



EAST BAY DISCHARGERS AUTHORITY  
2651 Grant Avenue  
San Lorenzo, CA 94580-1841  
(510) 278-5910  
FAX (510) 278-6547

*A Joint Powers Public Agency*

Pursuant to the Governor's Executive Order N-25-20 the Commission Meeting scheduled for November 19, 2020 at 9:30 a.m. will be telephonic. The dial-in number for the meeting is +1 669 900 6833 with meeting I.D. #886 3227 4093. Members of the public are encouraged to dial into the meeting using the same number. <https://us02web.zoom.us/j/88632274093>

## COMMISSION MEETING AGENDA

Thursday, November 19, 2020

9:30 A.M.

EAST BAY DISCHARGERS AUTHORITY  
2651 Grant Avenue  
San Lorenzo, CA 94580

1. Call to Order
2. ~~Pledge of Allegiance~~ (Deferred Due to Remote Meeting)
3. Roll Call
4. Public Forum

## CONSENT CALENDAR

- |        |   |
|--------|---|
| MOTION | <ol style="list-style-type: none"><li>5. Commission Meeting Minutes of October 15, 2020</li><li>6. List of Disbursements for October 2020 – See Item FM4</li><li>7. Treasurer's Report for October 2020 – See Item FM5</li><li>8. Final Adjusted Treasurer's Reports for June, July, August, and September 2020 – See Item FM6</li><li>9. First Quarter Expense Summary, Fiscal Year 2020/2021 – See Item FM8</li></ol> |
|--------|---|

## REGULAR CALENDAR

- |             |   |
|-------------|---|
| INFORMATION | <ol style="list-style-type: none"><li>10. <b>General Manager's Report</b><br/>(The General Manager will report on EBDA issues.)</li></ol>                       |
| INFORMATION | <ol style="list-style-type: none"><li>11. <b>Report from the Managers Advisory Committee</b><br/>(The General Manager will report on the meeting.)</li></ol>    |
| INFORMATION | <ol style="list-style-type: none"><li>12. <b>Report from the LAVWMA Ad Hoc Committee</b><br/>(The General Manager will report on the meeting.)</li></ol>        |
| INFORMATION | <ol style="list-style-type: none"><li>13. <b>Report from the Financial Management Committee</b><br/>(The General Manager will report on the meeting.)</li></ol> |

Agenda Explanation  
East Bay Dischargers Authority  
Commission Agenda  
November 19, 2020

- MOTION 14. Motion to Accept the Audited Basic Financial Statements for Fiscal Year Ending June 30, 2020 – See Item FM7**  
(The Commission will consider the motion.)
- INFORMATION 15. Report from the Regulatory Affairs Committee**  
(The General Manager will report on the meeting.)
- INFORMATION 16. Report from the Operations & Maintenance Committee**  
(The General Manager will report on the meeting.)
- MOTION 17. Motion Authorizing the General Manager to Execute a Contract with Graybar Electric Company, Inc. for the OLEPS Main Electrical Switchboard Upgrade in the Amount of \$103,632 – See Item OM7**  
(The Commission will consider the motion.)
- INFORMATION 18. Report from the Personnel Committee**  
(The General Manager will report on the meeting.)
- RESOLUTION 19. Resolution Approving Revisions to the Personnel Policy – See Item P6**  
(The Commission will consider the resolution.)
- INFORMATION 20. Items from the Commission and Staff**  
(The Commission and staff may address items of general interest.)
- 21. Adjournment**

(Any member of the public may address the Commission at the commencement of the meeting on any matter within the jurisdiction of the Commission. This should not relate to any item on the agenda. It is the policy of the Authority that each person addressing the Commission 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 Commission on an agenda item should do so at the time the item is considered. It is the policy of the Authority that oral comments be limited to three minutes per individual or ten minutes for an organization. Speaker's cards will be available in the Boardroom 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 the EBDA office 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.)

(In compliance with SB 343, related writings of open session items are available for public inspection at East Bay Dischargers Authority, 2651 Grant Avenue, San Lorenzo, CA 94580. For your convenience, agenda items are posted on the East Bay Dischargers Authority website located at <http://www.ebda.org>.)

**The next Commission meeting will be held  
Thursday, December 17, 2020 at 9:30 a.m.**

## GLOSSARY OF ACRONYMS

<b>ACWA</b>	Association of California Water Agencies	<b>DSRSD</b>	Dublin San Ramon Services District
<b>AQPI</b>	Advanced Quantitative Precipitation Information	<b>DTSC</b>	Department of Toxic Substances Control
<b>AMP</b>	Asset Management Plan	<b>EBDA</b>	East Bay Dischargers Authority
<b>ANPRM</b>	Advanced Notice of Proposed Rulemaking	<b>EBRPD</b>	East Bay Regional Park District
<b>BAAQMD</b>	Bay Area Air Quality Management District	<b>EIS/EIR</b>	Environmental Impact Statement/Report
<b>BACC</b>	Bay Area Chemical Consortium	<b>EPA</b>	United States Environmental Protection Agency
<b>BACWA</b>	Bay Area Clean Water Agencies	<b>FOG</b>	Fats, Oils and Grease
<b>BPA</b>	Basin Plan Amendment	<b>GASB</b>	Government Accounting Standards Board
<b>BCDC</b>	Bay Conservation and Development Commission	<b>HEPS</b>	Hayward Effluent Pump Station
<b>BOD</b>	Biochemical Oxygen Demand	<b>JPA</b>	Joint Powers Agreement
<b>CARB</b>	California Air Resources Board	<b>LAVWMA</b>	Livermore-Amador Valley Water Management Agency
<b>CASA</b>	California Association of Sanitation Agencies	<b>LOCC</b>	League of California Cities
<b>CBOD</b>	Carbonaceous Biochemical Oxygen Demand	<b>MAC</b>	Managers Advisory Committee
<b>CDFA</b>	CA Department of Food & Agriculture	<b>MCC</b>	Motor Control Center
<b>CEC</b>	Compound of Emerging Concern	<b>MCL</b>	Maximum Contaminant Level
<b>CEQA</b>	California Environmental Quality Act	<b>MDF</b>	Marina Dechlorination Facility
<b>CFR</b>	Code of Federal Regulations	<b>MG</b>	Million Gallons
<b>CMMS</b>	Computerized Maintenance Management System	<b>MGD</b>	Million Gallons per Day
<b>COH</b>	City of Hayward	<b>MMP</b>	Mandatory Minimum Penalty
<b>CPUC</b>	California Public Utilities Commission	<b>MOU</b>	Memorandum of Understanding
<b>CSL</b>	City of San Leandro	<b>MSS</b>	Mixed Sea Salt
<b>CTR</b>	California Toxics Rule	<b>N</b>	Nitrogen
<b>CVCWA</b>	Central Valley Clean Water Association	<b>NACWA</b>	National Association of Clean Water Agencies
<b>CVSAN</b>	Castro Valley Sanitary District	<b>NBS</b>	Nature-Based Solutions
<b>CWA</b>	Clean Water Act	<b>NGO</b>	Non-Governmental Organization
<b>CWEA</b>	CA Water Environment Association	<b>NOX</b>	Nitrogen Oxides
<b>DO</b>	Dissolved Oxygen	<b>NPDES</b>	National Pollutant Discharge Elimination System
<b>DPR</b>	Department of Pesticide Regulation	<b>NPS</b>	Non-Point Source

## GLOSSARY OF ACRONYMS

<b>O&amp;M</b>	Operations & Maintenance	<b>SSO</b>	Sanitary Sewer Overflow
<b>OLEPS</b>	Oro Loma Effluent Pump Station	<b>SWRCB</b>	State Water Resources Control Board
<b>OLSD</b>	Oro Loma Sanitary District	<b>TDS</b>	Total Dissolved Solids
<b>OMB</b>	Office of Management and Budget	<b>TMDL</b>	Total Maximum Daily Load
<b>P</b>	Phosphorous	<b>TN</b>	Total Nitrogen
<b>PAHs</b>	Polynuclear Aromatic Hydrocarbons	<b>TP</b>	Total Phosphorus
<b>PCBs</b>	Polychlorinated Biphenyls	<b>TRC</b>	Total Residual Chlorine
<b>PLC</b>	Programmable Logic Controller	<b>TSO</b>	Time Schedule Order
<b>PFAS</b>	Per and Polyfluoroalkyl Substances	<b>TSS</b>	Total Suspended Solids
<b>POTW</b>	Publicly Owned Treatment Works	<b>UEPS</b>	Union Effluent Pump Station
<b>PPCPs</b>	Pharmaceutical and Personal Care Products	<b>USD</b>	Union Sanitary District
<b>QA/QC</b>	Quality Assurance / Quality Control	<b>UV</b>	Ultraviolet Treatment
<b>Region IX</b>	Western Region of EPA (CA, AZ, NV & HI)	<b>VFD</b>	Variable Frequency Drive
<b>ReNUWit</b>	Re-Inventing the Nation's Urban Water Infrastructure Engineering Research Center	<b>VOCs</b>	Volatile Organic Compounds
<b>RFP</b>	Request For Proposals	<b>WAS</b>	Waste Activated Sludge
<b>RFQ</b>	Request For Qualifications	<b>WDR</b>	Waste Discharge Requirements
<b>RMP</b>	Regional Monitoring Program	<b>WEF</b>	Water Environment Federation
<b>RO</b>	Reverse Osmosis	<b>WET</b>	Whole Effluent Toxicity or Waste Extraction Test
<b>RWB</b>	Regional Water Board	<b>WIN</b>	Water Infrastructure Network
<b>RWQCB</b>	Regional Water Quality Control Board	<b>WLA</b>	Waste Load Allocation (point sources)
<b>SBS</b>	Sodium Bisulfite	<b>WPCF</b>	Water Pollution Control Facility
<b>SCADA</b>	Supervisory Control and Data Acquisition	<b>WQBEL</b>	Water Quality Based Effluent Limitation
<b>SCAP</b>	Southern California Alliance of POTWs	<b>WQS</b>	Water Quality Standards
<b>SEP</b>	Supplementary Environmental Project	<b>WRDA</b>	Water Resource Development Act
<b>SFEI</b>	San Francisco Estuary Institute	<b>WRF</b>	Water Research Foundation
<b>SLEPS</b>	San Leandro Effluent Pump Station	<b>WWTP</b>	Wastewater Treatment Plant
<b>SRF</b>	State Revolving Fund	<b>WWWIFA</b>	Water and Wastewater Infrastructure Financing Agency
<b>SSMP</b>	Sewer System Management Plan		

## **CONSENT CALENDAR**

Consent calendar items are typically routine in nature and are considered for approval by the Commission with a single action. The Commission may remove items from the Consent Calendar for discussion. Items on the Consent Calendar are deemed to have been read by title. Members of the public who wish to comment on Consent Calendar items may do so during Public Forum.

- Item No. 5 Commission Meeting Minutes of October 15, 2020**
- Item No. 6 List of Disbursements for October 2020 – See Item FM4**
- Item No. 7 Treasurer’s Report for October 2020 – See Item FM5**
- Item No. 8 Final Adjusted Treasurer’s Reports for June, July, August, and September 2020 – See Item FM6**
- Item No. 9 First Quarter Expense Summary, Fiscal Year 2020/2021 – See Item FM8**

## **Recommendation**

Approve Consent Calendar Items No. 5, 6, 7, 8, and 9.

**ITEM NO. 5 COMMISSION MEETING MINUTES OF OCTOBER 15, 2020**

**EAST BAY DISCHARGERS AUTHORITY  
COMMISSION MEETING MINUTES**

**October 15, 2020**

**1. Call to Order**

Chair Walters called the telephonic meeting to order pursuant to the Governor's Executive Order N-25-20 at 9:32 A.M. on Thursday, October 15, 2020. Dial-in information for the meeting was provided in the agenda for public attendees.

**2. Pledge of Allegiance – Deferred**

**3. Roll Call**

<b>PRESENT:</b>	Sara Lamnin	City of Hayward
	Daniel Walters	Oro Loma Sanitary District
	Ralph Johnson	Castro Valley Sanitary District
	Pauline Russo Cutter	City of San Leandro
	Jennifer Toy	Union Sanitary District

**ABSENT: None**

**OTHERS**

<b>PRESENT:</b>	Jacqueline Zipkin	East Bay Dischargers Authority
	Howard Cin	East Bay Dischargers Authority
	Juanita Villaseñor	East Bay Dischargers Authority
	Kalena Yambao	East Bay Dischargers Authority
	Eric Casher	Legal Counsel East Bay Dischargers Authority
	Jason Warner	Oro Loma Sanitary District
	Alex Ameri	City of Hayward
	David Donovan	City of Hayward
	Justin Jenson	City of San Leandro
	Paul Eldredge	Union Sanitary District
	Anjali Lathi	Union Sanitary District
	Roland Williams	Castro Valley Sanitary District

**4. Public Forum**

No member of the public requested to address the Commission at the meeting.

**C O N S E N T C A L E N D A R**

- 5. Commission Meeting Minutes of September 17, 2020**
- 6. List of Disbursements for September 2020**
- 7. Preliminary Treasurer's Report for September 2020**

Commissioner Cutter moved to approve the consent calendar. The motion was seconded by Commissioner Toy and carried unanimously 5-0, by roll call vote.

Ayes: Commissioners Cutter, Johnson, Toy, Lamnin, Chair Walters  
Noes: None  
Absent: None  
Abstain: None

## **R E G U L A R C A L E N D A R**

### **8. General Manager's Report**

The General Manager (GM) provided an update on the State Water Board's adoption of new NPDES Permit Fees. The approved increase will be within EBDA's current budget. The GM then reported that the grant preproposal submitted to the Ocean Protection Council for continued work on the horizontal levee pilot program at Oro Loma Sanitary District (OLSD) was not successful, but the San Francisco Estuary Partnership has identified an alternative source of funding.

### **9. Report from the Managers Advisory Committee (MAC)**

The GM reported on the MAC meeting of October 8, 2020, which focused on negotiations of the Livermore-Amador Valley Water Management Agency (LAVWMA) term sheet covered in Item No.10, working through a draft of operating and monitoring requirements for the Cargill Project, and beginning review of the Member Agency agreements for O&M of EBDA facilities.

### **10. Report from the LAVWMA Ad Hoc Committee**

The new Ad Hoc Subcommittee to discuss negotiation of the LAVWMA Master Agreement met on October 5, 2020. The GM recapped the current status of the agreement extension and reported on the recently received draft term sheet from LAVWMA. A response to the term sheet will be submitted to LAVWMA shortly.

### **11. Report from the Financial Management Committee**

The GM reported on the Financial Management Committee, which met on October 13, 2020, noting the Committee's review of the estimated credits that will be provided to the Member Agencies from unspent FY 2019/2020 funds. The GM then reviewed the resolution to suspend recycled water fees for the Skywest Golf Course for which the Committee recommended approval. The GM also reviewed the motion for the Brown and Caldwell contract amendment, as well as the resolution correcting an error in Schedule B of the Joint Powers Agreement. The Authority will review and confirm that the distributed invoices to the member agencies match the correct Schedule B fees, and any adjustments will be made as part of the year-end true-up process. The Committee recommended approval of both items.

### **12. Resolution Authorizing the General Manager to Waive Recycled Water Charges to Hayward Area Recreation and Park District (HARD) for Skywest Golf Course for July, August, and September 2020**

Commissioner Lamnin moved to approve the motion authorizing the GM to waive recycled water charges to HARD. The motion was seconded by Commissioner Cutter and

carried unanimously, 5-0 by roll call vote.

Ayes: Commissioners Cutter, Johnson, Toy, Lamnin, Chair Walters  
Noes: None  
Absent: None  
Abstain: None

**13. Motion Authorizing the General Manager to Execute Amendment No. 1 to the Contract with Brown and Caldwell for Field Work Related to Acceptance of Cargill Mixed Sea Salt Brine for Discharge at the EBDA Outfall in the Amount of \$68,427, for a Total Not to Exceed Amount of \$170,560**

Commissioner Johnson moved to approve the motion authorizing the GM to execute Amendment No. 1 to the contract with Brown and Caldwell. The motion was seconded by Commissioner Cutter and carried unanimously, 5-0 by roll call vote.

Ayes: Commissioners Cutter, Johnson, Toy, Lamnin, Chair Walters  
Noes: None  
Absent: None  
Abstain: None

**14. Resolution Correcting Schedule B of the Amended and Restated Joint Exercise of Powers Agreement to Correct the Oro Loma Sanitary District Fixed Fee Percentage**

Commissioner Lamnin moved to approve the motion correcting Schedule B of the Amended and Restated JPA. The motion was seconded by Commissioner Toy and carried unanimously, 5-0 by roll call vote.

Ayes: Commissioners Cutter, Johnson, Toy, Lamnin, Chair Walters  
Noes: None  
Absent: None  
Abstain: None

**15. Report from the Operations and Maintenance Committee (O&M)**

The O&M Manager reported on the Operations and Maintenance Committee, which met on October 13, 2020 and discussed the status of EBDA facilities. The O&M Manager reviewed NPDES compliance data and then provided an overview of current projects. At UEPS, the VFD transformer for Pump No. 2 was installed, along with new timers and upgraded programming for the cooling fans. For the HEPS MCC Project, the Authority continues to finalize paperwork with the contractor.

For OLEPS, the wet well hypochlorite project is moving forward as the Authority continues to procure product information from Calcon Systems, Inc. for upcoming equipment purchases. The Authority has also received quotes for the main electrical switchboard upgrade project, and staff expects to bring a contract to the Commission for consideration next month. OLSD's Pavement Reconstruction and Rehabilitation Project is also proceeding. EBDA's portion is expected to exceed the projected budget due to additional paving required to correct potential safety issues associated with differential settling



between the wet wells and the asphalt.

At Skywest, the insurance claim for the recycled water pipeline leak has been approved, and OLSD should receive the settlement shortly.

Finally, the O&M Manager elaborated on samples taken for inspection of the Force Main during the shutdown for the due diligence phase of the Cargill Brine Project. The O&M Manager thanked the Member Agencies for all of their assistance coordinating the shutdown, and specifically thanked Mitchell and Marcus, Operations Coaches at Union Sanitary District, and Balraj with the City of San Leandro Force Main Crew.

The GM then provided an update on wastewater-based epidemiology, reporting that she attended a meeting with Alameda County Public Health, along with staff from EBMUD and UC Berkeley, to determine which areas and frequency would be most useful for SARS-CoV-2 sampling. When sampling sites are determined, the GM will coordinate with the MAC and particular Member Agency(s). UC Berkeley and wastewater associations are continuing to seek funding.

Lastly, the GM reported on the current status of the AQPI project. Sonoma County Water District expects to approve the East Bay Agreement and the lease agreement with American Tower for the East Bay radar site on November 10.

At 10:27 A.M. Vice Chair Ralph Johnson assumed the role of Chair for the remainder of the meeting.

#### **16. Report from the Personnel Committee**

The GM reported on the Personnel Committee, which met on October 12, 2020 and discussed updates to the Personnel Policy and the GM's proposed remote work arrangements. The GM reviewed the Committee's recommended changes to the Personnel Policy, which will be incorporated and brought back before the Commission for adoption next month. The GM reported that the Committee was accepting of the proposed remote work arrangements and suggested continued caution with respect to COVID exposure, particularly after travel.

#### **17. Items from Commission and Staff**

Vice Chair Johnson reported on the Regional Monitoring Program's annual meeting, requesting the GM forward any information on the final report that may be received in the coming months. The Vice Chair also commented on paying attention to nutrients in the San Francisco Bay as temperatures continue to rise, since nutrients in other Bays have been affected by rising temperatures.

#### **18. Adjournment**

Vice Chair Johnson adjourned the meeting at 10:37 A.M.

Jacqueline Zipkin  
General Manager

**ITEM NO. 10 GENERAL MANAGER'S REPORT**

The General Manager will discuss items of interest concerning EBDA.

**ITEM NO. 11 REPORT FROM THE MANAGERS ADVISORY COMMITTEE**

**MANAGERS ADVISORY COMMITTEE  
AGENDA**

**Thursday, November 12, 2020**

**1:30 P.M.**

**Via Zoom**

- 1. Brine Project – Discussion of Corrosion Field Work**
- 2. LAVWMA Agreement**
- 3. Disinfection Master Plan**
- 4. USD Property Transfer**
- 5. Sea Level Rise Vulnerability Surveys**
- 6. COVID Response and Wastewater-based Epidemiology**
- 7. EBDA Commission Package**
  - Finance
  - Regulatory
  - O&M
  - Personnel
- 8. EBDA Managers Round Robin**

**ITEM NO. 12 REPORT FROM THE LAVWMA AD HOC COMMITTEE**

**LAVWMA AD HOC COMMITTEE  
AGENDA**

**Monday, November 2, 2020**

**9:00 A.M.**

**Via Zoom**

- 1. Review of EBDA's response to LAVWMA Term Sheet**
- 2. Discussion of terms for extension**
- 3. Next steps**



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### **ITEM NO. 13**

## **FINANCIAL MANAGEMENT COMMITTEE**

### **AGENDA**

**Tuesday, November 17, 2020**

**10:30 A.M.**

**East Bay Dischargers Authority**

**2651 Grant Avenue, San Lorenzo, CA 94580**

**Committee Members: Walters (Chair); Toy**

**FM1. Call to Order**

**FM2. Roll Call**

**FM3. Public Forum**

**FM4. List of Disbursements for October 2020**

(The Committee will review the List of Disbursements for the month of October 2020.)

**FM5. Treasurer's Report for October 2020**

(The Committee will review the Treasurer's Report for the month of October 2020.)

**FM6. Final Adjusted Treasurer's Reports for June, July, August, and September 2020**

(The Committee will review the final adjusted Treasurer's Reports for June - September 2020.)

**FM7. Motion to Accept the Audited Basic Financial Statements for Fiscal Year Ending June 30, 2020**

(The Committee will consider the motion.)

**FM8. First Quarter Expense Summary, Fiscal Year 2020/2021**

(The Committee will review the first quarter expenses for FY 2020/2021.)

**FM9. Draft Purchasing Policy**

(The Committee will review and provide feedback on the draft Policy.)

**FM10. Adjournment**

Agenda Explanation  
East Bay Dischargers Authority  
Financial Management Committee  
November 17, 2020

(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.)

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**The next Financial Management Committee meeting is scheduled on  
Tuesday, December 15, 2020 at 10:30 a.m.**

**ITEM NO. FM4 LIST OF DISBURSEMENTS FOR OCTOBER 2020**

The itemized List of Disbursements for the month of October 2020 totaled \$222,804.44.

