

# RIVERSIDE COUNTY/SEIU LABOR-MANAGEMENT COMMITTEE MEETING

Thursday, April 14, 2005  
SEIU Office  
4336 Market Street  
Riverside, CA 92501-3518

## MINUTES

### COMMITTEE MEMBERS PRESENT: (\*Chair)

\*Ron Komers, Human Resources  
Carol Keating, Human Resources

Rebecca Miller, SEIU  
William Berkley, SEIU  
Anne Morettini, SEIU  
Stephen Butler, SEIU  
Marward Sullivan-Taylor, SEIU

### COMMITTEE MEMBERS ABSENT:

Gary Snyder, SEIU  
Eric Russell, SEIU

Barbara Olivier, Human Resources  
Linda Love, SEIU

### IN ATTENDANCE:

Laurie Wellman, Human Resources  
Tom Prescott, Human Resources  
Roger Uminski, Community Health Agency  
Brande Schaefer, Human Resources  
Sayori Baldwin, DPSS  
Allan Anderson, Human Resources  
Vicky Currier, Human Resources  
Milca Montanez, Human Resources

Sue Birch, Human Resources  
Kris Sloman, Human Resources  
Vicky Currier, Human Resources  
Mark Carleson, Human Resources  
Chrissy Barrett, Human Resources  
Karen Garrett, Human Resources  
Tami Douglas-Schatz, Human Resources  
Marilyn Barker, Human Resources

## **I. INTRODUCTIONS**

Guests and members introduced themselves.

## **II. MINUTES**

The minutes of March 9, 2005 were reviewed and approved.

## **III. NEW BUSINESS**

### **A. EDA New Member Orientation**

Rebecca Miller said she would like to obtain a list of SEIU and LIUNA union members. They have been able to obtain this information from other departments. This would be for the purpose of preparing for new member orientation. Presently new member orientation includes members from both unions, and it is not productive for SEIU members to listen to information about

LIUNA and vice versa. Ron Komers asked Chrissy Barrett to work with Linda Love to coordinate separate union meetings for new employees.

**B. ADA Accommodations**

Ron Komers introduced Laurie Wellman, ADA Coordinator. Laurie is primarily responsible for two areas of ADA: Program compliance and employment compliance. Laurie Wellman distributed copies of a brochure outlining employee rights and responsibilities with regard to the Americans with Disabilities Act (ADA). Laurie said the brochure outlines the interactive process required under California's Fair Employment and Housing Act (FEHA) for the County of Riverside. It is designed to be a flexible and interactive process.

Laurie referred to a question that came up in a previous LIUNA Labor-Management meeting about the union's participation in the process. Riverside County has chosen to not allow supervisors to conduct the interactive process, but instead Human Resources staff has been trained so that they can assume the role of an impartial person mediating the process. Human Resources staff does not represent management in this role. Laurie said she is aware of the need for more supervisory training, and will soon begin a new round of in-depth training for Human Resources staff in the interactive ADA process. The union becomes involved when employees request accommodations, and they can provide advice, support and coaching. It is not a disciplinary process; it is elective, and it is an exercise of an employee's civil rights. Union staff can be present outside of the actual meeting for purposes of conferring. Laurie noted that employees are not put in a position where they must make an immediate decision concerning their job; they are always given an opportunity to consider their options.

Laurie Wellman said the Prudence Kay Poppink Act went into effect in 2001 which amended the Fair Employment and Housing Act. It radically changed how disability is defined in California, which had major impact on Workers' Compensation.

There is an appeal process whereby employees may file an appeal with Laurie Wellman. The second layer of the process involves the appeal going to Ron Komers. However, employees' requests for accommodations do not always fit Equal Employment Opportunity Commission guidelines.

Ron Komers said he is not aware of any significant problems related to ADA accommodations. One of the first things an employer must do is decide whether a person is disabled within the meaning of the law. The interactive process is then followed. Ron said it is his opinion that these interactive sessions are very personal. There must be communication back and forth, and it also requires an understanding of the limitations.

