra help appointments are assisting departments in providing adequate staffing to respond to the COVID-19 emergency;
- e) Authorize payment of a shift differential for unrepresented confidential employees that is equal to the differentials earned by their counterparts in union represented job classifications during the COVID-19 emergency, and authorize payment of these same shift differentials to emergency and extra help employees;
- f) Approve the use of accrued sick leave for employees who are caring for their children during school closures related to the COVID-19 emergency; and
- g) Determine pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15378(b)(4) that the above actions are government fiscal activities which do not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment, and therefore is not a project subject to environmental review.

Summary Text:

The recommended actions implement changes to current terms and conditions of employment to recognize the work County employees are doing in response to the current COVID-19 emergency and to help mitigate the financial impact of COVID-19 related work absences.

County Human Resources continues to work to find innovative ways to respond to the current crisis. More than half of HR staff are actively engaged in the pandemic response by charting new ground with the first activation of the EOC Management Liaison area. The purpose of this unit is to ensure adequate levels of staffing for the various necessary emergency services. County HR also created the Emergency Job Match Program to ensure internal and external partnering agencies are positioned to re-deploy employees where needed. Additionally, the HR department will implement an expedited hiring process through a One Day Hiring Event for temporary workers.

Background:

Recommendations a) and b) regarding early use of vacation. Employees with less than six (6) months of continuous service do not accrue or use vacation leave. The recommended actions would allow employees who are unable to come to work due to COVID-19, and are not eligible for other paid leave, to be allowed to use vacation they would have accrued had they been in County service long enough to accrue vacation leave, i.e. for at least 6 months. Side letters amending the MOUs with all labor organizations to implement this change appear in Attachment A. The resolution that governs vacation leave for confidential employees, unrepresented attorneys, and management staff (collectively “unrepresented” employees) in Attachment B has been amended to provide the same benefit to these employees; the changes are tracked in Attachment C. The recommended actions would also enable early access to vacation to be reauthorized in future disasters or emergencies.

Recommendation c) regarding early sick leave use for extra help employees. Extra help employees and certain contractors on payroll are required by State law to accrue 24 hours of sick leave upon appointment and 24 hours annually thereafter. They are not permitted to use the sick leave until they have been employed for 90 days. The recommended actions would enable these employees and contractors with fewer than 90 days service to use their sick leave accruals related to the COVID-19 emergency.

Recommendation d) regarding the time limit on extra help employment. Civil Service Rule 905 limits the amount of time an Extra Help employee can work during any twelve-month period to 1040 hours, unless extended by prior approval of the Civil Service Commission. The recommended action would waive the requirement to seek prior approval for extensions beyond the 1040 hours for extra help employees who are performing essential services related to the COVID-19 emergency.

Recommendation e) regarding shift differentials for emergency, confidential and extra help employees. Regular employees represented by certain labor organizations receive shift differentials that unrepresented employees and extra help employees, including those in emergency appointments, in the same job classifications do not receive. The amount of the differential varies, depending on the hours worked:

- \$0.75/hour for all hours worked if the majority of hours worked on the shift are between 5:30 p.m. and 7:30 a.m.
- \$1.50 per hour for all hours worked on a shift when the majority of hours worked on the shift are between 12:00 midnight and 7:00 a.m. and
- \$0.75/hour per hour for one-half the hours worked on the shift, and \$1.50 per hour for one-half the hours worked on the shift if an employee works a shift evenly divided before and after 12:00 midnight.

The recommended action would provide that emergency, confidential, and extra help employees working the same shifts and doing the same jobs during the COVID-19 emergency as their union represented counterparts would receive the same shift differentials.

Recommendation f) regarding the use of sick leave to care for children whose schools are closed because of the COVID-19 emergency. Currently County employees who must stay home with their children because of a school closure or because a day care provider is not available are not permitted to use sick leave. The recommended action would permit them to use sick leave accruals if schools are closed or day care is unavailable because of the COVID-19 emergency, without regard to the current 48-hour limitation.

Fiscal and Facilities Impacts:

Budgeted: Yes.

Fiscal Analysis:

Although funds are available for all the hours employees are budgeted to work, any paid time off represents a loss of productivity. This will be the case if recommendations a, b, c, and f, which provide more access to leave balances, are approved. Recommendation d would temporarily lift

the existing 1040 annual limit to the hours extra-help employees can work if their work is related to COVID-19 response efforts, but the cost will depend on what job classes such employees are employed in and how many hours they will work, which is unknown at this time. Recommendation e provides for additional hourly compensation for Confidential Employees whose work on COVID-19 response would take place mostly between 5:30 p.m. and 7:30 a.m. There are only 53 of these employees at this time, and not all of them will work qualifying hours, so the fiscal impact of this recommendation will likely be negligible.

Key Contract Risks: N/A

Staffing Impacts:

Legal Positions:
N/A

FTEs:
N/A

Special Instructions:

Attachments:

- A. Side letters regarding early use of vacation.
- B. Proposed Management Resolution
- C. Proposed Management Resolution-Red lined

Authored by: Joseph Pisano

cc: Mona Miyasato, County Executive Officer
Michael C. Ghizzoni, County Counsel
Betsy Schaffer, Auditor Controller
Assistant CEOs
Department Heads