Reviewed and Approved by:

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Dan Walters, Chair	Date
Financial Management Committee	

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Jacqueline T. Zipkin	Date
Treasurer	

**EAST BAY DISCHARGERS AUTHORITY**  
**Cash Disbursement**  
**October 2020**

**CHECKS (SORTED BY AMOUNT)**

Check #	Check Date	Invoice #	Vendor Name	Description	Itemized Charges	Invoice Amount	Check Amount
24900	10/15/2020	346316	CITY OF HAYWARD	QUARTERLY O&M JUL - SEP		30,401.36	30,401.36
24925	10/30/2020	48797525	UNIVAR	SODIUM BISULFITE - DELIVERED 10/28/20		5,867.66	11,754.97
24925	10/30/2020	48779389	UNIVAR	SODIUM BISULFITE - DELIVERED 10/14/20		5,887.31	
24922	10/30/2020	00013.12-1	LARRY WALKER ASSOCIATES	PROFESSIONAL SERVICES - WORK ORDER NO. 3		9,015.50	10,317.00
24922	10/30/2020	00013.11-2	LARRY WALKER ASSOCIATES	PROFESSIONAL SERVICES - WORK ORDER NO. 2		1,301.50	
24910	10/15/2020	2020080521	MEYERS NAVE	LEGAL SERVICES - AUG		7,608.27	10,265.67
24910	10/15/2020	2020080522	MEYERS NAVE	LEGAL SERVICES - AUG BRINE		2,657.40	
24904	10/15/2020	SW240169497	PETERSON POWER SYSTEMS	HEPS - GENERATOR PREVENTATIVE MAINTENANCE		4,682.17	8,930.99
24904	10/15/2020	SW240169496	PETERSON POWER SYSTEMS	MDF - GENERATOR PREVENTATIVE MAINTENANCE		4,248.82	
24919	10/30/2020	47675	CALCON	COMMUNICATIONS SYSTEMS UPGRADE		7,202.72	8,147.72
24919	10/30/2020	47544	CALCON	OPS CENTER SCADA SERVICE CALLS		675.00	
24919	10/30/2020	47545	CALCON	OLEPS SERVICE CALL		270.00	
24926	10/30/2020	11385650	BROWN & CALDWELL	ENGINEERING SERVICES - BRINE ASSESMENT		7,341.04	7,341.04
24929	10/30/2020	1276971	HANSON BRIDGETT	LEGAL SERVICES		6,025.00	6,025.00
24911	10/15/2020	48763990	UNIVAR	SODIUM BISULFITE - DELIVERED 10/05/20		5,862.75	5,862.75
24920	10/30/2020	Jul-20	DEBORAH QUINN	ACCOUNTING SERVICES - JUL		4,331.25	4,331.25
24928	10/30/2020	26-FINAL	GSE CONSTRUCTION	HEPS MCC REPLACEMENT PROJECT		3,325.00	3,325.00
24897	10/15/2020	JUL-SEP2020	KARL ROYER	QUARTERLY RETIREE MEDICAL REIMBURSEMENT - JUL - SEP 2020		3,191.94	3,191.94
24905	10/15/2020	IN0290613	ALAMEDA COUNTY ENVIRONMENTAL HEALTH	OLEPS - ANNUAL ALCO CUPA FEES		2,477.00	2,477.00
24899	10/15/2020	416018	VANTAGEPOINT	ICMA DEFERRED COMPENSATION FOR PAY PERIOD ENDED 10/15/20		2,417.94	2,417.94
24916	10/30/2020	424119	VANTAGEPOINT	ICMA DEFERRED COMPENSATION FOR PAY PERIOD ENDED 10/31/20		2,417.94	2,417.94
24898	10/15/2020	JUL-SEP2020	CHARLES WEIR	QUARTERLY RETIREE MEDICAL REIMBURSEMENT - JUL - SEP 2020		1,904.76	1,904.76
24914	10/15/2020	614817	CALTEST	LAB TESTING SERVICES - SEP		1,648.10	1,648.10
24901	10/15/2020	52205704	CITY OF HAYWARD	BENEFIT PREMIUMS - OCT		1,330.77	1,330.77
24909	10/15/2020	4246044555687620	US BANK	REMOTE DATA BACKUPS	429.00	1,265.99	1,265.99
24909	10/15/2020	4246044555687620	US BANK	DOCUSIGN	270.00		
24909	10/15/2020	4246044555687620	US BANK	OFFICE DEPOT - OFFICE SUPPLIES	207.21		
24909	10/15/2020	4246044555687620	US BANK	LOGITECH - OFFICE SUPPLIES	109.74		
24909	10/15/2020	4246044555687620	US BANK	INTERMEDIA.NET	86.41		
24909	10/15/2020	4246044555687620	US BANK	76 - EBDA TRUCK GAS	53.35		
24909	10/15/2020	4246044555687620	US BANK	76 - EBDA TRUCK GAS	49.62		
24909	10/15/2020	4246044555687620	US BANK	FOODMAXX - DISTILLED WATER MDF GENERATOR	21.42		
24909	10/15/2020	4246044555687620	US BANK	LOWES - SUPPLIES	14.25		
24909	10/15/2020	4246044555687620	US BANK	EAST BAY TIMES SUBSCRIPTION	9.95		
24909	10/15/2020	4246044555687620	US BANK	USPS	7.10		
24909	10/15/2020	4246044555687620	US BANK	USPS	6.95		
24909	10/15/2020	4246044555687620	US BANK	APPLE CLOUD - CELL PHONE BACKUP	0.99		
24908	10/15/2020	415476G	R&S OVERHEAD GARAGE DOOR, INC.	MDF - SERVICE CALL		1,233.08	1,233.08
24903	10/15/2020	1746192-20	SCIF	WORKERS COMPENSATION PREMIUM - OCT		631.25	631.25
24913	10/15/2020	Sep-20	EVERARDO OROZCO LANDSCAPE MANAGEMENT	LANDSCAPING SERVICES - SEP		375.00	375.00
24902	10/15/2020	51027859109143	AT&T	TELEPHONE SERVICE ADMIN BUILDING		323.22	323.22
24930	10/30/2020	10110000001	EBMUD	WATER & SEWER, MDF AUG-OCT		224.16	224.16
24918	10/30/2020	510-483-0439 716 6	AT&T	TELEPHONE SERVICE AT MDF - OCT		195.10	195.10

**EAST BAY DISCHARGERS AUTHORITY**  
**Cash Disbursement**  
**October 2020**

Check #	Check Date	Invoice #	Vendor Name	Description	Itemized Charges	Invoice Amount	Check Amount
24906	10/15/2020	9863960287	VERIZON WIRELESS	CELLPHONES - SEP		181.95	181.95
24907	10/15/2020	8222	CAYUGA INFORMATION SYSTEMS	IT SERVICES - SEP		180.00	180.00
24915	10/15/2020	45921	COMPUTER COURAGE	WEBSITE HOSTING		100.00	166.15
24915	10/15/2020	46064	COMPUTER COURAGE	WEBSITE SUPPORT SERVICES		66.15	
24912	10/15/2020	EBD3064	ALPHA ANALYTICAL LABORATORIES	LAB SAMPLES - SEP		165.00	165.00
24923	10/30/2020	11804	TOWN & COUNTRY	JANITORIAL SERVICES - OCT		165.00	165.00
24927	10/30/2020	3122886	CALTRONICS	COPIER USAGE - SEP - OCT		136.83	136.83
24924	10/30/2020	521742	R-COMPUTER	COMPUTER EQUIPMENT		108.00	108.00
24921	10/30/2020	9864732935	VERIZON WIRELESS	MODEM FOR SCADA 09/11 - 10/10/2020		22.70	22.70
24917	10/30/2020	RESO20-25	SECRETARY OF STATE	FILING FEE		1.00	1.00
<b>TOTAL CHECK PAYMENTS</b>							<b>127,465.63</b>
<b>ELECTRONIC PAYMENTS</b>							
		5105948980-0	PG&E	GAS & ELECTRIC		34,171.92	34,171.92
		100000016181167	CALPERS	HEALTH PREMIUMS - OCT 2020		7,020.76	7,020.76
		100000016139855	CALPERS	PENSION CONTRIBUTION, CLASSIC 09/16/20-09/30/20		4,355.14	4,355.14
		100000016178122	CALPERS	PENSION CONTRIBUTION, CLASSIC 10/01/20-10/15/20		4,355.14	4,355.14
		100000016139874	CALPERS	PENSION CONTRIBUTION, PEPRA 09/16/20-09/30/20		247.82	247.82
		100000016178136	CALPERS	PENSION CONTRIBUTION, PEPRA 10/01/20-10/15/20		247.82	247.82
		Oct-20	WELLS FARGO	CLIENT ANALYSIS SERVICE CHARGE - SEP		67.14	67.14
<b>TOTAL ELECTRONIC PAYMENTS</b>							<b>50,465.74</b>
<b>PAYROLL</b>							
		Oct-20	ADP, LLC	PAYROLL PERIOD: 10/16-31/2020		23,224.01	23,224.01
		Oct-20	ADP, LLC	PAYROLL PERIOD: 10/01-15/2020		20,410.06	20,410.06
		Oct-20	ADP, LLC	PAYROLL FEES, PERIOD: 10/01-15/2020		664.75	664.75
		Oct-20	ADP, LLC	PAYROLL TAXES		469.47	469.47
		Oct-20	ADP, LLC	PAYROLL FEES, PERIOD: 09/16-30/2020		104.78	104.78
<b>TOTAL PAYROLL</b>							<b>44,873.07</b>
<b>TOTAL DISBURSEMENTS</b>							<b>222,804.44</b>



**ITEM NO. FM5 TREASURER'S REPORT FOR OCTOBER 2020**

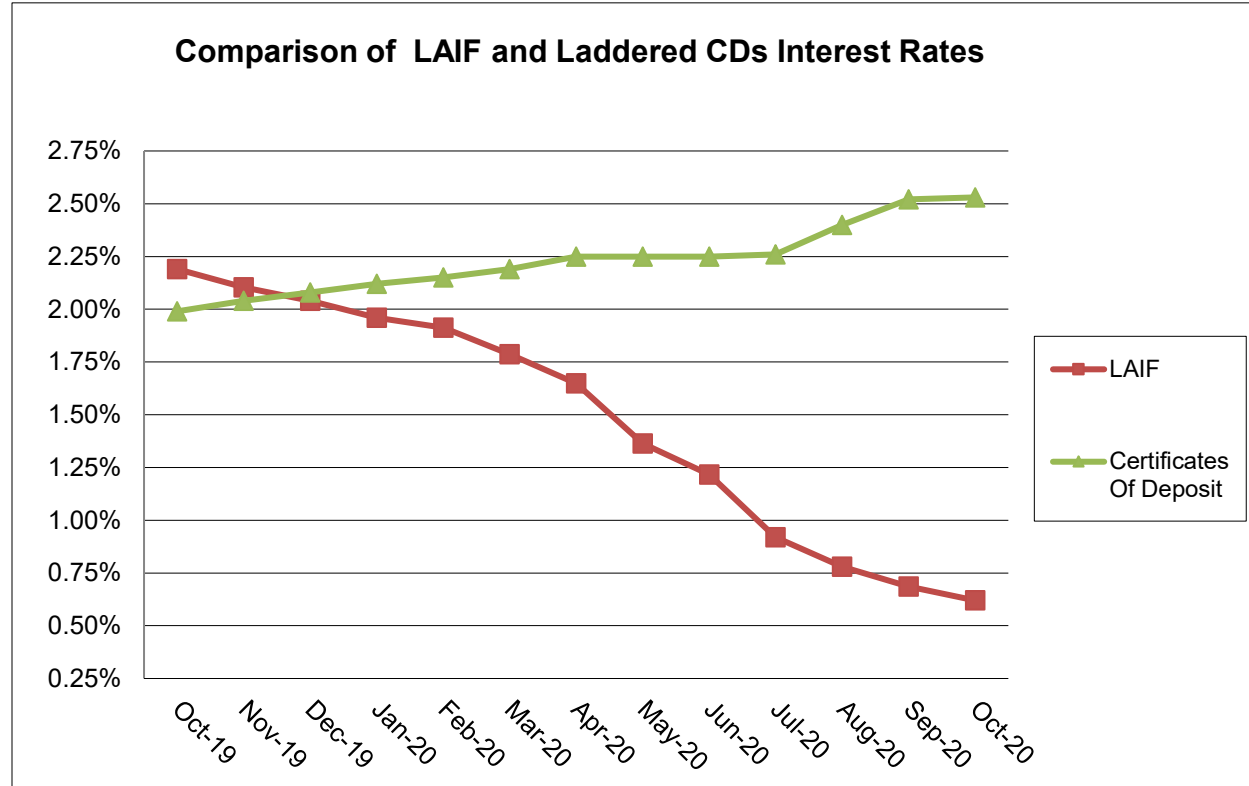
The beginning cash balance on October 1, 2020 was \$3,047,432.81. The ending cash balance on October 31, 2020 was \$ 2,924,799.99. Total receipts for the month were \$100,171.62 and disbursements were \$222,804.44.

EBDA currently has a three-pronged investment approach that includes laddered CDs, Local Agency Investment Fund (LAIF), and Wells Fargo accounts. As directed by the Financial Management Committee, funds are currently being transferred to the Authority's checking account and/or LAIF as CDs mature. Staff will continue to work with the Committee on investment strategy.

Current market value of EBDA's CD investment portfolio is \$201,756.01. The average annual yield of the CDs is 2.53%.

EBDA's LAIF balance beginning October 1, 2020 was \$2,246,110.12. The ending balance on October 31, 2020 was \$2,250,879.58. The LAIF account was credited \$4,769.46 in interest earned for the quarter ending September 30, 2020. The LAIF interest rate for period ending October 31, 2020 was 0.62%.

**Approval is recommended.**



**EAST BAY DISCHARGERS AUTHORITY**  
**TREASURER'S REPORT**  
OCTOBER 31, 2020

FUND	DESCRIPTION	BEGINNING CASH BALANCE	DEBITS (INCREASE)	CREDITS (DECREASE)	ENDING CASH BALANCE
12	OPERATIONS & MAINTENANCE	672,812.82	85,046.52	183,144.78	574,714.56
13	PLANNING & SPECIAL STUDIES	217,675.57	9,653.61	28,966.94	198,362.24
14	RECLAMATION O & M (SKYWEST)	142,240.31		165.00	142,075.31
31	REPLACEMENT	2,014,704.11	5,471.49	10,527.72	2,009,647.88
TOTALS		3,047,432.81	100,171.62	222,804.44	2,924,799.99

Oct-20  
11/12/20

## SUPPLEMENTAL TREASURERS REPORT

DATE	TRANSACTION	RECEIPT	DISBURSEMENT CHECKING	DISBURSEMENT PAYROLL	PAYROLL TRANSFER	LAIF TRANSFER	CD TRANSFER	CD INTEREST & EXPENSES	WELLS FARGO CHECKING BALANCE	WELLS FARGO PAYROLL BALANCE	LAIF BALANCE	WELLS FARGO CERTIFICATES OF DEPOSIT	TOTAL CASH
10/01/20	BALANCE								523,762.13	25,452.14	2,246,110.12	252,108.42	3,047,432.81
10/05/20	INTEREST	701.92						701.92	523,762.13	25,452.14	2,246,110.12	252,810.34	3,048,134.73
10/01/20	ELECTRONIC BILL PAY		34,171.92						489,590.21	25,452.14	2,246,110.12	252,810.34	3,013,962.81
10/08/20	PAYROLL TRANSFER				20,000.00				469,590.21	45,452.14	2,246,110.12	252,810.34	3,013,962.81
10/08/20	CD TRANSFER						(51,212.02)		520,802.23	45,452.14	2,246,110.12	201,598.32	3,013,962.81
10/09/20	ELECTRONIC BILL PAY		4,355.14						516,447.09	45,452.14	2,246,110.12	201,598.32	3,009,607.67
10/09/20	ELECTRONIC BILL PAY		247.82						516,199.27	45,452.14	2,246,110.12	201,598.32	3,009,359.85
10/09/20	PAYROLL FEES			104.78					516,199.27	45,347.36	2,246,110.12	201,598.32	3,009,255.07
10/09/20	DIVIDEND	0.11						0.11	516,199.27	45,347.36	2,246,110.12	201,598.43	3,009,255.18
10/13/20	ANALYSIS FEE		67.14						516,132.13	45,347.36	2,246,110.12	201,598.43	3,009,188.04
10/13/20	ELECTRONIC BILL PAY		7,020.76						509,111.37	45,347.36	2,246,110.12	201,598.43	3,002,167.28
10/13/20	PAYROLL TAX			469.47					509,111.37	44,877.89	2,246,110.12	201,598.43	3,001,697.81
10/14/20	PAYROLL			20,410.06					509,111.37	24,467.83	2,246,110.12	201,598.43	2,981,287.75
10/15/20	INTEREST	4,769.46				4,769.46			509,111.37	24,467.83	2,250,879.58	201,598.43	2,986,057.21
10/15/20	DISBURSEMENT		72,952.92						436,158.45	24,467.83	2,250,879.58	201,598.43	2,913,104.29
10/19/20	PAYROLL TRANSFER				20,000.00				416,158.45	44,467.83	2,250,879.58	201,598.43	2,913,104.29
10/23/20	PAYROLL FEES			664.75					416,158.45	43,803.08	2,250,879.58	201,598.43	2,912,439.54
10/26/20	ELECTRONIC BILL PAY		4,355.14						411,803.31	43,803.08	2,250,879.58	201,598.43	2,908,084.40
10/26/20	ELECTRONIC BILL PAY		247.82						411,555.49	43,803.08	2,250,879.58	201,598.43	2,907,836.58
10/29/20	DEPOSIT - OLSD	94,700.13							506,255.62	43,803.08	2,250,879.58	201,598.43	3,002,536.71
10/29/20	PAYROLL			23,224.01					506,255.62	20,579.07	2,250,879.58	201,598.43	2,979,312.70
10/30/20	DISBURSEMENT		54,512.71						451,742.91	20,579.07	2,250,879.58	201,598.43	2,924,799.99
	<b>TOTAL</b>	<b>100,171.62</b>	<b>177,931.37</b>	<b>44,873.07</b>	<b>40,000.00</b>	<b>4,769.46</b>	<b>(51,212.02)</b>	<b>702.03</b>	<b>451,742.91</b>	<b>20,579.07</b>	<b>2,250,879.58</b>	<b>201,598.43</b>	<b>2,924,799.99</b>
	<b>CURRENT BALANCE</b>								<sup>①</sup>	<sup>②</sup>	<sup>③</sup>	<sup>④</sup>	
Reconciliation													
①	Per Bank Statement @10/31/20	\$ 506,255.62											
	Less: Outstanding Checks	54,512.71											
		\$ 451,742.91											
②	Per Bank Statement @ 10/31/20	\$ 20,579.07											
③	Per LAIF Statement @ 10/31/20	\$ 2,250,879.58											
④	Per Treasurer's Report @10/31/20	\$ 201,598.43											
	Fair Market Value Increase/Decrease	157.58											
	Per Investment Statement @10/31/20	\$ 201,756.01											

The Supplemental Treasurer's Report is prepared monthly by the General Manager. It also serves as EBDA's cash and investments reconciliation.

# CD PORTFOLIO

Institution	Description	Purchase Date	Maturity Date	Estimated Annual Yield	Quantity	Current Market Value
CAPITAL ONE BK USA NA	CAPITAL ONE BK USA NA CD GLEN ALLEN VA ACT/365 FDIC INSD CPN 2.000% DUE 11/02/20 DTD 11/01/17 FC 05/01/18 CUSIP 1404206A3	11/1/2017	11/2/2020	1.99%	50,000	50,008.00
<b>CAPITAL ONE BK USA NA Total</b>						50,008.00
CITIBANK NA	CITIBANK NA CD SIOUX FALLS SD ACT/365 FDIC INSD CPN 2.900% DUE 05/24/21 DTD 05/23/18 FC 11/23/18 CUSIP 17312QM22	5/23/2018	5/24/2021	2.85%	50,000	50,807.50
<b>CITIBANK NA Total</b>						50,807.50
MORGAN STANLEY BK NA	MORGAN STANLEY BK NA CD SALT LAKE CTY UT ACT/365 FDIC INSD CPN 2.500% DUE 02/08/21 DTD 02/08/18 FC 08/08/18 CUSIP 61747MJ93	1/30/2018	2/8/2021	2.48%	50,000	50,343.00
MORGAN STANLEY BK NA	MORGAN STANLEY BK NA CD SALT LAKE CTY UT ACT/365 FDIC INSD CPN 2.800% DUE 04/05/21 DTD 04/05/18 FC 10/05/18 CUSIP 61747MS69	4/5/2018	4/5/2021	2.76%	50,000	50,597.50
<b>MORGAN STANLEY BK NA Total</b>						100,940.50
<b>Grand Total</b>						201,756.00
<b>Average Estimated Annual Yield</b>						2.53%
<b>Cash &amp; Sweep Balances</b>						0.01
<b>Snapshot Market Value on October 31, 2020</b>						201,756.01

**ITEM NO. FM6 FINAL ADJUSTED TREASURER'S REPORTS FOR JUNE, JULY, AUGUST, AND SEPTEMBER 2020**

**Recommendation**

Approve the Final Adjusted Treasurer's Reports for June, July, August, and September 2020.

**Discussion**

The Final Adjusted Treasurer's Reports for June through September 2020 are attached for the Committee's review. Preliminary reports were presented previously. The only changes are balances between funds, as total cash remains the same. Changes occur through the course of reviewing all accounts in preparation for the annual financial audit.

**EAST BAY DISCHARGERS AUTHORITY**  
**FINAL (ADJUSTED)**  
**TREASURER'S REPORT**  
JUNE 30, 2020

FUND	DESCRIPTION	BEGINNING CASH BALANCE	DEBITS (INCREASE)	CREDITS (DECREASE)	ENDING CASH BALANCE
12	OPERATIONS & MAINTENANCE	1,256,951.56	50,853.96	311,412.07	996,393.45
13	PLANNING & SPECIAL STUDIES	310,262.00	353.70	67,394.35	243,221.35
14	RECLAMATION O & M (SKYWEST)	176,206.70		28,042.86	148,163.84
31	REPLACEMENT	2,229,562.02	11,959.61	111,795.21	2,129,726.42
41	CONSTRUCTION	11,769.50		11,769.50	0.00
	TOTALS	3,984,751.78	63,167.27	530,413.99	3,517,505.06

**EAST BAY DISCHARGERS AUTHORITY**  
**FINAL (ADJUSTED)**  
**TREASURER'S REPORT**  
JULY 31, 2020

FUND	DESCRIPTION	BEGINNING CASH BALANCE	DEBITS (INCREASE)	CREDITS (DECREASE)	ENDING CASH BALANCE
12	OPERATIONS & MAINTENANCE	996,393.45	184,432.14	264,091.37	916,734.22
13	PLANNING & SPECIAL STUDIES	243,221.35	103,013.65	28,602.10	317,632.90
14	RECLAMATION O & M (SKYWEST)	148,163.84		2,175.53	145,988.31
31	REPLACEMENT	2,129,726.42	8,655.79	109,600.29	2,028,781.92
TOTALS		3,517,505.06	296,101.58	404,469.29	3,409,137.35

**EAST BAY DISCHARGERS AUTHORITY**  
**FINAL (ADJUSTED)**  
**TREASURER'S REPORT**  
AUGUST 31, 2020

FUND	DESCRIPTION	BEGINNING CASH BALANCE	DEBITS (INCREASE)	CREDITS (DECREASE)	ENDING CASH BALANCE
12	OPERATIONS & MAINTENANCE	916,734.22	541,599.91	515,528.16	942,805.97
13	PLANNING & SPECIAL STUDIES	317,632.90	183,931.17	269,479.00	232,085.07
14	RECLAMATION O & M (SKYWEST)	145,988.31		165.00	145,823.31
31	REPLACEMENT	2,028,781.92	3,284.70	17,662.31	2,014,404.31
TOTALS		3,409,137.35	728,815.78	802,834.47	3,335,118.66



**EAST BAY DISCHARGERS AUTHORITY**  
**FINAL (ADJUSTED)**  
**TREASURER'S REPORT**  
**SEPTEMBER 30, 2020**

<u>FUND</u>	<u>DESCRIPTION</u>	<u>BEGINNING CASH BALANCE</u>	<u>DEBITS (INCREASE)</u>	<u>CREDITS (DECREASE)</u>	<u>ENDING CASH BALANCE</u>
12	OPERATIONS & MAINTENANCE	942,805.97	124.22	270,117.37	672,812.82
13	PLANNING & SPECIAL STUDIES	232,085.07		14,409.50	217,675.57
14	RECLAMATION O & M (SKYWEST)	145,823.31		3,583.00	142,240.31
31	REPLACEMENT	2,014,404.31	499.80	200.00	2,014,704.11
<hr/>					
	TOTALS	3,335,118.66	624.02	288,309.87	3,047,432.81

**ITEM NO. FM7 MOTION TO ACCEPT THE AUDITED BASIC FINANCIAL STATEMENTS FOR FISCAL YEAR ENDING JUNE 30, 2020**

**Recommendation**

Accept, by motion, the audited basic financial statements for fiscal year ending June 30, 2020.

