CEMA and the County present
an overview of:
the Interest Based Bargaining (IBB) process
and
the Implementation of the new policies
October 16, 2012
November 7, 2012
November 14, 2012

Welcome
Luke Leung, Deputy County Executive

Introduction
- Mark Fink, CEMA (County Library)
- Joanne Cox, County Management (ESA)
- CreaTV filming
- Questions/Cards
- Introduction of the presenters - joint presentation
Welcome – Luke Leung, Deputy County Executive

Overview

Teleworking policy

Alternate Work Schedule policy

CEMA Performance Appraisal process

Brief Break

Revised STO and Sick Leave use and STO cash-out policies

Compensation Compaction, including TARD change

Layoff Language

Wrap-Up/Questions

Overview of the IBB process

Summary of the changes and new provisions for employees in CEMA-represented classifications and ACE-Administrative

Timeline

Resources available

Opportunity to ask or submit questions
Who Participated?

- An impartial facilitator
- County Management Staff from Employee Services Agency, Office of the County Executive, Office of the Sheriff, Social Services Agency, Office of County Counsel, Probation, and Valley Medical Center
- A CEMA Business Representative and representatives from Public Health, County Library, Probation, Office of Human Relations, Information Services Department, and Valley Medical Center, and Registrar of Voters

The Interest Based Bargaining (IBB) Process

- Alternative to traditional bargaining
- Involves joint problem-solving
- Focuses on “interests” instead of “positions”
- Finds mutual interests
- Options are developed that meet the interests of both parties

How did we get here?

- On June 22, 2011 the Board of Supervisors ratified an agreement between the CEMA and the County for a new 2-year contract period from June 27, 2011 through June 23, 2013.
- Deferred negotiations on up to four County and four CEMA non-economic issues to be resolved at a later date through the Interest Based Bargaining (IBB) process.
Agreement

- The County and CEMA representatives submitted, reviewed and reached agreements on the following issues during the IBB process:
  - Teleworking policy
  - Alternate Work Schedule policy
  - CEMA Performance Appraisal process
  - Revised STO and Sick Leave use and STO cash-out policies
  - Compensation Compaction, including TARD change
  - Layoff Language

Other Parts of the Agreement

- Added binding arbitration clause to the CEMA grievance procedure.
- Formalized the furlough agreement to include “smoothing” for CEMA employees.
- Changed Temporary Assignment of Responsible Duties (TARD) requirements for CEMA employees – less restrictive for the assignment of TARD.

Telework Program
Karen Fletcher, Probation Department
Lucy Sylva, VMC
How did Telework come about?

- CEMA membership Surveyed in 2011

Why Telework?

**Everyone Benefits**

- The Employee
- The County
- The Environment

Telework is Tested

3 Successful Pilot Programs:

- Probation Dept (2007 – Present)
- County ISD (2011 – Present)
- VMC (2011 – Present)
Telework Eligibility

Eligibility for Participation
- Criteria
- Documentation
- Training

Criteria
- Work lends itself to telework
- Employee is a good fit for telework

Documentation Requirements
- Approval
- Forms
Telework Eligibility

Training Requirements
- Mandatory for Employee and Supervisor
- Trip Diary

Telework Schedule
- Initial Training on November 16th
- Ongoing regular training sessions thereafter
- Telework can commence after training
- Employee/Supervisor shall determine the telework schedule

Telework Coordinator
- Sean Mullen, Senior Management Analyst, ESA–Risk Management
  sean.mullen@esa.sccgov.org
  408/441–4207
Alternate Work Schedule (AWS)

- Prudence Slaathaug, CEMA Business Representative
- Martha Wapenski, Office of the Sheriff

Policy

- Enhance Work-Life Balance
- Meet Operating and Customer Service Needs

Definitions

- Standard Work Week
- Non Standard Work Week
  - Flexible Schedules
- Alternate Work Schedules
Department Head or Designee Responsibilities

- Approval
  - Work Unit Demands
- Consideration
  - Case by Case Basis
  - Fair and Equitable Administration

Employee Eligibility for AWS

- Assess Proposed Schedule
- Review Relevant Considerations

Requesting AWS

- Request and Decision Form
  - Plan
- Requests Submitted
  - January for March – August
  - July for September – February
  - Exception
Approval of AWS
- Review
- Approval
- Decision
  - Sole discretion of Department Head or Designee
  - Not Subject to CEMA Grievance Procedure.

