



EAST BAY DISCHARGERS AUTHORITY  
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*A Joint Powers Public Agency*

**ITEM NO. 22**

**PERSONNEL COMMITTEE  
AGENDA**

**Wednesday, June 19, 2019  
10:00 a.m.**

**East Bay Dischargers Authority  
2651 Grant Avenue, San Lorenzo, CA 94580**

**Committee Members: Handley (Chair), Cutter**

- P1. Call to Order**
- P2. Roll Call**
- P3. Public Forum**
- P4. Staffing Updates**  
(The Committee will discuss current EBDA staff roles and recent staffing updates.)
- P5. Consideration of Vacation Leave Donation**  
(The Committee will consider whether to add a provision for vacation leave donation to the Authority's Personnel Policy.)
- P6. Brown Act Review**  
(The Committee will discuss legal counsel's annual review of the Brown Act.)
- P7. Resolution Approving the FY 2019/20 Compensation Plan**  
(The Committee will consider a resolution approving the FY 2019/20 Compensation Plan.)
- P8. Review of Committee Alternate Process**  
(The Committee will review the current process for assigning Committee Alternates and consider whether changes are warranted.)
- P9. Adjournment**

Agenda Explanation  
East Bay Dischargers Authority  
Personnel Committee  
March 18, 2019

(Any member of the public may address the Committee at the commencement of the meeting on any matter within the jurisdiction of the Committee. This should not relate to any item on the agenda. Each person addressing the Committee should limit their presentation to three minutes. Non-English speakers using a translator will have a time limit of six minutes. Any member of the public desiring to provide comments to the Committee on any agenda item should do so at the time the item is considered. Oral comments should be limited to three minutes per individual or ten minutes for an organization. Speaker's cards will be available and are to be completed prior to speaking.)

(In compliance with the Americans with Disabilities Act of 1990, if you need special assistance to participate in an Authority meeting, or you need a copy of the agenda, or the agenda packet, in an appropriate alternative format, please contact the Administrative Assistant at (510) 278-5910 or [kyambao@ebda.org](mailto:kyambao@ebda.org). Notification of at least 48 hours prior to the meeting or time when services are needed will assist the Authority staff in assuring that reasonable arrangements can be made to provide accessibility to the meeting or service.)

**The next Personnel Committee meeting is scheduled on  
Wednesday, July 17, 2019 at 10:00 a.m.**

## **ITEM NO. P4 STAFFING UPDATES**

### **Recommendation**

This is an information item only requiring no specific action by the Committee or Commission at this time.

### **Discussion**

Per the Authority's Compensation Plan, to which updates will be considered later under Item No. P7, the Authority has three full-time staff positions – Administrative Assistant, General Manager, and Operations and Maintenance Manager. Those positions are filled currently by Juanita Villasenor, Jackie Zipkin, and Howard Cin, respectively. This report is intended to provide an update on temporary staff support in addition to these full-time staff members.

In March 2018, Juanita notified the Authority that she would be taking a part time medical leave for the remainder of 2018. At that time, Maria Buckley, a USD retiree, was hired as a part time employee to backfill Juanita's duties. Upon Juanita's return to full time at the end of 2018, Maria was retained to continue assisting with the Authority's backlog of financial policy updates and to assist with "work that is in excess of what regular staff can do," as per CalPERS guidelines for retired annuitants. This has included taking over certain tasks from the Authority's contract accountant, who is beginning to scale back as she approaches retirement at the end of next fiscal year.

Maria's scope and hours are limited by her CalPERS retired annuitant status – she may only fill a critical short-term or backlog need for a limited duration, and she may only work a maximum of 960 hours per fiscal year. In the FY 2019/20 budget adopted by the Commission in May, staff included 780 hours for Maria, assuming that she would work an average of 30 hours per week for the rest of this calendar year.