**Discussion**

The Authority's audited basic financial statements for the fiscal year ending June 30, 2020 are attached as a separate document for the Committee's review and full Commission acceptance. Staff and the Authority's accountant reviewed the report and made changes that were incorporated into the report. No deficiencies in internal controls considered to be material weaknesses were identified during the audit.

David Alvey of Maze & Associates, the Authority's independent auditor, conducted the field work and will participate in the November 17 Financial Management Committee meeting. Mr. Alvey will also present the audited financial statements to the Commission at the Thursday, November 19 meeting.

Acceptance of the basic financial statements authorizes their publication. Copies will be provided to the State Controller's Office, the Alameda County Auditor-Controller, member agencies and other interested parties. The document will also be posted on the EBDA website.

The basic financial statements will be sent under separate cover.

**ITEM NO. FM8 FIRST QUARTER EXPENSE SUMMARY, FISCAL YEAR 2020/2021**

**Recommendation**

For the Committee's information only; no action is required.

**Background**

The First Quarter Expense Summary for FY 2020/2021 is attached for the Committee's review. Expenses are presented by Program and by Account Code. These categories have been grouped to provide an overview of Authority expenses. The tables include discussion of particular items that varied significantly (>10%) from the budget.

At the end of the first quarter, EBDA's spending is right on budget, with 25% spent. Staff notes that certain annual fees (i.e. Nutrient Surcharge and Water Research Foundation) were paid in the first quarter, while others (NPDES Permit Fee, Regional Monitoring Program) had yet to be billed. This led to certain line items appearing over or under budget, but balances out overall for the quarter.

# East Bay Dischargers Authority

## EXPENSE SUMMARY BY PROGRAM

FY 2020/21 THROUGH SEPTEMBER 30, 2020 (25% of YEAR)

	YTD Expenses	Budget	Variance	% of Budget	Last FY Q1 Expenses	Explanations for Variance Over 10%
<b>O&amp;M EFFLUENT DISPOSAL</b>						
General Administration	\$291,707.19	\$1,254,764	(\$963,057)	23%	\$257,151.37	
Outfall & Force mains	\$22,478.22	\$181,336	(\$158,858)	12%	\$30,139.38	Underspent due to efficiencies. Spending is expected to align with budget next quarter.
San Leandro Pump Station	\$12,013.58	\$0	\$12,014	100%	\$22,692.70	SLEPS is now San Leandro's responsibility, but some costs were incurred to close out projects that were initiated last fiscal year.
Marina Dechlor Facility	\$95,309.57	\$506,003	(\$410,693)	19%	\$112,474.42	
Oro Loma Pump Station	\$112,926.05	\$463,920	(\$350,994)	24%	\$101,266.54	
Hayward Pump Station	\$39,635.32	\$163,336	(\$123,701)	24%	\$32,793.84	
Alvarado Pump Station	\$87,351.69	\$365,336	(\$277,984)	24%	\$66,778.19	
Bay & Effluent Monitoring	\$274,729.15	\$534,550	(\$259,821)	51%	\$273,691.32	BACWA annual dues were paid in first quarter.
<b>TOTAL O&amp;M EFFLUENT DISPOSAL</b>	<b>\$936,151</b>	<b>\$3,469,245</b>	<b>(\$2,533,094)</b>	<b>27%</b>	<b>\$896,988</b>	
<b>SPECIAL PROJECTS</b>						
NPDES Permit Fees	\$0.00	\$555,483	(\$555,483)	0%	\$0.00	Annual fee has not yet been paid.
NPDES Permit Issues	\$0.00	\$200,000	(\$200,000)	0%	\$0.00	Reserve funds in case of enforcement.
Regional Monitoring Program	\$0.00	\$280,000	(\$280,000)	0%	\$0.00	Annual fee has not yet been paid.
Nutrient Surcharge	\$269,479.00	\$269,479	\$0	100%	\$273,461.00	Annual fee was paid in first quarter.
Water Environment Research Foundation	\$23,407.45	\$25,000	(\$1,593)	94%	\$22,276.92	Annual dues were paid in first quarter.
Transport System Evaluation	\$0.00	\$20,000	(\$20,000)	0%	\$11,759.32	
JPA Legal Support	\$23,112.70	\$42,000	(\$18,887)	55%	\$58,235.00	Work on policies and on LAVWMA negotiation is expected to be completed by Q3.
AQPI	\$0.00	\$29,000	(\$29,000)	0%	\$0.00	EBDA will be invoiced after agreement is approved by Sonoma Water - likely December.
Operator Training Modules	\$0.00	\$16,000	(\$16,000)	0%	\$0.00	Awaiting further work and invoice from OLSD.
Brine Project Development	\$35,537.58	\$30,000	\$5,538	118%	\$0.00	Costs will be reimbursed by Cargill.
Strategic Planning	\$0.00	\$10,000	(\$10,000)	0%	\$0.00	Work will be initiated in Q3.
Disinfection Master Plan	\$0.00	\$40,000	(\$40,000)	0%	\$0.00	Work will be initiated in Q3.
Contingency - Admin Support	\$0.00	\$22,245	(\$22,245)	0%	\$0.00	Funds to be left in contingency until new Classification Plan is approved.
PFAS Sampling	\$0.00	\$15,000	(\$15,000)	0%	\$0.00	Costs are covered through BACWA for a regional study, and individual sampling was not required for all dischargers.
NPDES Testing - CSL	\$0.00	\$1,500	(\$1,500)	0%	\$2,408.00	Annual fee for WIMS has not yet been paid.
NPDES Testing - OLSD	\$0.00	\$1,500	(\$1,500)	0%	\$2,169.10	Annual fee for WIMS has not yet been paid.
NPDES Testing - HAY	\$0.00	\$1,500	(\$1,500)	0%	\$5,044.10	Annual fee for WIMS has not yet been paid.
NPDES Testing - USD	\$0.00	\$1,500	(\$1,500)	0%	\$4,551.00	Annual fee for WIMS has not yet been paid.
<b>TOTAL SPECIAL PROJECTS</b>	<b>\$351,537</b>	<b>\$1,560,207</b>	<b>(\$1,208,670)</b>	<b>23%</b>	<b>\$379,904</b>	
<b>WATER RECYCLING</b>						
Skywest Golf Course	\$3,370.94	\$120,000	(\$116,629)	3%	\$19,886.90	Reduced operation of the Skywest recycled water system.
<b>TOTAL WATER RECYCLING</b>	<b>\$3,371</b>	<b>\$120,000</b>	<b>(\$116,629)</b>	<b>3%</b>	<b>\$19,887</b>	
<b>TOTAL PROGRAMS</b>	<b>\$1,291,058</b>	<b>\$5,149,452</b>	<b>(\$3,858,394)</b>	<b>25%</b>	<b>\$1,296,779</b>	
Budget for Q1	\$1,291,058	\$1,287,363	\$3,695			

# East Bay Dischargers Authority

## EXPENSE SUMMARY BY ACCOUNT

FY 2020/21 THROUGH SEPTEMBER 30, 2020 (25% OF YEAR)

	YTD Expenses	Budget	Variance	% of Budget	Last FY Expenses	Explanations for Variance Over 10%
4010 - Salary	\$134,601.92	\$543,442	(\$408,840)	25%	\$110,150.74	
4020 - Benefits	\$71,976.95	\$282,582	(\$210,605.05)	25%	\$57,748.75	
4030 - Commissioner Compensation	\$7,920.00	\$45,000	(37,080)	18%	\$9,120.00	
4070 - Insurance	\$15,725.00	\$60,000	(44,275)	26%	\$12,076.00	
4080 - Memberships & Subscriptions	\$130,880.67	\$155,677	(24,796)	84%	\$126,461.77	BACWA dues, which are EBDA's largest membership expense (\$103k) were paid in the first quarter.
4100 - Supplies, Variable	\$55,423.18	\$287,000	(231,577)	19%	\$74,411.75	
4100 - Supplies, Fixed	\$1,418.15	\$24,000	(22,582)	6%	\$3,249.58	Significant spending on supplies for office and facilities has not been required.
4110 - Contract Services	\$13,438.12	\$132,320	(118,882)	10%	\$14,491.68	Minimal contract services for the force main and pump stations have been required year to date.
4120 - Professional Services	\$196,143.05	\$712,189	(516,046)	28%	\$269,916.04	
4140 - Rents & Fees	\$276,714.00	\$1,107,242	(\$830,528.00)	25%	\$278,761.00	
4141 - NPDES Fines	\$0.00	\$209,000	(209,000)	0%	\$0.00	Reserve funds in case of enforcement.
4150 - Maintenance & Repair	\$169,083.57	\$711,500	(542,416)	24%	\$155,221.46	
4160 - Monitoring	\$43,094.35	\$185,000	(141,906)	23%	\$44,388.27	
4170 - Travel	\$605.29	\$18,000	(17,395)	3%	\$2,327.83	Reduced travel due to COVID pandemic.
4190 - Utility, Fixed	\$3,670.37	\$21,500	(17,830)	17%	\$4,298.91	
4191 - Utility, Variable (PG&E)	\$169,928.99	\$615,000	(445,071)	27.6%	\$145,189.07	
4200 - Acquisitions & Other	\$434.83	\$40,000	(39,565)	1.1%	\$732.50	Reduced operation of the Skywest recycled water system.
<b>TOTAL ALL ACCOUNTS</b>	<b>\$1,291,058</b>	<b>\$5,149,452</b>	<b>(\$3,858,394)</b>	<b>25%</b>	<b>\$1,308,545</b>	
<b>Budget for Q1</b>	<b>\$1,291,058</b>	<b>\$1,287,363</b>	<b>\$3,695</b>			

## **ITEM NO. FM9 DRAFT PURCHASING POLICY**

### **Recommendation**

Review the draft Policy and provide input to staff.

### **Background**

Authority staff has been in the process of reviewing and updating the Authority's Financial Management System Policy and Procedure Manual. To facilitate better administration of Authority Policies, each section of the Manual will be addressed in a stand-alone Authority Policy, and the detailed procedures will be moved to separate staff documents. This includes the Authority's Purchasing Policy.

Prior to the adoption of the Authority's Amended and Restated Joint Powers Agreement (JPA), the JPA stated that, "The affirmative vote of four members of the Commission shall be required to: [...] Award, modify or accept work under any contract (including but not limited to contracts for the acquisition or construction of any building, works or improvements for the Phase I Project) in excess of \$10,000." The Commission and the Member Agencies determined that it was appropriate to remove that level of detail from the Amended and Restated JPA, with the agreement that the rules governing procurement would be captured in the Purchasing Policy. The Amended and Restated JPA requires unanimous approval of changes to the Purchasing Policy.

In addition to the \$10,000 contract award threshold in the JPA, Authority Counsel advised in 2012 that the General Manager (GM) could be authorized to sign contracts up to \$25,000, provided that the funds in question were previously authorized by the Commission in the approved budget, and that the Commission had adopted a resolution authorizing the GM to execute all such contracts up to \$25,000 that were approved in the budget. This approach met the Commission's desire at the time to raise the GM's signature authority in practice while not requiring amendment of the JPA. The Procurement Policy was accordingly revised in 2012 to provide signature authority up to \$25,000, and resolutions to approve the Annual Budget and Renewal and Replacement Fund (RRF) Schedule subsequently included language authorizing the GM to sign approved contracts up to that threshold. The threshold was increased from \$25,000 to \$50,000 by resolution in 2013. In 2019, the \$50,000 threshold was removed from the Budget and RRF resolutions pending revision of the JPA and Procurement Policy.

### **Discussion**

Attached is a draft Purchasing Policy for the Committee's review and input. Based on previous discussions with the Committee, the proposed contracting authority and signature authority for the GM for goods and services is less than \$25,000. The Policy also details the process the Authority will undertake for procuring goods and services at various value thresholds.

Agenda Explanation  
East Bay Dischargers Authority  
Financial Management Committee  
November 17, 2020

For construction work, the draft Policy conforms to the California Uniform Public Construction Cost Accounting Act (CUPCCAA), which the Commission adopted in 2007 (Resolution 07-09). CUPCCAA allows agencies to use simplified bidding practices for projects under the statutory thresholds (currently \$200,000 or less). Castro Valley and Oro Loma Sanitary District's also have opted into CUPCCAA. Unless desired by the Commission, the bidding thresholds identified in the statute would not impact which contracts are brought to the Commission for approval. The Commission retains the authority to approve all construction contracts valued at \$25,000 or more.

In order to fully conform to CUPCCAA going forward, staff recommends that the Authority also adopt an updated informal bidding resolution that references CUPCCAA. The Authority adopted an informal bidding resolution in 2007 (Resolution 07-12), however it is outdated now because the contracting thresholds have changed. Staff proposes to adopt a new resolution that references the statute rather than current thresholds so that, if the thresholds in the statute change, the resolution will not become obsolete.

For work by member agencies, the draft Policy clarifies the process and removes the previous low dollar thresholds. The draft Policy also specifically authorizes the use of joint procurements and cooperative procurements to foster greater economy and efficiency.

Per prior feedback from the Committee, the draft Policy requires Commission approval for any contract amendments or change orders valued at \$25,000 or more or where the amendment would bring the contract total over that threshold. Furthermore, the Commission reserves to itself the right to approve all amendments to contracts previously approved by the Commission. Staff is seeking Committee feedback on this and whether an allowance for change orders up to some percentage of the contract may be considered within the GM's authority.

Finally, the Policy further allows the GM discretion in entering into certain emergency contracts. To give effect to this provision, the Commission will need to take separate action, by a four-fifths vote, to delegate such authority to the GM. The emergency contracting statutes in the Public Contract Code provide that the governing body of a public agency, by a four-fifths vote, may delegate to the appropriate non-elected agency officer, the authority to take action required by an emergency, and to procure the necessary equipment, services, and supplies for those purposes, without a competitive solicitation. (PCC § 22050(b)(1).) Contracts entered into under these emergency provisions would be subsequently ratified by the Commission under the draft Policy.

Staff is seeking input from the Committee and the Commission on the draft Policy. Once concurrence is reached, staff will bring the Purchasing Policy for adoption by the Commission. Staff will also bring an updated informal bidding resolution and an emergency contracting resolution.

**POLICY NUMBER:** 1.7

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**NAME OF POLICY:** Finance – Purchasing

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**LAST REVISED:**

**PREVIOUSLY REVISED:** N/A

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**PURPOSE:** Policy Regarding the Procurement of Equipment, Supplies, Services, and Contracts for Construction Projects

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**POLICY:**

**I. AUTHORITY CONTRACTS WITH OUTSIDE CONTRACTORS, VENDORS, AND CONSULTANTS**

**A. Procurement of Equipment, Supplies, and Services**

1. Purchases and Contracts Under \$25,000. If the estimated cost of the equipment, supplies, and services is less than \$5,000, the General Manager will attempt to secure the best value for the Authority, but need not solicit quotes, bids, or proposals. If the estimated cost is between \$5,000 and \$10,000, the General Manager will solicit informal quotes, bids, or proposals from at least two vendors/consultants. If the estimated cost exceeds \$10,000, but is less than \$25,000, the General Manager will solicit informal quotes, bids, or proposals from at least three contractors, vendors, or consultants. For all purchases or contracts for equipment, supplies, or services below \$25,000, the General Manager may award the contract or purchase order, without further approval by the Commission.

2. Purchases and Contracts of \$25,000 or More. When the estimated cost of equipment or supplies is \$25,000 or more, the General Manager will solicit formal written bids/proposals through means and methods which he or she determines to be most cost-effective, which may include advertisement in a newspaper of general circulation in the Authority's service area.

When the estimated cost of services is \$25,000 or more, the General Manager will solicit informal proposals through means and methods which he or she determines to be most cost-effective. With the exception of contracts for services procured pursuant to California Government Code Section 4525 et seq., all services contracts shall be awarded to the proposer(s) that offer the best value to the Authority, which is defined as the overall combination of quality, price, and other elements of a proposal that, when



considered together, provide the greatest overall benefit to the Authority in response to the requirements described in the solicitation documents.

All contracts in the amount of \$25,000 or more shall be submitted to the Commission for approval.

3. Qualifications Based Solicitations. Pursuant to California Government Code Section 4525 et seq. (the Mini-Brooks Act), the Authority will use qualifications-based competitive proposal procedures for the procurement of architectural, landscape architectural, engineering, environmental (but, not where the scope of work consists of planning services), land surveying or construction project management services regardless of the contract value. Under this method, proposals will be evaluated based upon qualifications and demonstrated competence.

## **B. Procurement of Construction Projects**

1. California Uniform Public Construction Cost Accounting Act. The Authority has opted in to the California Uniform Public Construction Cost Accounting Act (California Public Contract Code Section 22000 et seq., the "Act"). Pursuant to the Act projects for the construction, reconstruction, erection, alteration, renovation, improvement, demolition, repair work, painting, or repainting of Authority-owned, leased, or operated facilities will be procured as follows:

a. Projects of \$60,000 (or the current threshold set forth in California Public Contract Code Section 22032(a)) or less may be let by negotiated contract or purchase order, or performed by the Authority's own employees by force account.

b. Projects of \$200,000 (or the current threshold set forth in California Public Contract Code Section 22032(b)) or less may be let by informal procedures set forth in the Authority's informal bidding resolution and in the Act.

c. Projects of more than \$200,000 (or the current threshold set forth in California Public Contract Code Section 22032(c)) will be let by formal bidding procedures set forth in the Act.

2. Maintenance Work. The Authority may, but is not required to, use the procedures set forth in this section B for maintenance work, which includes routine, recurring, and usual work for the preservation or protection of any Authority-owned or operated facility for its intended purposes, minor repainting, resurfacing of streets and highways of less than 1 inch, landscape maintenance, and work to keep, operate, and maintain Authority-owned water, power, or waste disposal systems.

3. Other Statutorily Authorized Methods. Alternative methods of procurement, such as a design build approach, may be utilized if authorized by state law and in full compliance with all applicable requirements.

**C. Sole Source**

Regardless of the estimated cost of the procurement, the Authority is not required to follow the processes detailed in this Policy when procuring materials, equipment, supplies, or services for which there exists only a sole source of supply.

**D. Leasing of Equipment**

If the total rental payments due under a lease are below \$25,000, the General Manager will follow the procedure in Section I.A.1. If the total rental payments due under a lease are \$25,000 or more, the General Manager will follow the procedure in Section I.A.2.

**E. Reporting**

The General Manager will report to the Commission on all contracts entered into under the General Manager's authority.

**F. Contract Extensions**

Commission approval is required for extension of contracts or purchase orders beyond one (1) year where the cost of the extension is estimated to be \$25,000 or greater.

**G. Minority Business Enterprises/Women's Business Enterprises Policy**

The Authority recognizes the value of diversity and it is the intention of the Authority to create a level playing field on which Minority Business Enterprises and Women's Business Enterprises can compete fairly for contracts and subcontracts.

**II. AUTHORITY CONTRACTS WITH MEMBER AGENCIES FOR WORK BY MEMBER AGENCY EMPLOYEES**

**A. Contracts with Member Agencies**

The Authority has entered into contracts with its member agencies for the operation and routine maintenance of Authority Facilities and additional tasks, as requested by the Authority. Work performed pursuant to contracts between the Authority and its member agencies will conform to the East Bay Dischargers Authority Amended and Restated Joint Exercise of Powers Agreement, this Policy, and the respective contract. In particular, each member agency contract will require the member agency to indemnify the Authority against all losses that may arise out of the performance of the work. Furthermore, the Authority will require the member agency to maintain insurance in

such types and amounts as the Authority may from time to time establish and naming the Authority and the member agencies as additional insureds.

#### **B. Operations and Maintenance Manager Determination**

Consistent with the above referenced contracts with the member agencies, the Authority's Operations and Maintenance Manager may authorize one or more member agencies to perform work on Authority Facilities when he or she determines that the agency(ies) can perform such work more cost effectively than if the work were let to contract by the Authority.

### **III. COOPERATIVE PROCUREMENTS WITH MEMBER AGENCIES**

To foster greater economy and efficiency, the Authority may avail itself of joint procurements and assignment of existing contract rights ("piggybacking") with its member agencies.

### **IV. PURCHASE OR LEASE OF REAL PROPERTY**

Any contract for the purchase of real property must be submitted to and approved by the Commission. Any lease or sublease of real property, including any renewal or extension of an existing lease or sublease, for which the annual rent is \$25,000 or greater, must be submitted to and approved by the Commission. For any lease or sublease of real property, including any renewal or extension of an existing lease, for which the annual rent is below \$25,000, the General Manager may approve and execute the lease, sublease, renewal, or extension, without further approval by the Commission.

### **V. GENERAL MANAGER SIGNATURE AUTHORITY**

#### **A. Signature Authority Generally**

Except as otherwise described in this Policy, the General Manager is authorized to expend funds, issue purchase orders, and sign contracts for procurements and activities for equipment, supplies, and for professional or other services where the cost is less than \$25,000.

#### **B. Change Orders and Amendments Generally**

The General Manager is authorized to issue change orders or amendments where the costs are less than \$25,000 without further Commission approval, so long as such change order or amendment would not result in a total contract value of \$25,000 or greater. The Commission reserves to itself the right to approve all amendments to contracts previously approved by the Commission.

General Manager is authorized to administer all contracts on behalf of the Authority.

## **VI. EMERGENCY CONTRACTS**

### **A. Competitively Bid Emergency Contracts**

The General Manager has been authorized by the Commission to take all necessary and proper measures in emergency conditions to keep the Authority Facilities in operation. The Authority's practice is to competitively solicit contracts for emergency services in advance of any emergency, consistent with the California Governor's Office of Emergency Services (CalOES) and Federal Emergency Management Agency (FEMA) reimbursement requirements.

### **B. Non-Competitively Bid Emergency Contracts**

In the event the Authority does not have a current contract for emergency services and the emergency conditions do not permit a delay resulting from a formal competitive solicitation process, the General Manager is authorized to make emergency purchases without giving notice for bids or proposals and to enter into such contracts without prior Commission approval. The General Manager will promptly report on the reasons and necessity for proceeding without a competitive solicitation to the Commission as required by Public Contract Code Section 22050 et seq.

### **C. Ratification**

Commission ratification is required for any emergency contract where the cost is \$25,000 or more and will be obtained as soon as it is practicable to do so.

## **VII. WAIVER**

The Commission may suspend or waive the requirements of this Policy in any instance when the Commission deems it in the best interest of the Authority to do so.



EAST BAY DISCHARGERS AUTHORITY  
2651 Grant Avenue  
San Lorenzo, CA 94580-1841  
(510) 278-5910  
FAX (510) 278-6547

*A Joint Powers Public Agency*

Pursuant to the Governor's Executive Order N-25-20 the Regulatory Affairs Committee meeting scheduled for November 16, 2020 at 2:30 p.m. will be telephonic. The dial-in number for the meeting is +1 669 900 6833 with meeting I.D. #892 8180 2436. Members of the public are encouraged to dial-in to the meeting using the same number. <https://us02web.zoom.us/j/89281802436>

### **ITEM NO. 15**

## **REGULATORY AFFAIRS COMMITTEE AGENDA**

**Monday, November 16, 2020  
2:30 p.m.**

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

**Committee Members: Johnson (Chair); Lamnin**

**RA1. Call to Order**

**RA2. Roll Call**

**RA3. Public Forum**

**RA4. EBDA NPDES Performance – See Item OM4**  
(The Committee will review NPDES Permit compliance data.)

**RA5. NPDES Permit Renewal**  
(The Committee will receive an update on preparations for the Authority's permit renewal.)

**RA6. Update on Nature-based Solutions Design Services Project**  
(The Committee will receive an update on the Authority's Request for Proposals process.)

