

SIDE LETTER
County of San Bernardino
and
Teamsters Local 1932

EXTRA SHIFT COVID-19 UNIT INCENTIVE

The County agrees to provide eligible employees in the following classifications who are assigned to Arrowhead Regional Medical Center an extra shift incentive:

- Licensed Vocational Nurse II
- Licensed Vocational Nurse – Per Diem
- Nursing Attendant
- Per Diem Nursing Attendant
- Assistant Unit Manager I
- Assistant Unit Manager I – Specialty Care
- Assistant Unit Manager I – Specialty Critical Care

For regular employees, an extra shift is defined as a shift that the employee was not regularly scheduled to work during a pay period and which also requires the employee to care for a COVID-19 patient. For per diem employees, an extra shift commences once an employee has exceeded 6 scheduled shifts during a pay period and which also requires the employee to care for a COVID-19 patient. A “COVID patient” for purposes of this agreement shall mean an admitted patient (including those patients in the ED tents) who is a person under investigation (PUI) or is confirmed positive for the coronavirus. Assistant Unit Managers who work said extra shift shall receive a differential of \$7.50/hour for all hours actually worked during that extra shift. All other eligible employees who work said extra shift shall receive a differential of \$5.00/hour for all hours actually worked during that extra shift.

If an employee calls off one of his/her regularly scheduled shifts (e.g. personal reasons), calls in sick, or takes an educational day for one of their regularly scheduled shifts in a pay period where they also have worked an incentivized extra shift, the employee will no longer be eligible for the extra shift incentive for any of the extra shifts worked during that pay period. However, employees who take pre-scheduled vacation leave, holiday leave, compensatory time, and PTO for non-sick leave purposes, and work an extra shift to care for a COVID patient shall be eligible for pay for the extra shift incentive.

This extra shift incentive will sunset on December 31, 2020 unless extended by mutual agreement of the parties.

APPENDIX H – PER DIEM TEAMSTERS

TERMS AND CONDITIONS OF EMPLOYMENT OF THE CLASSIFICATIONS LISTED IN SUB-SECTION B WAGES BELOW:

Unless otherwise specified in the MOU, provided below are the applicable terms and conditions of employment for employees in the Per Diem classifications covered by this Appendix H.

- (a) The following Articles shall apply to employees in the Per Diem classifications covered by this Appendix H, as applicable: Recognition; Access to Personnel Records; Access to Work Locations; County Identification/Access Cards; County Management Rights; Definitions; Direct Deposit; Disaster Service Workers; Employee Rights; Expense Reimbursement; Fitness for Duty; Full Understanding; Grievance Procedure (Except Section 11) to grieve only those matters governed by this section (a) (except County Management Rights and Non-Discrimination); Implementation; Labor-Management Task Force; Meal and Break Periods; Modified Agency Shop; Non Discrimination; Obligation to Support; Pay Period; Payroll Adjustments; Payroll Deductions; Provisions of Law; Recruitment/Retention Salary Adjustment; Renegotiation; Salary Adjustments; Term; Time and Labor Reports; Use of Bulletin Boards; Use of County Resources; and Work Disruption.
- (b) **Wages.** The hourly salary rates for the Per Diem classifications listed below are provided in Appendix C of this MOU.

Per Diem Classification List
Per Diem - Sterile Processing Technician
Per Diem - Surgical Technician
Per Diem - Special Procedures Radiologic Technologist
Per Diem - Radiologic Technologist
Per Diem - Nuclear Medicine Technologist
Per Diem - Ultrasound Technologist
Per Diem - Occupational Therapy Assistant
Per Diem - Physical Therapy Assistant
Per Diem - Security Technician
Per Diem - Phlebotomist
Per Diem - Respiratory Care Practitioner
ARMC House Supervisor - Per Diem
Per Diem – Nursing Attendant

Employees who have previous County service in the corresponding contract and/or regular classification shall have all such County service hours credited for the purposes of meeting the 1,040 service hour requirement to be assigned to the higher hourly salary rate. For example, a newly hired Per Diem Radiological Technologist has 4,160 service hours with the County as a regular Radiological Technologist. Because the employee has at least 1,040 service hours with the County as a Radiological Technologist, the employee shall be hired at the rate of \$42.54 (rate effective upon Board approval of this MOU – see Appendix C). Additionally, employees hired into one of the above classifications who have been employed by a private/public hospital in a comparable classification for at least one year shall be eligible for hire into the 1,040 service hour or more hourly rate.

