




MEMORANDUM TO THE BOARD OF RETIREMENT

DATE: December 19, 2024

TO: Members of the Board of Retirement

FROM: Sandra Dueñas-Cuevas, Benefits Manager 

SUBJECT: **Reinstated Pay Code: Approve as “Compensation Earnable” and defer decision on “Pensionable Compensation” – Alameda Health System**

Alameda Health System (AHS) requested that inactive pay item/code Training Pay Group 2 – 221, which is reinstated and renamed as RN Training Pay, be reviewed to determine whether it qualifies as “compensation earnable” and “pensionable compensation.” This pay code establishes additional compensation of 5% of the base pay to be paid to all employees in the Service Employees International Union (SEIU) 616 Nurse Union (see attached list of eligible job classifications) when performing training tasks.

On June 17, 2024, AHS and SEIU 1021 approved Section 15.7, Preceptor Pay/Training Pay/Orientation, of the Registered Nurse Chapter Memorandum of Understanding. It states: “TRAINING PAY - When an employee is assigned to train any person on a specific process, procedure or equipment they will be paid an additional five (5%) percent training pay based on their regular straight time base pay for the actual predesignated training time. Training refers to the process of learning the skills you need to do a particular job or activity.”

Staff and Chief Counsel reviewed the required documentation (attached) and determined that the pay code qualifies as “compensation earnable” under Government Code Section 31461 (for Legacy members). The pay falls under Section 31461, as construed by the California Supreme Court in *Ventura County Deputy Sheriffs' Assn. v. Board of Retirement* (1997) 16 Cal.4th 483, and the pay does not fall under any of the exceptions the Legislature created in 2013. Government Code Section 31461 is attached.

ACERA’s Chief Counsel has determined that further review of this pay code is warranted before making a recommendation to the Board regarding “pensionable compensation.” Thus, we expect that recommendation will come to the Board in January 2025.

Staff informed AHS that its determination will be included on the Board’s Consent Calendar for its December 19, 2024 meeting. If this item is not pulled from the Consent Calendar for discussion, then the Board will approve Staff’s determination that pay code RN Training Pay – 221 is “compensation earnable” under Government Code Section 31461 (for Legacy members), and the Board will defer the question of whether the pay code is “pensionable compensation” under Government Code Section 7522.34 (for PEPPRA members) to a future meeting.

Attachments



Request for ACERA’s Review of a New Pay Item

Employer Name:	ALAMEDA HEALTH SYSTEM
Date of Request:	10/1/24
Employer Department Submitting the Request:	
Contact Person/Employer (include title/position):	MARYLOU MAYO
Contact Person Telephone (include area code):	510-346-7506
Contact Person Email Address:	mlestro@alamedahealthsystem.org
Pay Item Name and Pay Code/Number:	RN TRAINING PAY- Paycode 221
Pay Item Effective Date per Authorization:	6/17/2024 sideletter, PP Beg date 7/21/2024
Pay Item End Date (if applicable/known):	

NOTE: The following information is required **before** ACERA can review and respond to the request. To meet ACERA’s requirements, please provide substantive responses below and return with all of the supporting documentation prior to issuing (paying) the pay item to any employee who is an ACERA member.

Please attach the approving document from your agency (Board Letter, Salary Ordinance, Side Letter, MOU Agreement, or Approving Memo from Department Head; include resolution, or similar document) that verifies the formal adoption of the new pay item.

1. State the job classification of employees eligible for the pay item (i.e. Job Code 0499-Nurse Practitioners II may receive this pay item)

RESPONSE #1: EMPLOYEES IN SEIU 616 NURSE UNION (SEE ATTACHMENT 1)

2. State employment status of employees eligible to receive the pay item (i.e. full time employees, part time employees)

RESPONSE #2: ALL- FT, PT SAN

3. State the number of members or employees who are eligible to receive the pay item (i.e. all members or employees in a job classification eligible to receive the pay item, or “not to exceed one employee”)

RESPONSE #3: ALL MEMBERS

4. State whether pay item is for overtime or regular base pay

RESPONSE #4: IT WILL BE 5% OF BASE PAY

5. State whether pay item is calculated as a fixed amount or percentage of the base pay

RESPONSE #5: PERCENTAGE

6. State whether the pay item is paid one time (i.e. incentive pay, referral pay, bonus, award)

RESPONSE #6: NOT A ONE TIME PAY

7. State whether the pay item is an ad hoc payment (i.e., stipend, payment for attending a meeting during the working hours, payment for attending a meeting during non-working hours)