In May 2019, Juanita informed the Authority that she would again be taking medical leave, this time on a full time basis. In consultation with the Commission and Personnel Committee Chair, the General Manager moved forward to hire a full time temporary replacement for Juanita. Kalena Yambao was hired through the temporary staffing agency, AeroTek, and began work on June 4, 2019. In weeks that Juanita was out before Kalena was hired, Maria covered Juanita's duties on a part time basis. Maria is now training and transitioning those duties to Kalena so that she may return to her backlog policy work. At this time, Juanita expects to be on leave through mid-August at a minimum. If it appears that her leave is going to extend beyond six months, staff will return to the Committee for direction, and may consider undertaking a recruitment process for a longer-term backfill.

**ITEM NO. P5 CONSIDERATION OF VACATION LEAVE DONATION**

**Recommendation**

Staff is seeking direction from the Committee on whether to bring forward revisions to the Personnel Policy allowing for vacation leave donation.

**Discussion**

At many public agencies, staff members have the option to donate unused vacation leave hours to a colleague when that colleague has exhausted their own sick and vacation leave, often due to medical reasons. This option has no cost to the agency, and it provides a mechanism for employees to support each other through medical – and associated financial – challenges.

The Authority's Personnel Policy currently does not provide for any sort of leave donation. A staff member has expressed an interest in donating leave to a fellow staff member. Staff is seeking direction from the Committee on whether they would consider making this revision to the Personnel Policy.

**ITEM NO. P6 BROWN ACT REVIEW**

**Recommendation**

This is an information item only, requiring no specific action by the Committee or Commission at this time.

**Discussion**

The Personnel Committee annually reviews the Ralph M. Brown Act for changes that may have an effect on how EBDA conducts its Committee and Commission meetings. EBDA's legal counsel has advised that there were no new updates to the Brown Act last year, and no significant updates that are anticipated for the coming year. There was one 2017 change that took effect on January 1, 2019 per AB 2257 / Government Code section 54954. This legislation requires that a prominent direct link to the current Commission meeting agenda must be posted on the Commission's primary internet website homepage. EBDA has been complying with this provision.

**ITEM NO. P7 RESOLUTION APPROVING THE FY 2019/20 COMPENSATION PLAN**

**Recommendation**

Adopt the resolution approving the FY 2019/20 Compensation Plan.

**Discussion**

As discussed at the April 2019 Personnel Committee Meeting, EBDA's Compensation Plan has traditionally provided a Cost of Living Adjustment (COLA) based on the Consumer Price Index for the San Francisco Bay Area. Comparing the December 2017 CPI to the December 2018 CPI shows a net increase of 4.5%. In April, the Committee directed staff to set the COLA accordingly at 4.5%, and the Compensation Plan has been adjusted in that manner. In future years, staff will be providing the Committee with information on COLA's being adopted by EBDA's Member Agencies in addition to the CPI to inform their decision-making.

The proposed EBDA budget for FY2019/20 maintains the employee cost-sharing of pension contributions at 8% of base salary. Aside from the COLA, no Compensation Plan adjustments are recommended.

**EAST BAY DISCHARGERS AUTHORITY  
FY2019/20 COMPENSATION PLAN  
JULY 1, 2019 TO JUNE 30, 2020**

<b>MONTHLY SALARY RANGE</b>					
	<b>Step 1</b>	<b>Step 2</b>	<b>Step 3</b>	<b>Step 4</b>	<b>Step 5</b>
Administrative Assistant	7,233.95	7,595.63	7,975.41	8,374.18	8,792.89
General Manager	16,888.59	17,733.02	18,619.68	19,550.68	20,528.21
Operations & Maintenance Manager	11,017.77	11,568.66	12,147.10	12,754.48	13,392.20