- (c) **Working on a Holiday.** Per Diem employees covered by this Appendix H shall be paid twice the base hourly rate for hours worked on the following holidays:

January 1	Last Monday in May
July 4	First Monday in September
November 11	Thanksgiving Day
Day after Thanksgiving	December 24
December 25	December 31

Holiday hours for the purpose of these holidays will begin with the night shift the day before the holiday and end with the evening shift of the day of the holiday. Time worked on these holidays shall be considered as hours worked for purposes of computing overtime.

- (d) **Overtime.** Per Diem employees covered by this Appendix H shall be paid at one and one-half times their regular rate of pay for hours worked in excess of forty (40) hours per work week or twelve (12) hours per day. Work week shall be defined as 12:01 a.m. each Saturday and end at 12:00 a.m. (midnight) the following Friday.

- (e) **Differentials.**

- (i) **Evening and Night Shift Differentials.** Employees covered by this Appendix H, except the ARMC House Supervisor Per Diem, assigned to a continuous or regularly recurring evening or night shift schedule shall receive additional shift differential over and above the established base rates of pay for all hours actually worked. Further, employees who provide relief work for other employees assigned to continuous or regularly recurring evening or night shift schedule shall receive shift differential compensation with prior approval of the appointing authority for all hours actually worked.

Employees who work the majority of shift, including at least four (4) hours with or without intervening meal time, between 6:00 p.m. and 12:00 a.m. (midnight), shall receive one dollar and twenty cents (\$1.20) per hour over and above their base hourly rate for all hours actually worked.

Employees who work the majority of shift, including at least four (4) hours with or without intervening meal time, between 12:00 a.m. (midnight) and 8:00 a.m. of the following day, shall receive one dollar and seventy cents (\$1.70) per hour over and above their base hourly rate for all hours actually worked.

As provided above, employees shall be eligible to receive shift differential compensation only when the majority of hours worked are covered by a shift differential. For example, an employee is assigned to work from 12:30 p.m. to 10:00 p.m. (i.e., a 9 hour shift with a 30-minute meal period). Since the majority of hours worked (i.e., 5.5 hours less a 30-minute meal period) are not covered by a shift differential, the employee is not eligible to receive shift differential compensation.

When hours worked overlap more than one shift differential period, employees shall receive the applicable shift differential based on the majority of shift worked, for the total number of hours during that shift. For example, an employee is assigned to work from 8:00 p.m. to 5:30 a.m. (i.e., a 9 hour shift with a 30-minute meal period). Since the majority of hours (i.e., 5.5 hours less the 30-minute meal period) are worked during the period of time covered by the Night Shift differential, the employee would receive the Night Shift differential (i.e., REG3) for all hours during that shift (i.e., 9 hours).

- (ii) **Medical Support Shift Differentials.** Per Diem Respiratory Care Practitioners and ARMC House Supervisor Per Diems assigned to hospital, mental, or correctional institutions who work the majority of shift, including at least four (4) hours with or without intervening meal time, between 6:00 p.m. and 12:00 a.m. (midnight), shall receive two dollars (\$2.00) per hour over and above their base hourly rate for all hours actually worked.

Per Diem Respiratory Care Practitioners who work the majority of shift, including at least four (4) hours with or without intervening meal time, between 12:00 a.m. (midnight) and 8:00 a.m. of the following day, shall receive three dollars and thirty five cents (\$3.35) per hour over and above their base hourly rate for all hours actually worked.

Employees in the classification of ARMC House Supervisor Per Diem who work the majority shift, including at least four (4) hours with or without intervening meal time, between 12:00 a.m. (midnight) and 8:00 a.m. of the following day, shall receive three dollars and fifty cents (\$3.50) per hour over and above their base hourly rate for all hours actually worked.

Employees shall be eligible to receive shift differential compensation only when the majority of hours worked are covered by a shift differential. For example, an employee is assigned to work from 12:30 p.m. to 10:00 p.m. (i.e., a 9 hour shift with a 30 minute meal period). Since the majority of hours worked (i.e., 5.5 hours less a 30 minute meal period) are not covered by a shift differential, the employee is not eligible to receive shift differential compensation.

When hours worked overlap more than one shift differential period, employees shall receive the applicable shift differential based on the majority of shift worked, for the total number of hours during that shift. For example, an employee is assigned to work from 8:00 p.m. to 5:30 a.m. (i.e., a 9 hour shift with a 30 minute meal period). Since the majority of hours (i.e., 5.5 hours less the 30 minute meal period) are worked during the period of time covered by the Night Shift differential, the employee would receive the Night Shift differential (i.e., REG3) for all hours during that shift (i.e., 9 hours).