RESPONSE #7: NOT A STIPEND

8. State whether the pay item is a reimbursement (i.e., car allowance, housing allowance, uniform allowance, mileage payment, cell phone allowance)

RESPONSE #8: NOT A REIMBURSEMENT

9. State regular working hours of the employees who will receive the pay item (i.e., 37.5 hour workweek employees, 40 hour workweek employees)

RESPONSE #9: VARIOUS

10. State whether pay item is for work performed outside of the regular workweek (i.e., payment for work or services performed outside of the employee's 37.5 hour workweek, or outside the employee's 40 hour workweek)

RESPONSE #10: PERFORMED WITHIN WORKWEEK

11. State whether the pay item if for deferred compensation

RESPONSE #11: NOT FOR DEFERRRED COMP

12. State whether the pay item is for retro payments

RESPONSE #12: NOT A RETRO PAYCODE

13. State whether the pay item is for accrued unused leaves (i.e., sick leave, annual leave, floating holiday, vacation, comp time)

RESPONSE #13: NOT A LEAVE PAYCODE

14. State whether the payment is compensation that had previously been provided in kind to the member by the employer or paid directly by the employer to a third party other than the retirement system for the benefit of the member or employee

RESPONSE #14: N/A

15. State whether the payment is severance or other payment in connection with or in anticipation of a separation from employment (and state if this payment is made while employee is working)

RESPONSE #15: NOT SEVERANCE

16. State whether the pay item is paid in a lump sum or biweekly (or over some other time period-monthly, quarterly, annually)

RESPONSE #16: AS WORKED IN THE TRAINING ROLE

17. State the basis for eligibility for the pay item (i.e., certification of completion of training program conducted by an accredited university, or employee assigned as supervisor of badge distribution)

RESPONSE #17: TRAINING PAY- When an employee is assigned to train any person on a specific process, procedure or equipment they will be paid an additional five (5%) percent training pay based on their regular straight time base pay for the actual predesignated training time.

ATTACHMENT 1

RN JOB CLASSIFICATIONS ELIGIBLE FOR TRAINING PAY

Jobcode	JobCodeDescription
53453	AHD PHYSICIAN ASSISTANT-NURSE
53435	CERTIFIED NURSE MIDWIFE
53425	CLINICAL NURSE I
53420	CLINICAL NURSE II
53410	CLINICAL NURSE III
53466	CN II - AMBULATORY CLINIC NURSE
53467	CN II - AMBULATORY INFUSION NURSE
53468	CN II - AMBULATORY PROCEDURAL
53422	CN II - INVASIVE SPECIALIST
54365	CN II, CARE MGMT
54370	CN II, CASE MGMT CARE TRANSITION & COMPLEX CARE PGMS
53434	CN-II AMBULATORY ONCOLOGY NAVIGATOR
53405	CRIT CARE OUTCOME APACHE ANLST
53423	EMPLOYEE HEALTH NURSE
53444	MID-LEVEL PRACTITIONER NEPHROLOGY
53430	NURSE ANESTHETIST
54380	NURSE, CARE MANAGEMENT
53439	PERINATAL CARE SPECIALIST
53443	PHYSICIAN ASSISTANT-NURSE PRACTITIONER PA-NP
53442	SLH PHYSICIAN ASSISTANT-NURSE
62847	TRANSFER COORDINATOR-CARE LIAISON



SEIU Local 1021 Alameda Health System Bargaining Team
2024 Contract Negotiations
Date: 6/17/2024

The following proposal applies to the General Unit Chapter MOU, the Registered Nurse Chapter MOU, and the San Leandro Hospital Chapter MOU.

Proposal #U33 Preceptor/Training Pay

General Chapter

199. Preceptor Pay/Training Pay/Orientation

PRECEPTOR PAY - If an employee is assigned preceptor duties for any person in the department for a specific period of time, the employee assigned will be paid an additional ten (10%) percent based on their regular straight time base pay for the entire shift they are assigned as a preceptor. This differential shall not be used to calculate other types of premium pay. A preceptor refers to a designated employee within a health care agency who mentors, monitors, teaches, provides feedback, and assesses any person in their workplace.

TRAINING PAY -When an employee is assigned to train any person on a specific process, procedure or equipment they will be paid \$3.00 training pay per hour based on their regular base straight time pay for the actual predesignated training time. Training refers to the process of learning the skills you need to do a particular job or activity.

ORIENTATION - Orienting refers to introducing an employee to the department, this could be a new employee or a transferring employee and includes introducing them to the different areas and staff. There is no additional pay for orienting a new team member.

