



**Contra
Costa
County**

To: Board of Supervisors
From: David Twa, County Administrator
Date: October 22, 2019

Subject: Physicians' and Dentists' Organization of Contra Costa Contract Extension, New MOU, and Settlement Agreement

RECOMMENDATION(S):

ADOPT Resolution No. 2019/587 approving a Side Letter between Contra Costa County and the Physicians' and Dentists' Organization of Contra Costa (PDOCC) extending the previous Memorandum of Understanding (MOU) through October 31, 2019; approving a new MOU implementing negotiated wage agreements, and other economic terms and conditions of employment, for the period of November 1, 2019 through October 31, 2022; approving a Settlement Agreement concerning PDOCC's Unfair Practice Charge regarding patient roster sizes for ambulatory care clinics; and directing the Chief Medical Officer to provide to the Human Resources Director the list of PDOCC positions and incumbents for placement in the new classifications and steps, pursuant to the MOU agreement, to be effective November 1, 2019.

FISCAL IMPACT:

The terms and conditions set forth in this action have an estimated FY 2019/20 cost of \$4.8 million (eight month cost of \$4.0 million plus one-time cost of \$800,000); and an on-going annual cost of approximately \$6.5 million. The costs will be expended in the Hospital Enterprise Fund.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **10/22/2019** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Candace Andersen, District II Supervisor
Diane Burgis, District III Supervisor
Karen Mitchoff, District IV Supervisor

ABSENT: Federal D. Glover, District V Supervisor

Contact: Lisa Driscoll, County Finance Director (925) 335-1023

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: October 22, 2019

David Twa, County Administrator and Clerk of the Board of Supervisors

By: June McHuen, Deputy

BACKGROUND:

PDOCC reached a Tentative Agreement with the County on October 1, 2019. Upon ratification and Board of Supervisors approval, the resulting Memorandum of Understanding will include modifications to wages

BACKGROUND: (CONT'D)

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and benefits. The negotiations included an extension of the previous contract from October 31, 2018 to October 31, 2019 to bridge the extended negotiation period. Also during negotiations, a Settlement Agreement was reached concerning PDOCC's Unfair Practice Charge regarding patient roster sizes for ambulatory care clinics. The extension Side Letter, new Memorandum of Understanding, and Settlement Agreement are attached. A summary of the MOU changes are provided below.

Scope of Agreement (Section 33)

- The term of the agreement is November 1, 2019 through October 31, 2022.

Preamble/Definitions

- Updates Preamble
- Adds definition for Hospitalist Medicine, Medical Staff Member, and Physician.
- Revises definition for Department Head.
- Deletes definition of Registrar and Temporary.

Organization Security (Section 2)

- Revises language to reflect legal (*Janus* and SB 866) changes
- Updates language in Section 2.8 for release time requests to be provided in writing to the Employee Relations Officer or designee; delete “in writing to the Department...”
- Updates current list in Section 2.9 to change “Medical and Surgical Registrars” to “Hospitalist.”
- Adds a section to continue to use contract physicians in the Contra Costa Detention Facilities.

Salaries (Section 5)

- General Wage Increases (5.1.A)
 - Effective November 1, 2019, new classifications will be established with salary ranges and additional pay items as shown in Exhibit A.
 - Effective November 1, 2019, employees will be reclassified as reflected in Exhibit A; Providers in Steps 1-4 will be placed at Step 1. Providers in Steps 5 and above will be placed at Step 2.
 - Effective November 1, 2020, the base rate of pay for all classifications represented by PDOCC, except for Primary Care Provider-Exempt, Primary Care Provider - Limited-Exempt, and Ambulatory Care Provider-Exempt will be increased by two percent (2%).
 - Effective November 1, 2021, the base rate of pay for all classifications represented by PDOCC, except for Primary Care Provider-Exempt, Primary Care Provider - Limited-Exempt, and Ambulatory Care Provider-Exempt will be increased by two percent (2%).

- Longevity Pay (Section 5.1.B):
 - Longevity Pay will be a flat dollar amount per month:
 - Upon completion of 120 months - \$500.00 per month
 - Upon completion of 180 months - \$1,000.00 per month
 - Upon completion of 240 months - \$1,500.00 per month
- Revises Section 5.2 – Appointment and Section 5.8 – Part-Time Compensation to reflect impact of new classification step ranges.
- Retitles Section 5.4 - Merit Adjustment to Step Advancement.
 - Updates Section 5.14 – Stipends to revise differentials and specialized call obligation pays.
 - 5.14.A: Med Staff President: \$825/month
 - 5.14.B: Department heads (max available is 14): \$600/month
 - 5.14.D: Chairperson of Med Staff Committees (max available is 22): \$600/month
 - 5.14.E: Division Heads (max available is 10): \$300/month
- Deletes outdated provisions of Section 5.16 - Electronic Health Records Incentive Program.
- Deletes sections made obsolete by classification restructure: Reappointment (Section 5.3); Frequency (5.5); Effective Date (5.6); Reclassification of Position (5.10); Salary on Change of Assignment (5.11); Reassignment (5.13); Salary Structure Modifications (5.15).

