

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
ACTION AGENDA SUMMARY

DEPT: Chief Executive Office

BOARD AGENDA # *B-2

Urgent

Routine

AGENDA DATE March 10, 2015

CEO Concurs with Recommendation YES NO

4/5 Vote Required YES NO

(Information Attached)

SUBJECT:

Approval to Introduce and Waive the First Reading of an Ordinance to Add Chapter 3.65 to the Stanislaus County Code Related to Contracting with Temporary Help Firms

STAFF RECOMMENDATIONS:

Introduce and waive the first reading of an ordinance to add Chapter 3.65 of the Stanislaus County Code related to contracting with temporary help firms.

FISCAL IMPACT:

Should the standards set forth in this ordinance result in staffing impacts that result in additional costs to a Department, such costs will be absorbed within the Department's current budget. If the Department requires additional staffing in order to meet ongoing service needs, the Department will analyze options and return to the Board of Supervisors for consideration of any necessary staffing and budget adjustments.

BOARD ACTION AS FOLLOWS:

No. 2015-91

On motion of Supervisor Chiesa, Seconded by Supervisor O'Brien and approved by the following vote,

Ayes: Supervisors: O'Brien, Chiesa, Monteith, De Martini, and Chairman Withrow

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) X Approved as recommended

2) Denied

3) Approved as amended

4) Other:

MOTION:

INTRODUCED AND WAIVED THE FIRST READING OF ORDINANCE C.S. 1158

ATTEST:


CHRISTINE FERRARO TALLMAN, Clerk

File No. ORD-55-T-5

DISCUSSION:

The Chief Executive Office, Human Resources Division, recently conducted a survey of County Departments' use of help through temporary help firms. The survey revealed a lack of consistency between the Departments with regard to the circumstances under which the Departments contracted with temporary help firms. In order to establish countywide consistent standards for contracting with temporary help firms, and to ensure compliance with state law, it is recommended that the Board of Supervisors adopt this ordinance adding Chapter 3.65 to the Stanislaus County Code.

The ordinance sets forth the standards under which a Department may contract with a temporary help firm. Contracting with temporary help firms would be allowed during any peak load, temporary absence, or emergency other than a labor dispute. Use of temporary help under this Ordinance would be limited to a period of not to exceed 90 days for any single peak load, temporary absence, or emergency situation.

A "peak load" is defined as a single period of 90 days or less during which the workload increases to a level such that the workload cannot be completed within the existing staffing levels. Examples of a peak load might include, but are not limited to:

- For CEO/Risk Management Benefits Division, when it is determined that additional staff are needed for periods surrounding open enrollment.
- For the Treasurer/Tax Collector, when it is determined that additional staff are needed to assist during bi-annual property tax seasons.
- For General Services Agency, when it is determined that additional staff are needed to assist with fiscal year end close.
- For Parks and Recreation, when it is determined that additional staff are needed to assist during the peak park season.

A "temporary absence" is a single period of 90 days or less during which the staffing levels have decreased due to circumstances which include, but are not limited to, leaves of absence and vacancies of allocated positions and the department is unable to maintain current levels of service due to the temporary absence. Examples of a temporary absence might include, but are not limited to:

- Absences due to medical leaves, resignations, retirements, and recruitments, during which the department is unable to maintain current levels of service during such absences.

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An “emergency” is a period of 90 days or less during which there is an unanticipated need for additional staffing to meet critical services. An example of an emergency might include, but is not limited to:

- A circumstance where a department is fully staffed, but due to the need to provide unanticipated critical services, additional staffing is required.

This Ordinance would authorize County Departments to contract with temporary help firms during any peak load, temporary absence, or emergency as defined in the Ordinance. Such contracts would be subject to approval by the Chief Executive Officer or his/her designee. The County Purchasing Agent would be authorized to sign such contracts and any amendments thereto, within the monetary authority granted to the Purchasing Agent.

