



AGENDA

**HUMAN RESOURCES COMMITTEE
A COMMITTEE OF THE BOARD OF DIRECTORS**

REGULAR MEETING
Wednesday, April 19, 2023
9:00 AM
Classroom C
600 N. Highland Springs Avenue, Banning, CA 92220

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Administration Office at (951) 769-2101. **Notification 48 hours prior to the meeting** will enable the Hospital to make reasonable arrangement to ensure accessibility to this meeting. [28 CFR 35.02-35.104 ADA Title II].

TAB

I. Call to Order R. Rader

II. Public Comment

A five-minute limitation shall apply to each member of the public who wishes to address the Human Resources Committee of the Hospital Board of Directors on any matter under the subject jurisdiction of the Committee. A thirty-minute time limit is placed on this section. No member of the public shall be permitted to “share” his/her five minutes with any other member of the public. (Usually, any items received under this heading are referred to staff for future study, research, completion and/or future Committee Action.) (PLEASE STATE YOUR NAME AND ADDRESS FOR THE RECORD.)

On behalf of the San Gorgonio Memorial Hospital Board of Directors, we want you to know that the Board/Committee acknowledges the comments or concerns that you direct to this Committee. While the Board/Committee may wish to occasionally respond immediately to questions or comments if appropriate, they often will instruct the CEO, or other Administrative Executive personnel, to do further research and report back to the Board/Committee prior to responding to any issues raised. If you have specific questions, you will receive a response either at the meeting or shortly thereafter. The Board/Committee wants to ensure that it is fully informed before responding, and so if your questions are not addressed during the meeting, this does not indicate a lack of interest on the Board/Committee’s part; a response will be forthcoming.

OLD BUSINESS

III. ***Proposed Action - Approve Minutes** R. Rader A
• January 18, 2023, Regular meeting

NEW BUSINESS

IV. A. Employment Activity/Turnover Reports A. Karam B

1. Employee Activity by Job Class/Turnover Report (01/01/2023 – 03/31/2023)
2. Separation Reason Analysis – All Associates (01/01/2023 – 03/31/2023)
3. Separation Reason Analysis – Full and Part Time Associates (01/01/2023 – 03/31/2023)
4. Separation Reason Analysis – Per Diem Associates (01/01/2023 – 03/31/2023)
5. FTE Vacancy Summary (01/01/2023 – 03/31/2023)
6. RN Vacancy Summary (01/01/2023 – 03/31/2023)

- | | | | |
|-------|---|----------|---|
| B. | Workers Compensation report (03/01/2023 – 03/31/2023) | | C |
| V. | Education: <ul style="list-style-type: none">• Ins and Outs of an Alternative Workweek• Laws That Apply to Your Organization | A. Karam | D |
| VI. | Future Agenda Items | R. Rader | |
| VII. | Next Meeting: July 19, 2023 | | |
| VIII. | Adjourn | R. Rader | |

*** Requires Action**

In accordance with The Brown Act, Section 54957.5, all public records relating to an agenda item on this agenda are available for public inspection at the time the document is distributed to all, or a majority of all, members of the Committee. Such records shall be available at the Hospital office located at 600 N. Highland Springs Avenue, Banning, CA 92220 during regular business hours, Monday through Friday, 8:00 am - 4:30 pm.

Certification of Posting

I certify that on April 14, 2023, I posted a copy of the foregoing agenda near the regular meeting place of the Board of Directors of San Gorgonio Memorial Hospital Human Resources Committee, and on the San Gorgonio Memorial Hospital website, said time being at least 72 hours in advance of the regular meeting of the Human Resources Committee (*Government Code Section 54954.2*).

Executed at Banning, California, on April 14, 2023,



Ariel Whitley, Executive Assistant

TAB A

REGULAR MEETING OF THE
SAN GORGONIO MEMORIAL HOSPITAL
BOARD OF DIRECTORS

HUMAN RESOURCES COMMITTEE
January 18, 2023

The regular meeting of the San Gorgonio Memorial Hospital Board of Directors Human Resources Committee was held on Wednesday, January 18, 2023, in Classroom C, 600 N. Highland Springs Avenue, Banning, California.

Members Present: Susan DiBiasi, Ron Rader (C), Steve Rutledge

Excused Absence: Shannon McDougall

Staff Present: Steve Barron (CEO), Annah Karam (CHRO), Daniel Heckathorne (CFO)
Ariel Whitley (Executive Assistant)

AGENDA ITEM	DISCUSSION	ACTION / FOLLOW-UP
Call To Order	Chair Ron Rader called the meeting to order at 9:10 am.	
Public Comment	No public was present.	
OLD BUSINESS		
Proposed Action - Approve Minutes: November 16, 2022, Regular Meeting	Chair Rader asked for any changes or corrections to the minutes of the November 16, 2022, regular meeting. There were none.	The minutes of the November 16, 2022, regular meeting was reviewed and will stand as presented.
NEW BUSINESS		
Reports		
A. Employment Activity/Turnover Reports		
1. Employee Activity by Job Class/Turnover Report	Annah Karam, Chief Human Resources Officer, reviewed the report "Employee Activity by Job Class/Turnover Report" for the period of 09/13/2022 through 12/31/2022 as included in the Committee packet.	

AGENDA ITEM	DISCUSSION	ACTION / FOLLOW-UP
(09/13/2022 through 11/09/2022)		
2. Separation Reasons Analysis All Associates (09/13/2022 through 12/31/2022)	<p>Annah reviewed the “Separation Reason Analysis for All Associates” for the period of 09/13/2022 through 12/31/2022 as included in the Committee packet.</p> <p>For this period, there were 59 Voluntary Separations and 3 Involuntary Separations for a total of 62.</p>	
3. Separation Reason Analysis Full and Part Time Associates (09/13/2022 through 12/31/2022)	<p>Annah reviewed the “Separation Reason Analysis for Full and Part Time Associates” for the period of 09/13/2022 through 12/31/2022 as included in the Committee packet.</p> <p>For this period, there were 33 Voluntary Separations and 3 Involuntary Separations for a total of 36.</p>	
4. Separation Reason Analysis Per Diem Associates (09/13/2022 through 12/31/2022)	<p>Annah reviewed the “Separation Reason Analysis for Per Diem Associates” for the period of 09/13/2022 through 12/31/2022 as included in the Committee packet.</p> <p>For this period, there were 26 Voluntary Separations and 0 Involuntary Separations for a total of 26.</p>	
5. FTE Vacancy Summary (09/13/2022 through 12/31/2022)	<p>Annah reviewed the “FTE Vacancy Summary” for the period of 09/13/2022 through 12/31/2022 as included in the Committee packet.</p> <p>Annah reported that the Facility Wide vacancy rate as of 12/31/2022 was 22.47%.</p>	
6. RN Vacancy Summary (09/13/2022 through 12/31/2022)	<p>Annah reviewed the “RN Vacancy Summary” for the period of 09/13/2022 through 12/31/2022 as included in the Committee packet.</p> <p>Annah reported that the Overall All RN Vacancy rate as of 12/31/2022 was 21.18%.</p>	

