

County of Santa Clara

Employee Services Agency

Human Resources Department

County Government Center, East Wing

70 West Hedding Street, 8th Floor

San Jose, California 95110



DATE: November 22, 2019

TO: Honorable Members of the Board of Supervisors
Jeffrey V. Smith, County Executive

FROM: John P. Mills, Director, Employee Services Agency

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John P. Mills
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SUBJECT: Under advisement from November 5, 2019, Agenda Item No. 81: Off-Agenda Report RE: strategy, testing process, alternatives, and timeline for hospital acquisition Provisional employees to achieve Probationary appointment status

At the November 5, 2019 meeting of the Board of Supervisors, Supervisor Chavez requested that Administration provide an off-agenda report to the Board on date uncertain relating to the strategy, testing process, and timeline for transitioning former Verity employees to County employees, and Supervisor Ellenberg requested that the off-agenda report include information related to alternatives to the current testing process. This memorandum provides the requested information.

Background

Per Article VII (Personnel System) of the Charter of the County of Santa Clara, Section 700, "The personnel system of the County shall be based on merit and equal opportunity," and "appointments and promotions...shall be made in conformance with merit system rules and all applicable law..." Further, Section 704(a) provides that the merit system rules shall include provisions for "examinations of applicants for appointments in the classified service which shall relate to matters which fairly measure the relative fitness of applicants to discharge the duties of the positions which they seek, and must take account of their character, training and experience." Finally, Section 704(d) requires that the merit system rules include provisions for making "temporary appointments to meet emergencies in the absence of an eligible list."

On March 1, 2019, the County acquired O'Connor Hospital, St. Louise Regional Hospital, and the De Paul Health Center from Verity Health System through a bankruptcy proceeding. Given the expiration or abolishment of eligible lists for classifications represented in the County Health System, the County was able to invoke Charter Section 704(d) and offer temporary appointments (i.e., Provisional status) to former Verity employees.

Per the Merit System Rules (County Ordinance Code Section A25-189), no position may be filled by Provisional appointment for more than one year. As such, upon the acquisition of the former Verity Health System facilities, the County initiated open-competitive recruitments in all classifications represented in the County Health System with employees in Provisional status.

Board of Supervisors: Mike Wasserman, Cindy Chavez, Dave Cortese, Susan Ellenberg, S. Joseph Simitian

County Executive: Jeffrey V. Smith

Consistent with Charter Section 704(a) and the Merit System Rules, Probationary appointments must be made pursuant to examinations. As the Board is aware, some number of former Verity employees in Provisional status in County positions have not passed the examinations for their classifications. To accommodate those individuals, the County has created Unclassified, term-limited (18 months) positions to which those individuals may be appointed so as not to experience an interruption in their County service or benefits while they await the opportunity to participate in subsequent examinations for Probationary appointments in their classifications. In the meantime, the County's Learning & Employee Development program has been providing test preparation trainings to the staff at the former Verity Health System facilities to support those employees who will participate in examinations for Probationary appointments in their classifications.

Examination Development Process

Prior to initiating a recruitment, the Human Resources Department in the Employee Services Agency (ESA-HR) contacts all departments with positions in the classification for which a recruitment will be opened, to identify Subject Matter Experts to complete the Job Analysis that will be the basis for developing the examination to rank the candidates. A Job Analysis is a thorough review of the Job Specification, in which the hiring departments prioritize the most important knowledge, skills, and abilities of successful candidates, to inform the exam plan for the recruitment.

Examinations may be written, oral, performance, physical, or any combination thereof, or any other form that will test fairly the qualifications of applicants (Merit System Rules, County Ordinance Code Section A25-140). Examinations may be "assembled" (i.e., conducted at a specified time and place under the supervision of an examiner (Merit System Rules, County Ordinance Code Section A25-41)) or "unassembled" (i.e., without requiring the applicants to appear in person, such as an application appraisal or competitive rating (Merit System Rules, County Ordinance Code Section A25-82)).

Written examinations or competitive rating tools are forms of civil service tests, but the same written exam or competitive rating tool is not used for every recruitment for a particular classification. ESA-HR and the Subject Matter Experts review the prior examination and update the prior test by revising prior test questions, ordering new test questions, and/or developing new test questions based upon the prior test administration. ESA-HR and the Subject Matter Experts also determine the appropriate exam format (written, oral, performance, physical, etc.), given the requirements of the Job Specification, the historical number of applicants in a recruitment for the classification, the historical number of applicants who meet the Employment Standards of the Job Specification and qualify to participate in the examination, and the need to rank the candidates on an eligible list so that the required number of candidates can be referred to the hiring department for interview based on the number of vacancies to be filled in that classification in the department.

The administration of the County's Merit System is periodically audited by the California Department of Human Resources (CalHR) to ensure that the above requirements are adhered to, and to maintain the County's eligibility to receive State and Federal funds for health and welfare programs pursuant to California Government Code Sections 19800-19811. The County is an "Approved Local Merit System" county, authorized to administer its own personnel system based on CalHR's review and approval.

c: Miguel Marquez, Chief Operating Officer
James R. Williams, County Counsel
Megan Doyle, Clerk of the Board of Supervisors