**RA7. Adjournment**

(Any member of the public may address the Commission at the commencement of the meeting on any matter within the jurisdiction of the Commission. This should not relate to any item on the agenda. It is the policy of the Authority that each person addressing the Commission 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 Commission on an agenda item should do so at the time the item is considered. It is the policy of the Authority that oral comments be limited to three minutes per individual or ten minutes for an organization. Speaker's cards will be available in the Boardroom 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 the EBDA office at (510) 278-5910 or [juanita@ebda.org](mailto:juanita@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.)

(In compliance with SB 343, related writings of open session items are available for public inspection at East Bay Dischargers Authority, 2651 Grant Avenue, San Lorenzo, CA 94580. For your convenience, agenda items are posted on the East Bay Dischargers Authority website located at <http://www.ebda.org>.)

**The next Regulatory Affairs Committee meeting is scheduled for  
Wednesday, January 20, 2021 at 9:00 a.m.**

## ITEM NO. RA4 EBDA NPDES PERFORMANCE – NPDES PERMIT

Please see the Operations and Maintenance Committee agenda, Item No. OM4 for permit compliance data.

## ITEM NO. RA5 NPDES PERMIT RENEWAL

### Recommendation

For the Committee's information only; no action is required.

### Background

The Authority operates under a National Pollutant Discharge Elimination System (NPDES) [permit](#) issued by the Regional Water Quality Control Board (Regional Water Board) for its combined discharge to the San Francisco Bay through the EBDA outfall. The permit includes monitoring requirements, pollution prevention and pretreatment provisions, and effluent limits that the Authority must adhere to. EBDA's current permit went into effect on July 1, 2017 and expires on June 30, 2022.

### Discussion

The application for the Authority's next NPDES permit is due on September 30, 2021. To ensure that the Authority is best prepared to submit a thoughtful and complete application and to strategically negotiate permit provisions, staff is beginning preparations now. The overall timeline for renewal is as follows:

January 2021	Permit reissuance kick-off meeting (Coordinate with MAC mtg)
February – June 2021	Gather data and reports
July – August 2021	Analyze data for Reasonable Potential Analysis (determination of whether effluent limits apply) Develop and review tables, figures, and application forms
September 1, 2021	Draft Application completed
September 30, 2021	Final Application due to Regional Water Board
January – April 2022	Review and provide feedback on informal drafts from RWB and Tentative Order
May 2022	Permit out for public comment
June 8, 2022	Target RWB permit adoption date

Authority staff expects the permit renewal to be relatively straightforward, however there are always issues to negotiate. Staff anticipates new permit provisions on the following topics:

- **Cargill Brine Project:** If the project to accept mixed sea salt brine from Cargill, Inc. into the EBDA system moves forward, staff anticipates that the project and associated flows will be incorporated in the Authority's permit. Based on the due diligence work conducted to date, staff does not expect many material changes to the permit resulting

from the brine discharge, but there would likely be a change of the toxicity monitoring species from a freshwater species to a marine species. Modeling is also underway to understand whether the Authority's dilution factor would change.

- **Total Residual Chlorine:** As previously discussed, the Regional Water Board is in the process of updating the Basin Plan, the regional document that sets water quality standards. The Basin Plan's performance-based 0.0 mg/L instantaneous maximum limit will be replaced with a water quality-based objective and averaging period. The new limit will be based on EPA's 1984 Ambient Water Quality Criteria for chlorine, which sets a one-hour average concentration of 13 ug/L for estuarine discharges. Because it is water quality-based, this approach allows effluent limits for deep water dischargers to be calculated considering dilution.

For EBDA, this means that instead of complying with an instantaneous maximum limit of 0.0 parts per million (ppm), with the new objective and EBDA's current 79:1 dilution factor, EBDA's compliance would be based on 1.04 ppm measured as a one-hour average concentration. Compliance with this limit could be achieved with minimal SBS dosing, and perhaps no SBS addition under most conditions.

The Basin Plan Amendment is scheduled for adoption by the Regional Water Board on November 18, 2020. It will then need to be adopted by the State Water Resources Control Board (State Water Board), Environmental Protection Agency (EPA), and the California Office of Administrative Law (OAL). Authority staff is hopeful that these approvals will occur prior to EBDA's permit adoption so that the new limits can be incorporated.

- **Toxicity Provisions:** The State Water Board has been working for a long time on developing provisions with an aim to improve consistency in the way that whole effluent toxicity is regulated in permits across the state. Toxicity is measured by testing live organisms' response to effluent exposure in order to assess any synergistic effects of pollutants in effluent. The Authority's permit currently requires quarterly testing for chronic and acute toxicity using fathead minnow, a freshwater species. There is no effluent limit for chronic toxicity, but exceedance of a threshold triggers additional monitoring and studies to understand the cause.

Based on the new provisions, all dischargers that exceed five million gallons per day will have effluent limits for chronic toxicity. The new provisions require use of the Test of Significant Toxicity (TST), which is a different statistical method for establishing toxicity based on organism data. The TST relies on an in-stream waste concentration, which allows for dilution. What this means is that EBDA's compliance test for chronic toxicity going forward will be based on a very small amount of effluent mixed with lab water, and therefore exceeding the chronic toxicity effluent limit is very unlikely. To better understand toxicity trends, the Regional Water Board intends to require a compliance test for chronic toxicity annually and then add additional non-compliance "surveillance monitoring" on a quarterly basis that would assess toxicity with a higher concentration of effluent.

The Toxicity Provisions are scheduled for adoption by the State Water Board in December 2020, and then require EPA and OAL approval. It is anticipated that they will be in place by the time EBDA's permit is renewed. Regional Water Board staff has already begun constructive discussions with Bay Area Clean Water Agencies (BACWA) representatives regarding how the provisions will be drafted in permits in the Bay Area.

- **Near-shore Discharges.** Over the course of this permit term, Oro Loma Sanitary District and Union Sanitary District have each received permits from the Regional Water Board to increase discharges through their local outfalls during wet weather in exchange for early action nutrient upgrades. In Union's case, they are also anticipating discontinuing discharges to the Hayward Marsh in the next few years. At the same time, San Leandro has also applied for a permit to discharge locally as part of their wetland treatment project. EBDA staff expects these new approaches to be reflected in the Authority's next permit, but does not anticipate any associated material changes.
- **Research on Contaminants of Emerging Concern (CECs):** Regional Water Board staff is looking for ways to increase funding to study CECs in the Bay, their impacts, and contributions from sources including wastewater. These additional studies would be managed through the Regional Monitoring Program (RMP), in which wastewater agencies already participate. Regional Water Board staff has expressed an interest in deleting unnecessary and/or duplicative monitoring requirements in individual NPDES permits in exchange for additional funding to the RMP for these studies. An effort to identify such unnecessary monitoring requirements is underway through BACWA, and staff anticipates these changes will be included in EBDA's new permit.

To assist with the Authority's permit renewal application and negotiation, staff is recommending contracting with EOA, Inc. EOA specializes in water quality regulatory and technical support for public agencies and has supported the Authority's last two permit renewals. Sole-sourcing this engagement to EOA allows the Authority to capture the institutional knowledge gained in the last two cycles and ensures efficiency since EOA has processes in place to analyze EBDA's data. Staff estimates this contract to cost approximately \$100,000. By oversight, this was not included as a line item in the FY 2020/2021 budget. However, as previously reported, staff included \$200,000 in the budget for potential fines associated with the unpermitted discharges that occurred in May 2020. Based on conversations with Regional Water Board staff, EBDA staff does not expect enforcement on those discharges. Therefore, staff proposes to move those funds to the NPDES permit budget under the Special Studies fund and use them for this technical support. With the Committee's support, staff will bring the EOA contract to the Commission for consideration next month.



## **ITEM NO. RA6 UPDATE ON NATURE-BASED SOLUTIONS DESIGN SERVICES PROJECT**

### **Recommendation**

For the Committee's information only; no action is required.

### **Background**

Wetlands, horizontal levees, and other "Nature-Based Solutions" (NBS) have the potential to provide multiple benefits including water quality improvement through reduction of nutrients and contaminants of emerging concern, creation or restoration of habitat, and protection from sea level rise. As noted previously, the Authority has been engaged in several parallel projects that seek to advance NBS concepts along the East Bay shoreline, including the Transforming Shorelines Project. Transforming Shorelines is led by the San Francisco Estuary Partnership (SFEP) and funded by USEPA Region 9 under its Water Quality Improvement Fund. The project contains a number of components aimed at advancing NBS at wastewater treatment plants. Elements include:

- Establishment of the Transforming Shorelines Collaborative, a stakeholder group that will collaborate on challenges and opportunities associated with NBS projects around the Bay, including San Leandro, Hayward, Oro Loma, and others
- Development of a toolkit for NBS at wastewater treatment plants, including cost-benefit analysis
- Continued UC Berkeley research at the Oro Loma Horizontal Levee demonstration project, including study of reverse osmosis (RO) concentrate treatment
- A feasibility study for NBS at the Hayward Ponds
- Design and environmental permitting of the EBDA First Mile horizontal levee project

EBDA is leading the Hayward and First Mile projects with support from SFEP and the EBDA Member Agencies.

### **Discussion**

In November 2019, the Commission approved Resolution 19-42 authorizing the General Manager to enter into a funding agreement with the Association of Bay Area Governments, SFEP's parent agency. Per that agreement, SFEP will pass through grant funds to EBDA to reimburse the Authority for consultant costs associated with the Hayward and First Mile projects.

In coordination with SFEP, City of Hayward, and East Bay Regional Park District (EBRPD) staff, Authority staff developed a Request for Proposals (RFP) seeking an engineering and environmental consultant for the Hayward and First Mile projects. The RFP was distributed to potentially interested firms and posted on EBDA's website in September. The Authority received two proposals. Following proposal review and interviews of both consultant teams, staff has selected a preferred consultant and is currently negotiating the scope and fee. Staff expects to bring a contract for the Commission's consideration next month, followed by a kickoff meeting in January.

Following project kickoff, staff and the consultant will initiate public and stakeholder outreach associated with the project, likely in early 2021. Outreach will build on the process that has been undertaken by the Hayward Area Shoreline Planning Agency (HASPA) as part of their [Shoreline Master Plan](#). The HASPA team has consulted with key stakeholders including resource agency staff to inform their proposed solutions. The resulting preferred alternative takes stakeholder preferences into consideration and presents a preferred alternative that includes a horizontal levee south of Bockman Canal consistent with the First Mile project, as well as nature-based features including a treatment wetland and horizontal levee at the oxidation ponds in Hayward. EBDA staff has coordinated closely with the HASPA team during the Master Plan development and plans to continue to collaborate as the projects move forward.



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*A Joint Powers Public Agency*

Pursuant to the Governor's Executive Order N-25-20 the Operations & Maintenance Meeting scheduled for November 17th at 9:00 a.m. will be telephonic. The dial-in number for the meeting is +1 669 900 6833 with meeting I.D. #: 886 2957 6642. Members of the public are encouraged to dial in to the meeting using the same number. <https://us02web.zoom.us/j/88629576642>

## **ITEM NO. 16**

### **OPERATIONS & MAINTENANCE COMMITTEE AGENDA**

**Tuesday, November 17, 2020**

**9:00 A.M.**

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

**Committee Members: Cutter (Chair); Johnson**

**OM1. Call to Order**

**OM2. Roll Call**

**OM3. Public Forum**

**OM4. EBDA Performance**

(The Committee will be updated on EBDA's NPDES report.)

**OM5. Status Report**

(The Committee will be updated on EBDA's O&M activities.)

**OM6. Renewal and Replacement Fund Annual Recap FY 2019/2020**

(The Committee will review the annual recap of the Authority's Renewal and Replacement Fund for FY 2019/2020 and ongoing work carried over from prior fiscal years.)

**OM7. Motion Authorizing the General Manager to Execute a Contract with Graybar Electric Company, Inc. for the OLEPS Main Electrical Switchboard Upgrade in the Amount of \$103,632**

(The Committee will consider the motion.)

**OM8. Adjournment**

(Any member of the public may address the Commission at the commencement of the meeting on any matter within the jurisdiction of the Commission. This should not relate to any item on the agenda. It is the policy of the Authority that each person addressing the Commission 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 Commission on an agenda item should do so at the time the item is considered. It is the policy of the Authority that oral comments be limited to three minutes per individual or ten minutes for an organization. Speaker's cards will be available in the Boardroom 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 the EBDA office at (510) 278-5910 or [juanita@ebda.org](mailto:juanita@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.)

(In compliance with SB 343, related writings of open session items are available for public inspection at East Bay Dischargers Authority, 2651 Grant Avenue, San Lorenzo, CA 94580. For your convenience, agenda items are posted on the East Bay Dischargers Authority website located at <http://www.ebda.org>.)

**The next O&M Committee meeting will be held  
Tuesday, December 15, 2020, at 9:00 a.m.**

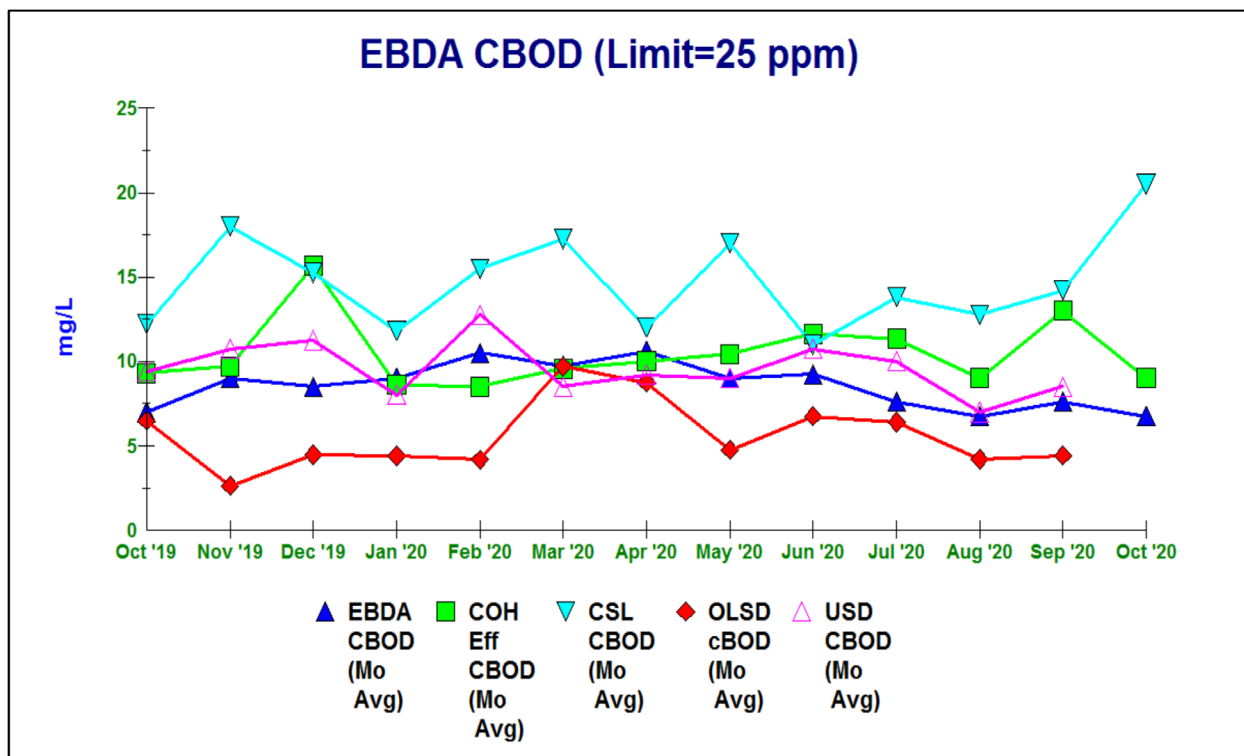
## ITEM NO. OM4 EBDA PERFORMANCE

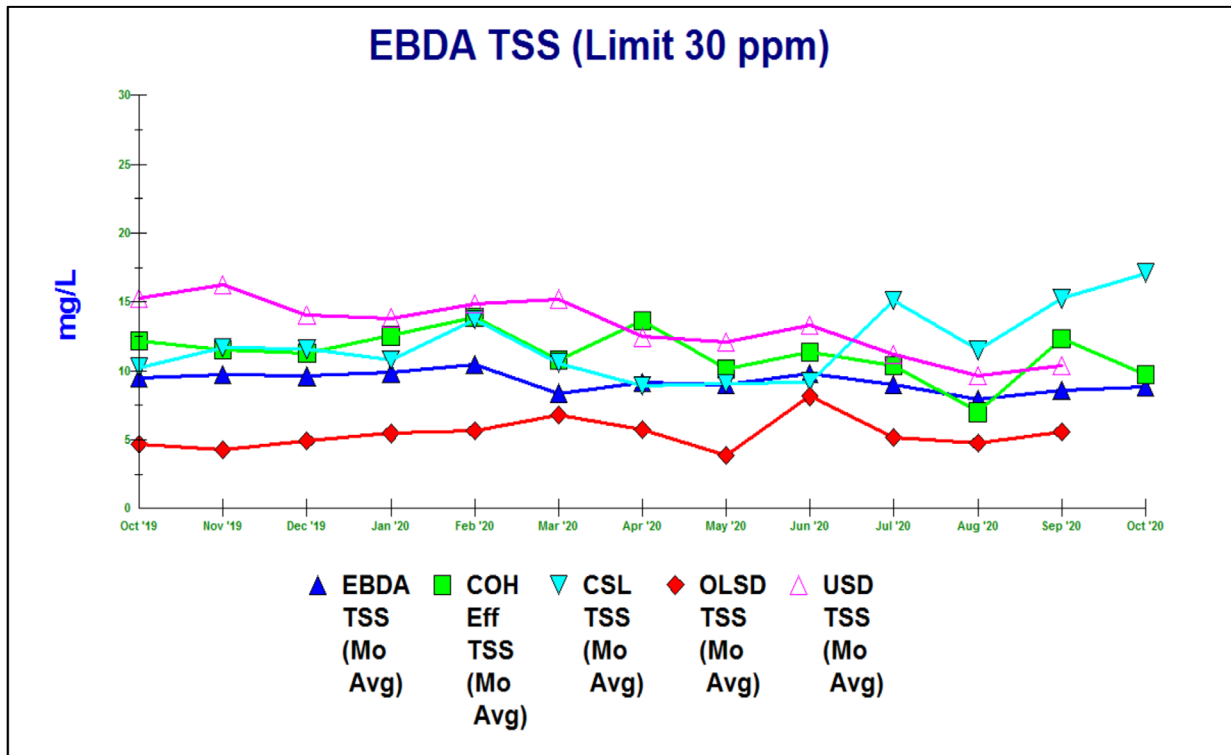
### Recommendation

For the Committee's information only; no action is required.

### Permit Compliance Issues

There were no NPDES permit violations in September and preliminary data from October are also free of permit exceedances. Member Agency CBOD and TSS performance are shown below. A table with bacterial indicators is also included. Sodium hypochlorite dosing was increased as the temperatures rose to prevent bacterial outbreaks during the summer months and is now being decreased as we enter cooler weather.





## EBDA Bacterial Indicators

Date	FECAL	ENTERO
	MPN/ 100mL	MPN/ 100mL
Limit (90th Percentile)	1100	
Limit (Geomean)	500	240
<b>October 2019 Geomean</b>	<b>35</b>	<b>2</b>
<b>November 2019 Geomean</b>	<b>32</b>	<b>2</b>
<b>December 2019 Geomean</b>	<b>18</b>	<b>&lt; 2</b>
<b>January 2020 Geomean</b>	<b>6</b>	<b>&lt; 2</b>
<b>February 2020 Geomean</b>	<b>5</b>	<b>&lt; 3</b>
<b>March 2020 Geomean</b>	<b>8</b>	<b>&lt; 2</b>
<b>April 2020 Geomean</b>	<b>4</b>	<b>2</b>
<b>May 2020 Geomean</b>	<b>40</b>	<b>2</b>
<b>June 2020 Geomean</b>	<b>28</b>	<b>3</b>
<b>July 2020 Geomean</b>	<b>27</b>	<b>3</b>
<b>August 2020 Geomean</b>	<b>23</b>	<b>3</b>
9/1/2020	23	4
9/2/2020	170	4
9/7/2020	27	2
9/8/2020	540	<= 3
9/9/2020	170	6
9/10/2020		< 2
9/14/2020	138	21
9/15/2020	11	4
9/21/2020	2	2
9/22/2020	11	39
9/28/2020	47	8
9/29/2020	22	4
<b>September 2020 Geomean</b>	<b>41</b>	<b>5</b>
10/5/2020	43	< 2
10/6/2020	13	< 2
10/7/2020	22	6
10/12/2020	43	15
10/13/2020	920	82
10/14/2020	7	10
10/19/2020	4	4
10/20/2020	70	8
10/21/2020	13	6
10/26/2020	101	139
10/27/2020	11	5
<b>October 2020 Geomean</b>	<b>30</b>	<b>9</b>

## **ITEM NO. OM5 STATUS REPORT**

### **Union Effluent Pump Station (UEPS – Formerly AEPS)**

#### **Effluent Pump No. 2 Variable Frequency Drive (VFD)**

In October, during their normal rounds, USD operations staff noticed that Effluent Pump No. 2 VFD was running hot. Effluent Pumps No. 2 and No. 6 were recently serviced by Rockwell Automation Field Service (RAFS). RAFS was notified, and on November 6 they replaced the recently installed upgraded VFD cooling fan timer relays and corrected a wiring issue. Effluent Pumps No. 2 and No. 6 are back in service and operating normally, and the repairs were completed under warranty.

### **Hayward Effluent Pump Station (HEPS)**

#### **Motor Control Center (MCC) Replacement Project**

This project is substantially complete. EBDA is waiting for a conditional release letter from the contractor. Once the letter is received, EBDA will file the Notice of Completion with the County. After completion is recorded by the county, EBDA will release the retention funds to the contractor within 60 days.

### **Oro Loma Effluent Pump Station (OLEPS)**

#### **Wet Well Hypochlorite (Hypo) System**

This project will allow for automatic control of hypo to the OLEPS wet well, reducing the cost of hypo, sodium bisulfite (SBS), and staff time. Calcon Systems, Inc. (Calcon) is in the process of procuring product information for the equipment that will be installed. Prior to purchase, OLSD staff will have an opportunity to review and comment on the selected equipment.

#### **Main Electrical Switchboard Upgrade**

Staff is recommending approval of a motion authorizing the General Manager to execute a contract with Graybar Electric Company, Inc. for the OLEPS Main Electrical Switchboard Upgrade in the amount of \$103,632. See Item No. OM7.

#### **Paving Repair/Upgrade**

On November 6, 2020, as part of OLSD's Pavement Reconstruction and Rehabilitation Project, the paving at OLEPS was completed. The asphalt behind OLEPS next to the 8,000 gallon above-ground diesel storage tank was replaced. Additional paving was also completed to reduce tripping hazards and match the rest of the plant where the paving is most noticeable.



New Asphalt Behind OLEPS

### **San Leandro Effluent Pump Station (SLEPS)**

No change; all equipment is operational.

### **Skywest Pump Station**

#### **Recycled Water Production**

During the month of October 2020, the Skywest Recycled Water System only operated two days and produced 1.1 million gallons of recycled water.

### **Marina Dechlorination Facility (MDF)**

No change; all equipment is operational.

### **Force Main**

#### **Transport System Repair Coupling & Seals**

As part of the Amended and Restated Joint Powers Agreement (JPA) negotiations, the Authority agreed to purchase encapsulating couplings and flexible internal seals and sleeves that can be used to repair the force main in the event of a failure. The 48-inch seals and sleeve were given to and are being stored at San Leandro, the 60-inch seals and sleeve are being stored at Hayward, and the 96-inch seals and sleeve are being stored at OLEPS. The last remaining item to complete the Authority's commitment was the 60-inch encapsulating coupling, which was delivered on November 11, 2020. The 60-inch encapsulating coupling will temporarily be stored at OLEPS until a permanent home is identified.





