



County of Monterey

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

Legislation Details (With Board Report)

File #:	21-784	Name:	Request to pay Employnet Invoices for Public Defender & Natividad FY20-21
Type:	General Agenda Item	Status:	Passed - Auditor-Controller's Office
File created:	9/9/2021	In control:	Board of Supervisors
On agenda:	10/5/2021	Final action:	10/5/2021

Title:

- a. Authorize the Auditor-Controller to pay Employnet Workforce Solutions ("Employnet") \$3,569.60 for specified invoices charging County of Monterey ("County") for hours worked by an Employnet temporary worker assigned in Fiscal Year 2020-2021 to the Public Defender's Office to ensure adequate staffing levels during the COVID-19 Pandemic, which hours were in excess of the 720 hour limitation set forth in the County's now expired agreement with Employnet under RFP 10495 ("Employnet Agreement"); and
- b. Authorize the Auditor-Controller to pay Employnet \$9,360.90 for specified invoices charging County for hours worked by 2 other Employnet temporary workers assigned in Fiscal Year 2021-2021 to Natividad Medical Center ("Natividad") to ensure adequate staffing levels during the COVID-19 Pandemic, in excess of the 720 hours limitation set forth in the Employnet Agreement; and
- c. Approve and authorize the Auditor-Controller to pay B.E. Smith, Inc. ("B.E. Smith") \$13,600 for an invoice charging County for hours worked by a B.E. Smith temporary worker assigned in Fiscal Year 2021-2021 to Natividad to ensure adequate staffing levels during the COVID-19 Pandemic, which hours were in excess of the 720 hours limitation set forth in the current agreement, No. A-13995, between the County, on behalf of Natividad, and B.E. Smith.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Signed Board Report_Employnet Invoices PDandNatividad_21-784, 2. Board Report_Employnet_PDandNatividad_9.9.pdf, 3. Nova Management and Employnet AssignmentAssumptionAgreement, 4. BE Smith Agreement, 5. BE Smith Amendment 2, 6. Exhibit A-Countys Master Agreement with Nova Employnet, 7. Completed Board Order Item No. 19

Date	Ver.	Action By	Action	Result
10/5/2021	1	Board of Supervisors	approved - auditor controller	Pass

- a. Authorize the Auditor-Controller to pay Employnet Workforce Solutions ("Employnet") \$3,569.60 for specified invoices charging County of Monterey ("County") for hours worked by an Employnet temporary worker assigned in Fiscal Year 2020-2021 to the Public Defender's Office to ensure adequate staffing levels during the COVID-19 Pandemic, which hours were in excess of the 720 hour limitation set forth in the County's now expired agreement with Employnet under RFP 10495 ("Employnet Agreement"); and
- b. Authorize the Auditor-Controller to pay Employnet \$9,360.90 for specified invoices charging County for hours worked by 2 other Employnet temporary workers assigned in Fiscal Year 2021-2021 to Natividad Medical Center ("Natividad") to ensure adequate staffing levels during the COVID-19 Pandemic, in excess of the 720 hours limitation set forth in the Employnet Agreement; and
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RECOMMENDATION:

It is recommended that the Board of Supervisors:

- a. Authorize the Auditor-Controller to pay Employnet Workforce Solutions (“Employnet”) \$3,569.60 for specified invoices charging County of Monterey (“County”) for hours worked by an Employnet temporary worker assigned in Fiscal Year 2020-2021 to the Public Defender’s Office to ensure adequate staffing levels during the COVID-19 Pandemic, which hours were in excess of the 720 hour limitation set forth in the County’s now expired agreement with Employnet under RFP 10495 (“Employnet Agreement”); and
- b. Authorize the Auditor-Controller to pay Employnet \$9,360.90 for specified invoices charging County for hours worked by 2 other Employnet temporary workers assigned in Fiscal Year 2021-2021 to Natividad Medical Center (“Natividad”) to ensure adequate staffing levels during the COVID-19 Pandemic, in excess of the 720 hours limitation set forth in the Employnet Agreement; and
- c. Approve and authorize the Auditor-Controller to pay B.E. Smith, Inc. (“B.E. Smith”) \$13,600 for an invoice charging County for hours worked by a B.E. Smith temporary worker assigned in Fiscal Year 2021-2021 to Natividad to ensure adequate staffing levels during the COVID-19 Pandemic, which hours were in excess of the 720 hours limitation set forth in the current agreement, No. A-13995, between the County, on behalf of Natividad, and B.E. Smith.

SUMMARY:

During the COVID-19 pandemic, two of the County’s contracted temporary staffing agencies went over the contractual limit of 720 hours per temporary worker. Four individuals in total worked in excess of 720 hours; two at Natividad and one at the Office of the Public Defender. The Auditor-Controller’s Office will need Board authorization before it can pay Employnet and B.E. Smith for these temporary workers’ time, as their contract with the County prohibits payment in a circumstance where a worker has worked for the County in excess of 720 hours.

This provision is designed to prohibit PERS liability for the County. However, given that these temporary workers were critical in filling staff shortages during the pandemic, staff is recommending payment to the staffing agencies for these workers. Unfortunately, NMC will incur PERS liability with one of the temporary workers.

Pursuant to the terms and conditions of the 2020-2021 agreements with Employnet and B.E. Smith, the agencies were responsible for tracking cumulative hours per employee for all employees at the County. The agencies were also required to notify the County when the employees were approaching 650 hours within a fiscal year. The County is technically not required to pay for temporary workers that go above 720 hours in time worked for the County. These provisions are designed to prevent County PERS liability which begins when a retired annuitant reaches 960 hours and when a temporary worker reaches 1,000 hours.

However, given the unique staffing shortages created by the pandemic and unique urgencies which may have attributed to the monitoring oversights, both Natividad and the Public Defender’s Office are recommending payment in this one instance.

OTHER AGENCY INVOLVEMENT:

County Counsel concurs with the Departments’ request for Board approval of the unpaid invoices. The Auditor-Controller’s Office declines approval of this request. The B.E. Smith and Employnet agreements do not, in the opinion of the Auditor-Controller’s Office, support the payment of these unpaid invoices.

FINANCING:

Public Defender: The associated costs of \$3,569.60 will be absorbed within the Public Defender’s FY 2021-2022 Adopted Budget,

Fund 001, department 2270, Budget Unit 8169, Appropriation Unit PUB001.

Natividad Medical Center: The associated costs of \$9,360.90 for Employnet amounts due will be absorbed within Natividad's FY 2021-2022 Adopted Budget, Budget Unit 9600.

Natividad Medical Center: The associated costs of \$13,600.00 for B.E. Smith Inc. amounts due will be absorbed within Natividad's FY 2021-2022 Adopted Budget, Budget Unit 9600.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

This recommendation supports the Board of Supervisors Strategic Initiatives by promoting an organization that practices efficient and effective resource management.

Mark a check to the related Board of Supervisors Strategic Initiatives

- Economic Development
- Administration
- Health & Human Services
- Infrastructure
- Public Safety

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Approved by: Susan Chapman, Public Defender, x.5806
Dr. Charles R. Harris, Interim CEO, x 2504

Attachments:

- Board Report
- Nova Management Agreement, Employnet Assignment and Assumption Agreement
- B. E. Smith Agreement, as amended
- Exhibit A- County's Master Agreement with Nova/Employment