AGENDA ITEM	DISCUSSION	ACTION / FOLLOW-UP
B. Workers Compensation Report		
Workers Compensation Report (12/01/2022 through 12/31/2022)	Annah reviewed the Workers Compensation Reports covering the period of 12/01/2022 through 12/31/2022 as included in the Committee packet.	
Education	Annah reviewed each education article as included in the committee packets: <ul style="list-style-type: none"> • California Expands Pay and Transparency and Reporting Obligations • New Employment Laws for 2023 • New 2023 California Employment Laws 	
Future Agenda items	<ul style="list-style-type: none"> • Kronos Update 	
Next regular meeting	The next regular Human Resources Committee meeting is scheduled for April 19, 2023, @ 9 am.	
Adjournment	The meeting was adjourned at 9:49 am.	

In accordance with The Brown Act, *Section 54957.5*, all reports and handouts discussed during this Open Session meeting are public records and are available for public inspection. These reports and/or handouts are available for review at the Hospital Administration office located at 600 N. Highland Springs Avenue, Banning, CA 92220 during regular business hours, Monday through Friday, 8:00 am - 4:30 pm.

Minutes respectfully submitted by Ariel Whitley, Executive Assistant

TAB B

A B C D E F G H I J K

EMPLOYEE ACTIVITY BY JOB CLASS / TURN OVER REPORT

01/01/2023 THROUGH 03/31/2023

JOB CLASS/FAMILY	CURRENT	2022	YTD	CURRENT	2022	YTD	ACTIVE	LOA	CURRENT	ANNUALIZED	
	NEW HIRES	NEW HIRES	NEW HIRES	SEPARATIONS	SEPARATIONS	TERMS	ASSOCIATE	ASSOCIATE	TURNOVER	TURNOVER	
	01/01/2023 THROUGH 03/31/2023		01/01/2023 THROUGH 03/31/2023	01/01/2023 THROUGH 03/31/2023		01/01/2023 THROUGH 03/31/2023	AS OF 03/31/2023	AS OF 03/31/2023	AS OF 03/31/2023		
ADMIN/CLERICAL	6	21	6	10	20	10	81	2	12.35%	12.35%	1
ANCILLARY	5	16	5	2	20	2	63	2	3.17%	3.17%	2
CLS	2	2	2	1	3	1	20	0	5.00%	5.00%	7
DIRECTORS/MGRS	2	2	2	2	3	2	29	2	6.90%	6.90%	8
LVN	0	3	0	2	6	2	17	2	11.76%	11.76%	9
OTHER NURSING	10	30	10	10	27	10	76	1	13.16%	13.16%	10
PT	3	0	3	0	4	0	10	0	0.00%	0.00%	11
RAD TECH	2	7	2	1	7	1	33	3	3.03%	3.03%	12
RN	9	44	9	11	59	11	143	14	7.69%	7.69%	13
RT	0	0	0	2	2	2	18	1	11.11%	11.11%	14
SUPPORT SERVICES	20	31	20	13	28	13	87	4	14.94%	14.94%	15
FACILITY TOTAL	59	156	59	54	179	54	577	31	9.36%	9.36%	17
<i>Full Time</i>	42	99	42	28	90	28	404	22	6.93%	6.93%	19
<i>Part Time</i>	4	8	4	4	13	4	53	4	7.55%	7.55%	20
<i>Per Diem</i>	13	49	13	22	76	22	120	5	18.33%	18.33%	21
TOTAL	59	156	59	54	179	54	577	31	9.36%		22

Current Turnover: J22
Annualized Turnover: K22

Southern California Hospital Association (HASC) Benchmark:
Turnover for all Associates = 4.00%
Turnover for all RNs = 5.10%

SEPARATION ANALYSIS
ALL ASSOCIATES
01/01/2023 THROUGH 03/31/2023

REASON	Current Qtr % by Category	Length Of Service						Total Separations
		Less than 90 days	90 days - 1 year	1-2 years	3-5 years	6-10 years	10+ years	
Voluntary Separations								
Full-Time	35.2%	3	1	8	3	2	2	19
Part-Time	7.4%	1	0	0	1	2	0	4
Per Diem	31.5%	3	5	4	0	3	2	17
Subtotal, Voluntary Separations	74.1%	7	6	12	4	7	4	40
Involuntary Separations								
Full-Time	16.7%	2	1	4	1	0	1	9
Part-Time	0.0%	0	0	0	0	0	0	0
Per Diem	0.0%	3	1	0	0	0	1	5
Subtotal, Involuntary Separations	25.9%	5	2	4	1	0	2	14

Total Separations	100.0%	12	8	16	5	7	6	54
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Count of LENGTH OF SERVICE	Column Labels							Grand Total
Row Labels	1-LT 90 DAYS	2-90 DAYS TO 1 YR	3-1 TO 2 YRS	4-3 TO 5 YRS	5-6 TO 10 YRS	6-10 PLUS YRS	(blank)	
INVOLUNTARY	5	2	4	1		2		14
Accounting	1							1
Diagnostic Imaging	1							1
Dietary	1							1
ICU	1	1	1					3
MS						1		1

Nursing Administration			2					2
OR						1		1
Registration		1	1	1				3
Security	1							1
VOLUNTARY	7	6	12	4	7	4		40
Administration						1		1
Case Management	1							1
Dietary			2	1				3
ED	2		2	1	1			6
Environmental Services		2	1		2	1		6
ICU		1		1				2
Joint Venture								
Physical Therapy	1							1
Laboratory			1		1			2
MS			1		1	1		3
Nursing Administration	1	1	1					3
OB	1	2	1			1		5
Plant Operations			1					1
Registration	1				1			2
Respiratory Therapy				1	1			2
Security			2					2
(blank)								
(blank)								
Grand Total	12	8	16	5	7	6		54

