



COUNTY of VENTURA

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May 18, 2021

Board of Supervisors
County of Ventura
800 South Victoria Avenue
Ventura, California 93009

Subject: Authorization for the Director of Human Resources to Accept and Process a Petition for Certification Submitted by the Union of American Physicians and Dentists for a Unit of Per Diem Physicians Employed at the Ambulatory Care Primary Care Clinics, Notwithstanding the Time Limits set forth in Section 2010 of the Ventura County Personnel Rules and Regulations.

Recommendations:

It is recommended that your Board:

1. Authorize the Director of Human Resources to accept and process a petition for certification submitted by the Union of American Physicians and Dentists (UAPD) for a unit of per diem physicians employed at the Ambulatory Care primary care clinics; and,
2. Waive, on a one-time basis, the time limits for processing certification petitions as set forth in Article 20, Section 2010, of the Personnel Rules and Regulations (PRRs).

Discussion:

The County Ambulatory Care system is comprised of various clinic sites located throughout Ventura County providing comprehensive outpatient services including primary care. There are currently 18 affiliated Ambulatory Care primary care clinic sites (Affiliated Clinics) that are operated by privately-owned, independent clinic providers with which the County contracts for primary care services through professional services and operations agreements (PSOAs). These Affiliated Clinics are operated by the clinic owners who employ all clinic personnel, including non-clinical support staff, nurses, and primary care physicians (PCPs).

The HCA leadership presented to your Board on December 15, 2020, its plan to restructure the operations of the 18 Affiliated Clinics under the leadership and structure of the County rather than renew, extend, or otherwise renegotiate the current PSOAs. Consequently, the County's contractual relationship with the operators of the Affiliated Clinics will end on June 30, 2021, at which time all current Affiliated Clinic medical providers will cease to provide medical services at the Affiliated Clinics under their employment with the current operators of the Affiliated Clinics. Under the County's clinic integration plan, the County will then directly employ the personnel that it determines are needed to provide clinical and non-clinical support services as well as professional medical services.

UAPD has been recognized as the employee organization (i.e., union) of the PCPs employed by the Affiliated Clinics since February 2010. Based on a legal analysis of the PSOAs, the Public

Employment Relations Board (PERB) determined the County to be a joint-employer with the clinics of the PCPs. And, under an order of the PERB, the County was required to process UAPD's October 2006 petition for recognition. Based on the proof of support UAPD had obtained in connection with that petition, majority support was established in February 2010. The October 2006 petition for recognition did not include the per diem physicians of the Affiliated Clinics.

On April 22, 2021, the UAPD submitted a petition for certification for a unit of per diem physicians employed at the Affiliated Clinics. Article 20 (Employer/Employee Relations) of the PRRs sets forth the process for formal acknowledgement of recognized employee organizations. Specifically, sections 2009 and 2010 delineate the requirements for certification. In pertinent part, section 2010 limits the timing for filing petitions for certification to the time period of September 15 to November 1. Therefore, our office may not accept or process the UAPD petition for certification unless your Board waives the time limit and authorizes the Director of Human Resources to accept and process the petition.

Our office recommends that your Board waive the time limits set forth in section 2010 of the PRRs and authorize the Director of Human Resources to accept and process the UAPD petition for certification. We will return to your Board at a future date to file the certification recognizing UAPD as the exclusive representative of the per diem physicians if our office determines UAPD has provided proof of majority support for the petition.

This letter has been reviewed by the County Executive Office, the Auditor-Controller's Office, and County Counsel. If you have any questions regarding this item, please call me at (805) 654-2561.

Respectfully,



SHAWN ATIN
Assistant County Executive Officer/Labor Relations Director



m.p.
MICHAEL POWERS
County Executive Officer

c: Jeffery S. Burgh, Auditor-Controller
Tiffany N. North, County Counsel
Mike Pettit, Assistant County Executive Officer
Kaye Mand, Assistant County Executive Officer/County Financial Officer
J. Tabin Cosio, Chief Deputy/Labor Relations
Union of American Physicians and Dentists

Attachment: Exhibit 1: UAPD Petition for Certification and Integration