



24-5366

DATE: April 16, 2024 (Item No. {{item.number}})
TO: Board of Supervisors
FROM: Paul Lorenz, Chief Executive Officer, Santa Clara Valley Healthcare
SUBJECT: Replacement Nurse and Ancillary Services Staffing Agreements

RECOMMENDED ACTION

Consider recommendations relating to replacement nurse and ancillary services staffing agreements. (LA-1)

Possible action:

- a. Ratify Agreement with U.S. Nursing Corporation relating to providing replacement nurse staffing during the County nurses' strike between April 2 and 5, 2024, that has been reviewed and approved by County Counsel as to form and legality. The Agreement was executed under the County Executive's delegated authority under Board Policy 5.3.5.1.
- b. Ratify First Amendment to Agreement with U.S. Nursing Corporation relating to providing replacement nurse staffing during the County nurses' strike between April 2 and 5, 2024, that has been reviewed and approved by County Counsel as to form and legality. The First Amendment was executed under the County Executive's delegated authority under Board Policy 5.3.5.1. (LA-1)
- c. Ratify Agreement with Healthcare Staffing Solutions, Inc. (HSS) relating to providing replacement ancillary services staffing during the County nurses' strike between April 2 and 5, 2024, that has been reviewed and approved by County Counsel as to form and legality. The Agreement was executed under the County Executive's delegated authority under Board Policy 5.3.5.1. (LA-1)

FISCAL IMPLICATIONS

The recommended action involves two agreements for temporary staffing during the Registered Nurses Professional Association (RNPA) strike that took place between April 2 and 5, 2024: one with U.S. Nursing Corporation for replacement nursing staff, totaling approximately \$16,700,000, and another with Healthcare Staffing Solutions for replacement ancillary services staff, totaling approximately \$5,000,000. Contracting for these temporary staff was vital to ensuring the County would be able to maintain safe, high-quality healthcare across the County's hospitals and clinics throughout the strike, while also protecting the

rights of employees and labor organizations to participate in organized labor actions.

These contracts will increase the projected SCVH budget deficit for FY 2023-2024 and thus need to be addressed by reducing other expenditure appropriations in SCVH or increasing General Fund Investment.

REASONS FOR RECOMMENDATION AND BACKGROUND

On October 31, 2023, the County's contract with RNPA expired. The County has bargained in good faith with RNPA since August 17, 2023, to reach an agreement on a successor Memorandum of Agreement.

Despite the County offering economic proposals to remain competitive with area hospitals, and both parties reaching a tentative agreement on workplace safety and violence prevention, RNPA informed the County on March 22, 2024, that its members would strike between 4:59 AM on Tuesday, April 2, 2024, and 6:59 AM on Friday, April 5, 2024.

The County engaged in discussions with several strike staffing companies, leading to agreements with U.S. Nursing Corporation and HSS. Both strike staffing contracts were executed using the County Executive's delegated authority under Board policy 5.3.5.1. The U.S. Nursing Corporation Agreement was amended also using the County Executive's delegated authority under Board policy 5.3.5.1. In accordance with that policy, the agreements and amendment are being presented for Board ratification.

The County remains committed to bargaining in good faith with RNPA for a successor labor agreement, prioritizing the vital work of nursing staff in northern California's largest public hospital and clinic system.

CHILD IMPACT

The recommended action will have a positive impact on children and youth.

SENIOR IMPACT

The recommended action will have a positive impact on seniors.

SUSTAINABILITY IMPLICATIONS

The recommended action will have no/neutral sustainability implications.

CONSEQUENCES OF NEGATIVE ACTION

Failure to approve this recommendation could result in incomplete compliance by the County with Board policy.

STEPS FOLLOWING APPROVAL

Upon approval, the Clerk of the Board will notify Adrian M. Garcia at adrian.m.garcia@hhs.sccgov.org.

ATTACHMENTS

- U.S. Nursing Corporation Agreement - Redacted
- U.S. Nursing Corporation First Amendment
- Healthcare Staffing Solutions Inc. Agreement
- HSS Levine Act Contractor Form
- U.S. Nursing Levine Act Contractor Form