BAAQMD (Air District) and the Employees Association (EA)

Tentative Agreement

16.02 Contracting Out

When regular permanent employees are unable to perform bargaining unit work, the District may utilize temporary employees under the following circumstances:

1. Concurrent with the District’s recruitment for one or more bargaining unit vacancies, commencing at the time of District authorization of the recruitment and ending upon a permanent appointment.
2. Limited term assignments that cannot be adequately performed by bargaining unit employees. “Adequately performed” shall refer to the current skill set of existing District staff, the time required to perform the work or project delivery deadlines. A “limited term assignment” refers to a specific project of limited duration or for a specific period of time, which is expected to terminate at the conclusion thereof.
3. While an incumbent normally filling that position is on approved leave or is on a temporary assignment.
4. In order to meet short term needs, including emergency situations. An “emergency situation” shall refer to an unforeseen or uncontrollable situation that arises and is beyond the control of District management.

For the period July 1, 2021 through June 30, 2023 the total number of hours of temporary employment allowable in each fiscal year under the above provisions shall not exceed 22,000. After June 30, 2023, and in the absence of a subsequently negotiated limit, the total numbers of hours allowable shall revert to 17,000 annually or 3.8% of the total number of filled bargaining unit positions, whichever is greater. The total number of filled positions shall be determined by calculating the average (mean) number of filled bargaining unit positions of the most recent count on November 1 and March 1. Filled bargaining unit positions shall include both full-time and part-time. Each part-time bargaining unit position shall be calculated as .75 of a full-time bargaining unit position.

Should this hours limitation provision continue, the date upon which filled bargaining unit positions shall be calculated will continue to be the average (mean) number of filled bargaining unit positions on the most recent November 1 and March 1.

Calculation Example:

(Number of full- time, filled bargaining unit positions X 2080 hours/position X 3.8%) + (Number of part- time, filled bargaining unit positions X 1560 hours/position X 3.8%)

By signing below, the parties agree to recommend approval of this tentative agreement.

For the Air District/Date

For the Employee Association/Date