Separation Reason Analysis
FULL AND PART TIME ASSOCIATES
01/01/2023 THROUGH 03/31/2023

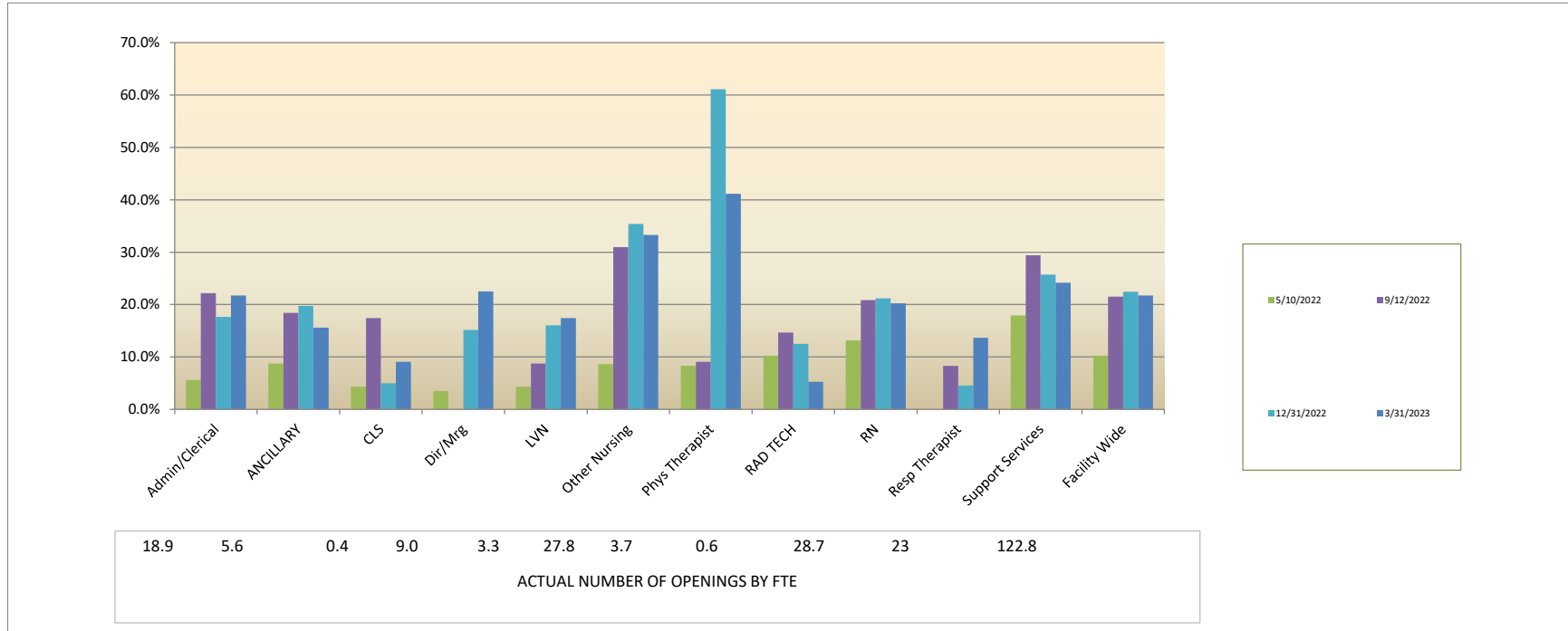
REASON	Current Qtr % by Category	Length Of Service						Total Separations
		Less than 90 days	90 days - 1 year	1-2 years	3-5 years	6-10 years	10+ years	
<i>Voluntary Separations</i>								
Did not Return from LOA	3.1%					1		1
Employee Death	0.0%							0
Family/Personal Reasons	6.3%			1	1			2
Job Abandonment	6.3%	1			1			2
Job Dissatisfaction	3.1%					1		1
Medical Reasons	0.0%							0
New Job Opportunity	40.6%	3	1	6	1	2		13
Not Available to Work	0.0%							0
Pay	0.0%							0
Relocation	0.0%							0
Retirement	6.3%						2	2
Return to School	6.3%			1	1			2
Unknown	0.0%							0
Subtotal, Voluntary Separations	71.9%	4	1	8	4	4	2	23
<i>Involuntary Separations</i>								
Attendance/Tardiness	0.0%							0
Conduct	6.3%			1	1			2
Didn't meet certification deadline	0.0%							0
Didn't meet scheduling needs	0.0%							0
Poor Performance	15.6%	2	1	1			1	5
Position Eliminations	6.3%			2				2
Temporary Position	0.0%							0
Subtotal, Involuntary Separations	28.1%	2	1	4	1	0	1	9
Total Separations	100.0%	6	2	12	5	4	3	32

Separation Reason Analysis
Per Diem Associates Only
01/01/2023 THROUGH 03/31/2023

REASON	Current Qtr % by Category	Length Of Service						Total Separations
		Less than 90 days	90 days - 1 year	1-2 years	3-5 years	6-10 years	10+ years	
<i>Voluntary Separations</i>								
Did not Return from LOA	0.0%							0
Employee Death	0.0%							0
Family/Personal Reasons	18.2%	1	2			1		4
Job Abandonment	13.6%		2				1	3
Job Dissatisfaction	4.5%		1					1
Medical Reasons	4.5%					1		1
New Job Opportunity	31.8%	1		4		1	1	7
Not Available to Work	4.5%	1						1
Pay	0.0%							0
Relocation	0.0%							0
Retirement	0.0%							0
Return to School	0.0%							0
Unknown	0.0%							0
<i>Subtotal, Voluntary Separations</i>	77.3%	3	5	4	0	3	2	17
<i>Involuntary Separations</i>								
Attendance/Tardiness	0.0%							0
Conduct	9.1%	1					1	2
Didn't meet certification deadline	0.0%							0
Didn't meet scheduling needs	0.0%							0
Poor Performance	13.6%	2	1					3
Position Eliminations	0.0%							0
Temporary Position	0.0%							0
<i>Subtotal, Involuntary Separations</i>	22.7%	3	1	0	0	0	1	5
Total Separations	100.0%	6	6	4	0	3	3	22

