

*Before the Board of Supervisors in and for the
County of Monterey, State of California*

Resolution No.: 21-419

Adopt Resolution to:

- a) Approve a revision to the standard “Employment Agreement (Hospital Physician)” for Natividad Unit U physician employees as indicated in Attachment A – Summary of Revisions, for Natividad Unit U physicians, providing that if the current underlying insurance agreement between the County and its insurance carrier expires or terminates, continuous coverage will expire or terminate and the County shall obtain and maintain, at its expense, extended reporting period coverage and/or prior acts coverage, providing coverage equal to or greater than that provided by the expired/terminated continuous coverage, to be used with all new and renewed employment agreements beginning January 1, 2022;
- b) Approve a revision to the standard “Public Health Emergency Temporary Employment Agreement (Physician)” for employed emergency temporary physicians at Natividad, as indicated in Attachment A, providing that if the current underlying insurance agreement between the County and its insurance carrier expires or terminates, continuous coverage will expire or terminate and the County shall obtain and maintain, at its expense, extended reporting period coverage and/or prior acts coverage, providing coverage equal to or greater than that provided by the expired/terminated continuous coverage, to be used with all new and renewed employment agreements beginning January 1, 2022;
- c) Authorize updates to the agreement templates in accordance with local, federal, and/or state law, subject to review and approval by County Counsel;
- d) Authorize amendments to agreement templates that do not change salary ranges or provision of benefits, and, further, do not significantly change the scope of either party’s obligations or responsibilities, subject to review and approval by County Counsel; and
- e) Authorize the Hospital Chief Executive Officer to execute agreements for contract employment with Unit U physicians and emergency temporary physicians, by use of the Board-approved standard employment agreement formats, as revised, so long as the salary is within the approved salary range for the position, and costs of salary and benefits as applicable are within Natividad’s approved fiscal year budget.

WHEREAS, Natividad Medical Center is a healthcare organization that provides essential services that are critical to the health and safety to the public; and

WHEREAS, Unit U hospital physicians and emergency temporary physicians at Natividad Medical Center are employed under terms and conditions of the “Employment Agreement (Hospital Physician)” and “Public Health Emergency Temporary Employment Agreement (Physician)” templates (“Employment Agreement templates”); and

WHEREAS, the Hospital Chief Executive Officer of Natividad Medical Center is granted authority to execute such employment agreements with physicians on behalf of Natividad in order to fulfill the hospital’s duty to provide critical health care services to the public; and

WHEREAS, the County has maintained continuous coverage under its contract with its insurance carrier for departed physicians for many years. With continuous coverage in place, it is unnecessary for physicians who leave employment at the County to buy extended reporting period coverage (“tail coverage”) and/or prior acts coverage (“nose coverage”); and

WHEREAS, in an effort to recruit and retain employed physicians, and to remain competitive with other area health care facilities, Natividad recommends including language in the Employment Agreement templates providing that if the current underlying insurance agreement between the County and its insurance carrier expires or terminates, continuous coverage will expire or terminate and the County shall obtain and maintain, at its expense, extended reporting period coverage and/or prior acts coverage, providing coverage equal to or greater than that provided by the expired/terminated continuous coverage.

THEREFORE, BE IT RESOLVED by the Board of Supervisors in and for the County of Monterey as follows:

- a) A revision to the standard “Employment Agreement (Hospital Physician)” for Natividad Unit U physician employees is approved, as indicated in Attachment A – Summary of Revisions, for Natividad Unit U physicians, providing that if the current underlying insurance agreement between the County and its insurance carrier expires or terminates, continuous coverage will expire or terminate and the County shall obtain and maintain, at its expense, extended reporting period coverage and/or prior acts coverage, providing coverage equal to or greater than that provided by the expired/terminated continuous coverage, to be used with all new and renewed employment agreements beginning January 1, 2022
- b) A revision to the standard “Public Health Emergency Temporary Employment Agreement (Physician)” for employed emergency temporary physicians at Natividad is approved, as indicated in Attachment A, providing that if the current underlying insurance agreement between the County and its insurance carrier expires or terminates, continuous coverage will expire or terminate and the County shall obtain and maintain, at its expense, extended reporting period coverage and/or prior acts coverage, providing coverage equal to or greater than that provided by the expired/terminated continuous coverage, to be used with all new and renewed employment agreements beginning January 1, 2022;
- c) Updates to the agreement templates in accordance with local, federal, and/or state law, subject to review and approval by County Counsel are authorized;
- d) Amendments to agreement templates that do not change salary ranges or provision of benefits, and, further, do not significantly change the scope of either party’s obligations or responsibilities, subject to review and approval by County Counsel are authorized; and
- e) The Hospital Chief Executive Officer is authorized to execute agreements for contract employment with Unit U physicians and emergency temporary physicians, by use of the Board-approved standard employment agreement formats, as revised, so long as the salary is within the approved salary range for the position, and costs of salary and benefits as applicable are within Natividad’s approved fiscal year budget.

PASSED AND ADOPTED on this 7th day of December 2021, by roll call vote:

AYES: Supervisors Alejo, Phillips, Lopez, Askew and Adams

NOES: None

ABSENT: None

(Government Code 54953)

I, Valerie Ralph, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book 82 for the meeting December 7, 2021.

Dated: December 13, 2021
File ID: RES 21-1047
Agenda Item No.: 25

Valerie Ralph, Clerk of the Board of Supervisors
County of Monterey, State of California


Julian Lorenzana, Deputy