60-Inch Encapsulating Force Main Repair Coupling

### **Force Main Leak**

On November 3, 2020, the San Leandro Force Main Crew reported a small leak on a pipe flange between a force main manway cover and an Air Relief Valve (ARV) isolation valve. A temporary repair was completed that day, and EBDA has scheduled a shutdown on November 13, 2020 to replace the manway cover and flange. EBDA has a spare manway cover and flange in stock. This leak developed at the site of the recent brine project due diligence inspection. It appears that removing the manway cover during the inspection disturbed the flange and over time caused the flange to leak. The leak developed in one of the highest sections of the force main, and the water was less than one foot high in the manhole.

### **Operations Center**

No change; all equipment is operational.

### **Miscellaneous Items**

#### **Underground Service Alerts**

EBDA received twelve (12) Underground Service Alert (USA) tickets during the month of October 2020. Four required field verification.

#### **COVID-19 Response**

Authority staff is continuing to implement the Pandemic Response Plan, which includes staff working from home and alternating time in the office to ensure social distancing. Signage regarding closure of the office to the public and the Authority's social distancing measures has been posted on the office door. All meetings are being conducted by phone and web conference until further notice.

Staff is also continuing to track research efforts utilizing data on the prevalence of SARS-CoV-2 virus in wastewater influent to identify and anticipate COVID-19 community trends, termed wastewater-based epidemiology. Researchers at UC Berkeley secured foundation funding to develop a pop-up lab that can process 100 samples per day. The lab began operation in late September. They are still working to identify funding for the sample analysis, which they estimate at \$100/sample. A Working Group has been created to inform regional efforts and ensure coordination. The group includes representatives from UC Berkeley, Stanford, county public health offices, and wastewater treatment plants, coordinated by the Bay Area Clean Water Agencies (BACWA). More information on these regional efforts is at <https://www.covid-web.org/>.

EBDA staff has begun meeting with representatives from UC Berkeley, Alameda County Public Health Department (Public Health), and East Bay Municipal Utility District to develop a monitoring strategy for Alameda County. Public Health is still working to prioritize locations for which wastewater surveillance data will be most helpful. So far, within the EBDA service area they have identified the City of Livermore and Santa Rita Jail as locations of interest, and EBDA staff is coordinating with City of Livermore and Dublin-San Ramon Services District staff to determine sampling feasibility. Public Health is also interested in monitoring schools, and EBDA and UC Berkeley staff will work with them to identify pilot locations for school or school district sampling.

## **Special Projects**

### **Advanced Quantitative Precipitation Information (AQPI) Project**

The regional AQPI project to improve prediction of rainfall events in the Bay Area continues to move forward. The Cooperative Agreement for installation of the X-band radar in the East Bay has been approved by the East Bay agencies, but approval by Sonoma County Water District (Sonoma Water), the implementing agency, was slowed by the COVID-19 emergency and subsequent wildfires. Sonoma Water was slated to approve the East Bay agreement, as well as the lease agreement with American Tower for the site, on November 10, 2020, however the contracts have been pushed back again. Staff are readying plans for installation of the X-band at Rocky Ridge as they await approval of the agreement, in hopes that the radar will be installed to capture as much as possible of the upcoming wet season. In the meantime, scientists with the National Oceanographic and Atmospheric Administration (NOAA) will begin providing precipitation forecasts to agencies at locations of their choosing using data from the already-installed portions of the AQPI radar system.

**ITEM NO. OM6 RENEWAL AND REPLACEMENT FUND ANNUAL RECAP FY 2019/2020**

In June 2019, the Commission authorized an expenditure of \$549,000 in Renewal and Replacement Fund (RRF) project funds for FY 2019/2020, which included \$100,000 in contingency funds to be used for unplanned projects. As part of the JPA negotiations, the Authority agreed to purchase couplings and seals that can be used to repair the force main in the event of a failure. The purchase of the couplings and seals was subsequently added to the projects for FY 2019/2020 for a total budget of \$709,000.

For FY 2019/2020, the RRF total expenditures were \$1,107,912, which included the projects authorized in FY 2019/2020, as well as several carry-over projects. The largest project expenditure in FY 2019/2020 was \$762,562 for the HEPS MCC Project, bringing the total expenditure on that project through the fiscal year to \$2,961,350. See item No. OM5 for an update on the HEPS MCC Project. Two other noteworthy projects from prior years that were completed this year were the EBDA SCADA System Upgrade and the OLEPS Effluent Pumps No. 1 & No. 4 discharge valve actuator and gear drive replacements.

Additional detail on project expenditures is provided in the attached table. Projects authorized for FY 2019/20 were as follows:

**HEPS Replacement of four 75 HP Effluent Pumps**

EBDA's Asset Management Plan calls for two pumps to be replaced in FY 2019/2020 and two pumps to be replaced in five years. Staff suggests replacing all four pumps at once to minimize overhead costs. This project has been delayed due to the length of time required to complete the HEPS MCC project and other more pressing issues such as electrical upgrade projects.

**OLEPS Redundant ATS Installation & Portable Generator Enclosure**

Funds for this project were spent to evaluate and ultimately connect OLEPS to OLSD as a source of redundant emergency power in the event of a failure of the OLEPS emergency generator. The scope of this project was revised when it was determined that the OLSD connection was feasible and would be more reliable and cost-effective than the portable generator initially envisioned.

**SLEPS Electrical Upgrades**

EBDA credited the City of San Leandro \$34,000 to complete the necessary electrical upgrades at SLEPS.

**PLC Spare Components**

The purchase of spare Programmable Logic Controller (PLC) components was delayed. EBDA currently stocks approximately 67% of the spare PLC components. These funds will be used to purchase the remaining critical spare components.

### **Force Main Repair Couplings & Seals**

As part of the Amended and Restated Joint Powers Agreement (JPA) negotiations, the Authority agreed to purchase encapsulating couplings and flexible internal seals and sleeves that can be used to repair the force main in the event of a failure. See item No. OM5 for an update on this project.

### **RRF Contingency (Unplanned Projects) Fund**

The purpose of the Contingency Fund is to provide additional funding for unidentified projects and/or equipment that may need to be replaced or refurbished during the fiscal year. Much of the smaller ancillary equipment and components that the Authority owns are operated with the intent to “run to failure”. This is a common practice at wastewater facilities with these types of assets, which include fans, valves, actuators, and small pumps and motors. While preventive maintenance is completed on a regular basis, forecasting an exact date of failure is not possible. The criteria for “run to failure” are both that the equipment can be readily procured and that there is sufficient redundancy to meet system firm capacity. In some cases, staff will purchase critical items and have them on the shelf, thereby reducing system equipment downtime. The Contingency Fund is also used for unexpected projects that arise throughout the year. The contingency budget for FY 2019/2020 was \$100,000. The contingency expenditures for FY 2019/2020 were \$104,701. Each project undertaken is discussed in more detail below.

#### LAVWMA PLC Upgrade

The EBDA PLC was upgraded at LAVWMA’s San Leandro Sample Station (SLSS). This upgrade, in conjunction with LAVWMA’s upgrade of their PLC at the SLSS, allows EBDA to display additional LAVWMA data on the EBDA SCADA system. The additional data, such as pump run status and basin levels, will prove valuable during wet weather and possibly for use with chlorine dosing at OLEPS.

#### OLEPS Effluent Pump No. 1 Motor

OLEPS Effluent Pump No. 1 Motor was refurbished.

#### UEPS Effluent Pump No. 2 Repair

This project included the field service for the Variable Frequency Drive (VFD) transformer. The actual cost of the transformer was incurred in FY 2020/2021 and will be included in the next year’s contingency expenditures.

#### UEPS Effluent Pump No. 6 Repair

This project included the purchase of a new impeller and a refurbished VFD. The Commission adopted resolutions in the amount of \$32,961 for the impeller and \$23,429 for the VFD and field service. The remainder of the cost associated with this project was USD staff time and parts for the pump repair.

#### EBDA Network Security Upgrade

EBDA’s network security upgrade continued from FY 2018/2019 and included the installation of additional network security hardware and programming.

EBDA Communication System Upgrade

In 2017, EBDA started a project to replace the serial port radios used for data communication between EBDA facilities. The project was put on hold shortly after it was started due to a number of considerations, including evaluation of whether internet or radio was a more appropriate technology to meet EBDA's needs. With the new HEPS MCC going online, the timing was optimal to replace the communications between HEPS, OLEPS, and the Operations Center. Three new ethernet radios were installed, one on the HEPS Surge Tower, one on the OLEPS Surge Tower, and one at the Operations Center. The technology and approach will be evaluated to inform decisions on additional communication upgrades. The full Communication System Upgrade will be included in the RRF project list in the next several years. EBDA's Asset Management Plan lists the project in the year 2021.

## RRF FY 2019/2020 Summary

Updated as of: June 30, 2020

Project Name	2019/2020 Expenditures	Prior Years' Expenditures	Total Expenditures through 2019/2020	Percent Spent	Percent Complete	Budget Estimate	Projected Completion Date	Notes
<b>Prior Years' Projects</b>								
SLEPS Refurbish 4 Pumps	\$28,339	\$46,661	\$75,000	100%	100%	\$75,000	Completed	CSL credited \$28,339 per JPA negotiations
HEPS MCC Project	\$762,562	\$2,198,788	\$2,961,350	97%	97%	\$3,050,000	July 2020	Budget based on current project cost estimate
FM Manhole Coating & New Valves				0%	0%	\$75,000	Postponed	
MDF Analyzer		\$616	\$616	1%	0%	\$75,000	Postponed	Pending result of chlorine permit modification
SCADA System Upgrade	\$5,544	\$93,610	\$99,154	99%	100%	\$100,000	Completed	Includes \$11,115 for comm upgrade
Facilities Electrical Evaluation	\$1,155	\$24,301	\$25,456	106%	95%	\$24,000	June 2021	Overage due to staff time billed to project
AEPS Cavitation Study & Station Opti.	\$7,484	\$13,667	\$21,151	60%	60%	\$35,000	Report Complete	Station optimization postponed
OLEPS DE-PLC-SCADA	\$1,522	\$29,895	\$31,417	31%	31%	\$100,000	Postponed	
OLEPS Paving Repair/Upgrade	\$6,961	\$6,550	\$13,511	54%	45%	\$25,000	November 2020	
OLEPS Valve Actuators	\$20,586	\$33,039	\$53,625	89%	100%	\$60,000	Completed	
EBDA Office Upgrade	\$2,780		\$2,780	7%	10%	\$40,000	June 2021	
Prior Years' Project Subtotal	\$836,933	\$2,447,127	\$3,284,060			\$3,659,000		
<b>2019/2020 Scheduled Projects</b>								
HEPS Effluent Pump Replacement			\$0	0%	0%	\$360,000	June 2021	
OLEPS Backup Power From OLSD	\$47,149		\$47,149	118%	100%	\$40,000	Completed	
SLEPS Electrical Upgrades	\$34,000		\$34,000	100%	100%	\$34,000	Completed	CSL credited \$34,000 per JPA negotiations
PLC Spare Components			\$0	0%	0%	\$15,000	June 2021	
Force Main Repair Couplings & Seals	\$85,129		\$85,129	53%	55%	\$160,000	November 2020	
2019/2020 Scheduled Project Subtotal	\$166,278	\$0	\$166,278			\$609,000		
<b>2019/2020 Contingency Projects</b>								
LAVWMA PLC Upgrade	\$3,317		\$3,317				Completed	
OLEPS Pump #1 Motor	\$5,034		\$5,034				Completed	
UEPS Pump #2 Repair	\$2,044		\$2,044				November 2020	
UEPS Pump #6 Repair	\$76,683		\$76,683				June 2021	
EBDA Network Security Upgrade	\$5,607		\$5,607				September 2020	
EBDA Communication System Upgrade	\$12,016		\$12,016				December 2020	
2019/2020 Contingency Subtotal	\$104,701		\$104,701	105%		\$100,000		
<b>2019/2020 Projects Total</b>								
	\$270,979		\$270,979			\$709,000		
<b>Total</b>								
	\$1,107,912		\$3,555,039			\$4,368,000		

**ITEM NO. OM7 MOTION AUTHORIZING THE GENERAL MANAGER TO EXECUTE A CONTRACT WITH GRAYBAR ELECTRIC COMPANY, INC. FOR THE OLEPS MAIN ELECTRICAL SWITCHBOARD UPGRADE IN THE AMOUNT OF \$103,632**

**Recommendation**

Adopt a motion authorizing the General Manager to execute a contract with Graybar Electric Company, Inc. (Graybar) for the OLEPS Main Electrical Switchboard Upgrade in the amount of \$103,632.

**Background**

As part of the Renewal and Replacement Fund (RRF) project list for FY 2020/2021, the Commission approved \$260,000 for electrical improvements at OLEPS, including the main electrical switchboard upgrade. The project includes replacement of the breakers, refurbishment of the main switchboard, and installation of two new automatic transfer switches (ATSs). These upgrades will improve the electrical reliability of the station, particularly in the event of a power outage.

Beecher Engineering, Inc., EBDA's contract electrical engineering firm, produced single-line drawings and a draft scope of work for the OLEPS main electrical switchboard upgrade project. EBDA staff received two quotes and negotiated the scope and fee with the low bidder. The two quotes were as follows:

Graybar Electric Company, Inc.	\$94,210.11
Eaton Corporation	\$101,685.00

Graybar is an authorized distributor for Schneider Electric USA, Inc. (Schneider Electric). The two attached quotes from Graybar are separated into the taxable and non-taxable parts of the project. The quote from Graybar/Schneider Electric includes distributor markup, tax, an arc flash assessment, a thermographic survey, and additional equipment such as a power monitor. The quote from Eaton did not include these elements, and thus the complete project price would have been higher.

The project requires two shutdowns during which PG&E will secure the power to OLEPS. The shutdowns will occur at night during low flows. The OLEPS diesel pumps will still be available, if necessary. Prior to the first shutdown, a thermographic survey of the main switch board will be completed to identify any hot spots which could potentially cause issues. PG&E will then secure the power for the first shutdown. This shutdown will be approximately 6 hours in length. Schneider Electric will remove the main switchboard panels to allow access to the inside for cleaning, inspection, and measurements of the busbars for the design of the replacement breakers. If during this first shutdown damage is found, the project can be cancelled and EBDA will only be responsible for Schneider Electric's labor costs to this point. The project can then be converted to a replacement of the main switchboard which is more expensive and requires more downtime. If the inside of the main switchboard is in good condition, as expected, the breaker replacement will continue.

Once the new breakers are fabricated, in approximately 14-16 weeks, a second PG&E shutdown will be required to install the new breakers. This shutdown will be approximately 8 hours in length.

The scope for the project includes the two shutdowns, replacement breakers, new switchboard front panels, inspection & installation labor, Energy Reduction Maintenance Setting (ERMS), a power monitor to connect to SCADA, an arc flash assessment, and a thermographic survey. Staff is including a 10% contingency for this project to cover potential costs such as PG&E cancelling a shutdown at the last minute. If this happens, EBDA would be responsible to pay Schneider Electric's labor costs for the personnel that mobilized for the shutdown.

The OLEPS electrical upgrades project approved as part of the RRF also includes replacement of the 75 kW generator. Staff is evaluating this element of the project in parallel with the switchboard upgrade. On October 29, 2020, staff submitted an application to the California Office of Emergency Services for a grant under their Community Power Resiliency Allocation to Special Districts Program. If successful, this grant would cover the majority of costs associated with the generator replacement.





1370 VALLEY VISTA DR STE 100  
DIAMOND BAR CA 91765-3921  
Phone: 909-451-4300  
Fax: 909-451-4699

To: EAST BAY DISCHARGERS AUTHORITY  
2651 GRANT AVENUE  
SAN LORENZO CA 94580-1839  
Attn: Howard Cin  
Phone: 510-362-2501  
Email: hcin@ebda.org  
Fax: 510-278-6547

Date: 11/09/2020  
**Project Name:** SWITCHGEAR BREAKER REPLACEMENT  
**GB Quote #:** 0236634010  
Purchase Order Nbr:  
Release Nbr:  
Additional Ref#:  
Revision Nbr:  
Valid From: 11/09/2020  
Valid To: 12/05/2020  
Contact: TINA LOMANTO  
Email: tina.lomanto@graybar.com

### Proposal

We appreciate your request and take pleasure in responding as follows

**Notes:** \* QUOTE VALIDITY 10-6-2020 THROUGH 12-5-2020

Item	Quantity	Supplier	Catalog Nbr	Description	Price	Unit	Ext.Price
100	1	SQUARE D CO.	REF# MS20-034		\$5,729.35	1	\$5,729.35
GB Part#:LOT SQD SERVICES					Tax:\$529.99		
Ship From:Drop Ship-Factory							
***Item Note:*** * Estimate for Shutdown #1, Material as described in Schneider's MS20_034 Main Switchboard Testing and Breaker Replacement Proposal.							
-----							
200	1	SQUARE D CO.	REF# MS20-034		\$42,135.19	1	\$42,135.19
GB Part#:LOT SQD SERVICES					Tax:\$3,897.49		
Ship From:Drop Ship-Factory							
***Item Note:*** * Estimate for Shutdown #2, Material as described in Schneider's MS20_034 Main Switchboard Testing and Breaker Replacement Proposal.							
-----							
300	1	SQUARE D CO.	REF# MS20-034		\$1,044.31	1	\$1,044.31
GB Part#:LOT SQD SERVICES					Tax:\$96.59		
Ship From:Drop Ship-Factory							
***Item Note:*** * ADDING IN ENERGY REDUCTION MAINTENANCE SETTING (ERMS)							

**Subtotal:** \$48,908.85  
**Estimated Tax :** \$4,524.07  
(Actual tax value will be calculated at time of order placement)  
**Total :** \$53,432.92

This equipment and associated installation charges may be financed for a low monthly payment through Graybar Financial Services (subject to credit approval). For more information call 1-800-241-7408 to speak with a leasing specialist.



1370 VALLEY VISTA DR STE 100  
DIAMOND BAR CA 91765-3921  
Phone: 909-451-4300  
Fax: 909-451-4699

To: EAST BAY DISCHARGERS AUTHORITY  
2651 GRANT AVENUE  
SAN LORENZO CA 94580-1839  
Attn: Howard Cin  
Phone: 510-362-2501  
Email: hcin@ebda.org  
Fax: 510-278-6547

Date: 11/09/2020  
**Project Name:** SWITCHGEAR BREAKER REPLACEMENT  
**GB Quote #:** 0236634009  
Purchase Order Nbr:  
Release Nbr:  
Additional Ref#:  
Revision Nbr:  
Valid From: 11/09/2020  
Valid To: 12/05/2020  
Contact: TINA LOMANTO  
Email: tina.lomanto@graybar.com

### Proposal

We appreciate your request and take pleasure in responding as follows

**Notes:** \* \* NOTE: THESE LABOR HOURS ARE NON-TAXABLE. \* QUOTE VALIDITY 10-6-2020 THROUGH 12-5-2020

Item	ItemType	Quantity	Supplier	Catalog Nbr	Description	Price	Unit	Ext.Price
100		1	SQUARE D CO.	REF# MS20-034		\$4,439.88	1	\$4,439.88
<b>GB Part#:</b> LOT SQD SERVICES <b>Ship From:</b> Drop Ship-Factory ***Item Note:*** * Estimate for Shutdown #1, Labor, as described in Schneider's MS20_034 Main Switchboard Testing and Breaker Replacement Proposal. * * Shutdown to take place during weeknight or Saturday hours. *								
200		1	SQUARE D CO.	REF# MS20-034		\$32,652.16	1	\$32,652.16
<b>GB Part#:</b> LOT SQD SERVICES <b>Ship From:</b> Drop Ship-Factory ***Item Note:*** * Estimate for Shutdown #2, Labor as described in Schneider's MS20_034 Main Switchboard Testing and Breaker Replacement Proposal. * Shutdown to take place during weeknight or Saturday hours. *								
300		1	SQUARE D CO.	ES#216886		\$3,685.15	1	\$3,685.15
<b>GB Part#:</b> LOT SQD SERVICES <b>Ship From:</b> Drop Ship-Factory ***Item Note:*** * * Arc Flash Assessment, as described in ES#21688								
						<b>Total in USD (Tax not included):</b> \$40,777.19		

This equipment and associated installation charges may be financed for a low monthly payment through Graybar Financial Services (subject to credit approval). For more information call 1-800-241-7408 to speak with a leasing specialist.

Pursuant to the Governor's Executive Order N-25-20 the Personnel Committee Meeting scheduled for November 16<sup>th</sup> at 9:00 a.m. will be telephonic. The dial-in number for the meeting is +1 669 900 6833 with meeting I.D. # 821 2392 3065. Members of the public are encouraged to dial-in to the meeting using the same number. <https://us02web.zoom.us/j/82123923065>

## **ITEM NO. 18**

### **PERSONNEL COMMITTEE AGENDA**

**Monday, November 16, 2020  
9:00 a.m.**

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

**Committee Members: Lamnin (Chair), Toy**

- P1. Call to Order**
- P2. Roll Call**
- P3. Public Forum**
- P4. Staffing Recommendations**  
(The Committee will discuss staff's recommendations for Authority staffing.)
- P5. Draft Commissioner Compensation Policy**  
(The Committee will review and provide feedback on the draft Policy.)
- P6. Resolution Approving Revisions to the Personnel Policy**  
(The Committee will consider the resolution.)
- P7. Adjournment**

(Any member of the public may address the Commission at the commencement of the meeting on any matter within the jurisdiction of the Commission. This should not relate to any item on the agenda. It is the policy of the Authority that each person addressing the Commission 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 Commission on an agenda item should do so at the time the item is considered. It is the policy of the Authority that oral comments be limited to three minutes per individual or ten minutes for an organization. Speaker's cards will be available in the Boardroom 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 the EBDA office 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.)

(In compliance with SB 343, related writings of open session items are available for public inspection at East Bay Dischargers Authority, 2651 Grant Avenue, San Lorenzo, CA 94580. For your convenience, agenda items are posted on the East Bay Dischargers Authority website located at <http://www.ebda.org>.)

**The next Personnel Committee meeting will be held  
Monday, February 15, 2021 at 9:00 a.m.**

## ITEM NO. P4 STAFFING RECOMMENDATIONS

### Recommendation

Review proposed recommendations and provide feedback to staff.

### Background

The Authority currently has three full-time staff positions – General Manager, Operations & Maintenance Manager, and Administrative Assistant. The Authority also contracts with a part-time Accountant.

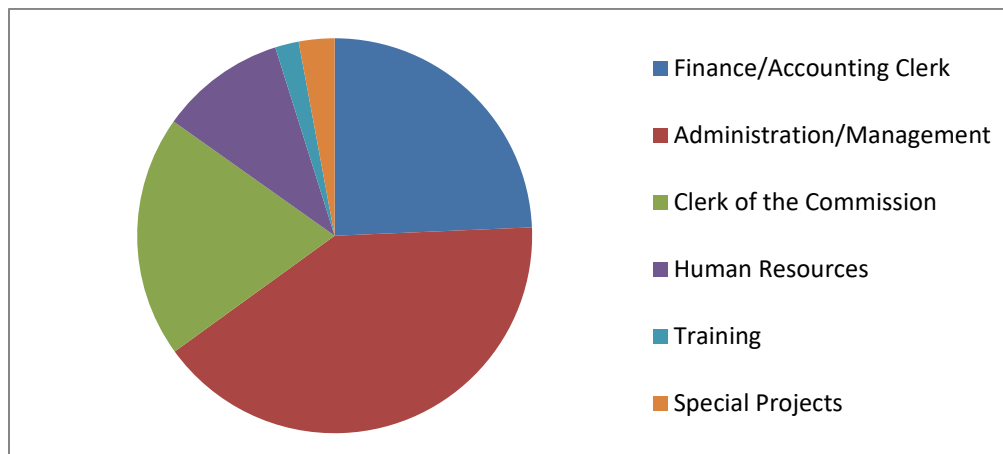
The Administrative Assistant position is a unique role. Because the agency is small, that position wears several hats – Clerk of the Commission, Finance/Accounting Clerk, Office Manager, Human Resources (HR) Manager, and Administrative Lead. Over the past two years due to the Administrative Assistant's medical leave, the Authority has had a combination of temporary staff supporting these functions.