FTE Vacancy Summary: 01/01/2023 THROUGH 03/31/2023

	<u>Admin/Clerical</u>	<u>ANCILLARY</u>	<u>CLS</u>	<u>Dir/Mrg</u>	<u>LVN</u>	<u>Other Nursing</u>	<u>Phys Therapist</u>	<u>RAD TECH</u>	<u>RN</u>	<u>Resp Therapist</u>	<u>Support Services</u>	<u>Facility Wide</u>
5/10/2022	5.56%	8.70%	4.35%	3.45%	4.35%	8.60%	8.33%	10.26%	13.17%	0.00%	17.92%	10.25%
9/12/2022	22.20%	18.42%	17.39%	0.00%	8.70%	30.97%	9.09%	14.63%	20.83%	8.33%	29.41%	21.48%
12/31/2022	17.65%	19.74%	5.00%	15.15%	16.00%	35.40%	61.11%	12.50%	21.18%	4.55%	25.69%	22.47%
3/31/2023	21.70%	15.58%	9.09%	22.50%	17.39%	33.33%	41.14%	5.26%	20.20%	13.64%	24.17%	21.75%

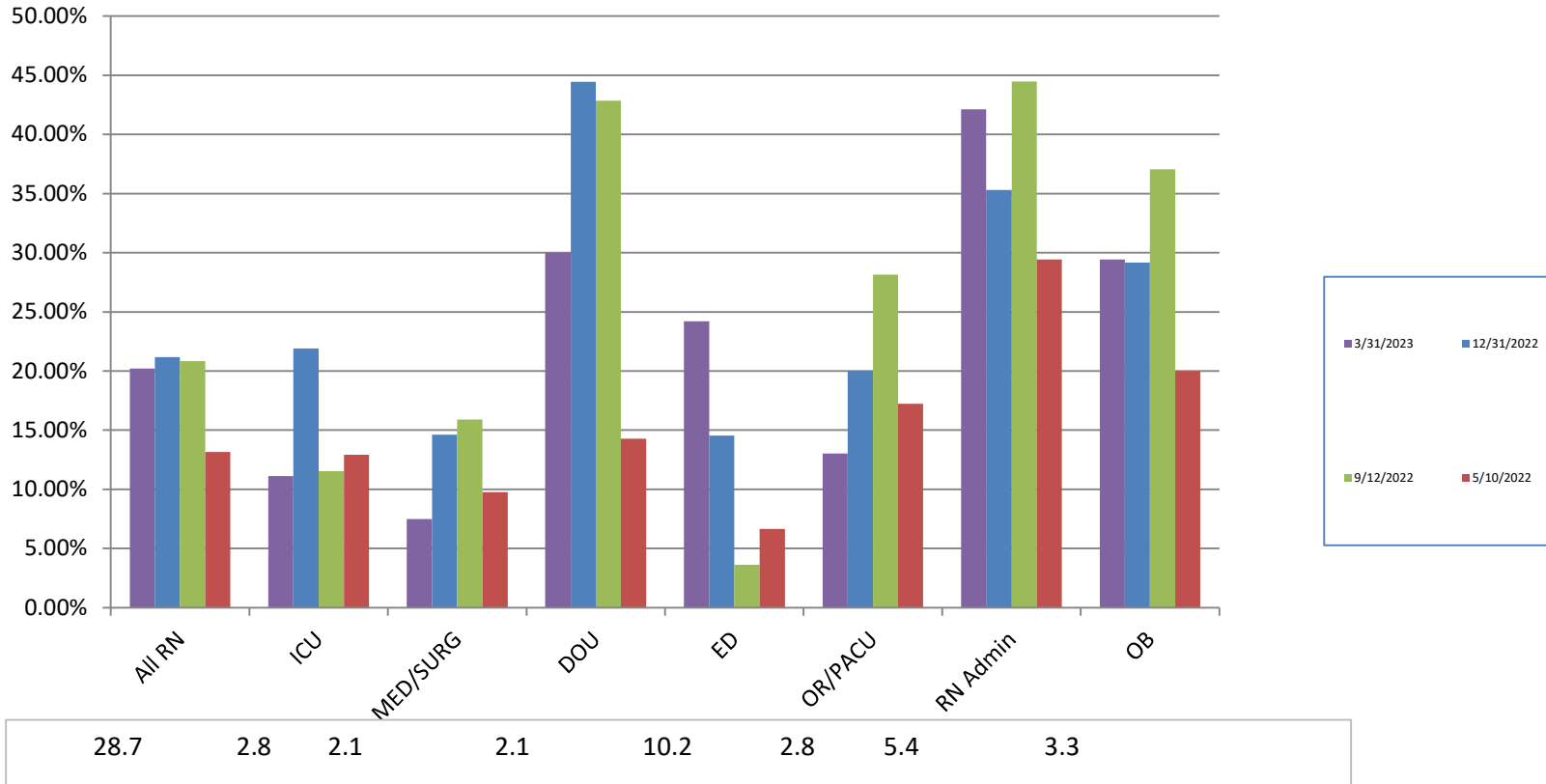


RN FTE Vacancy Summary: 01/01/2023 THROUGH 03/31/2023

VACANCY RATE = Number of openings/(total staff + openings)

	3/31/2023	12/31/2022	9/12/2022	5/10/2022
All RN	20.20%	21.18%	20.83%	13.17%
ICU	11.11%	21.88%	11.54%	12.90%
MED/SURG	7.50%	14.63%	15.91%	9.76%
DOU	30.00%	44.44%	42.86%	14.29%
ED	24.19%	14.55%	3.64%	6.67%
OR/PACU	13.04%	20.00%	28.13%	17.24%
RN Admin	42.11%	35.29%	44.44%	29.41%
OB	29.41%	29.17%	37.04%	20.00%

	OPEN POSITIONS	TOTAL STAFF	VACANCY RATE
All RN	40	158	20.20%
ICU	3	24	11.11%
Med Surg	3	37	7.50%
DOU	3	7	30.00%
ED	15	47	24.19%
OR/PACU	3	20	13.04%
RN Adm.	8	11	42.11%
OB	5	12	29.41%



TAB C

San Gorgonio Memorial Hospital

Data as of 3/31/2023

Reporting Period 3/1/2023 - 3/31/2023



DASHBOARD REPORT

Fiscal Year Basis: July

SUMMARY DATA

FiscalYear	ValuationDate	Values			Count	Open Count
		Total Paid	Total Reserves	Total Incurred		
2015-2016	2023-03-31	844,591	96,172	940,763	40	3
2016-2017	2023-03-31	205,546	-	205,546	27	-
2017-2018	2023-03-31	72,312	-	72,312	18	-
2018-2019	2023-03-31	87,684	7,313	94,997	15	1
2019-2020	2023-03-31	68,021	-	68,021	15	-
2020-2021	2023-03-31	271,061	136,131	407,192	22	3
2021-2022	2023-03-31	87,043	75,361	162,404	18	3
2022-2023	2023-03-31	13,134	84,912	98,046	10	7
Grand Total		1,649,392	399,889	2,049,281	165	17