<b>SUMMARY OF BENEFITS</b>	
<b>Benefit</b>	<b>EBDA Provided Portion</b>
Medicare Tax	Employer contribution only, 1.45% of monthly salary.
P.E.R.S. Classic Member <sup>1</sup> (2.5% @ 55 Formula; 1 year final compensation)	Authority shall contribute 100% of the required Employer normal cost (10.069%). The required Employee contribution is 8% of monthly salary.
P.E.R.S. New Member <sup>2</sup> (2% @ 62 Formula; 3 years final compensation)	Authority shall contribute the required Employer contribution of 6.555% of payroll and the employee shall contribute 6.250% per payroll period.
Medical Coverage	Insurance premiums paid by Authority; the maximum premium paid for medical shall not exceed the premium for Kaiser California Bay Area Employee and 2+ Dependents. No recompense will be made for employees who enroll as Employee Only or Employee +1 Dependent.
Post-Retirement Medical (October 1, 2015)	Employer-paid medical premiums up to \$473 per month are paid to CalPERS on behalf of those who retire from EBDA. The premiums up to \$473 per month include the PEMHCA minimum. Any medical premium costs that exceed \$473 per month are borne by the retiree. Note: the minimum qualification for retiree health benefits is five years of continual employment at EBDA.
Dental & Vision Care	Employer pays dental and vision insurance premiums up to date of permanent separation from EBDA.
Life Insurance	Maximum policy value is equal to 1x the employee's annual salary.
Disability Insurance (2/3 salary after all accrued leave is depleted)	Employer pays Short Term and Long Term Disability insurance premiums up to the date of permanent separation from EBDA. Note: EBDA does not pay into State Disability Insurance.

## FY2019-20 Compensation Plan

Deferred Compensation	The Authority contributes 2.32% of each full-time employee's base salary to a deferred compensation plan determined by the Authority provided that the employee also contributes 0.32% of his/her base salary. The Authority contributes an additional \$0.50 for each \$1.00 voluntarily contributed by the employee up to a maximum additional Authority contribution of \$500.00 per calendar year per full-time employee.
Holidays	11 paid holidays plus 28 hours of personal holiday annually.

<b>MISCELLANEOUS</b>	
Compensatory Time Off	<p>Unclassified, exempt employees do not receive additional payment for overtime. In lieu of payment, the General Manager may adjust working hours to compensate the employee for time worked in excess of 40 hours per week.</p> <p>Classified, non-exempt employees are compensated at the rate of one and one-half times the employee's regular rate of pay for all hours worked in excess of 40 hours per week.</p>
Calculation Method of Hourly Rate	Hourly rate equivalents shall be determined by dividing the employee's actual monthly salary rate by 173.33, which is considered to be the average number of working hours per month. The Authority shall pay any Fair Labor Standards Act overtime worked by non-exempt employees in a manner consistent with the Fair Labor Standards act.
Use of Authority Vehicle	The General Manager may authorize the use of Authority vehicles by employees for business travel when determined that such use would be in the best interest of the Authority.
Flexible Spending Accounts (FSA)	Benefit eligible employees may enroll in the Authority's FSA to make pre-tax salary contributions up to the IRS limits.

<sup>1</sup> Definition of a Classic Member -A classic member is defined as:

- An existing member of a California public retirement system as of December 31, 2012. Please note, however, that because new member determination is based on an appointment-by-appointment basis, upon appointment, new hires will be required to self-certify their classic member status by submitting a form that tests against the new member definition and which may ultimately result in a change in status to new member.

<sup>2</sup> Definition of a New Member –A new member is defined as any of the following:

- A new hire who is brought into a California public retirement system membership for the first time on or after January 1, 2013, and who has no prior membership in a California public retirement system.
- A new hire who was an active member of a California public retirement system and who, after a break in service of more than six months, returned to active membership in that system.

**EAST BAY DISCHARGERS COMMISSION**  
**EAST BAY DISCHARGERS AUTHORITY**  
**ALAMEDA COUNTY, CALIFORNIA**

RESOLUTION NO. 19-27

INTRODUCED BY \_\_\_\_\_

**RESOLUTION ADOPTING THE  
FISCAL YEAR 2019/2020 COMPENSATION PLAN**

**WHEREAS**, the East Bay Dischargers Authority Personnel Policy provides that annually, prior to the beginning of the fiscal year, a Compensation Plan shall be presented to the Personnel Committee for review and recommendation to the Commission; and