Though the Authority is a small agency, the administrative workload is not entirely scalable to the operating budget or number of staff. The reporting requirements for public agencies are the same irrespective of the size of the agency. The level of effort associated with ensuring consistent compliance with all non-water quality regulations falls to the Administrative Assistant and is significant.

As part of the FY 2020/2021 budget, the Commission authorized a temporary part-time Administrative Assistant position. Half of the cost of an additional 0.5 FTE Administrative Assistant for the fiscal year was included in the line item for salaries, and the other half was added as a contingency Special Study, pending further review at mid-year by the Committee.

### Discussion

To support decision-making on staffing levels, staff performed a workload analysis for the Administrative Assistant position earlier this year. As noted above, the Administrative Assistant wears a number of hats. The overall breakdown of work is shown in the following figure:



Staff's estimates of the hours required to appropriately perform the tasks of the role are provided in the following table, also shared with the Committee in March 2020. These hours include a combination of hours actually recorded and estimates of hours to complete tasks that have not been performed due to staffing constraints.

Work Category	Example Tasks	Hours/Year
Finance/Accounting Clerk	Accounts Payable, Accounts Receivable, Banking, Financial System Data Entry	832
Administration/Management	Website Maintenance, Policy and Procedure Development and Review, Records Management, Reporting	1392
Clerk of the Commission	Agendas, Minutes	677
Human Resources	Payroll, Personnel/Labor Policies	353
Training	CalPERS/CSDA/Safety Training	66
Special Projects	Grant Management, Records Retention Schedule	100
<b>Total</b>		<b>3420</b>
<b>Full Time Equivalents (FTE)</b>		<b>1.97</b>

As shown at the bottom of the table, this analysis concluded that approximately 2 full-time staff would be required to fully support the workload demand. This is consistent with staff's observation that certain tasks such as records management/filing, policy and procedure updates, and website maintenance are routinely not getting done, and there have been extremely limited opportunities for training.

Though the workload has not materially changed since March 2020, when this was previously discussed with the Committee, two things have:

- The Authority's long-time contract accountant has committed to staying with the Authority for at least one more fiscal year, making succession planning and/or revision of the staffing approach for that function no longer an immediate priority.
- The coronavirus pandemic and associated economic downturn has put significant financial pressure on the Member Agencies.

In light of these developments, staff is now recommending development of a new Classification Plan that reclassifies the Administrative Assistant position to better characterize current duties as outlined in the graph and table above. This would be accompanied by a salary survey to assess appropriate compensation. The new Classification Plan would also create a new part-time entry-level administrative position

to provide support for the administrative and accounting functions. It is expected that this new plan would, on balance, cost less than 1.5 FTE of the current Administrative Assistant classification.

If the Committee supports this approach, the current part-time Administrative Assistant position would sunset at the end of this calendar year. Staff would then bring a draft Classification Plan to the Committee in February for consideration. If there is support for the new part-time position, funds could be moved from the Special Projects contingency to the operating budget to support filling the position in Q4 of this fiscal year. The agreed-upon staffing approach would also be integrated into the FY 2021/2022 budget.

## **ITEM NO. P5 DRAFT COMMISSIONER COMPENSATION POLICY**

### **Recommendation**

Review the draft Policy and provide feedback to staff.

### **Background**

Per the Sanitary District Act of 1923, Commissioners may receive compensation for each day of service in an amount adopted by the Commission. In November 2018, the Commission adopted a rate of \$240 per day of service, which has been in effect since January 1, 2019. This compensation rate may be adjusted by up to 5% annually by action of the Commission.

### **Discussion**

Historically, the Commission has adopted increases to the compensation rate by resolution, however the Authority has not had a Commissioner Compensation Policy that governs the conditions for reimbursement. To improve clarity and consistency with respect to which activities are compensable, staff is recommending adoption of a Commissioner Compensation Policy. A draft has been attached here for the Committee's review and discussion.

Staff is particularly seeking input from the Committee on the following questions:

- Should the Commission increase the current daily compensation rate? The current rate may be increased up to \$252.
- Should travel expenses for attendance at regular meetings or other compensable activities be reimbursable?
- In addition to Commission and Committee meetings, which (if any) other activities should be compensated by the Authority?
- Which activities should be compensated by the Commissioner's home agency?

Following Committee input, staff will bring the policy to the Commission for adoption by resolution.

**POLICY NUMBER:** 5

**NAME OF POLICY:** Commissioner Compensation

**LAST REVISED:**

**PREVIOUSLY REVISED:** NA - New Policy

**PURPOSE:** The purpose of this Policy is to prescribe the manner in which Authority Commissioners may be compensated and/or reimbursed for actual and necessary expenses related to official business of the Authority as well as for attendance at professional, educational, or vocational meetings.

**POLICY:** It is the policy of the Authority to provide fair and appropriate compensation for Commissioners performing their official duties.

Per the Sanitary District Act of 1923, Health and Safety Code sections 6400 et seq. Health and Safety Code section 6489(a) provides that board members may receive compensation not to exceed one hundred dollars (\$100) "for each day's attendance at meetings of the board or for each day's service rendered as a director by request of the board, not exceeding a total of six days in any calendar month, together with any expenses incident thereto." Health and Safety Code section 6489(b) provides that the board may adopt by ordinance an increased amount of compensation received by board members above the amount of one hundred dollars (\$100) per day.

On this basis, Commissioners shall be paid per day, not per meeting. Effective January 1, 2019, the current daily compensation rate is \$240 for each day of service (Resolution 18-40). This compensation rate may be adjusted by up to 5% annually by action of the Commission.

The following activities shall be considered Commission service eligible for compensation:

- Attendance at Authority Commission Meetings, Committee Meetings, or other Commission workshops or meetings subject to the Brown Act
- Representing the Authority at meetings or events at the request of Authority staff or Commission

For the events above, Commissioners shall be entitled to the daily service stipend as well as reimbursement for associated travel costs.



For other activities, including conferences, meetings, and professional development, Commissioners shall be compensated by their home agencies. Commissioners may seek exceptions whereby the Authority provides compensation by requesting pre-approval by the Commission.

For additional clarity, under Government Code Section 61047, the following activities are ineligible for compensation and therefore the Commission cannot approve them as being eligible for compensation:

- Attendance at meeting of a Standing, Liaison, Ad Hoc, or Advisory Committee of the Board on which the Commissioner does not serve
- Attendance at any meeting solely with Authority staff other than a tour or special training two hours or longer
- Internal Authority events, including groundbreakings, ribbon cuttings, dedications, and anniversary celebrations
- Social gatherings such as retired Commissioner dinners and pre-conference activities and nonpartisan welcoming or retirement events for staff of local agencies and organizations
- Meetings with legislators other than at a public meeting conducted pursuant to the Brown Act
- Any activity for which a Commissioner receives compensation from another agency

## **ITEM NO. P6 RESOLUTION APPROVING REVISIONS TO THE PERSONNEL POLICY**

### **Recommendation**

Adopt the proposed revisions to the Authority's Personnel Policy.

### **Background**

The Authority's Personnel Policy was last revised in January 2020. Prior to that, tweaks were made in August 2019 and October 2018. In reviewing the Compensation Plan for FY 2020/2021, the Commission directed staff to make revisions to the Personnel Policy to clarify the process for determining the cost-of-living-adjustment (COLA). Upon reviewing the Personnel Policy, staff determined that a more comprehensive set of updates to the Policy was warranted.

In the revised draft Personnel Policy presented to the Committee in August 2020, staff updated various sections to reflect current laws and regulations. In addition to minor formatting and grammatical changes, redundant language was removed. The following items were addressed, and where needed, changes were made to reflect current practices:

- Gender-specific pronouns were replaced with neutral terminology.
- Compensation Plan section was revised to include the Personnel Committee's COLA recommendation of using the consumer price index (CPI) with a floor and ceiling, along with a note that the Commission should also consider short- and long-term financial status of the Authority in making a COLA determination.
- Appointments section was updated to reflect current laws.
- Employment statuses were clarified, including benefit eligibility.
- Hours of work were updated to be more in-line with Member Agencies, to address varying schedules, and to clearly define overtime.
- Leaves and Vacations – Updates to this section include stating which employment statuses are eligible to receive leave benefits.
- Anti-Harassment Policy was updated to reflect that as of January 1, 2020, Government Code 12950.1 requires that all employees receive anti-harassment training.
- Lactation Accommodation Policy was added in compliance with SB 142.

### **Discussion**

The latest Policy is attached. Tracked changes are shown as compared with the adopted Policy currently in effect. New changes made since the October 2020 draft are highlighted in yellow. A clean copy is also included. The Policy was revised to state that part-time employees receive benefits in proportion to their hours worked, at the request of the Committee at its October 2020 meeting. Specifics on part-time employee benefits will be added to the Compensation Plan when it is next updated.

# Personnel Policy

## EBDA Policy #4

Reviewed February 17, 2005

Reviewed March 16, 2006

Revised March 15, 2007

Revised March 19, 2009

Revised July 16, 2009

Revised November 23, 2009

Revised April 21, 2011

Revised March 22, 2012

Revised March 21, 2013

Revised November 21, 2013

Revised May 15, 2014

Revised May 19, 2016

Revised September 22, 2016

Revised October 18, 2018

Revised August 15, 2019

Revised January 16, 2020

Revised OctoberNovember 4216, 2020

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## SECTION I – DEFINITIONS

Allocation	The assignment of a position to an appropriate class on the basis of the nature, difficulty and responsibility of duties actually performed.
Applicant	Any person who has made application for a position.
Authority	The East Bay Dischargers Authority.
Candidate	A qualified applicant who has been selected to participate in the selection process.
Class or Classification	A position or group of positions, the duties and responsibilities of which are sufficiently similar so that the same descriptive title, examples of duties and tests for fitness may apply.
Class Specification	A written description of duties, responsibilities and desirable qualifications for employment in a classification.
Commission	The East Bay Dischargers Authority Commission, the legislative and governing body of the Authority.
Compensation	The salary, wage, allowances and all forms of valuable consideration paid to any employee by reason of service in any position.
Demotion	A change of an employee from one position to any other position having a lower maximum salary.
Eligible	A person whose name is on an active employment list.
Employment List	A list of persons who may be considered for appointment to a specific position with the Authority.
Employee	A person officially appointed to a position in the adopted Classification Plan.
Examination	The selection procedure used to measure the relative fitness of persons applying for positions with the Authority.
<u>Full-Time Schedule</u>	<u>The Authority considers full-time employment to be forty (40) hours per week.</u>
General Manager	The General Manager of the Authority, as appointed by the Commission or <del>his/her</del> <u>their</u> duly designated representative.



Job Description	A written description of duties, responsibilities and desirable qualifications for employment in a specific position.
Part-time Position	A position to which an employee shall be assigned for less than <del>thirty</del> forty hours per week.
Personnel Committee	A panel advisory to the Commission on personnel matters consisting of two members of the Commission.
Position	A group of current duties and responsibilities designated by the Commission as requiring the employment of one person.
Probationary Appointment	A working test period during which an employee selected from an employment list is required, by actual performance, to demonstrate fitness for the duties of the position to which appointed.
Promotion	A change of an employee from one position to another position that has a higher maximum salary.
Provisional Appointment	Appointment for a period not to exceed six months to a position for which no employment list exists.
Reallocation	Change in the assignment of a position from one existing class to a new class resulting from a change in the Classification Plan.
Regular Appointment	The type of status granted to an employee who has successfully completed a probationary period.
Seniority	The total length of satisfactory service of an employee within each specific class.
Suspension	Temporary separation of employment with or without pay.
Temporary Appointment	Assignment of an employee to a position for a <del>period of up to one year</del> <u>limited duration</u> .
Termination	Permanent separation of an employee from Authority service.
Unclassified Position	Certain management, professional or confidential positions designated by the Commission to fall outside the classified service and to be exempted from certain provisions of these Rules.

## SECTION II – GENERAL PROVISIONS

### ***Purpose***

The Personnel Policy is established to provide a comprehensive personnel system and procedure for its administration whereby the Authority may:

1. Establish consistent employment practices.
2. Provide guidelines for recruiting and selection of the best candidates.
3. Establish a fair and equitable compensation system.
4. Provide for the welfare of all employees.
5. Establish guidelines for separation of employment.

Employment under this Personnel Policy shall not constitute an employment contract, and the General Manager may interpret and implement the provisions included in this document as ~~he/she deems~~deemed appropriate. Any changes to this document must be in writing and must be adopted by resolution of the Commission. Copies shall be provided to employees so that they are aware of all changes to the Personnel Policy. No oral statements shall in any way change or alter the provisions of this Personnel Policy.

### ***Applicability***

This Personnel Policy shall apply to all employees of the Authority. In the case of conflicting language, an employment agreement shall supersede this Personnel Policy. The following list of persons are exempt from this document:

1. Commissioners of the Authority
2. Members of Committees advisory to the Commission
3. Persons engaged under contract to supply expert, professional, technical or other services
4. Volunteer personnel:

### ***Administration***

The Commission shall appoint, and may remove, a General Manager who shall have responsibility for and control of the affairs of the Authority and who shall, among other duties, administer the personnel system set forth herein, including preparation and maintenance of the Classification and Compensation Plans, all essential records required for maintenance of the system and application of the rules, and shall enforce the provisions herein and all other pertinent regulations, directives and policies.

The Commission shall appoint a Personnel Committee consisting of two members of the Commission, the function of which is to review and make recommendations on all personnel matters coming before the Commission for action, including revision to the Classification or Compensation Plans and these Rules, and to hear appeals as indicated herein. Action by the Committee with respect to grievances (Section XVIII) shall be final

and shall not require further action by the Commission unless appealed to the full Commission.

### ***Non-Discrimination (Equal Employment Opportunity)***

No person within the service of the Authority, or seeking entry thereto, shall be employed, promoted, demoted, suspended, discharged, in any way favored or discriminated against, or retaliated against for charging acts of discrimination in accordance with Federal Equal Employment Opportunity Laws (EEO) and State of California Department of Fair Employment and Housing Act. This includes but is not limited to the following protected classes and activities:

- Age (40 and over)
- Ancestry
- Citizenship
- Color
- Disability (mental and physical) including HIV and Aids
- Equal Compensation
- Denial of Family and Medical Care Leave
- Gender, Gender Identity, Transgender and Gender Expression
- Genetic Characteristics and Genetic Information
- Marital Status
- Medical Condition
- Military or Veteran Status
- National Origin
- Political Affiliation
- Race
- Religion
- Religious Creed
- Sex (which includes pregnancy, childbirth and medical conditions related to pregnancy or childbirth)
- Sexual Orientation
- Whistleblowing

The Authority is an equal opportunity employer and its personnel policies shall be administered in accordance with applicable state and federal law.

### ***Incompatible Activities***

No officer or employee of the Authority shall:

1. Participate in any political activity during working hours on the Authority premises.
2. Use for private gain or advantage the influence of an Authority position or the facilities, equipment or supplies of the Authority.
3. Solicit or accept any favors or gifts from persons, concerns or corporations who have, or seek to have, business contacts with the Authority.

4. Divulge confidential information to anyone to whom issuance of such information has not been authorized by the General Manager.
5. Participate in any employment or other activity which will prevent ~~him/her~~the employee from ~~doing his/her Authority job~~completing assigned duties in an efficient and capable manner, which brings discredit upon the Authority, or which might result in a conflict of interests between the employee's private interest and ~~his/her~~ official duties and responsibilities, or in any event which has not been approved by the General Manager.
6. Provide information or services to contractors or other persons, which would give a competitive advantage over others dealing with the Authority.

### ***Violation***

Violation of these ~~r~~Rules shall be grounds for rejection of application, removal from an eligible list, suspension, demotion, discharge or other discipline of employees deemed appropriate under the circumstances.

### ***Severability***

If any section, subsection, sentence, clause or phrase herein or any application thereof to any person or circumstance, is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of the ~~Rules~~Policy.

## **SECTION III – CLASSIFICATION PLAN**

### ***Preparation***

The General Manager may review the duties and responsibilities of all positions within the Authority service. All positions shall be grouped into classes and each class shall include those positions sufficiently similar in respect to their duties and responsibilities that similar requirements as to training, experience, knowledge, skills, personal qualities, and the same salary range may be made to apply with equity to all positions in the same class.

### ***Content***

The Classification Plan shall have written class specifications, which shall include concise descriptive titles, physical requirements and working conditions as required by the Americans with Disabilities Act, general descriptions of the essential duties and responsibilities of the class including job definitions, and statements of the required and desirable qualifications.

Each class specification outlines the main characteristics and qualification requirements of positions allocated to the class and gives examples of duties which employees holding such positions may properly be required to perform. The class specification is descriptive and explanatory, but not restrictive. The listing of particular examples of duties does not preclude the assignment of other tasks and duties of related kind or character or of lesser

skills. The statement of desirable qualifications in a class specification is intended to be used as a guide in selecting candidates for employment as an aid in the preparation of competitive examination, and for use in determining the relative value of positions in one class with positions in other classes. Such personal characteristics as honesty, sobriety and industry are deemed to be included in all class requirements and need not be specifically mentioned.

Nothing in the class specifications is to be interpreted as restricting a supervisor in assigning an employee of one class to perform the duties of a higher class for limited relief periods. Such assignment to perform the work of a higher class for a limited period comes within the requirements of work in all classes.

### ***Adoption***

Before the Classification Plan or any part thereof shall become effective, it shall be adopted by the Commission upon recommendation of the Personnel Committee.

### ***Revisions***

Each basic revision in the Classification Plan shall be made in the same manner as the Plan was originally established.

The General Manager may review duties of positions and prepare recommendations to the Personnel Committee for action by the Commission to ensure that the Plan is kept current and those changes in existing classes, the establishment of new classes or the abolition of classes is properly reflected in the Classification Plan.

The General Manager may reallocate a position to a different class whenever its duties change materially. Any proposed reallocation to be made shall be made with the knowledge of the employee concerned.

Whenever a new position is proposed, the General Manager shall prepare a comprehensive statement of the circumstances and description of the proposed duties and responsibilities and recommend allocation of the position to an appropriate class in the Classification Plan. No new position shall be filled by an individual until the position has been created by the Commission and until there is an approved class specification describing the work to be performed which has been adopted under the Classification Plan.

Reclassification of a position may not be used to circumvent the procedures concerning demotion, promotion, or compensation.

### ***Incumbents of Reclassified Positions***

When a position is reclassified from one class to another, the employee occupying the position may be retained in the position without further competitive examination provided that:

1. It is determined by the General Manager that the reclassification results from a change in duties and responsibilities that have already occurred.
2. The performance of the duties and responsibilities of the incumbent have been satisfactory.
3. The General Manager certifies that the incumbent possesses the knowledge, skills and abilities necessary to perform the duties of the new class.

The incumbent has regular status in the class to which the position was formerly allocated.

## SECTION IV – COMPENSATION PLAN

### ***Content***

The Compensation Plan shall consist of a schedule of monthly salary ranges, the method of computing hourly equivalents of actual salaries, and a summary list of additional benefits provided by the Authority.

### ***Preparation***

At least once annually, prior to the beginning of the fiscal year, the General Manager shall prepare a tentative Compensation Plan and shall present it to the Personnel Committee for review and recommendation to the Commission.

In preparing the tentative plan, the General Manager shall take into consideration class-by-class salary comparisons with Member Agencies and other comparable agencies to be designated by the Personnel Committee and across-the-board compensation adjustments received by Member Agencies since the last EBDA adjustment. Appropriate consideration shall be given to adjustments of the cost of living as measured by the ~~National~~ Consumer Price Index ~~Pacific Cities~~ for All Urban Consumers (CPI-U), the base figure for comparison shall be the ~~SF~~ San Francisco-Oakland-SJ city ~~Hayward, CA~~ for the period of January 1 through December 30 of the previous year. Adjustments in the cost of living shall be considered once a year as the General Manager prepares the Compensation Plan. Beginning with FY 2020/2021, the cost of living adjustment (COLA) shall be based on the above index within a floor-to ceiling-range of 0% - 4.0%. The COLA range shall be reviewed every three years. In adopting a COLA, the Commission may also consider the short- and long-term financial status of the Authority. The approved salary adjustments shall be applied to all of the classifications, effective the following July 1, by adoption of an amended Compensation Plan, and the salary adjustments shall be applied to the current salary of each employee on that date and the salary ranges for each classification shall be adjusted a like amount by adoption of an amended Compensation Plan. Effective July 1, by adoption of an amended Compensation Plan, adjustments shall be applied to the salary range of each position to reflect the COLA.

## ***Adoption***

The Compensation Plan for all employees shall be established by the Commission upon recommendation of the Personnel Committee prior to the effective date of any amendments thereto.

## ***Administration***

The Compensation Plan shall be administered by the General Manager. The General Manager, after review by the Personnel Committee and approval by the full Commission, shall determine the actual salary of individual employees, within the ranges established in the compensation plan, based on his/heran evaluation of the employee's qualifications, performance and merit.

Salary step increases shall be earned, shall be subject to satisfactory service, and shall not be considered a right of the employee. ~~Employees whose work performance meets or exceeds the standards of conduct and performance outlined in the classification plan shall be eligible for advancement to a higher step within the range established in the Compensation Plan. After an employee satisfactorily completes the required probationary period, which is six (6) months of continuous service in the same position unless extended, an employee is eligible for his/her first step increase upon approval of the General Manager.~~After an employee completes twelve (12) months of continuous service in the same position, the employee may be advanced to the next higher rate of compensation as set forth in the Compensation Plan upon approval of the General Manager. Subsequent step increases shall be effective annually on the anniversary ~~date~~ of the employee's ~~last merit increase~~hire date until the employee reaches the top step of the range. After reaching step 5 ~~(upon approval of the General Manager)~~, the employee shall remain at the same rate provided for at step 5 while ~~he/she~~continues to serve in the same position, subject to satisfactory service.

A written performance evaluation shall accompany a recommendation for salary advancement. Performance standards are based on satisfactory achievement of the qualifications outlined in the classification plan in addition to customary employment standards, such as knowledge of the position; quality of work; ability to handle responsibility; acceptable rate of productivity; demonstrated initiative; and an acceptable attendance record. Performance evaluations, which may include employee comments or rebuttals, shall be maintained in the employee's personnel file. A copy shall be provided to the employee.

## **SECTION V – RECRUITMENT AND APPLICATION**

### ***Recruiting***

Public announcement of all employment opportunities shall be made at least three weeks prior to the final filing date of the announcement. The General Manager shall prepare an official announcement for posting in appropriate public places and its publication in appropriate news media or trade journals. The announcement shall contain all information of importance for potential applicants. Suitable and effective methods of distributing

information concerning employment opportunities and securing the most qualified candidates available for competition shall be practiced.

### ***Application***

Applications for employment shall be made readily available to potential applicants. Applications filed with the Authority shall be filed at the time, place, and manner prescribed in the job announcement and, once filed, shall become the property of the Authority.