DASHBOARD REPORT

Fiscal Year Basis: July

San Gorgonio Memorial Hospital

Data as of 3/31/2023

Reporting Period 3/1/2023 - 3/31/2023

TOP TEN CLAIMS

Claim Number	Claimant	Department	Cause	DOI	Status	Total Paid	Total Reserves	Total Incurred
20805905		Surgical Services	Fall, Slip or Trip Injury	2020-08-04	Open	169,864	89,711	259,575
16000811		Environmental Services	Fall, Slip or Trip Injury	2016-05-31	Open	172,688	48,538	221,225
16000026		Obstetrics	Fall, Slip or Trip Injury	2016-01-05	Open	138,024	17,357	155,380
16001005		Medical Surgical	Burn or Scald - Heat or Cold Exposures -	2016-07-21	Closed	98,814	-	98,814
16000233		Environmental Services	Strain or Injury By	2016-02-20	Closed	93,934	-	93,934
16000357		Medical Surgical	Struck or Injured By	2016-03-16	Closed	82,643	-	82,643
16000185		Medical Surgical	Fall, Slip or Trip Injury	2016-02-13	Closed	77,289	-	77,289
21001795		Medical Surgical	Strain or Injury By	2021-08-13	Open	24,721	48,686	73,407
15000959		Environmental Services	Strain or Injury By	2015-07-06	Closed	61,315	-	61,315
15001161		CT/Echotechnology	Strain or Injury By	2015-08-20	Re-Open	27,087	30,277	57,364

FREQUENCY BY DEPARTMENT					SEVERITY BY DEPARTMENT				
Department	Claim Count	% of Claims	Total Incurred	% of Total Incurred	Department	Claim Count	% of Claims	Total Incurred	% of Total Incurred
Medical Surgical	36	21.82%	516,727	25.22%	Environmental Services	34	20.61%	599,403	29.25%
Environmental Services	34	20.61%	599,403	29.25%	Medical Surgical	36	21.82%	516,727	25.22%
Emergency Department	20	12.12%	102,080	4.98%	Surgical Services	7	4.24%	294,959	14.39%
Dietary	19	11.52%	20,662	1.01%	Obstetrics	5	3.03%	212,678	10.38%
Intensive Care Unit (ICU)	7	4.24%	40,140	1.96%	Emergency Department	20	12.12%	102,080	4.98%
Surgical Services	7	4.24%	294,959	14.39%	CT/Echotechnology	1	0.61%	57,364	2.80%
Obstetrics	5	3.03%	212,678	10.38%	Security Department	3	1.82%	47,323	2.31%
Laboratory	5	3.03%	7,777	0.38%	Intensive Care Unit (ICU)	7	4.24%	40,140	1.96%
Medical Staff	4	2.42%	14,706	0.72%	OB F5 Grant	1	0.61%	37,986	1.85%
Business Office	4	2.42%	27,225	1.33%	Nursing Administration	2	1.21%	36,846	1.80%
FREQUENCY BY CAUSE					SEVERITY BY CAUSE				
Cause	Claim Count	% of Claims	Total Incurred	% of Total Incurred	Cause	Claim Count	% of Claims	Total Incurred	% of Total Incurred
Strain or Injury By	58	35.15%	583,545	28.48%	Fall, Slip or Trip Injury	27	16.36%	930,550	45.41%
Fall, Slip or Trip Injury	27	16.36%	930,550	45.41%	Strain or Injury By	58	35.15%	583,545	28.48%
Struck or Injured By	20	12.12%	178,303	8.70%	Struck or Injured By	20	12.12%	178,303	8.70%
Burn or Scald - Heat or Cold Exposures - Contact	16	9.70%	131,594	6.42%	Burn or Scald - Heat or Cold Exposure	16	9.70%	131,594	6.42%
Cut, Puncture, Scrape Injured by	14	8.48%	75,201	3.67%	Cut, Puncture, Scrape Injured by	14	8.48%	75,201	3.67%
Exposure	12	7.27%	62,314	3.04%	Exposure	12	7.27%	62,314	3.04%
Caught In, Under or Between	11	6.67%	14,946	0.73%	Motor Vehicle	1	0.61%	38,000	1.85%
Miscellaneous Causes	6	3.64%	34,828	1.70%	Miscellaneous Causes	6	3.64%	34,828	1.70%
Motor Vehicle	1	0.61%	38,000	1.85%	Caught In, Under or Between	11	6.67%	14,946	0.73%

Open Claims						San Gorgonio Memorial Hospital					
Fiscal Year Basis: July						Data as of 3/31/2023					
						Reporting Period 3/1/2023 - 3/31/2023					
						Values					
Loss Date	Claim #	Status	ClaimantTypeDesc	InjuryCauseGroup	Litigated (1=	Count	Paid	Outstanding	Incurred	Lost Time	
2015-08-20	15001161	Re-Open	Future Medical	Strain or Injury By	0	1	27,087	30,277	57,364	0	
2016-01-05	16000026	Open	Future Medical	Fall, Slip or Trip Inju	1	1	138,024	17,357	155,380	749	
2016-05-31	16000811	Open	Future Medical	Fall, Slip or Trip Inju	1	1	172,688	48,538	221,225	730	
2019-02-11	19000235	Open	Future Medical	Fall, Slip or Trip Inju	0	1	25,544	7,313	32,857	0	
2020-08-04	20805905	Open	Indemnity	Fall, Slip or Trip Inju	1	1	169,864	89,711	259,575	525	
2021-03-16	21000657	Re-Open	Indemnity	Fall, Slip or Trip Inju	1	1	8,853	9,874	18,727	0	
2021-04-30	21001003	Open	Indemnity	Strain or Injury By	0	1	1,439	36,547	37,986	0	
2021-08-13	21001795	Open	Indemnity	Strain or Injury By	0	1	24,721	48,686	73,407	70	
2021-10-20	21002354	Open	Future Medical	Caught In, Under or I	0	1	2,431	6,257	8,688	9	
2022-01-23	22000651	Re-Open	Indemnity	Fall, Slip or Trip Inju	0	1	16,767	20,418	37,184	70	
2022-09-11	22002088	Open	Indemnity	Motor Vehicle	0	1	3,849	34,151	38,000	0	
2022-11-20	22002677	Open	Medical	Strain or Injury By	0	1	1,404	1,796	3,200	0	
2022-12-02	22002737	Open	Indemnity	Strain or Injury By	0	1	2,418	13,672	16,090	10	
2023-02-10	23000261	Open	Indemnity	Miscellaneous Cause	0	1	39	12,061	12,100	0	
2023-02-23	23000369	Open	Medical	Fall, Slip or Trip Inju	0	1	12	2,188	2,200	0	
2023-03-07	23000477	Open	Indemnity	Fall, Slip or Trip Inju	0	1	2,657	18,845	21,502	14	
2023-03-20	23000576	Open	Medical	Cut, Puncture, Scrap	0	1	-	2,200	2,200	0	
Grand Total						17	597,796	399,889	997,685	2,177	