**WHEREAS**, the FY 2019/2020 Compensation Plan, prepared in consideration of salary comparisons with member agencies and changes to the San Francisco-Oakland Consumer Price Index, provides a 4.5% cost-of-living adjustment for all positions; and

**WHEREAS**, the FY 2019/2020 Compensation Plan, prepared in consideration of benefit comparisons with member agencies, provides for employee pension contributions at 8% of base salary for all positions; and

**WHEREAS**, the Personnel Committee reviewed the Compensation Plan and recommends its adoption effective July 1, 2019.

**NOW, THEREFORE, BE IT RESOLVED**, the Commission of the East Bay Dischargers Authority hereby adopts the FY 2018/2019 Compensation Plan attached hereto.

**SAN LORENZO, CALIFORNIA, JUNE 20, 2019, ADOPTED BY THE FOLLOWING VOTE:**

**AYES:**  
**NOES:**  
**ABSENT:**  
**ABSTAIN:**

\_\_\_\_\_  
**CHAIR**  
**EAST BAY DISCHARGERS COMMISSION**

**ATTEST:** \_\_\_\_\_  
**GENERAL MANAGER**  
**EAST BAY DISCHARGERS AUTHORITY**  
**EX OFFICIO SECRETARY**

## **ITEM NO. P8 REVIEW OF COMMITTEE ALTERNATE PROCESS**

### **Recommendation**

Provide staff with direction on any desired changes to the process of appointing Committee alternates.

### **Background**

At the May 2019 Commission meeting, the Commission requested that the Personnel Committee review the process for designating Committee alternates.

### **Discussion**

Per the Authority's Joint Powers Agreement, "Each Agency shall appoint one person to act as its representative as a member of the Commission and one person as an alternate member to serve in the absence of the Agency's member." Each Member Agency has accordingly designated a Commission member and an alternate to the Authority to attend Commission meetings.

While the Authority did not have a formal policy for Committee attendance, the historic approach had been that the Commission Chair would serve as the alternate for all Committees. If the regular Committee member and the Commission Chair were not available, the Commission Vice-Chair would attend.

In 2018, there was a period where the Commission Chair was attending a significant number of Committee meetings as an alternate due to Commissioner conflicts. As such, the Chair requested that the Commission revisit the approach to Committee alternate assignments. In August 2018, the Commission approved Resolution 18-33, which adopted the following policy establishing Committee Alternates:

1. Effective October 1, 2018, the Chair shall appoint Commission members as alternates to Committees.
2. In future years, alternates would be assigned as part of the annual Committee assignment process commencing July 1.

At the time of the August 2018 approval of Resolution 18-33 the Commission did not consider or discuss the possibility of having Member Agency alternates serve as alternates to Committees.

There are several advantages to using Commission members as Committee alternates rather than Member Agency alternates. Commission members are generally more engaged in Commission business than their alternates, and it provides Commissioners with an opportunity to participate in additional Committees on which they are not currently seated. This approach also ensures that Committee attendees are also present at the Commission Meeting and can speak to Committee business.

The advantage to using Member Agency alternates is that it simplifies things and alleviates confusion regarding having multiple alternates for the same Commission position. In order to ensure continuity between Committee and Commission meetings, if the Member Agency alternate participates in the Committee, that alternate can also represent the agency at the Commission meeting.

If the Commission wishes to change its policy for alternates, it can do so by adopting a new resolution.

Whichever approach the Commission elects, if a Commissioner is unable to attend a Committee meeting, they are requested to notify Authority staff (Administrative Assistant and/or General Manager). Staff then notifies the alternate that they are requested to attend. In addition, particularly when a conflict arises on short notice, Commissioners may contact their alternates directly. Commissioner contact info has been provided to the Commissioners and will be updated regularly.

Once a direction is established, the FY 2019/20 Commission Chair will finalize Committee assignments, including alternates. Staff will bring a resolution approving those assignments to the Commission in July. For the July meetings, FY 2018/19 Committee assignments will remain in place.