Denial of AWS Request
- Request to Meet with Department Head or Designee
- Contact Labor Relations

Termination AWS
- Reservation of Right
  - Case by Case Basis
- Notice
  - Full Pay Period
- Exceptions to Notice
  - By Mutual Agreement
  - Negative Impact on Department
General Terms & Conditions

- No requirement for uniform availability
- Equitable rotation for multiple requests
- Does not prohibit use of Administrative Time Off
- Vacation and sick leave will reflect hours scheduled
- Employee does not lose/gain holiday pay by having AWS

Performance Appraisal and Development Form

CEMA Negotiations 2012
Dolores Morales, Office of Human Relations
George Doorley, Office of the County Executive

Why the change?

- Performance Appraisals were not consistently used through the County
- Appraisals are essential to building leadership and fostering well-functioning units
- To make the process shorter and easier
- To focus on dialogue about goals and development
- Coincides with new training curriculum for managers and supervisors
Vision, Mission, Core Values

- The Performance Appraisal process is aligned with the County’s Vision, Mission and Core Values.
- This information is included on the form for visibility, easy access and to prompt discussion between the manager and employee.

Skill Sets

- Employees and managers will use the skill sets list to evaluate current performance and to set future goals.
- List developed from multiple sources
  - CEMA member survey
  - Employee Development survey and focus groups
  - Executive Steering Committee review
- Use of skill set list
  - Not all areas on Form need to be addressed
  - There are employee development and training classes aligned with skill sets.

Form: Sections 1 and 2

- Section 1: Employee Self-Assessment
  - Filled out by employee.
  - Opportunity to describe accomplishments & challenges
- Section 2: Review of Prior-Year Goals
  - Filled out by employee
  - Intended to encourage discussion
  - Develop a game plan
  - List the goals established for this review period and summarize if and how the goals were achieved
  - Include other achievements
Form: Sections 3 and 4

- Section 3: Development of Future-Year Goals
  - Jointly developed by employee and supervisor
  - Includes both “big picture” goals and those addressing daily work
  - Communication/discussion on how County employees connect with the County vision, mission, and core values
  - Include professional development goals
- Section 4: Manager Performance Assessment
  - Manager should provide an assessment of the employee’s professional strengths
  - Opportunities for further development, and
  - Any areas needing improvement

Additional information

- The performance appraisal document may be used by either party in the transfer and promotion process.
- The performance appraisal document may NOT be used in the disciplinary process, the oral board (qualifying exam) process, or in probationary release.

Important Dates

- Implementation date January 2013
- The Performance Appraisal and Development form due date will be set by department or September 30th
- New hires will have their form completed within 30 days
- Administrative review if requested will be within 20 days if employee is unsatisfied.
- Training on the Performance Appraisal form and process will be done regularly in January 2013
Offers more flexibility in use of accrued leaves.
Maintains healthy workforce.
Promotes family wellness.
Eliminates the negative perception of the current sick leave policy.
Enhances eligibility for cash out.
During contract negotiations in 1990s, four days (32 hours) of sick leave were converted into STO.

Sick leave accrued at 8 days (64 hours) per year.

Additional four days (32 hours) of STO integrated into STO yearly accrual rate.

First day of each absence due to personal/family illness – charged to STO bank.

Subsequent absences of same occurrence – charged to Sick Leave Bank.

Additional absences due to illness (different occurrence) – first day charged again to STO bank.