TAB D

Ins and Outs of an Alternative Workweek



Presented By:

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CalChamber Vice President
Labor and Employment
- Content, Training and Advice



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Disclaimer

This information is provided for general information only. None of the information provided here should be interpreted as providing legal advice or a separate attorney client relationship. Applicability of the information discussed may differ in individual situations. You should not act on the information presented here without consulting an attorney about your particular situation.



Commissioner's Office Overview

“The mission of the California Labor Commissioner's Office is to ensure a just day's pay in every workplace in the state and to promote economic justice through robust enforcement of labor laws. By combating wage theft, protecting workers from retaliation, and educating the public, we put earned wages into workers' pockets and help level the playing field for law-abiding employers”.





Labor Commissioner's Office

The mission of the California Labor Commissioner's Office is to ensure a just day's pay in every workplace in the State and to promote economic justice through robust enforcement of labor laws. By combating wage theft, protecting workers from retaliation, and educating the public, we put earned wages into workers' pockets and help level the playing field for law-abiding employers. This office is also known as the Division of Labor Standards Enforcement (DLSE).

The Labor Commissioner is Hiring!

Workers

- Learn about [your rights](#) as a worker
- File a [wage claim](#) to recover your unpaid wages
- [File an Equal Pay Act Claim](#)
- [Report a labor law violation](#)
- File a [public works complaint](#)
- File a [retaliation complaint](#) if you're fired, demoted, or punished for reporting labor law violations or workplace safety hazards
- Obtain an [electrician's certification](#)

Employers

- Review requirements before the first employee starts work ([English](#)) ([Spanish](#))
- [Labor Law and Payroll Tax Online Seminars](#)
- Obtain [required notices and posters](#)
- Learn about [Wage Theft Prevention Act](#)
- Obtain [licenses, permits, registrations, and certificates](#)
- Learn about [Piece Rate Compensation \(AB 1513\)](#)
- Learn about [Paid Sick Leave](#)
- Learn about [Domestic Workers Bill of Rights](#)
- List of [Port Trucking Companies with Outstanding Judgments \(SB 1402\)](#)

<https://www.dir.ca.gov/dlse/>



All Workers in California Have Rights

Workers in California have the right to file a wage claim when their employers do not pay them the wages or benefits they are owed. A wage claim starts the process to collect on those unpaid wages or benefits. California's labor laws protect all workers, regardless of immigration status.



Wages – Labor Commissioner’s Definition

- All amounts for labor performed by employees of every description.
- **Labor Code § 200:** “Wages” includes all amounts for labor performed by employees of every description, whether the amount is fixed or ascertained by the standard of time, task, piece, commission basis, or other method of calculation.



What is An Alternative Workweek?

Examples:

- 4 - 10 hour shifts
- 3 - 12 hour shifts (Healthcare Industry)
- 9/80



Cannot Reduce Pay

- An employer shall not reduce an employee's regular rate of hourly pay as a result of the adoption, repeal or nullification of an alternative workweek schedule.



Longer Shifts and Fewer Days

Alternative schedules permit greater flexibility by enabling employees to work longer shifts on a fewer number of workdays and provide related benefits such as decreased commuting time and costs. These schedules also permit nonexempt employees to work more than eight hours in a day without incurring daily overtime.



Does Our Company Qualify?

- Not all IWC orders provide for alternative workweek arrangements. Alternative workweeks are provided for occupations/industries covered by Orders: 1 through 13, 16 and 17.
- An alternative workweek schedule can be created for any readily identifiable work unit, such as a division, department, job classification, shift or separate physical location, with the approval by secret ballot election of at least two-thirds of the affected employees in the work unit.



Alternative Workweek

- No employer shall be deemed to have violated the daily overtime provisions by instituting, pursuant to the election procedures set forth in this wage order, a regularly scheduled alternative workweek schedule of not more than ten (10) hours per day within a 40 hour workweek without the payment of an overtime rate of compensation. All work performed in any workday beyond the schedule established by the agreement up to 12 hours a day or beyond 40 hours per week shall be paid at one and one-half (1 1/2) times the employee's regular rate of pay. All work performed in excess of 12 hours per day and any work in excess of eight (8) hours on those days worked beyond the regularly scheduled number of workdays established by the alternative workweek agreement shall be paid at double the employee's regular rate of pay.



Who Can Be On An Alternative Workweek?

- The Alternative Workweek can be used to employ non-exempt personnel – those who aren't administrative, executive, professional or outside salespersons.

***Note: An exempt employee can work 4 – 10 hour shifts but isn't paid overtime for doing so.



Minimum Wage

If you are paid by the piece or unit (sometimes called “by contract”) or paid by the day or week, your wages still must equal at least minimum wage for EACH hour worked.



California Minimum Wage Schedule

Date	Minimum Wage for Employers with 25 Employees or Less	Minimum Wage for Employers with 26 Employees or More
January 1, 2021	\$13.00/hour	\$14.00/hour
January 1, 2022	\$14.00/hour	\$15.00/hour
January 1, 2023	\$15.50/hour*	\$15.50/hour*

Note: * On July 27, 2022, the Director of the Department of Finance certified that based on the annual inflation rate from 7/1/21-6/30/22, under Labor Code section 1182.12(c)(3)(A), the state hourly minimum wage must be increased, effective January 1, 2023, to \$15.50 an hour (regardless of the number of workers employed by an employer)..