- (iii) **Medical Support Weekend Differential.** Per Diem Respiratory Care Practitioners assigned to hospital, mental, or correctional institutions, who are called into work on a weekend that the employee was not pre-scheduled to work, shall be paid an additional three dollars (\$3.00) per hour actually worked over and above their base hourly rate. Weekend for purposes of this provision is between 11:00 p.m. Friday through 11:00 p.m. Sunday night. In no event shall this differential be paid for a weekend which the Per Diem employee was already pre-scheduled to work.

ARMC House Supervisor Per Diems assigned to hospital, mental, or correctional institutions, who are called into work on a weekend that the employee was not pre-scheduled to work, shall be paid an additional four dollars (\$4.00) per hour actually worked over and above their base hourly rate. Weekend for purposes of this provision is between 11:00 p.m. Friday through 11:00 p.m. Sunday night. In no event shall this differential be paid for a weekend which the Per Diem employee was already pre-scheduled to work.

- (iv) ***Inpatient Assignment Compensation.*** Per Diem Occupational Therapy Assistants with a continuous work assignment in the Behavioral Health Inpatient Unit of Arrowhead Regional Medical Center (i.e., the usual assignment where the employee performs his/her work duties) shall receive inpatient assignment compensation in the amount of one dollar and fifty cents (\$1.50) for each hour actually worked in this assignment.
- (v) ***Advanced Cardiac Life Support Certification.*** ARMC House Supervisor Per Diems who possess and maintain an Advanced Life Support Cardiac Certification (ACLS) shall be eligible to receive the ACLS Certification Differential. The Differential shall be three dollars (\$3.00) per hours for all hours actually worked.
- (vi) ***Medical Imaging Specialty Differential.*** Per Diem Special Procedures Radiological Technologists who possess and maintain licenses/certifications and competencies required to provide care to patients in multiple medical imaging areas, and who make themselves available to work in those areas, shall receive a differential of five percent (5.00%) above their base hourly rate for all hours actually worked (i.e., REG hours), up to their standard hours per pay period. All technologists must perform X-rays as assigned and two or more of the following specialty areas to be eligible: CT, MRI, IR, Cath Lab, or Angio.
- (vii) ***Respiratory Critical Care Differential.*** Per Diem Respiratory Care Practitioners who have completed at least 8,320 hours of continuous service as a Per Diem Respiratory Care Practitioner, Contract Respiratory Care Practitioner II, and/or Contract Respiratory Care Practitioner II with the County, possess and maintain qualifications as determined by the Department required to provide care to patients in two of the following three specialties, and who make themselves available to work in those units, shall receive a differential of five percent (5.00%) above their base hourly rate for all hours actually worked (i.e., REG hours), up to their standard hours per pay period:

Adult Mechanical ventilation via high frequency ventilation,
Trauma/Emergency Room, or
Neonatal Intensive Care

(f) ***Retirement.***

- (i) ***PST Deferred Compensation Plan.*** Per Diem employees covered by this Appendix H are not eligible to participate in the County's defined benefit plan. Per Diem employees covered by this Appendix H shall participate in the County's PST deferred compensation plan in lieu of participation in the defined benefit plan. Said employees shall contribute seven and one-half percent (7.5%) of the employee's biweekly base compensation.
- (ii) ***Deferred Compensation.*** Per Diem employees covered by this Appendix H may participate in the Section 457(b) deferred compensation plan administered by County, to the maximum extent provided by law, but shall not receive a County match.

(g) ***Unclassified Service.*** Per Diem employees covered by this Appendix H are in the Unclassified Service, and therefore do not have Civil Service Commission appeal rights as they are at-will and serve at the pleasure of the appointing authority, except as otherwise provided by law. As such, the Personnel Rules shall not apply to employees in the Per Diem classifications covered by this Appendix H.

(h) ***Hours of Work.*** Employees shall be required to work during such hours as necessary to carry out the duties of their position, as designated by the appointing authority, and such hours may be varied so long as the work requirements and efficient operations of the County are assured. This includes being available to work any minimum number of hours, days, and/or weekends established by the appointing authority.

(i) ***Dependent Care Assistance Plan.*** The purpose of the Section 125 Dependent Care Assistance Plan (DCAP) is to permit eligible Per Diem employees covered by this Appendix H to make an election to pay for certain dependent care expenses with salary reduction from compensation contributed to the Plan before federal income tax is paid to the Internal Revenue Service ("Salary Reduction") in accordance with Sections 125 and 129 of the Internal Revenue Code (IRC) of 1986 and regulations issued pursuant thereto. DCAP shall be construed to comply with said Code Sections and to meet the requirements of any other applicable provisions of law.

DCAP will be administered by the County's Human Resources Employee Benefits & Services Division consistent with said IRC Sections and the County's Dependent Care Assistance Plan Document.