If no sick leave used during calendar year (pay period 01 through pay period 26) employee can cash out forty (40) hours of STO with option to cash out additional 40 hours for total of 80 hours.

Request is submitted to ESA–Office of Labor Relations during the month of January and payment is received during the month of February.
**New Contract**
**STO and Sick Leave**

*Effective Pay Period 1*  
*(December 24, 2012)*

- A day is equal to 8 work hours for the purpose of first day usage.
- First day STO and requirement of 32 hours of STO usage is prorated for employees who work less than full time.

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**New Contract**  
**STO and Sick Leave**

- First 8 hours of each absence due to personal illness – charged to STO (up to maximum of 32 hours).
- Shifts longer than 8 hours – additional shift hours charged to either STO or sick leave.
- STO bank is exhausted – first 8 hours charged to Leave Without Pay.
- Absences beyond the first 8 hours – charged to sick leave unless employee chooses to use STO (up to a maximum of 32 hours).
- After using 32 hours of STO subsequent absences – charged to sick leave (including the first day).

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**New Contract**  
**STO and Sick Leave**

*Example 1*

Joanne is absent from work for 3 consecutive days (24 hours) due to personal illness. To date, Joanne has charged 24 hours to STO due to personal illness.

**How should Joanne charge her absence?**

- First 8 hours – charged to STO (up to maximum of 32 hours).
- Remaining 16 hours (2 days) – charged to sick leave.
**Example 2**

Luke is absent from work for 2 consecutive days (16 hours) due to personal illness. To date, Luke has charged 32 hours to STO due to personal illness.

**How should Luke charge his absence?**

- 16 hours (2 days) – charged to sick leave.

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**Example 3**

Jeff is absent from work for 1 day (8 hours) due to personal illness. To date, Jeff has not charged any time to STO due to personal illness. Jeff’s STO bank is exhausted (0 hours).

**How should Jeff charge his absence?**

- STO bank is exhausted – first 8 hours charged to Leave Without Pay.

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**Example 4**

Joanne works 4 – 10 hour shifts a week. Joanne is absent from work for 4 consecutive days (40 hours) due to personal illness. To date, Joanne has not charged any time to STO due to personal illness.

**How should Joanne charge her absence?**

- First 8 hours – charged to STO (up to maximum of 32 hours).
- Additional shift hours (2 hours) charged to either STO or sick leave.
- Remaining 30 hours (3 days) – charged to sick leave unless Joanne chooses to use STO for the remaining 30 hours (up to a maximum of 32 hours).
New Contract
STO and Sick Leave

- The requirement to use 32 hours of STO is not adjusted (prorated) for employees hired after beginning of the payroll calendar year.

How can an Employee's First Day Sick Usage be Tracked?

- PeopleSoft – Payroll/Personnel System
- Santa Clara County Payroll Advice Notice (Pay Stub)
New Contract
STO Cash Out

Effective Pay Period 1, December 24, 2012 with
Eligibility to Cash Out in January 2014

- If no sick leave used during the calendar year, employee can
cash out forty (40) hours of STO with option to cash out
additional 40 hours for total of 80 hours.
- If no more than 16 hours of sick leave used during the
calendar year, employee can cash out 40 hours of STO.
- Sick leave charged for any purpose (i.e., bereavement leave)
is used to determine STO cash out eligibility.

Compensation Compaction
Review Process

Amando Cablas, Department of Public Health
Joanne Cox, ESA–HR

Compensation Compaction Review Process and Outcomes

Compensation Compaction (CC) exists when
there is an insufficient wage and/or salary
difference between a supervisory position and
its subordinate position(s).

CC is an issue when the supervisor or manager
is not appropriately compensated above
subordinates for performance of supervisory
duties and/or when subordinate but qualified
employees believe that the added
responsibility of a promotion is not worth the
small difference in salary.
Possible Causes

- Result of a classification study that increased the salary of a subordinate position(s)
- Pay differentials available to subordinate class but not to the supervisory class
- Result of another labor contract realignment that afforded the subordinate position(s) a significant pay increase

CC Issue Statement

“How can we create a system that ensures that CEMA managers and supervisors are valued and fairly compensated for all the skills and responsibility required compared to those they supervise?”