Overtime

For most occupations, all hours over 8 in one day or over 40 in one week, and for the first 8 hours of work on the 7th day in a work week.

For most occupations, all hours over 12 in one day or over 8 on the 7th day of work in a workweek.



Non-Exempt Employees and Overtime Requirements

“**Non-exempt**” employee, is someone who is not exempt from overtime

- This is usually an employee who is paid hourly, and not a salary.
- *BUT* paying a salary does not mean a worker is exempt from overtime
- Most exemptions from overtime found in the IWC Wage Orders & include salary and duties tests

Overtime requirements:

- **One and one-half times** the employee's regular rate of pay for all hours worked in excess of eight hours up to and including 12 hours in any workday, and for the first eight hours worked on the seventh consecutive day of work in a workweek; and
- **Double** the employee's regular rate of pay for all hours worked in excess of 12 hours in any workday and for all hours worked in excess of eight on the seventh consecutive day of work in a workweek.
- For special rules regarding overtime for agricultural workers, please see **Overtime for Agricultural Workers**



Exempt/Nonexempt/Salary

- Professional – Industrial Welfare Commission (IWC), Section 1
- Administrative - IWC, Section 1
- Managerial - IWC, Section 1
- Outside salesperson - IWC, Section 1
- Salary test
- Duties test



What Is A Workday?

- A workday is a set 24 hour period established and maintained by an employer.
- Workday examples are:
 - 12:00 am to 11:59 am
 - 3:00 pm to 2:59 pm



What Is A Workweek?

- A workweek is a set 7 day period established and maintained by an employer.
- Workweek examples are:
 - Sunday - Saturday
 - Monday – Sunday
 - Wednesday - Tuesday



Identify Employee Groups

- The next step is to carefully identify and select which group(s) of employees will be eligible for the alternative workweek schedule. The Labor Code defines a "work unit" as a division, a department, a job classification, a shift, a separate physical location or a recognized subdivision thereof.



Identify Employees Groups – Continued

A work unit may consist of an individual employee as long as the criteria for an identifiable work unit in this section are met; for example, only one employee exists in a particular department or job.



Determine Alternate Workweek Days and Hours

The organization may propose a single work schedule that would become the standard schedule for employees in the work unit or a menu of work schedule options from which each employee in the unit could choose. If the organization proposes a menu of work schedule options, the employee may, with the approval of the organization, move from one menu option to another.



Seasonal Schedules

- California's Division of Labor Standards Enforcement (DLSE) authorized a variant on alternative workweek scheduling in DLSE [Opinion Letter 2009.03.23](#), whereby employers could use alternative workweek schedules during particular times of the year (e.g., a summer schedule), provided the schedules were fixed and regularly recurring and the employer adhered to the other requirements for adopting such schedules



Communicate Proposed Schedule Changes

After identifying which groups of employees will be affected and what the proposed alternative schedule will be, the employer must present a proposal in the form of a written agreement describing the proposed schedule's effects on wages, hours and benefits.



Hold Pre-Election Meetings

- Prior to the secret ballot vote, the employer must have held meeting(s) with the affected employees a minimum of 14 days prior to the election to discuss the effects of the proposed alternative workweek schedule on the employees' wages, hours and benefits.



Election Procedures

- Each proposal for an alternative workweek schedule shall be in the form of a written agreement proposed by the employer. The proposed agreement must designate a regularly scheduled alternative workweek in which the specified number of work days and work hours are regularly recurring.



Election Procedures - Continued

- In order to be valid, the proposed alternative workweek schedule must be adopted in a secret ballot election, before the performance of work, by at least a two-thirds (2/3) vote of the affected employees in the work unit. The election shall be held during regular working hours at the employees' work site.



Hold Secret Ballot Elections

- For the alternative workweek schedule to be valid and recognized by the IWC, the proposed schedule must be adopted in a secret ballot election by at least a two-thirds vote of the affected employees in the work unit. The election must be held *before* the implementation of the alternative workweek schedule.



Election Results

- Within 30 days after results of an alternative workweek election are final, please send the results to:
- Attn: Alternative Workweek Election Results
Department of Industrial Relations
P.O. Box 420603
San Francisco, CA 94142-0603
- Please **include** the following information in your submission:
 - name of the business
 - street address
 - city, county, state, zip code
 - nature of the business
 - date of election
 - date of letter
 - final and full tally of the vote
 - size of the affected work unit
 - work schedule



Communicate Election Results

- Election results must be reported by the employer to the DLSE within 30 days of finalizing the results. DLSE instructions request that results be sent to:
- Attn: Alternative Workweek Election Results
Department of Industrial Relations
P.O. Box 420603
San Francisco, CA 94142-0603



Alternative Workweek Agreement

- If an employer, whose employees have adopted an alternative workweek agreement permitted by this order requires an employee to work fewer hours than those that are regularly scheduled by the agreement, the employer shall pay the employee overtime compensation at a rate of one and one-half ($1\frac{1}{2}$) times the employee's regular rate of pay for all hours worked in excess of eight (8) hours, and double the employee's regular rate of pay for all hours worked in excess of 12 hours for the day the employee is required to work the reduced hours.



Put New Workweek in Place

- Employees affected by a change in work hours resulting from the adoption of an alternative workweek schedule may not be required to work those new hours for at least 30 days after the announcement of the final results of the election.



Repeal By Employees

- Any election to establish or repeal an alternative workweek schedule shall be held during regular working hours at the work site of the affected employees. The employer shall bear the costs of conducting any election held pursuant to this section. Upon a complaint by an affected employee, and after an investigation by the labor commissioner, the labor commissioner may require the employer to select a neutral third party to conduct the election.
- *** Note: AWS in healthcare industry have different rules governing when overtime is owed.



Maintain Records

- The employer should maintain all copies of alternative workweek schedule proposals, employee meeting communications and election results, as well as other supporting information and documentation, including documentation regarding hours and days worked and overtime pay. Time-keeping and records affecting specific employees can be maintained in individual personnel files;



How To Apply for One

Contact:

The Directors Office of Policy, Research
& Legislation (OPRL) Alternative

Workweek Election Results

Department of Industrial Relations

P.O. Box 420603

San Francisco, CA 94142-0603



Alternative Workweek Database

Welcome to the alternative workweek elections database. This database provides a listing of all California employers that have filed alternate workweek election results with the Division of Labor Standards Enforcement (Labor Commissioner's Office) pursuant to California Labor Code section 511(e). This database contains the following information: company name, address, city, state, zip code, county, date of election, date on letter, date received, vote, work schedule, other description, complete and telephone.