Enrollment. Enrollment in the Plan is required every Plan Year and is limited to the annual open enrollment period or within sixty (60) calendar days following the date of becoming eligible due to a mid-year Change in Status event. Failure to submit a participation agreement within the time frame shall result in an election to not participate in the Plan.

Elections. Eligible Per Diem employees may contribute, on a pre-tax basis, each bi-weekly pay period, an amount up to the IRC annual maximum. DCAP contributions will be automatically deducted from the employee's pay warrant, or in the absence of sufficient earnings to cover the deduction, the employee will be offered the option to contribute by another method as provided by the DCAP Document. An employee election to participate shall be irrevocable for the remainder of the Plan Year. Once a salary reduction has begun, in no event will changes in elections be permitted during the Plan Year except to the extent permitted under Internal Revenue Service rulings and regulations and the County's Dependent Care Assistance Plan Document.

Remaining Balances. Pursuant to IRC Section 125, any amounts remaining in the employee's account at the end of a Plan Year must be forfeited. The County will use any forfeited amounts to help defray the Plan's administrative expenses.

(j) **Sick Leave.** Per Diem employees covered by this Appendix H shall be provided paid Sick Leave as required by law. Paid sick leave is an insurance or protection to be granted in circumstances of adversity to promote the health of the employee. It is not an earned right to time off from work. Sick leave is the authorized absence from duty of an employee for the following purposes:

- Diagnosis, care, or treatment of an existing health condition of, or preventive care for, an employee or an employee's family member. Family is defined as a child (biological, adopted, foster child, stepchild, legal ward, or a child to whom the employee stands in loco parentis regardless of age or dependency status); a biological, adoptive, or foster parent, stepparent, legal guardian of an employee or employee's spouse or registered domestic partner, or a person who stood in loco parentis when the employee was a minor; spouse, registered domestic partner; grandparent; grandchild; or sibling.
- If the eligible employee is a victim of domestic violence, sexual assault, or stalking, for the purposes described in subdivision (c) of Section 230 and subdivision (a) of Section 230.1 of the California Labor Code.

Separation - No paid sick leave shall be used as vacation, cashed-out upon separation, termination, retirement, or other separation from employment.

Notice of Sickness - The employee shall provide reasonable advance notification of the need for paid sick leave if the leave is foreseeable. In twenty-four (24) hour departments and for employees whose work assignment requires leaving their assigned work site together with one or more other employees shortly after reporting to work (e.g., road crews), the appointing authority or designee should be notified at least two (2) hours prior to the start of the employee's scheduled tour of duty of a sickness on the first day of absence and must be notified at least one (1) hour prior to the start of the employee's scheduled tour of duty. In other departments, the appointing authority or designee must be notified within one-half (1/2) hour after the start of the employee's scheduled tour of duty of a sickness on the first day of absence.

Minimum charge - The minimum charge against sick leave shall be no less than fifteen (15) minutes.

Compensation - Paid sick leave will be compensated at the employee's base hourly rate.

Review - Use of paid sick leave accrued pursuant to the terms of the California Healthy Workplaces, Healthy Families Act, is not subject to a requirement of a doctor's note or proof of illness, unless there is a reasonable belief of misuse.

Accrual - Employees shall accrue paid sick leave at a rate of one (1) hour per every thirty (30) hours worked. Employees will be eligible to use sick leave on the first day following the pay period after ninety (90) days of employment, with a cap on annual usage of three (3) days or twenty-four (24) hours per year, whichever is greater. One year shall be calculated on a 12-month basis from the first date the employee is eligible to use paid sick leave.

The use of paid sick leave does not count toward the accrual for further sick leave or in the calculation for the purposes of overtime. Unused accrued sick leave shall carry over to the following year; however, the leave balance will be capped at six (6) days or 48 hours, whichever is greater.

(k) **Low Census.** At the sole discretion of the County, Per Diem employees covered by this Appendix H may be called off without pay at any time if it is determined that the patient census is such that their services are not immediately necessary.

(l) **Closed Examinations.** Per Diem employees covered by this Appendix H shall be eligible to participate in the closed examination process. For the purposes of this Section (l), a closed examination shall be an examination that is limited to a particular agency or department.

(m) **On-Call and ARMC Critical On-Call.** Employees in the classifications of Per Diem – Special Procedures Radiologic Technologist, Per Diem – Radiologic Technologist, Per Diem – Nuclear Medicine Technologist, and Per Diem – Ultrasound Technologist shall be eligible for On-Call and ARMC Critical On-Call Compensation as provided in the Return to Work Compensation article of the MOU.

Date Agreed: _____

County

Teamsters Local 1932