Why Compensation Compaction Review?

- Current processes were not as explicit
- Takes compensation compaction resolution out of contract negotiations
- Created Compensation Compaction Review Form
CC Review Process

- Employee Initiated Form
  - Completed by employee & submitted to immediate supervisor

- Supervisor Responsibility
  - Supervisor verifies reporting relationships
  - Attaches org chart with reporting relationships
  - Meets with employee within 10 business days
  - After employee meeting forwards to Department Head with possible non-economic solutions
    - Reorganization, change reporting relationships, etc.

CC Review Process (cont.)

- Department Head Responsibility
  - Reviews form and attached org chart
  - Reviews any proposed non-economic solutions
  - May implement any non-economic solutions
  - Forward to ESA for determination of CC

- ESA Responsibility
  - Reviews request
  - ESA confers with Department to develop final recommendation
  - Sends findings to CEMA

CC Review Process (cont.)

- CEMA
  - Reviews ESA recommendations
  - CEMA notifies employee of results
  - 10 county work days to review results & request meet and confer with the County
CC General Terms

- Outcomes
  - ESA may determine that position not appropriately classified
  - Reclassification may be initiated or duties reassigned
  - ESA determines Compensation Compaction
  - Employee is eligible to up to 10% difference in compensation above subordinate
  - Some remedies may not be applied during the term of current contract

TARD Language

Prior Provisions
- 5 days minimum
- Must meet MQ’s
- Higher position must be either vacant or employee must be on leave

New Provisions
- 1 day minimum
- Must only meet MQ’s if higher position is vacant
- Higher position can also be re-assigned (requires HR approval)

New Layoff Provisions

- Joanne Cox – County Management (ESA)
- Prudence Slaathaug – CEMA
New Layoff Provisions

- Advance notice to CEMA if layoff is imminent
- Selective retention based on special skills with concurrence of CEMA
- If no concurrence from CEMA, seniority prevails

Layoff Provisions (cont’d)

- If bypassed due to special skill retention, more senior employees shall have additional rights including:
  - Opt for inplacement
  - Opt for a second inplacement if first is not a good fit
  - Extended time on re-employment list
  - Training plan

Wrap-Up

- Important Timelines to Remember
- Resources
**Important Timelines**

- **January 2012**: Started the IBB process, meeting weekly
- **September 27, 2012**: CEMA ratified proposal
- **October 9, 2012**: Board of Supervisor approval
- **October 16, 2012**: Isaac Newton Senter Auditorium @ 9:00–11:30 a.m.
- **November 7, 2012**: @ VMC 9:30 – Noon in the VSC Basement Conf Room
- **November 14, 2012**: @ SSA Auditorium 333 Julian Street, Bldg 1 9:00–11:30 a.m.

**Important Timelines**

- **November 16, 2012**: Telework training sessions begin. Training required for employee(s) and supervisor(s) prior to teleworking.
- **December 24, 2012**: New First Day Sick practice begins
- **January 2013**: New Performance Appraisal Form must be used (but may be used immediately)
- **January/February 2014**: New STO Cash-Out process utilized (for prior payroll year)

**Resources**

- Website ([www.sccjobs.org>MOU's & MOA's>New CEMA Information](#)) with the following:
  - Alternate Work Schedule Policy and Related Materials
  - Telework Policy and Related Materials
  - New Performance Appraisal Form and Guidelines
Resources (Cont’d)

- Compensation Compaction Review Forms
- Power Point Presentation
- Recording of the Roll Out Presentation
- Office of Labor Relations
- Service Center Meetings
- Bi-Monthly HR Managers Meetings
- CEMA Website

Questions?

Thank you for attending