Sue Birch said Human Resources has formed a working group between Employee Relations and Workers' Compensation staff in order to coordinate ADA accommodations in a consistent manner countywide. Sue reiterated that it is an interactive process where both sides have input in order to reach a mutually acceptable arrangement. Laurie Wellman added that medical information related to accommodation is centralized in her office.

Rebecca asked if there is a statistical analysis showing the number of people presently being accommodated for ADA, and how many cases are being reviewed. Rebecca said she has members who are unhappy about the process, although this is anecdotal information. Secondly, Rebecca is aware of a number of changes that have taken place through Human Resources staff's efforts for improvement. However, this is not necessarily helpful for members. Rebecca added that, in terms of ADA and Workers' Compensation, Human Resources staff is not perceived as being impartial employee representatives.

Rebecca referred to an agreement between the County and SEIU to not grieve ADA issues. However, what has happened is that when there is a dispute with the County, union staff assists members in filing complaints with the EEOC, who has referred cases back to the County's grievance procedure. This has led to great delays in resolving issues. This agreement came about partly in an attempt to streamline the process; it was not the intent to leave employees unsupported. The union's inability to be present during ADA meetings causes them to "second-guess" members' versions of meetings, and it puts them in an odd position which is not helpful to members.

Ron Komers said the County has a legal obligation to seek solutions through the interactive process. It would be helpful to know of specific instances where an employee feels they are not receiving proper consideration. Ron encouraged Rebecca to call Laurie Wellman, as her interest is in seeing that we comply with the law and fulfill our obligations. If this is not happening, Ron wants to know about that.

Rebecca asked for clarification of the interactive process. Laurie Wellman said anytime an employee reports that they need a change in their working conditions which is related to a health condition, this is a de facto request for accommodation. At that point the employee can either contact their Human Resources Services Manager or they can talk to their supervisor to request accommodation. Supervisors are instructed to consult with the HR Services Manager assigned to their department. The Services Manager would then designate a team member to be responsible for the interactive process. That team member provides the employee with accommodation paperwork that includes a medical release, the employee's job description, and brief documentation for their health care provider to complete. The employee will also complete a work accommodation request form in which they write down what accommodation they would like and how this will help them to perform their job better. A cover letter to the doctor is provided which explains that the patient is requesting accommodation under ADA. Laurie said the County is compelled to accommodate, but we do not have to accommodate a person who either doesn't ask for accommodation or does not provide substantiation about a qualifying disability. The County is also not obligated to provide an unreasonable accommodation.

Laurie further explained that employees are directed to return the accommodation paperwork directly to her. Laurie will qualify the disability and communicate with the assigned team member about the physician's recommendations and the employee's limitations. Team members and/or supervisors are not apprised of the actual medical condition; they are simply made aware of the difficulty being experienced by the employee, and discussions

then take place about options for solutions. There are certain guidelines, such as the employee must be able to perform their essential job functions with or without accommodation. There could be a series of meetings, and then at the end of the process when an agreement has been reached, the findings are set out in a formal letter. The employee may accept or reject the accommodations offered by the employer. Typically once an accommodation has been made, it will remain permanent, although there are certain conditions that will change over time.

Ron Komers inquired whether it would be helpful to have training for union stewards. Rebecca agreed this would be beneficial. Ron reiterated that Rebecca should contact Laurie Wellman about any specific problems. Bill Berkley asked if there are guidelines on what is considered reasonable. Ron Komers said it is a subjective matter, and that is why Human Resources staff acts as an impartial mediator.

Laurie Wellman said the DFEH website has an online booklet that explains accommodations. Laurie also pointed out the Web address for the Job Accommodation Network's Searchable Online Accommodation Resource, which is included in the brochure distributed today ([www.jan.wvu.edu/soar/index.html](http://www.jan.wvu.edu/soar/index.html)). This is a free resource provided by the Department of Justice. Ron Komers said we would place more information about ADA on the Human Resources website.

