



# County of Monterey

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

## Board Report

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**File #:** 12-184, **Version:** 1

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- a. Approve the Side Letter Agreement between the County of Monterey and SEIU Local 521, Unit J regarding Shift Differential;
- b. Approve the Side Letter Agreement between the County of Monterey and SEIU Local 521, Unit H regarding Educational Leave; and
- c. Approve the Side Letter Agreement between the County of Monterey and SEIU Local 521, Unit J regarding Floating Holiday.

### **RECOMMENDATION:**

It is recommended that the Board of Supervisors:

- a. Approve the Side Letter Agreement between the County of Monterey and SEIU Local 521, Unit J regarding Shift Differential;
- b. Approve the Side Letter Agreement between the County of Monterey and SEIU Local 521, Unit H regarding Educational Leave; and
- c. Approve the Side Letter Agreement between the County of Monterey and SEIU Local 521, Unit J regarding Floating Holiday.

### **SUMMARY/DISCUSSION:**

In accordance with California Code of Regulations Section Title 22, Skilled Nursing Facilities are required to have Nursing Assistants who maintain a valid certification issued by the State of California Department of Health & Human Services. All Nursing Assistants at NMC were given twenty-four (24) hours of Educational Leave to be used for maintaining a Nursing Assistants Certification in order to fulfill the requirement under California Code of Regulations Section Title 22.

The Skilled Nursing Department at Natividad Medical Center (NMC) closed in 2006. Therefore, the requirement that all Nursing Assistants have a valid certification under California Code of Regulations Section Title 22 no longer applied. In September 2011, all Nursing Assistants assigned to Natividad Medical Center were notified that the twenty-four (24) Educational Leave hours received on an annual basis would cease.

In October 2011, SEIU Local 521 filed a grievance with Natividad Medical Center regarding the discontinuation of Educational Leave hours previously provided to Nursing Assistants. Through discussions with Nursing Assistant staff and representatives from SEIU Local 521, the County determined that a Nursing Assistant with a certification, although no longer required, provides a benefit to NMC. The County will continue to provide twenty-four (24) Educational Leave hours to those Nursing Assistants who will obtain or maintain their license each year. NMC Human Resources Department will verify licenses in January of each year, and will notify the Auditor Controller's office which employees in this classification should be awarded the twenty four (24) hours of Educational Leave. NMC is requesting the Board of Supervisors approve the attached side letter agreement regarding Educational Leave.

In the SEIU Local 521-Unit J MOU, there was a technical error where a portion of the Shift Differential language was inadvertently removed. As a result, SEIU Local 521 and the County of Monterey met and agreed

to a corrective side letter where the language is put back in the MOU. It is recommended that the Board of Supervisors approve the Side Letter Agreement between the County of Monterey and SEIU Local 521.

In the SEIU Local 521-Unit J MOU, there was a technical error in the example used to calculate a pro-rated Floating Holiday. SEIU Local 521 and the County of Monterey met and agreed to a corrective side letter where the example is corrected and reflects the accurate formula. It is recommended that the Board of Supervisors approve the Side Letter Agreement between the County of Monterey and SEIU Local 521.

**OTHER AGENCY INVOLVEMENT:**

SEIU, Local 521 (Units H and J) members, SEIU staff, and NMC staff contributed to the development of the Side Letter Agreements where applicable.

**FINANCING:**

The Side Letter Agreement regarding the Educational Leave could result in a cost savings to NMC since the twenty four (24) Educational Leave hours will only be awarded to those Nursing Assistants who maintain the Nursing Assistant Certification whereas in the past, all Nursing Assistants received the leave hours. The Side Letter Agreement regarding Shift Differential section will be cost neutral.

Prepared by:

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Brette Neal, Senior Personnel Analyst

Approved by:

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Izetta Birch  
Executive Management Specialist, Interim Human Resources Director

Attachments:

Side Letter Agreement regarding Shift Differential  
Side Letter Agreement regarding Educational Leave Hours  
Side Letter Agreement regarding Floating Holiday

cc: Jay Donato, SEIU Local 521  
Joel Hill, SEIU Local 521  
Harry Weis, CEO Natividad Medical Center