### ***Disqualification of Applicants***

The Authority may reject an application, may disqualify an applicant in an examination, may refuse to place a name on an eligibility list, or may remove a name from an eligibility list for any legitimate reason, including but not limited to the following:

1. Substantive failure to fulfill any of the qualifications for the class or position for which the application is made.
2. Failure to pass written examinations required by the Authority.
3. Failure to pass the appraisal board interview.
4. Failure to pass a pre-offer background check and/or post-offer physical examination.
5. Failure to furnish true statements of material facts.
6. Practice or attempted practice of fraud or deception in connection with filing an application or during examination.
7. Previous dismissal from any public service for cause.
8. Previous resignation from the Authority or a Member Agency without adequate notice or under other prejudicial circumstances.
9. Being under the influence of intoxicant(s) that would impair the applicant's ability to perform in a safe and competent manner.
10. Previous conviction of a crime against person or property of a violent nature.
11. Failure of an applicant, after notification, to present themselves promptly at the time and place designated for any portion of the examination.
12. Obtaining either directly or indirectly, information about an examination that, as an applicant or competitor, would give applicant an unfair advantage or to which applicant was not entitled.
13. ~~Applicant has failed~~ Applicant has failed to respond to communications concerning ~~his/her~~ the applicant's availability for employment.
14. ~~Request by the Applicant has made him/herself unavailable for employment by requesting that his/her~~ Request by the Applicant has made him/herself unavailable for employment by requesting that his/her ~~their~~ name be withheld from consideration.



### ***Confidentiality***

The names of applicants and information contained on applications for employment shall not be made public.

### ***Verification***

Information presented on applications may, during the course of the hiring process, be verified, and applicants may be subject to a background check by the Authority. The Authority has the right to conduct a complete and exhaustive background investigation of all applicants seeking employment.

### ***Exemption***

All at-will positions shall be exempted from the foregoing recruitment and application procedure. Recruitment and application for at-will positions shall be conducted in a manner established by the Commission as vacancies occur.

## **SECTION VI – SELECTION PROCEDURE**

The selection procedure shall be impartial, of a practical nature, and shall indicate a good faith effort to fairly measure and evaluate capacities of the applicants to execute the essential duties and responsibilities of the position to which they seek to be appointed. Applicants participating in the recruitment shall compete in the same process and follow the same selection methodology. The selection procedure may include any one or a combination of the following:

- A. Information extracted from the application form, resume and other pertinent documentation submitted;
- B. Written, practical (hands-on), or physical tests or examinations, or any combination thereof;
- C. Oral interview with an appraisal board and/or one-on-one interview with Authority staff; and/or,
- D. Other appropriate means.

Applications shall be screened and evaluated. The most qualified candidates will be selected to participate in the selection process.

The Authority shall notify each applicant in writing of ~~his/her~~their standing as important steps in the selection process are completed. Once a candidate is selected and a job offer is made, the other candidates on the eligibility list shall be notified of the fact, and informed that their names will remain on the eligibility list for that position for a period of one year.

### ***Medical Examination***

Before any appointment may be made to a regular position, the individual shall be required to satisfactorily pass a medical examination given by a regularly licensed

physician designated by the Authority and made at the Authority's expense. No person shall be given a probationary or regular appointment that, at the time of such appointment, is physically unable to satisfactorily fulfill the duties of the position. An eligible candidate may be accepted conditionally when it is the opinion of the examining physician that ~~his/her~~the individual's physical disqualification may be temporary or when it is deemed that treatment may satisfactorily correct any impairment. Such impairment shall be corrected no later than one month prior to the completion of the employee's probationary period. Regular employees being appointed to positions involving increased physical effort may also be required to satisfactorily pass an appropriate physical examination.

## **SECTION VII – EMPLOYMENT LISTS**

### ***Establishment***

At the completion of the examination process, an employment list containing the names of all persons who have successfully passed all parts of the selection process shall be prepared by the General Manager.

### ***Order of Names***

The names of successful candidates shall be placed on the employment list in the order of their final ratings, ~~after these ratings have been converted to percentage figures~~. If two or more candidates have final scores that are identical, these candidates shall occupy an identical position on the employment list.

### ***Duration of List***

Each employment list shall normally remain in force for one year from the date of its establishment, except that the General Manager, ~~at his/her discretion~~, may extend the list for an additional period of time up to one year.

### ***Removal of Names***

The name of any eligible candidate may be removed or withheld from an employment list for any of the reasons specified in Section V.

### ***Restoration of Names***

An eligible candidate's name shall be reinstated to an employment list in the same relative position as originally held upon showing cause satisfactory to the General Manager.

### ***Termination of List***

An employment list may be terminated prior to its usual expiration date upon recommendation of the General Manager and approval of the Commission when it is considered to be in the best of interest of the Authority.

## SECTION VIII – APPOINTMENT

The power to appoint, discipline and dismiss employees of the classified service shall be vested in the General Manager or designee.

The successful candidate will be required to provide proof of identity and authorization to work in the United States. Documentation of eligibility to work in the United States will be required as a condition of employment.

### ***Oath***

In accordance with California Constitution Article 20, Section 3, and as mandated by California Government Code Sections 3100-3109, all public employees are declared to be disaster service workers, and must take and subscribe to an oath of loyalty as a condition of employment~~Every new employee shall be required to sign a loyalty oath as prescribed in the California Government Code.~~

### ***Regular Appointments***

Regular appointments shall be made by the General Manager or designee from established eligibility lists. Candidates appointed to regular positions shall be considered in a probationary status until successfully completing the probationary period. For employees who are not classified as “at-will,” regular appointments shall be made upon successful completion of the probationary period.

### ***Provisional Appointments***

The General Manager may make a provisional appointment to a position if there is no eligibility list for the class, and if the needs of the service require that the position be filled before a selection process can be completed. A provisional appointee shall:

- Meet the requirements of training and experience established for the position;
- Not be continued for more than thirty (30) days after an eligibility list for the position has been established, unless there are no candidates on such eligibility list who are available or wish to be considered for appointment to the position;
- Not serve under provisional appointment for longer than a 12-month period except when employed for a specific contract undertaken by the Authority.

### ***At-Will Appointment***

~~An at will employee is one whose employment may be terminated at the discretion of the Commission and/or General Manager at any time with or without cause. Rules providing pre-discipline meeting rights and post-discipline appeal rights for discipline or separation for cause do not apply to at will employees. At will positions include managerial employees whose terms of employment are stipulated in a written employment agreement signed by both parties. At will status also applies to any probationary, provisional, and temporary employee.~~

~~At will employees shall enjoy the same statutory protections of regular employees, including laws that prohibit discrimination or harassment based on protected classes such as race, national origin, ancestry, sex, age, physical or mental disability, sexual orientation, marital status, medical condition or religion. At will employees shall also be entitled to engage in protected activities without fear of retaliation, such as filing a charge of discrimination, whistleblowing or participating in an investigation.~~

### **Temporary Appointments**

If an employee is needed for a temporary period, certification shall be made from the names of those eligible candidates, if any are available, that have indicated willingness to accept temporary employment and appointment shall be made by the General Manager. The duration of the temporary appointment shall be limited to the period of the need ~~and in no event shall continue for more than one year.~~

The acceptance or refusal of a temporary appointment shall not affect an eligible candidate's standing on an employment list and the period of temporary service shall not constitute a part of a probationary period. Successive temporary appointments to the same position shall not be made nor shall an individual receive continued temporary appointments. If an appropriate employment list does not exist, an offer of temporary appointment may be made to a person who has not qualified under provision of these rules, but through a comparable process.

### **Provisional Appointments**

~~The General Manager may make a provisional appointment to a position if there is no eligibility list for the class, and if the needs of the service require that the position be filled before a selection process can be completed. A provisional appointee shall:~~

- ~~• Meet the requirements of training and experience established for the position;~~
- ~~• Not be continued for more than thirty (30) days after an eligibility list for the position has been established, unless there are no candidates on such eligibility list who are available or wish to be considered for appointment to the position;~~
- ~~• Not serve under provisional appointment for longer than a 12-month period except when employed for a specific contract undertaken by the Authority.~~

### **Part-Time Appointments**

If an employee is needed for less than a total of 340 hours per week, a part-time appointment shall be made by the General Manager from eligible candidates that have indicated willingness to accept part-time employment. The Authority is responsible for following the same recruitment/selection process for part-time employees as for regular, full-time employees. ~~Part-time employees serve at the discretion of the General Manager. Candidates appointed to part-time positions do not serve probation and can be dismissed any time with or without cause. Part-time employees shall work no more than 1000 hours in a fiscal year.~~

## SECTION IX – EMPLOYMENT STATUS

### ***Probationary Status***

The first six (6) months of employment is a period of evaluation for all regular employees and is called a Probationary Period. This is a time to monitor both work performance and work habits of the newly appointed employee. The probationary period may be extended for an additional period, not to exceed six (6) additional months, if an employee requires additional evaluation. If an employee successfully completes the probationary period, the employee moves from probationary status to regular status.

If, at the sole determination of the Authority, the newly appointed employee is unsuccessful in completing the probationary period, the employee shall be terminated with no right of appeal or hearing.

Regular full-time employees occupying management or supervisory positions are not subject to probationary periods and serve as “at will” at will employees at the pleasure of the Authority; they can be terminated anytime, with or without cause.

### ***Regular Full-Time Status***

Regular full-time employees are not in a temporary status and are regularly scheduled to work the Authority’s full-time schedule. Generally, they are eligible for the full benefits package, subject to the terms, conditions and limitations of each benefit program.

Employees with-in this employment status have completed the probationary period and work a forty (40) hour work week on a regular basis.

### ***At-will Status***

An at-will employee is one whose employment may be terminated at the discretion of the Commission and/or General Manager at any time with or without cause. Rules providing pre-discipline meeting rights and post-discipline appeal rights for discipline or separation for cause do not apply to at-will employees. At-will positions include managerial employees whose terms of employment are stipulated in a written employment agreement signed by both parties. At-will status also applies to any probationary, provisional, and/or temporary employee.

At-will employees shall enjoy the same statutory protections of regular employees, including laws that prohibit discrimination or harassment based on protected classes such as race, national origin, ancestry, sex, age, physical or mental disability, sexual orientation, marital status, medical condition or religion those listed in the Non-Discrimination section of the General Provisions in Section II2. At-will employees shall also be entitled to engage in protected activities without fear of retaliation, such as filing a charge of discrimination, whistleblowing or participating in an investigation.

Rules providing pre-discipline meeting rights and post-discipline appeal rights for discipline or separation for cause do not apply to at-will employees.

## ***Part-Time Employment***

Part-time positions are those that are required on a long-term basis. ~~Incumbents in these positions can expect and are scheduled to work less than 30-40 hours per week. Employees in this class are not eligible for benefits or accrued leaves, with the exception of sick leave.~~ Part-time employees do not serve a probationary period. ~~and will not be eligible for benefits, except sick leave.~~ At the end of each 2080 hours worked, the part-time employee is eligible for a salary step increase based on satisfactory performance. ~~The General Manager shall periodically review the part-time positions to determine that there are appropriate staffing levels to meet the needs and requirements of the Authority and make adjustments as necessary. The Authority is responsible for following the same recruitment/selection process as for regular, full-time employees. Part-time employees do not serve a probationary period.~~ Such employees serve at the discretion of the General Manager. Part-time employees are "at-will" at-will, -and can be terminated any time, with or without cause. The General Manager shall periodically review the part-time positions to determine that there are appropriate staffing levels to meet the needs and requirements of the Authority and make adjustments as necessary. Part-time employees shall work no more than 1000 hours in a fiscal year. ~~At the end of each 2080 hours worked, the part-time employee is eligible for a salary step increase based on satisfactory performance. Part-time employees serve at the discretion of the General Manager. Candidates appointed to part-time positions do not serve probation and can be dismissed any time with or without cause. Part-time employees shall work no more than 1000 hours in a fiscal year.~~

Employees in a Ppart-time status employees shall be entitled to participate in the Authority's benefit programs as specified in the Compensation Plan. The Authority's payment toward these insurance programs shall be proportionate to the employee's scheduled work hours.

## ***Temporary Employment***

Temporary employees are hired as interim replacements if regular staff are unavailable, to temporarily supplement the workforce, or to assist in the completion of a specific project or set of projects for a limited duration. Employment beyond any initially--stated period does not in any way imply a change in employment status.

Temporary full-time employees are scheduled to work the Authority's full-time schedule. Generally, they are eligible for the full benefits package, subject to terms, conditions and limitations of each benefit program.

Temporary part-time employees are scheduled to work less than 340 hours per week with a maximum of 1,000 working hours. Employees in this temporary classes are not eligible for benefits or accrued leaves, with the exception of sick leave.

Temporary full-time and part-time positions may be required to complete a one-time project or set of projects. Temporary part-time employees are not eligible for paid leaves or benefits unless stated in this Policy to the contrary. Temporary full-time full-time employees are entitled to paid leaves and benefits as outlined in the Authority's Compensation Plan to this extent this Policy does not state to the contrary.

## **Resignation**

An employee who resigns shall present notice in writing to the Authority at least 14 calendar days prior to the effective date of the resignation.

## **Reduction in Force**

The Commission may separate any employee, without prejudice, because of lack of work or funds, or because of material change in duties or organization. No regular employee, however, shall be separated while there are provisional, probationary or temporary employees serving in the same class; provided, however, a regular employee otherwise subject to separation under ~~these Rules~~this Policy may elect voluntary demotion to a lower class if vacancies exist. The order of separation due to reduction in force shall be based upon seniority. All employees subject to separation under these provisions shall receive written notice at least 14 calendar days prior to the effective date.

A summary of employment types and relevant status and benefits is provided in the following table:

	<u>Status</u>	<u>Benefits</u>
<u>Temporary Part-time</u>	<u>At-will</u>	<u>Sick leave only</u>
<u>Temporary Full-time</u>	<u>At-will</u>	<u>All Sick leave only</u>
<u>Regular Part-time</u>	<u>At-will</u>	<u>Sick leave only</u> <u>All (except deferred compensation and disability) proportionate to scheduled work hours</u>
<u>Probationary Full-time</u>	<u>At-will</u>	<u>All</u>
<u>Regular Full-time</u>	<u>Subject to discipline procedures</u>	<u>All</u>

## **SECTION X – DISCIPLINE AND GENERAL RULES OF CONDUCT**

It is expected that all employees shall render the best possible service and reflect credit on the Authority. ~~Therefore~~Therefore, the highest standards of professional conduct are essential and expected of all employees. This Section ~~X~~ does not apply to temporary, probationary, and provisional employees, though the Authority holds these employees to the same high standards of professional conduct. Discipline for ~~temporary and provisional~~at-will employees is at the discretion of the General Manager.

### Disciplinary Actions

The Authority may invoke the following types of disciplinary actions:

- Verbal Warning
- Written Reprimand
- Suspension With or Without Pay
- Reduction in Pay



- e) Demotion
- f) Disciplinary Probation
- g) Discharge/Termination

### ***Grounds for Discipline***

Disciplinary measures may be taken for any good and sufficient cause. Authority employees who are employed ~~“at-will,”~~ including temporary, provisional, and probationary employees, are not subject to the requirement of good cause, and are not entitled to pre-discipline procedures or appeals under these policies and may be separated with or without advance notice.

Good cause exists not only when there has been an improper act or omission by an employee in the employee's official capacity, but when any conduct by an employee brings discredit to the Authority, affects the employee's ability to perform his or her duties, causes other employees to be unable to perform their duties, or involves any improper use of the employee's position for personal advantage or the advantage of others. Rules requiring good cause do not apply to at-will employees. The type of disciplinary action shall depend on the seriousness of the offense and the relevant employment history of the employee. Causes for disciplinary action against an employee may include, but shall not be limited to, the following:

- a) Misstatements or omissions of fact in completion of the employment application or to secure appointment to a position with the Authority.
- b) Furnishing knowingly false information in the course of the employee's duties and responsibilities.
- c) Inefficiency, incompetence, carelessness or negligence in the performance of duties.
- d) Violation of safety rules.
- e) Violation of any of the provisions of these personnel rules and regulations, ~~department rules and regulations,~~ or Authority policies.
- f) Inattention to duty.
- g) Tardiness, or overstaying lunch periods.
- h) Being under the influence of an intoxicating beverage or non-prescription drug, or prescription drugs not authorized by the employee's physician, while on duty or on Authority property, or when called in for emergency duty.
- i) Disobedience to proper authority, refusal or failure to perform assigned work, to comply with a lawful order, or to accept a reasonable and proper assignment from an authorized supervisor.
- j) Any violation of the Authority's No Harassment Policy.
- k) Unauthorized soliciting on Authority property.



- l) Unauthorized absence without leave; failure to report after leave of absence has expired or after a requested leave of absence has been disapproved, revoked or canceled; or any other unauthorized absence from work.
- m) Conviction of a felony, or a misdemeanor involving moral turpitude, or a violation of a federal, state or local law which negatively impacts the employee's ability to effectively perform his/her assigned job or brings discredit to the Authority.
- n) Offensive treatment of the public or other employees.
- o) Falsifying any Authority document or record.
- p) Misuse of Authority property; improper or unauthorized use of Authority equipment or supplies, damage to or negligence in the care and handling of Authority property.
- q) Fighting, assault, and/or battery.
- r) Theft or sabotage of Authority property.
- s) Sleeping on the job, except as specifically authorized for 24-hour duty personnel.
- t) Accepting bribes or kickbacks.
- ~~u) Engaging in outside employment which conflicts with an employee's responsibilities.~~
- ~~v)u)~~ \_\_\_\_\_ Intimidation or interference with the rights of any employee.
- ~~w)v)~~ \_\_\_\_\_ Outside work or any other activity or conduct which creates a conflict of interest with Authority work, which causes discredit to the Authority, negatively impacts the effective performance of Authority functions or is not compatible with good public service.
- ~~x)w)~~ \_\_\_\_\_ Failure to maintain the minimum qualifications, including necessary licenses or certifications specified for the position.
- ~~y)x)~~ \_\_\_\_\_ Abusive or intemperate language toward or in the presence of others in the workplace.
- ~~z)y)~~ \_\_\_\_\_ Any other conduct of equal gravity to the reasons enumerated above as determined by the Authority.

### ***Procedure for Disciplinary Action***

Regular employees covered by this policy shall be governed by the following provisions:

#### **Written Notice**

The General Manager shall issue a written notice of discipline, describing the intended discipline, the basis for the discipline, and attaching any documents upon which the discipline is based. The affected employee may respond by submitting a rebuttal to be lodged in the employee's personnel file, and in the case of a suspension of one to four days, shall have the ability to present their side of the story by responding orally or in writing before the discipline becomes final within five working days of the notice being issued. Any such response to a proposed suspension of one to four days shall be considered before a final decision is made. For minor discipline—any action up to and

including a suspension of four (4) working days—no further appeal shall be permitted. For disciplinary actions of suspensions of more than four (4) working days, a reduction in pay resulting in loss of pay equal to or exceeding a suspension of more than four (4) days, demotion or termination (“serious ~~disciplined~~discipline”), employees shall retain pre-discipline meeting and post-discipline appeal rights as described below.

### Pre-Discipline Meeting

For “serious” discipline, the employee shall receive written notice of the charges upon which the disciplinary action is based, the materials upon which the charges are based, and the employee’s rights under Skelly vs. State Personnel Board, 15 Cal.3d 194 (1975.) The employee then has an opportunity to respond, either orally or in writing.

The General Manager shall designate an individual to convene a meeting to review the employee’s response and position before imposing discipline. As soon as practical following the meeting, the designated individual shall present his or her written opinion for consideration by the General Manager. If the General Manager is not the direct supervisor of the employee, the General Manager him/herself may convene the meeting.

The employee shall be entitled to a representative of ~~his/her~~their choice; provided, however, that the inability of a particular representative to attend the meeting shall not cause a continuance of the meeting. At the meeting, the employee shall be provided the opportunity to respond to the charges and to present any new information for consideration by the General Manager or ~~his/her~~their designee.

### Final Action

After the employee responds to the charges, ~~he/she~~they shall be given by the General Manager a final notice of discipline to be imposed and an opportunity to appeal the discipline after it is imposed, in accordance with the rules contained herein. The notice shall include the final decision, the effective date of the discipline, and the facts upon which the discipline is based.

### Appeal

For “serious” discipline, employees shall have the right to appeal ~~from~~ the final decision. The notice of appeal must be received within seven (7) calendar days from the date of the final notice of discipline, or the right to appeal is waived and the discipline shall become final.

The appeal shall be heard by an independent hearing officer from the Office of Administrative Hearings of the State of California; a neutral mediator from another recognized organization; or a neutral mediator selected by mutual agreement of the employee and the Authority.

The costs of the hearing officer shall be borne by the Authority. Either party may request that the matter be transcribed. The requesting party shall bear the expense of the transcript.

The hearing officer shall have the authority to convene the hearing, receive evidence through testimony and documents, and to make findings of fact and conclusions about the discipline. The hearing officer may recommend an outcome, but the final authority rests with the Commission. The hearing officer shall serve a recommended decision on the Authority and the employee. The Commission shall issue a final decision. The Commission's decision is reviewable by administrative writ of mandamus.

## SECTION XI – HOURS OF WORK

### ~~Office Hours~~ of Work

~~Normal hours on all days of the year, except Saturdays, Sundays and holidays, shall be 8:00 a.m. to 12 noon and 1:00 p.m. to 5:00 p.m. A full-time employee shall be scheduled to work a forty (40) hour work week within a seven (7) day work period. Employees may vary their starting and ending times with management approval, and provided there is sufficient coverage during the hours the Authority is open to the public.~~

### ~~Attendance~~

~~Employees, other than part-time employees, shall be required to be on duty for 40 hours during each seven-day work week, notwithstanding authorized leaves as hereinafter defined. When the needs of the Authority require, the~~ The General Manager may vary the working hours of any employee within the limits of State Law or other labor regulations should the need arise. Daily attendance records shall be kept and certified for payroll purposes. Any employee absent without leave, who fails to return to work within 24 hours after notice to return, shall be subject to ~~immediate discharge~~ disciplinary action.

### ~~Overtime~~

~~Authorized or required work performed by non-exempt employees in excess of forty (40) hours per week shall be deemed overtime. For the purpose of calculating overtime, the hours worked shall not include vacation, sick, or any other type of leave taken. Overtime is ordered and authorized time worked by regular full-time employees in excess of forty (40) hours in a week. Overtime work shall be paid only for full-time employees occupying non-exempt positions, and part-time non-exempt employees if ordered and authorized to work in excess of forty (40) hours in a week.~~

### ~~Overtime Rate~~

Overtime ~~for non-exempt employees~~ shall be paid at the rate of one and one-half (1.5) times ~~for overtime hours actually worked~~ the straight-time hourly rate. Overtime hours may be paid on the next regular pay check. With the approval of the General Manager prior to performance of the overtime work, employees may choose to receive compensatory time off rather than overtime pay. Compensatory time shall be used or paid to the employee within a 12-month period from the date earned.

### ***Call Back***

When an employee is required to return to work following a lapse of at least one hour after ~~his/her~~their normal working hours, a minimum of two hours shall be recorded.

### ***Exception***

Exempt positions shall not accrue overtime but may adjust their working hours in lieu thereof as approved by the General Manager.

## **SECTION XII – HOLIDAYS**

### ***Authority Holidays***

The following days shall be holidays for all full-time Authority employees:

New Year's Eve	December 31
New Year's Day	January 1
Martin Luther King's Birthday	3 <sup>rd</sup> Monday in January
President's Day	3 <sup>rd</sup> Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	1st Monday in September
Thanksgiving Day	4th Thursday in November
Day after Thanksgiving	4th Friday in November
Christmas Eve	December 24
Christmas Day	December 25

If a holiday falls on a Sunday, the following Monday shall be observed as a holiday. If a holiday falls on a Saturday, the preceding Friday shall be observed as a holiday. A part-time employee's holiday leave shall be proportionate to their scheduled work hours.

### ***Floating Holidays***

~~Full-time employees are allotted twenty-eight (28) hours of personal floating holiday to be used within the fiscal year, July 1 – June 30. may be taken anytime in the fiscal year with the approval of~~ Use of the allotted hours shall be approved by the General Manager.