Roger Uminski asked what type of information would be provided to supervisors. Laurie Wellman replied that they would receive a copy of the agreement outlining the employee's limitations and the accommodations that have been agreed to. At Rebecca Miller's inquiry, Laurie said employees do not have to sign the agreement letter at the time it is presented; they may take it home and return it at a later time.

Rebecca Miller said she would like to have Laurie attend the next educational steward training which is scheduled for the third week in May.

Sue Birch added that when an employee has a Workers' Compensation injury, a Workers' Compensation staff member will contact the team member to advise that the interactive process has begun. This is done because the County is already aware of the injuries and has reviewed documentation during the Workers' Compensation process. In this way the employee does not have to begin the interactive process all over again for ADA accommodations.

Terrie Stevens pointed out that the interactive process pertains to permanent disabilities, and not for temporary disabilities or modified duty assignment.

**C. Review of Draft Language for New Employees**

Rebecca will review the language and provide it for review by Human Resources.

**D. Retirement Update**

Ron Komers reported that Governor Schwarzenegger has retreated on his support for the ballot initiative to establish reduced benefits for public employees after 2007. However, he has given the Legislature until July to develop legislative proposals to mandate reduced benefit levels for local government employees. Ron added that the Board of Supervisors has given him direction to pursue pension reform at the bargaining table. Thus, the ballot initiative is done,

but the pressure from the Governor for legislative change and the pressure from our Board of Supervisors for local pension change is not done. County staff is putting together some proposals to “trim back” the present level of benefits, but not eliminate the defined benefit plan. The Board endorses the defined benefit plan but they are interested in trimming back benefits so that they are more reasonable in the eyes of the electorate, and more reasonable in terms of what people need for replacement ratios upon retirement.

There are many opinions in County government about what a “reasonable benefit level” is, but the California State Association of Counties (CSAC) has embraced the proposal that the most reasonable benefit for Miscellaneous employees is 2% at 60. This would amount to a 50% reduction.

Rebecca Miller asked whether the County will conduct a financial study on potential trim-backs, in terms of savings and long- and short-term costs. Ron Komers said the first step will be to determine a reasonable pension level for a government employer to offer to government employees that is consistent with our mission to have a stable public employee workforce. The next question is what a reasonable cost for that level of benefit is. Where we are at right now is defining replacement ratios.

Rebecca Miller said her concern is about who will decide what is reasonable. Ron Komers replied that CSAC’s official position is that 2% @ 60 for Miscellaneous members is acceptable. Ron Komers said somewhere in this process a redefinition of what the ideal level is would occur, and some process will be reached to achieve that goal. John Bartel’s actuarial study will determine what replacement ratio 2% @ 60 represents. Riverside County is a fast-growing county, and we need to be able to attract and retain skilled public workers. Management will have to decide what is reasonable for Riverside County.

Ron Komers said the Pension Advisory Committee put together a list of pros and cons on whether the County should move ahead of any legislation. Ron welcomed Rebecca’s input.

**E. Tuition Reimbursement at RCRMC**

Karen Garrett reported that the Nurse Recruitment and Retention Subcommittee met and approved the proposed changes to the tuition reimbursement guidelines. Marward Sullivan-Taylor and Anne Morettini had different recollections. Rebecca Miller said this is a problem, and SEIU staff members were not in agreement with the proposed changes. Rebecca went on to say that the reason employees are prevented from being paid was not due to the process; the reason is because hospital administration had no line item in their budget to approve these payments. During a recent meeting the difficulties were presented to Kathryn Eaves, who understood the issues and resolved them. The union’s position is that we are holding on to the Nurse Recruitment and Retention meeting process as it had been formerly used. The only department where it was a problem was RCRMC. The problem has now been fixed. The process can be discussed during negotiations, but we do not want to change the process now.

Ron Komers pointed out that no one in the hospital speaks for the County in terms of contract administration. Fixing a line item is within hospital administration’s jurisdiction, but they do not have authority to negotiate anything

related to the contract. It seems that the problem here is one of a lack of communication. Ron agreed that we do not need to fix something that is not broken.