POLICY ISSUES:

Adding Chapter 3.65 to the Stanislaus County Code supports the Board’s priority of Efficient Delivery of Public Service by ensuring that Departments are able to continue providing necessary services to the public during times of peak loads, temporary absences, or emergencies.

STAFFING IMPACT:

Existing Chief Executive Office-Human Resources staff will coordinate with County Counsel, General Services Agency and the Departments to prepare such contracts with the temporary help firms.

CONTACT PERSON:

Nancy Bronstein, Deputy Executive Officer, 209-525-6333

ORDINANCE NO. C.S. _____

AN ORDINANCE ADDING CHAPTER 3.65 TO THE STANISLAUS COUNTY CODE CONCERNING CONTRACTING WITH TEMPORARY HELP FIRMS

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS, STATE OF CALIFORNIA, DO ORDAIN AS FOLLOWS:

Section 1. Chapter 3.65 is hereby added to the Stanislaus County Code to read as follows:

“3.65.010 Purpose and Intent

It is the purpose and intent of this Ordinance to establish standards for County departments to contract with temporary help firms in a manner consistent with state law.

3.65.020 Authority

Pursuant to Government Code section 31000.4, the Board of Supervisors may contract with temporary help firms for temporary help to assist county agencies, departments, or offices during any peak load, temporary absence, or emergency other than a labor dispute, provided the board determines that it is in the economic interest of the county to provide such temporary help by contract, rather than employing persons for such purpose. Use of temporary help under this section shall be limited to a period of not to exceed 90 days for any single peak load, temporary absence, or emergency situation.

It is hereby determined that it is in the economic interest of the County to provide such temporary help by contract under the circumstances described in this chapter.

3.65.030 Definitions

For the purposes of this chapter, the following definitions shall apply:

“Peak Load” is a single period of 90 days or less during which the workload increases to a level such that the workload cannot be completed within the existing staffing levels.

“Temporary absence” is a single period of 90 days or less during which the staffing levels have decreased due to circumstances which include, but are not limited to, leaves of absence and vacancies of allocated positions and the department is unable to maintain current levels of service due to the temporary absence.

“Emergency” is a period of 90 days or less during which there is an unanticipated need for additional staffing to meet critical services.

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“90 days” means a single instance of 90 billable/working days, irrespective of hours worked, with no extension, waiver, or exception permitted.

3.65.040 Authority to Contract with Temporary Help Firms

Departments are authorized to contract with temporary help firms during any peak load, temporary absence, or emergency as defined in section 3.65.030, subject to approval by the Chief Executive Officer or his/her designee. All contracts with temporary help firms shall contain insurance requirements established and approved by County Risk Management and County Counsel. The County Purchasing Agent is authorized to sign such contracts and any amendments thereto, within the monetary authority granted to the Purchasing Agent.

Section 2. This ordinance shall take effect thirty (30) days from and after the date of its passage and before the expiration of fifteen (15) days after its passage it shall be published once, with the names of the members voting for and against the same, in the Modesto Bee, a newspaper published in the County of Stanislaus, State of California.

Upon motion of Supervisor _____, seconded by Supervisor _____, the foregoing ordinance was passed and adopted at a regular meeting of the Board of Supervisors of the County of Stanislaus, State of California, this _____ day of _____, 2015, by the following called vote:

AYES: Supervisors

NOES: Supervisors

ABSENT: Supervisor:

Terrance Withrow, Chairman of the
Board of Supervisors of the County of
Stanislaus, State of California

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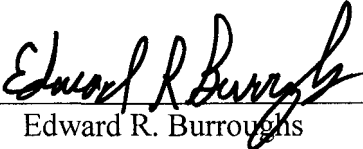
ATTEST:

Christine Ferraro Tallman
Clerk of the Board of Supervisors of the
County of Stanislaus, State of California

By _____
Deputy

APPROVED AS TO FORM:

John P. Doering
County Counsel

By  _____
Edward R. Burroughs
Assistant County Counsel