

**Department of Personnel Administration
Memorandum**

TO: Personnel Management Liaisons (PML)

SUBJECT: Amendment to the Bargaining Unit 14 Contract effective July 1, 2005 - June 30, 2008	REFERENCE NUMBER: 2007-011
DATE ISSUED: 03/29/07	SUPERSEDES:

This memorandum should be forwarded to:

**Personnel Officers
Labor Relations Officers
Human Resources Officer**

FROM: Department of Personnel Administration
Labor Relations Division

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The current language in Section 18.1, Permanent Intermittents, posted on the web in the Unit 14 Labor Agreement with SEIU Local 1000 does not reflect the tentative agreement between the parties and is thus inaccurate. There are subsections of Section 18.1 which have been inadvertently omitted. To assist you, I have attached the corrected language and language on our web site will be corrected.

/s/Julie Chapman

Julie Chapman
Deputy Director of Labor Relations

ARTICLE 18 – PERMANENT INTERMITTENTS

18.1 Permanent Intermittents

- A. Except as otherwise provided in this agreement (e.g., Article 23, Article 24, etc) a permanent intermittent position or appointment is a position or appointment in which the employee is to work periodically or for a fluctuating portion of the full-time work schedule. A permanent intermittent employee may work up to 1,500 hours in any calendar year based upon Government Code Section 19100 et seq. The number of hours and schedule of work shall be determined based upon the operational needs of each department.
- B. State Personnel Board Rule 277 is one of the many employment alternatives the appointing power may use to fill vacant positions within a competitive selection process. When filling permanent full-time vacancies, a department shall consider eligible permanent-intermittent employees within the classification.
- C. Each department may establish an exclusive pool of permanent intermittent employees based upon operational need.
- D. Each department shall endeavor to provide a permanent intermittent employee with seven (7) calendar days but in no case less than seventy-two (72) hours notice of their work schedule, except when they are called in to fill in for unscheduled absences or for unanticipated operational needs.
- E. Upon mutual agreement, a department head or designee may grant a permanent intermittent employee a period of non-availability not to exceed twelve (12) months during which the employee may not be given a waiver. The period of non-availability may be revoked based on operational needs. An employee on non-available status who files for unemployment insurance benefits shall be immediately removed from such status.
- F. A permanent intermittent employee will become eligible for leave credits in the following manner:

Sick Leave - A permanent intermittent employee who has completed 160 hours of paid employment will be eligible for up to eight (8) hours of sick leave credit with pay. The hours in excess of 160 hours in a qualifying monthly pay period shall not be counted or accumulated. On the first day of the qualifying monthly pay period following the completion of each period of paid employment, the permanent intermittent employee shall earn eight (8) hours of credit for sick leave with pay subject to the following provisions:

- a. Sick leave may be requested and taken in fifteen (15) minute increments.
- b. A permanent intermittent employee shall not be removed from scheduled work hours because he/she is on sick leave.
- c. The administration of sick leave for permanent intermittent employees shall be in accordance with Article 8, section 8.2, Sick Leave.

Vacation Leave - A permanent intermittent employee will be eligible for vacation leave credit with pay on the first day of the following qualifying monthly pay period following completion of nine hundred-sixty (960) hours of compensated work. Thereafter, a permanent intermittent employee will be eligible for vacation credit with pay in accordance with the schedule in Article 8, section 8.1A, on the first day of the qualifying monthly pay period following completion of each period of one hundred-sixty (160) hours of paid employment. The hours in excess of one hundred-sixty

(160) hours in a qualifying monthly pay period shall not be counted or accumulated. When it is determined that there is a lack of work, a department head or designee may:

- a. Pay the permanent intermittent employee in a lump-sum payment for accumulated vacation leave credits; or
 - b. By mutual agreement, schedule the permanent intermittent employee for vacation leave; or
 - c. Allow the permanent intermittent employee to retain his/her vacation credits; or
 - d. Effect a combination of a, b, or c above.
 - e. A permanent intermittent employee will be subject to the provisions of Article 8.1, Vacation Leave.
3. **Annual Leave** - A permanent intermittent employee will be eligible for annual leave credit with pay, on the first day of the following qualifying monthly pay period following completion of nine hundred-sixty (960) hours of compensated work. Thereafter, a permanent intermittent employee will be eligible for annual leave credit with pay in accordance with the schedule in Article 8.19 B / 8.20, on the first day of the qualifying monthly pay period following completion of each period of one hundred-sixty (160) hours of paid employment. The hours in excess of one hundred-sixty (160) hours in a qualifying monthly pay period shall not be counted or accumulated. When it is determined that there is a lack of work, a department head or designee may:
- a. Pay the permanent intermittent employee in a lump-sum payment for accumulated annual leave credits; or
 - b. By mutual agreement, schedule the permanent intermittent employee for annual leave; or
 - c. Allow the permanent intermittent employee to retain his/her annual leave credits; or
 - d. Effect a combination of a, b, or c above.
 - e. A permanent intermittent employee will be subject to the provisions of Article 8.1, Vacation/Annual Leave.