**F. EDA List of Seniority**

Rebecca Miller said the Economic Development Agency (EDA) is overstaffed right now, and there are plans to either lay off or find other employment for employees. SEIU has requested a seniority list, because the members want to know where they stand in terms of a layoff list. Chrissy Barrett reported that she discussed this with department management, and currently a list does not exist. Management feels that they will be able to accommodate employees and that there may not be a need for such a list. Rebecca Miller said employees don't want to be vulnerable. Ron Komers said the County is not obliged to provide a list because a layoff is not scheduled. However, it seems to be a reasonable request, and Ron asked Chrissy Barrett to discuss the list further with EDA management.

**G. Bulletin Board Grievance**

Rebecca suggested this could be discussed with SEIU staff during lunch.

**H. Trust Meeting**

Ron Komers inquired about the status of the Trust meetings, and Rebecca Miller said she was waiting for some meeting dates. Ron asked Marilyn Barker to coordinate dates with Rebecca.

(Lunch)

**I. Meal Reimbursement Grievance**

Rebecca said SEIU sent out a newsletter that included an article about a grievance in which SEIU prevailed involving meal reimbursement. Since the newsletter went out, Rebecca has been inundated with calls from other members for whom this was an issue. Rebecca was wondering how she should handle this. Ron Komers replied that he had not heard about this grievance, and he would like to check into this further.

Ron Komers asked Marilyn to follow up to see that he is on the mailing list for SEIU newsletters.

**J. Mental Health Act**

Rebecca Miller said she is on the Mental Health Advisory Board for the Health Services Act. Rebecca said we should be thinking about its impact on the workforce. Part of the priority of the Act is to employ people who are consumers and clients. It will be a challenge particularly for professional employees who will be working side by side with consumers. There may be pay issues as well as other issues. Rebecca wants to be proactive about these issues so that SEIU is not placed in an adversarial position.

Ron Komers agreed and suggested Brande Schaefer set up a subcommittee to discuss the issues, because there are complications. Rebecca Miller said there may be interest from LIUNA to participate.

**IV. OLD BUSINESS**

Marward inquired about a question raised at the last meeting relative to reminders for employees who are close to the maximum vacation accrual amount. Carol Keating said she generated a report that showed there are 286 employees countywide who are nearing the maximum amount. Carol said her staff will develop a report that will be generated each pay period to show employees who are within four pay periods of maxing out. A letter will be generated, and it will be sent to the employee. It is then up to the employee to take further action. If another 12 pay periods go by with no action, a second reminder will go out to the employee.

Marward Sullivan-Taylor asked if any notification would be sent to supervisors. Carol Keating said we would notify departments that this is occurring; however, it is the employee's responsibility to work with their supervisor to make arrangements for vacation. Marward said there are managers who are proactive about monitoring employees' vacation accrual balances, and it would be helpful for them to have the same information for staff planning purposes.

Ron Komers asked Carol to obtain the name of the report and send a memo out to supervisors advising them of the report, and provide instructions on how to print out the report.

**V. ADJOURNMENT**

The SEIU Labor-Management Committee will meet again on Thursday, May 12, 2005, at 11:00 a.m. at SEIU's offices located at 4336 Market Street, Riverside.

Respectfully submitted,

*Marilyn Barker*

**FOLLOW-UP FROM SEIU LABOR-MANAGEMENT**

**April 14, 2005**

| <b><u>TOPIC</u></b>  | <b><u>RESPONSIBILITY</u></b> |
|--|------------------------------|
| Coordinate separate union orientation meetings for new employees at Mental Health                        | Chrissy Barrett              |
| Union steward training on Workers' Compensation and ADA  | ?                            |
| Follow up on EDA Seniority List  | Chrissy Barrett              |
| Coordinate SEIU Training Trust meeting   | Marilyn Barker               |
| Add Ron Komers and Barbara Olivier to SEIU newsletter mailing list                                       | Marilyn Barker               |
| Mental Health subcommittee   | Brandee Schaefer             |
| Memo to supervisors regarding employee vacation accrual report   | Carol Keating                |
| Rebecca Miller to provide input about the County's position on taking proactive action on pension reform | Rebecca Miller               |