All Preceptor/Training/Orienting duties shall be voluntary and offered first to the most senior qualified employees directly employed by AHS. This would not apply when the training is required to be presented by an outside vendor. AHS and the Union embrace a collaborative review and evaluation. The AHS Education Department shall provide clinical support, assistance, and education to preceptors and preceptee's.



SEIU Local 1021 Alameda Health System Bargaining Team
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Registered Nurse

15.7 Preceptor Pay/Training Pay/Orientation.

Preceptor/Training/orientation duties will first be offered to the most senior qualified employees directly employed by AHS and all preceptor/training/orientation duties shall be voluntary. This would not apply when the training is required to be presented by an outside vendor.

AHS and the Union embrace a collaborative review and evaluation. The AHS Education Department shall provide clinical support, assistance, and education to RN/APP preceptors and preceptee's.

PRECEPTOR PAY- All RN/APPs shall receive an additional ten (10%) percent based on their regular straight time pay for the entire shift they are assigned as a preceptor. This differential shall not be used to calculate other types of premium pay.

A preceptor refers to a nurse or clinical staff employed within a health care agency who mentors, monitors, teaches, provides feedback and assesses any person in their workplace.

TRAINING PAY- When an employee is assigned to train any person on a specific process, procedure or equipment they will be paid an additional five (5%) percent training pay based on their regular straight time base pay for the actual predesignated training time. Training refers to the process of learning the skills you need to do a particular job or activity.



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San Leandro Hospital

(new section)

Preceptor Pay/Training Pay/Orientation

PRECEPTOR PAY - If an employee is assigned preceptor for any person in their department-for a specific period of time, the employee assigned will be paid an additional ten (10%) percent based on their regular straight time base pay for the entire shift they are assigned as a preceptor. This differential shall not be used to calculate other types of premium pay. A preceptor refers to any designated employee within a health care agency who mentors, monitors, teaches, provides feedback and assesses any person in their workplace.

TRAINING PAY- When an employee is assigned to train any person on a specific process, procedure or equipment they will be paid an additional \$3.00 per hour for the actual predesignated training time. Training refers to the process of learning the skills you need to do a particular job or activity.



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All Preceptor/Training/Orienting duties shall be voluntary and offered first to the most senior qualified employees directly employed by AHS. This would not apply when the training is required to be presented by an outside vendor. AHS and the Union embrace a collaborative review and evaluation. The AHS Education Department shall provide clinical support, assistance, and education to preceptors and preceptees.

For SEIU 1021





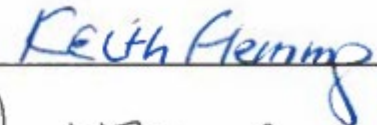


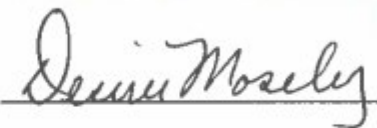




date: 6/17/24

For AHS





date: 6/17/2024

Gov. Code Sec. 31461. (a) "Compensation earnable" by a member means the average compensation as determined by the board, for the period under consideration upon the basis of the average number of days ordinarily worked by persons in the same grade or class of positions during the period, and at the same rate of pay. The computation for any absence shall be based on the compensation of the position held by the member at the beginning of the absence. Compensation, as defined in Section 31460, that has been deferred shall be deemed "compensation earnable" when earned, rather than when paid.

(b) "Compensation earnable" does not include, in any case, the following:

(1) Any compensation determined by the board to have been paid to enhance a member's retirement benefit under that system. That compensation may include:

(A) Compensation that had previously been provided in kind to the member by the employer or paid directly by the employer to a third party other than the retirement system for the benefit of the member, and which was converted to and received by the member in the form of a cash payment in the final average salary period.

(B) Any one-time or ad hoc payment made to a member, but not to all similarly situated members in the member's grade or class.

(C) Any payment that is made solely due to the termination of the member's employment, but is received by the member while employed, except those payments that do not exceed what is earned in each 12-month period during the final average salary period regardless of when reported or paid.

(2) Payments for unused vacation, annual leave, personal leave, sick leave, or compensatory time off, however denominated, whether paid in a lump sum or otherwise, in an amount that exceeds that which may be earned in each 12-month period during the final average salary period, regardless of when reported or paid.

(3) Payments for additional services rendered outside of normal working hours, whether paid in a lump sum or otherwise.

(4) Payments made at the termination of employment, except those payments that do not exceed what is earned in each 12-month period during the final average salary period, regardless of when reported or paid.