Days and Hours of Work (Section 6)

- Revises and combines Section 6.2 - Employee Physicians on Weekly Schedules and Section 6.3 - Employee Physicians on Monthly Schedules into one section.
- Revises additional duty pay, call back pay, and night shift pay as shown on Exhibit B.
- Revises differentials and specialized call obligation pay.
- Creates new Section 6.7 - Operational Adjustments regarding clinic roster sizes and incentives. Beginning January 1, 2020, the following incentives will be established for primary care and pediatrician ambulatory care providers working in the clinics:
 - a. Access Incentive Bonus – \$1,500 per quarter for providers who meet specified clinic goals.
 - b. Patient Experience Incentive Bonus – \$500 per year when a provider receives the targeted Top Box score rating in the CG-CAHPS Adult Survey Provider Rating Question.
 - c. Quality Incentive Bonus – \$500 per year to providers that meet or exceed the national Medicaid 90th percentile for all the primary care-based quality measures in CCHS' QIP or other named Medi-Cal waiver program.
- Revises Direct Patient Care and Administrative Time sections to include detailed clinical time and administrative time allocations for each new classification.
- Deletes sections made obsolete by classification restructure: Evening and Weekend

Assignments (6.7), Physician Call (6.8), Emergency Room Pay (6.9), Panel Management Compensation (6.10).

Vacation Leave (Section 8)

- Replaces “Exempt Medical Staff Physician” with “Unit Members” in Section 8.4.

Sick Leave (Section 9)

- Updates Section 9.3.d(1) – changed “conditions” to “limitations.”
- Updates language in Section 9.4.a(1).
- Updates Section 9.4.b(3) - deleted “of explanation” and added “and duration”.
- Updates Section 9.6 – Workers’ Compensation to reflect the current percentage (75%) of Workers’ Compensation pay to employees for accepted claims.
- Deletes Section 9.6.E – Rehabilitation Integration.
- Upon notification from PDOCC of the bargaining unit decision to participate in the California State Disability Insurance (SDI) program, the County will work with PDOCC to facilitate participation.

Leave of Absence (Section 10)

- Replaces “Physicians and Dentists” with “Unit Members” in Section 10.13 – Unpaid Sabbatical Leave and deletes last sentence in this section.

Jury Duty and Witness Duty (Section 11)

- Deletes first sentence of paragraph three in Section 18.2 – Witness Duty.

Health, Life, & Dental Care (Section 12)

- Beginning January 1, 2020, the County will provide a premium subsidy of up to 75% of the second lowest priced non-deductible HMO plan (currently Kaiser A) for Employee and Employee +1, and 76.5% for Employee +2 or more.
- Beginning January 1, 2021, the County will provide a premium subsidy of up to 78.5% of the second lowest priced non-deductible HMO plan for all tiers.
- Beginning January 1, 2022, the County will provide a premium subsidy of up to 80% of the second lowest priced non-deductible HMO plan for all tiers.
- The County will make an annual contribution into an HSA for active employees who are enrolled in the Kaiser Permanente High Deductible Health Plan and who have an HSA.

Grievance Procedure (Section 15)

- Removes references to “Human Resources Director” and replaces with “Employee Relations Officer or his/her designee.”
- Clarifies the time limit for discipline appeals is governed by Section 14.6 – Procedure on Dismissal, Suspension, Disciplinary Demotion, or Reduction in Pay.
- Replaces Step 4 - Board of Adjustment with Mediation in Section 15.1.
- Updates Section 15.2 – Scope of Adjustment Board and Arbitration Decisions to

remove references to Adjustment Board.

Retirement (Section 16)

- Deletes obsolete language.

Education Reimbursement (Section 17)

- Updates the amount for education reimbursement.
- Adds a new paragraph to include eligibility for payment of Resident I, II, and III California medical license fees.

Paid Personal Leave/Education Leave/Other Leave (Section 18)

- Updates section title and converts eligibility from days to hours for each type of leave.

Mileage (Section 19)

- Adds reference to Administrative Bulletin on Expense Reimbursement.
- Adds new section 19.2 – Commuter Benefit Program.

Pay Warrant Errors (Section 20)

- Allows for a repayment period of up to 3 times the length of time the overpayment occurred.

Service Awards (Section 21)

- Updates the language by adding reference to Administrative Bulletin on Service Recognitions and Awards and deletes old language.

Unfair Labor Practice (Section 22)

- Deletes entire section.

Length of Service Definition (Section 23)

- Deletes the word “provisional”.

Permanent-Intermittent Employee Health Plan (Section 27)

- Deletes entire section.

Reduction in Force (Section 29)

- Revises existing language to address the new classification structure.

Special Studies/Other Actions (Section 32)

- Deletes entire section.

Clean-Up

- Updates exhibits, incorporates side letters, and renumbers the MOU as necessary

CONSEQUENCE OF NEGATIVE ACTION:

The County will continue to be out of contract with the Physicians' and Dentists' Organization of Contra Costa, and the California Public Employment Relations Board case would not be resolved.

ATTACHMENTS

Resolution 2019/587

Side Letter - PDOCC/Contract Extension

PDOCC MOU 11-1-19 through 10-31-22

PDOCC/County Settlement Agreement