Database Inquiry

- Company Name
- Address
- City
- County
- State
- Zip
- Date of Election



Questions and Answers



Today's Credits

Attendees of today's webinar are eligible for 1 HRCI and/or SHRM Course Credit Hours. Please reference the following event codes:

HRCI: 603111

SHRM: 22-WC3DN

Attorneys are eligible for 1 MCLE credit hour. Please email seminars@calchamber.com with your MCLE requests.



Thank You!



Laws That Apply to Your Organization

This table is designed to help you quickly identify which employment laws affect you. Use the following chart to determine which labor laws apply to you based on the number of employees you have.

Law/Requirement	All Employers	2 or more	4 or more	5 or more	15 or more	16 or more	20 or more	25 or more	50 or more	75 or more	100 or more
Affirmative Action									✓	✓	✓
Alcohol and Drug Rehabilitation								✓	✓	✓	✓
Americans with Disabilities Act (ADA)					✓	✓	✓	✓	✓	✓	✓
Ban the Box				✓	✓	✓	✓	✓	✓	✓	✓
Bereavement Leave				✓	✓	✓	✓	✓	✓	✓	✓
Cal-COBRA (Health Insurance Continuation) ¹		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
California Family Rights Act (CFRA)				✓	✓	✓	✓	✓	✓	✓	✓
CalSavers ²	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Child Labor	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Civil Air Patrol Leave						✓	✓	✓	✓	✓	✓
COBRA (Health Insurance Continuation)							✓	✓	✓	✓	✓
COVID-19 Workplace Exposure Notice Requirements	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Crime or Abuse Victims' Leave: Legal Proceedings/Reasonable Accommodation	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Crime or Abuse Victims' Leave: Medical Treatment								✓	✓	✓	✓

¹Cal-COBRA covers employees with 2-19 employees who offer health insurance benefits to employees. Cal-COBRA covers employers with 20 or more employees when the employee loses COBRA coverage, if the COBRA coverage was for less than 36 months.

²CalSavers applies to all employers that don't offer a qualified retirement plan. A qualified retirement plan is one of the following: 401(a), 401(k), 403(a), SEP, SIMPLE, or payroll deduction IRAs with automatic enrollment.

Laws That Apply to Your Organization

Law/Requirement	All Employers	2 or more	4 or more	5 or more	15 or more	16 or more	20 or more	25 or more	50 or more	75 or more	100 or more
Criminal Judicial Proceedings and Victims' Rights Leave	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Disability Insurance	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Discrimination and Immigrant Workers			✓	✓	✓	✓	✓	✓	✓	✓	✓
Discrimination Laws (Federal)					✓	✓	✓	✓	✓	✓	✓
Discrimination Laws (State)				✓	✓	✓	✓	✓	✓	✓	✓
Employee Safety	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Equal Employment Opportunity (EEO) Reporting ³											✓
Fair Employment and Housing Act (FEHA)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Fair Pay Act (California)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Federal Family and Medical Leave (FMLA)									✓	✓	✓
Illiteracy Accommodation								✓	✓	✓	✓
Immigration Reform and Control Act (IRCA)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Independent Contractors	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Industrial Welfare Commission (IWC) Wage Orders	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Injury and Illness Prevention Program (IIPP)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Jury Duty Time Off	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓

³EEO reporting also applies to employers covered by Title VII who have fewer than 100 employees if the organization is owned or affiliated with another organization or there is centralized ownership, control or management (such as central control of personnel policies and labor relations) so that the group legally constitutes a single enterprise, and the entire enterprise employs a total of 100 or more employees.

Laws That Apply to Your Organization

Law/Requirement	All Employers	2 or more	4 or more	5 or more	15 or more	16 or more	20 or more	25 or more	50 or more	75 or more	100 or more
Lactation Accommodation	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Mandatory Sexual Harassment Prevention Training				✓	✓	✓	✓	✓	✓	✓	✓
Military Service/USERRA Leave	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Military Spouse Leave								✓	✓	✓	✓
Minimum Wage (State/Local)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
New Employee Reporting	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Organ and Bone Marrow Donor's Leave					✓	✓	✓	✓	✓	✓	✓
Paid Family Leave	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Paid Sick Leave	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Pay Data Reporting (California)											✓
Posters and Notices	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Pregnancy Disability Leave Laws				✓	✓	✓	✓	✓	✓	✓	✓
Prior Salary History Ban	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Privacy	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
School and Child Care Activities Leave ⁴								✓	✓	✓	✓
School Appearances Leave	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Smoking in the Workplace	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓

⁴A covered employer must employ 25 or more employees working at the same location.

Laws That Apply to Your Organization

Law/Requirement	All Employers	2 or more	4 or more	5 or more	15 or more	16 or more	20 or more	25 or more	50 or more	75 or more	100 or more
Unemployment Insurance (UI)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Volunteer Civil Service Leave	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Volunteer Civil Service Training Leave									✓	✓	✓
WARN Act (plant closings)										✓	✓
Workers' Compensation	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓

Who Is an Employee?

Generally, employees who are actually on your payroll will be counted to determine if you are covered by a state or federal law.

The definition of who is counted as an employee may vary depending on the legal requirement at issue. For some laws, you will include temporary employees and independent contractors to determine your employee count. Any exceptions to the general rule will be noted in the discussion of the federal or state law.

When Is a Shareholder an Employee?

The United States Supreme Court said that enforcement agencies and courts could examine the relationship between a company and its shareholders to determine if they should be considered employees.

In *Clackamas Gastroenterology Associates, P.C. v. Wells*, the U.S. Supreme Court said that an individual's right to control the business determines if he/she is an employee. It relied on six factors created by the Equal Employment Opportunity Commission (EEOC) as among those to be considered:

- What is the extent to which the organization supervises his/her work?
- Does he/she report to someone higher in the organization?
- How much influence is he/she able to exert over the organization?
- What relationship is intended, as expressed in oral or written agreements?
- Does he/she share in the profits, losses and liabilities of the organization?

Though not exhaustive, the list illustrates the factors that enforcement agencies and courts can use to determine if shareholders, directors, officers or partners in a small business are to be treated as employees for enforcement purposes.¹

1. *Clackamas Gastroenterology Associates, P.C. v. Wells*, 123 S. Ct. 1673 (2003)