4. **Holidays**

- a. A permanent intermittent employee will be eligible for holiday pay on a pro rata basis, based on hours worked during the pay period for observed holidays specified in Article 7 of this Contract in accordance with the following chart. If a permanent intermittent employee works on the holiday, the employee shall also receive his/her hourly rate of pay for each hour worked unless the provisions of section 19.2, B apply.

Hours on Pay Status During Pay Period	Holiday Compensation in Hours for Each Holiday
0-10.9	0
11-30.9	1
31-50.9	2
51-70.9	3
71-90.9	4
91-110.9	5
111-130.9	6
131-150.9	7
151 or over	8*

*Notwithstanding any other provision, an employee can only accrue up to eight (8) hours of holiday credit per holiday.

- b. When a permanent intermittent (PI) employee in Work Week Group 2 is required to work on an observed holiday, and the employee works one hundred-fifty-one (151) or more hours in that pay period, the employee shall receive holiday compensation in accordance with subsection 7.G.
5. **Bereavement Leave** – A permanent intermittent employee may only be granted bereavement leave in accordance with Article 8, section 8.3, if scheduled to work on the day(s) for which the leave is requested and only for the number of hours the employee is scheduled to work on the day or days. A permanent intermittent employee shall not be removed from scheduled work hours because he/she is on bereavement leave.

6. **Jury Duty** – A permanent intermittent employee shall only be granted jury duty leave in accordance with Section 8.14 if the employee is scheduled to work on the day(s) in which the service occurs and only for the number of hours the employee is scheduled to work on the day or days. If payment is made for such time off, the employee is required to remit to the State the fee(s) received. A permanent intermittent employee shall not be removed from scheduled work hours because he/she is on jury duty. When night jury duty is required of a permanent intermittent employee, the employee shall be released without loss of compensation for such portion of required time that coincides with the permanent intermittent employee's work schedule. This includes any necessary travel time.
 7. **State Disability Insurance (SDI)** – Permanent intermittent employees shall be covered under the State Disability Insurance (SDI) benefit in accordance with Section 9.17 of this Contract.
 8. **Mentoring Leave** – A permanent intermittent employee shall be eligible for Mentoring Leave in accordance with Article 8, section 8.17, Mentoring Leave.
- G. Monthly paid permanent intermittent employees shall be paid by the 15th of each month.
- H. **Dental Benefits** – A permanent intermittent employee will be eligible for dental benefits during each calendar year if the employee has been credited with a minimum of four hundred-eighty (480) paid hours in one of two control periods. To continue benefits, a permanent intermittent employee must be credited with a minimum of four hundred-eighty (480) paid hours in a control period or nine hundred-sixty (960) paid hours in two consecutive control periods. For the purposes of this section, the control periods are January 1 through June 30 and July 1 through December 31 of each calendar year. An eligible permanent intermittent employee must enroll in a dental benefit plan within sixty (60) days from the end of the qualifying control period.
- I. **Health Benefits** – A permanent intermittent employee will be eligible for health benefits during each calendar year if the employee has been credited with a minimum of four hundred-eighty (480) paid hours in one of two control periods. To continue benefits, a permanent intermittent employee must be credited with a minimum of four hundred-eighty (480) paid hours in a control period or nine hundred-sixty (960) paid hours in two consecutive control periods. For the purposes of this section, the control periods are January 1 through June 30 and July 1 through December 31 of each calendar year. An eligible permanent intermittent employee must enroll in a health benefit plan within sixty (60) days from the end of the qualifying control period.

- J. **Vision Service Plan** – A permanent intermittent employee will be eligible for the State's vision services plan during each calendar year if the employee has been credited with a minimum of four hundred-eighty (480) paid hours in one of two control periods. To continue benefits, a permanent intermittent employee must be credited with a minimum of four hundred-eighty (480) paid hours in a control period or nine hundred-sixty (960) paid hours in two consecutive control periods. For the purposes of this section, the control periods are January 1 through June 30 and July 1 through December 31 of each calendar year. An eligible permanent intermittent employee must enroll in the vision service plan within sixty (60) days from the end of the qualifying control period.
- K. Permanent intermittent employees will be entitled to continuation of health, dental, and vision benefits pursuant to Public Law 99-272, Title X, Consolidated Omnibus Reconciliation Act (COBRA).
- L. **Flex Elect Program** – Permanent Intermittent employees may only participate in the Pre-Tax Premium and/or the Cash Option for medical and/or dental insurance. Permanent intermittent employees choosing the Pre-Tax Premium must qualify for State medical and/or dental benefits. Permanent intermittent employees choosing the Cash Option will qualify if they work at least one-half time, have an appointment for more than six months, and receive credit for a minimum of four hundred-eighty (480) paid hours within the six-month control period of January 1 through June 30 of the plan year in which they are enrolled.
- M. The call-in/scheduling of a permanent intermittent employee and the hours of work an individual permanent intermittent employee may receive shall be applied without prejudice or personal favoritism. Each work site shall post the permanent intermittent schedule and record of permanent intermittent hours worked per week on an ongoing and weekly basis.
- N. A permanent intermittent employee that is offered a permanent full-time or part-time job within a department shall not be denied release from their permanent intermittent employee position by management.
- O. All remaining conditions of employment that relate to the permanent intermittent employee shall be administered in accordance with existing rules and regulations, unless modified by this Contract.