~~(The Authority's fiscal year is July 1 through June 30.) If the personal holidays are not taken during the fiscal year, they are lost and there shall be no compensation for them. Floating holiday leave hours do not accrue and employees will not be compensated for unused hours.~~

A person hired after July 1, or a temporary full-time employee hired to work for less than 12 months, shall be provided the pro rata share of floating holiday hours for the number of months of work in the fiscal year compared to the annual allotment of ~~twenty~~ eight (28) floating holiday hours per year.

Floating holiday hours shall be reconciled upon an employee's permanent separation from the Authority. Hours used in excess of those earned shall be deducted from the employee's final pay.

~~Should an employee separate employment prior to June 30, or, for a temporary employee sooner than the period of time for which the temporary employee was hired, the employee's final paycheck will be reduced by an amount equal to the value of the same floating holiday hours provided as the portion of the fiscal year or temporary employment not worked. For example, if a regular employee received 28 floating holiday hours on July 1st and left employment six months later on December 31st, the employee's final paycheck would be reduced by  $6/12 \times 28 \text{ hours} \times \text{hourly rate}$ .~~

### ***Compensation for Holidays Worked***

Holidays shall be worked only on order and authorization of the General Manager. Work performed by a non-exempt employee on a holiday shall be compensated ~~by pay at time and one-half the regular rate~~ at the rate of one and one-half (1.5) times the straight-time hourly rate.

## **SECTION XIII – LEAVES AND VACATIONS**

### ***Vacation Leave Policy***

~~Vacation leave is an earned right of the employee; however, the use of it shall be approved by the General Manager. Vacation leave shall be taken in increments of not less than one hour.~~ Vacation leave is an earned benefit of eligible employees and its use shall be approved by the General Manager. Employees shall take vacation leave in increments of one (1) hour. Leave begins to accrue upon date of hire, but shall not be granted to the employee for use during the first six (6) months of employment. Vacation is accrued for all regular hours worked and shall continue to be earned during other authorized leaves with pay.

### ***Vacation Leave Allowance***

All full-time ~~regular~~ employees ~~(i.e. temporary, provisional and part time employees are excluded from vacation accrual)~~ shall earn vacation leave at the rate of 80 working hours per year from the date of employment. ~~Employees shall not be permitted to take any vacation during the first six months of employment.~~ Full-time employees shall earn an

additional eight (8) hours vacation leave allowance for each full year of continuous employment thereafter, up to a maximum of 160 working hours per year. Part-time employees shall earn vacation leave proportionate to their scheduled work hours.

~~All part-time employees shall earn vacation leave at the rate of 8 working hours for each 200 hours worked from the date of employment, up to a maximum of 40 working hours per year.~~

All eligible employees shall be permitted to accumulate unused vacation at a rate of 2-1/2 times ~~his or her~~their annual vacation ~~allotment allowance based on length of service.~~ Vacation accruals will be reviewed at the end of each fiscal year. If the accrual exceeds 2-1/2 times the annual ~~allotment allowance~~, ~~no further accumulation will be earned until the balance returns to within its permitted limit.~~ In years that the accrual exceeds the ~~annual allotment~~, the value of the excess accrual shall be paid to the employee at the end of that fiscal year and those hours shall be subtracted from the balance.

#### Method of Computing CreditsComputing and Recording Vacation Leave

Vacation leave credits shall be computed and recorded in increments of one hour. When periods of less than one full month have been worked, vacation leave credits shall be based on service computed to the nearest half month.

#### Recording Credits

On July 1st of each year, employees who have completed at least six months of satisfactory full-time continuous services shall be credited in advance with vacation leave allowance for the entire fiscal year. Vacation leave shall be earned during authorized leave with pay. When a holiday falls during an employee's absence on vacation leave, it shall not be deducted from ~~his/her~~the employee's accrued leave. ~~If an employee leaves the Authority service prior to the end of the fiscal year, reconciliation of vacation leave earned and taken to date of termination shall be made~~

Vacation leave shall be reconciled upon an employee's permanent separation from the Authority. Unused vacation leave is not transferable to retirement service credit. If the vacation leave taken exceeds leave earned, the excess~~Leave used in excess of earned leave shall be deducted from the employee's final pay. If vacation leave earned exceeds leave used at date of termination, the excess~~Leave that is earned but unused at the time of separation shall be added to employee's final pay.

#### Payment for Unused Vacation Leave

~~Unused vacation leave is not transferable to retirement service credit. Upon termination or death of an employee, the employee or the employee's heir(s) or beneficiary(ies) shall receive compensation for vacation leave earned but unused at the time of separation. Payment shall be equal to the number of hours of vacation earned but unused at the time of separation times the employee's hourly rate of pay at the time of separation.~~

## ***Sick Leave Policy***

Sick leave shall be allowed in case of actual sickness of the employee. Sick leave shall be granted only on approval of the General Manager in increments of not less than one hour. If an employee will not be at work as scheduled, he/she~~they~~ must notify the supervisor within one-half hour of the time to report for work or at the first practical opportunity.

An employee may use a maximum of five (5) days of sick leave each fiscal year for absences caused by the illness or injury of a *family member*. A family member is defined as a child, parent, spouse or registered domestic partner, grandparent, grandchild or sibling. Use of sick leave for this purpose is intended to apply in serious and unforeseen conditions where the presence of the employee in the home or hospital is required for the care, legal requirement, or health of the family member. Authorization to use additional sick leave beyond the five-day maximum may be granted by the General Manager when exceptional circumstances warrant.

~~If an employee will not be at work as scheduled, he/she must notify the supervisor within one-half hour of the time to report for work or at the first practical opportunity.~~

### ***Sick Leave ~~Allowance~~Accrual***

Employees who work thirty (30) days or more within a year shall receive sick leave in accordance with the Healthy Workplace, Healthy Families Act of 2014.

Regular and Temporary Full-time employees accrue sick leave at the rate of four (4) hours per payroll period, up to 96 hours per calendar year. Part-time employees shall accrue sick leave proportionate to their scheduled work hours, with a minimum of 24 hours per year. Sick leave shall be cumulative without limit.

~~Regular Part-time and Temporary Part-Time Employees and Temporary Full-Time Employees~~Part-time employees who work thirty (30) or more days within a year from the beginning of employment are entitled to paid sick leave. The Authority will grant three days of paid sick leave upon hire, and on January 1 of each calendar year. An employee may use paid sick leave beginning on the 90<sup>th</sup> day of employment.

### ***Computing and Recording Sick Leave***

Initial crediting of sick leave shall be based on service computed to the nearest half month. Sick leave records shall be maintained on an hourly basis. On July 1st each year, an employee shall be credited in advance with the annual allowance. After an absence is approved as sick leave, it shall be deducted from the employee's leave balance. If at time of separation an employee owes the Authority for unearned sick leave, the actual time shall be deducted from his/her~~their~~ final pay.

### ***Medical and Dental Appointments***

Sick leave may be used for medical, dental, therapy or similar purposes for a minimum period of one (1) hour and should not exceed four (4) hours except in unusual



circumstances. A maximum of ~~five-forty (540) days-hours~~ of sick leave per year may be used for medical, dental or therapy appointments for a family member when the employee's presence is required.

### ***Payment for Unused Sick Leave***

~~CalPERS' sick leave credit benefit is included in the Authority's pension contract. An employee whose effective date of retirement is within four months of separation from employment shall be credited with 0.004 year of service credit for each unused day of sick leave. The Authority's contract for retirement benefits provides that sick leave earned but unused upon the termination or death of any employee enrolled in the pension plan shall be applied to the employee's total service credit subject to the following specifications.~~

~~Pursuant to GC§20965, the employee whose effective date of retirement is within four months of separation from employment shall receive credit toward his or her retirement equal to 0.004 years of service credit for each unused day (8 hours) of sick leave.~~

Upon the death of an employee prior to separation from employment, the employee's heir(s) or beneficiary(ies) shall receive compensation for sick leave earned but unused by the employee equal to 0.167% of the number of hours of sick leave, times the number of whole months of continuous employment, times the employee's hourly rate of pay at the time of death.

### ***Bereavement Leave***

~~All f~~Full-time regular employees ~~(i.e. excludes temporary, provisional probational and part-time employees)~~, shall be granted bereavement leave with pay not to exceed ~~three (3) working days~~ twenty-four (24) hours, as necessary, upon the occasion of the death of a close relative. When additional time is desired, employees may be allowed to take accumulated vacation leave or compensatory time off. Close relatives are defined as the ~~employees~~ employee's' mother, father, brother, sister, wife, husband, domestic partner, child, grandparent, current mother-in-law or current father-in-law ~~of the employee~~. The General Manager may grant bereavement leave for other relatives on a case-by-case basis. Additional leave for travel purposes not to exceed five (5) calendar days may be granted by the General Manager when circumstances warrant.

### ***Catastrophic Leave***

Full-time regular employees (i.e. excludes temporary, provisional probational, and part-time employees), are eligible to receive catastrophic leave donations in the following circumstances:

- The employee must have exhausted all available leave (i.e. vacation and sick leave, floating holidays).
- The absence must be due to the employee's or their spouse, domestic partner, or child's life threatening or debilitating illness, injury, or condition.
- Use of catastrophic leave must be approved by the General Manager.



Employees may donate vacation leave on a voluntary basis. The employee making the donation must authorize in writing that a designated portion of ~~his/her~~their accrued vacation may be transferred from ~~his/her~~their leave account to the recipient employee's vacation account. Once made, donations are irrevocable.

All donated hours shall be converted to the donor's hourly rate, and the equivalent dollar amount shall be deposited and converted to hours at the recipient's hourly rate. Donors must retain a minimum of eighty (80) hours of their own vacation leave.

### ***Personal Leaves of Absence***

~~Personal leaves of absence are legally required in the following situations:~~

### ***Family Leave***

The California Family Rights Act (CFRA) And Family Medical Leave Act (FMLA)

~~The CFRA and FMLA~~ were established to ensure secure leave rights for the following:

- Birth of a child for purposes of bonding
- Placement of a child in the employee's family for adoption or foster care
- For the serious health condition of the employee's child, parent or spouse
- For the employee's own serious health condition

Employers subject to CFRA/FMLA are those who do business in California and employ 50 or more employees. EBDA does not have a workforce of 50 or more employees, and therefore, CFRA and FMLA do not apply to EBDA employees. Full-time regular employees are eligible for short-term disability leave as outlined in the Compensation Plan.

### ***Time Off to Vote***

~~If an employee does not have sufficient time to vote outside of working hours, he or she~~An employee may take ~~off time~~time off to vote at the beginning or the end of the shift, whichever provides the most ~~free~~ time to vote. The employee may take off no more than two (2) hours without loss of pay, providing ~~he or she has given at least two working days' notice that time off is desired~~that reasonable notice is given to their supervisor.

### ***Jury ~~Leave~~and Witness Duty***

Leave is provided for employees who are called to serve jury duty or who are summoned to appear as a witness in a judicial proceeding, pursuant to a subpoena or other court order. Employees must notify the Authority as soon as practicable of the need for leave under this policy. Employees will receive time off with regular base pay for the length of service. If an employee does not have to attend court, the employee is expected to report to work. Any jury fees received by an employee shall be remitted to the Authority. Reimbursements for mileage or food may be retained by the employee.

~~All employers must provide leaves of absence for employees who serve on inquest or trial juries or who appear in court as a witness as required by law. The employee must give reasonable notice to the employer. It is not a requirement to compensate employees for time off to serve on juries or to appear as a witness.~~

~~An employee summoned to jury duty shall inform his/her<sup>their</sup> supervisor, and if required to serve, may be absent from duty with full pay. Any jury fees received by an employee shall be remitted to the Authority. Reimbursement fees such as mileage shall not be remitted to the Authority.~~

### ***Witness Duty***

~~If an employee receives a subpoena to appear in court, he/she must notify his/her supervisor immediately. The employee is expected to return to work as soon as their service as a witness is complete.~~

### ***Military Leave***

Any employee who is a member of the Reserve Corps of the Armed Forces of the United States, the National Guard or the National Militia is entitled to a temporary leave while engaged in military duty ordered for purposes of military training, drills, encampment, naval cruises, and special duty or like activity. Such temporary leave does not have to exceed seventeen (17) calendar days including travel time and does not have to be compensated. Military leave shall be granted in accordance with the provisions of State law. All employees entitled to military leave shall give the General Manager an opportunity, within the limits of military requirements, to determine when such leave shall be taken. Military leave may be granted with pay provided employees reimburse the Authority for the amount of compensation, excluding travel and sustenance, which may be earned during the leave period.

### ***Time Off To Appear At School When Required By the School***

All employers must allow a parent or guardian of a pupil to appear at the school when the school has given advance notice. It is not a requirement that the employee be compensated for the time. The employee is required to give reasonable notice to the employer. An employee may take vacation or personal leave.

### ***Disability Leave***

For employee injury or disability falling within the provision of the State Workers' Compensation Disability Act, disability compensation at the rate allowed under said Act shall be basic remuneration during the employee's period of disability. In the case of full-time employees, ~~other than temporary, provisional or part-time employees,~~ additional compensation equal to the difference between said employee's regular pay and ~~his/hers~~ disability compensation allowance shall be granted not to exceed one year for any one period of incapacity. In the event a waiting period is required before an employee's

disability compensation allowance is payable, ~~his/her~~ the employee's regular pay shall be provided during said waiting period.

Compensation for short- and long-term disability leave resulting from employee injury or disability not related to Workers' Compensation is addressed in the Compensation Plan. Authority employees do not pay into the California State Disability Insurance (SDI) Program.

### ***Voluntary Leave of Absence***

The Commission, upon written request of a full-time regular employee (i.e. excludes temporary, ~~provisional-probational~~, and part-time employees), may grant a voluntary leave of absence, without pay, for a period up to six (6) months. Upon written request of the employee, accompanied by justification and assurance of intent to return to duty, such leave of absence may be extended by the Commission another six (6) months, for a total continuous leave not to exceed a period of one (1) year. Leaves hereby authorized shall include educational leave, maternity leave, and leave for any other purpose promoting the good of the service. Upon expiration of such a leave, the employee shall be reinstated to the position held at the time leave was granted. Failure of the employee to report promptly at its expiration, or within 24 hours after notice to return to duty, shall terminate ~~his/her~~ their right to be reinstated. During such leave an employee shall not earn sick leave or vacation leave, but shall maintain seniority at the time leave was first granted.

If the employee elects to maintain benefits during a voluntary leave of absence, prior to the start of the leave period, ~~he/she~~ the employee shall pay to the Authority an amount equal to 100% of medical, dental, vision and ~~long-term~~ disability insurance premium costs that are due and payable during the scheduled leave period. If the employee elects to suspend or discontinue benefits during a voluntary leave of absence, ~~he/she~~ they may re-enroll during the Open Enrollment period upon return to work.

## **SECTION XIV – EMPLOYEE EDUCATION OR TRAINING**

### ***Education***

An employee may be authorized to attend special training courses, seminars or conferences which are determined to be job-related or will enhance the employee's work performance.

### ***Reimbursement***

In addition to receiving leave with pay, the employee may be reimbursed for the cost of registration, tuition, books, supplies or other expenses incurred in attending special training courses, seminars or conferences which are job-related or will enhance work performance.

## SECTION XV – EMPLOYEE HEALTH AND SAFETY

### ***Accident Reports***

Any employee involved in an accident (whether involving injury or not) while on the job, must notify ~~his/her~~their supervisor and complete the required accident report forms within 24 hours of occurrence.

### ***Work Injury or Illness***

If an employee is unable to work as a result of what ~~he/she believes~~is believed to be an injury or illness arising out of or in the course of employment, ~~he/she~~the employee must visit a doctor for examination and the necessary forms shall be prepared for compliance with State laws and compensation insurance. If it is determined that the injury or illness is job-related, no deduction will be made from the employee's sick leave.

Filing a false or fraudulent workers' compensation claim is a violation of Authority policy, and will result in disciplinary action, up to and including immediate termination.

### ***Employee Health***

When, in the judgment of the General Manager, an employee's health or physical condition may have an adverse effect on the performance of ~~his/her~~the employee's duties, or affect safety or health of fellow employees, ~~he/she~~the employee may be required to undergo a medical or psychological examination at the expense of the Authority.

On the basis of authoritative medical advice, the General Manager shall determine whether an employee is physically and psychologically incapacitated for the duties of ~~his/her~~their position and may take whatever action deemed appropriate.

### ***Safety Rules***

All employees shall be expected to comply with all safety rules which may be adopted by the Authority as an integral part of their job duties. Failure to comply with adopted safety rules shall be grounds for disciplinary action.

### ***Safety Equipment***

The Authority shall determine the need for protective clothing and safety equipment for all employees and shall require its use where necessary for the protection of the employee. The Authority will furnish, at no expense to the employee, all protective clothing and safety equipment required for the employee's performance of duties.

## SECTION XVI – ~~NO ANTI-HARASSMENT~~ POLICY

The Authority does not tolerate harassment of any of our employees, customers or clients. Any form of harassment which violates federal, state or local law, including, but not limited to ~~harassment related to an individual's race, religion, color, sex, sexual orientation,~~

~~national origin, ancestry, citizenship status, marital status, pregnancy, age, medical condition, handicap or disability~~ the items listed in the Non-Discrimination section of the General Provisions in Section II is a violation of this policy and will be treated as a disciplinary matter. For these purposes the term "harassment" includes slurs and any other offensive remarks or jokes, and other verbal, graphic, or physical conduct. Harassment also includes sexual advances, requests for sexual favors, unwelcome or offensive touching and other verbal, graphic or physical conduct of a sexual nature.

Questions about what constitutes harassing behavior shall be directed to the General Manager or to the Commission Chair.

Harassment shall be immediately reported to the General Manager or to the Commission Chair. The Authority strictly prohibits retaliation of any kind and will not tolerate employees' attempts to hinder internal investigations and/or corrective actions. All complaints of harassment that are reported to management will be looked into as promptly as possible and may be investigated. All complaints of harassment that are reported to management will be treated to the extent allowable by law.

Harassment of our employees in connection with their work by non-employees is also strictly prohibited. Any employee who experiences harassment by a non-employee or who observes harassment of an employee by a non-employee should report such harassment to the General Manager or Commission Chair. Harassment of our customers or clients by our employees is also strictly prohibited. Any violation of this policy will result in appropriate disciplinary action, up to and including termination.

Authority ~~management and supervisory~~ employees are required to ~~attend complete~~ sexual harassment prevention training and education that meet all requirements outlined by Government Code §12950.1.

~~The Authority shall provide at least two hours of classroom or other effective interactive training and education regarding sexual harassment to all supervisory employees and at least one hour of classroom or other effective interactive training and education regarding sexual harassment to all nonsupervisory employees in California. Thereafter, each employer covered by this section shall provide sexual harassment training and education to each employee in California once every two years.~~

## **SECTION XVII – LACTATION ACCOMMODATION POLICY**

Per California Senate Bill (SB) 142, the Authority will provide a reasonable amount of break time to accommodate an employee desiring to express breast milk for the employee's infant child. The break time shall, if possible, run concurrently with any break time already provided to the employee. The employer shall make reasonable efforts to provide the employee with the use of a room, other than a toilet stall, in close proximity to the employee's work area, for the employee to express milk in private. The room may include the place where the employee normally works.

Employees requesting an accommodation under this policy are responsible for communicating their needs to the General Manager. The General Manager will work with the employee to make the appropriate accommodations needed, including allowing for

flexible break periods if necessary.

Management will not discriminate or retaliate against any employee for exercising or attempting to exercise their rights under this policy.

If an employee feels that their rights, as described in this Policy, have been violated, they may file a complaint with the California Labor Commissioner.

## **SECTION ~~XVII~~ XVIII – GRIEVANCES**

### ***Definition***

A grievance is any dispute between the Authority and an employee or employees with respect to the meaning, interpretation, application or enforcement of Authority rules and regulations or other terms or conditions of employment. Grievance shall not include actions taken by the Authority under Section XI, Disciplinary Actions and Appeals in accordance with Section X, Discipline and General Rules of Conduct, hereof.

### ***Policy***

It is the intent of the Authority to anticipate and diminish causes of grievances and to settle any which arise, at the lowest practicable level of supervision and as fairly and promptly as possible. Therefore, time limits have been established between initiation of a grievance and its occurrence and between steps of the procedure. Any grievance not initiated or pursued within these limits will be considered settled on the basis of the last timely demand or answer, unless the time is extended to a definite date by agreement of the Authority and the employee.

Any regular employee (i.e. excludes temporary, probationary, and ~~provisional part-time~~ employees) shall have the right to use this grievance procedure free from restraint, discrimination, pressure or reprisal from any other employee or officer of the Authority. Each employee shall have the right to present the grievance individually or through a designated representative at any step of the procedure. Employees shall have the right to withdraw the grievance at any step in the procedure

### ***Procedure***

If an employee has a grievance which cannot be settled by informal discussion with ~~his/her~~their immediate supervisor, ~~he/she~~the employee shall proceed in the following manner:

- Step 1. Present the grievance, in writing, to the General Manager, within ten (10) working days following occurrence of the event on which the grievance is based. The General Manager shall make a thorough investigation of the reported grievance and circumstances surrounding it and render a decision, in writing, to the employee within three (3) working days.
- Step 2. If the employee is not satisfied with the decision in ~~the first step~~Step 1, ~~he/she~~they may appeal to the Personnel Committee. Such appeal must be

made within five (5) working days after the General Manager's decision is received. The Personnel Committee shall make a thorough investigation and shall arrange for a hearing of the grievance at which both the employee and the Authority shall have the right to call witnesses. The Personnel Committee shall render its decision in writing within five (5) days after close of the hearing.

Step 3. If the employee is not satisfied with the decision of the Personnel Committee in ~~the second step~~ Step 2, ~~he/she/they~~ may appeal to the Commission. Such appeal must be made within five (5) working days after the Personnel Committee's decision is given. The Commission or its appointed representative shall conduct an investigation and hearing within twenty (20) days and shall render a decision in writing. The decision of the Commission shall be final in all grievance proceedings.

## **SECTION ~~XVIII~~ XIX – PERSONNEL RECORDS**

Personnel records are maintained in accordance with State and Federal guidelines. The personnel file shall contain, but not be limited to, performance evaluations, as well as other forms, letters, and memoranda addressed to or pertaining to an employee. If an employee refuses to sign a form, letter, or document, the supervisor shall indicate "REFUSED TO SIGN" on the document and shall sign their name as witness to the fact, and the document shall then be placed in the employee's personnel file.

The personnel employment records are confidential. Only administrative staff specifically designated by the General Manager and those persons who are in a supervisory capacity to an employee may review an employee's file. Employees may review their own file upon request by scheduling an appointment with the Administrative Assistant.

## **SECTION ~~XIX~~ XX – WHAT THE AUTHORITY EXPECTS OF YOU**

### ***Attitude***

Every employee should display a positive attitude toward their job. A negative attitude creates a difficult working environment and prevents the Authority from providing quality service.

### ***Business Ethics and Conflict Of Interest***

The Authority requires its personnel to conduct Authority business with integrity and to maintain a high standard of personal conduct in outside activities.

Employees are expected to recognize and avoid activities or investments which involve, or might appear to involve, a conflict of interest. While it is impossible to list in this policy statement every circumstance which may suggest a possibility of conflict of interest, the standards for evaluating such activities or investments set forth in the paragraph below are suggested for use by employees in deciding whether a conflict may exist.



No employee may engage in any outside business activity, pursuit, action or investment which could by its nature or scope (with or without personal gain): be objectively construed as preventing or potentially preventing an impartial discharge of duties; or interfere with the satisfactory performance of assigned duties within the Authority; or reflect a compromise or misuse of Authority information; or adversely affect the interests or reputation of the Authority.

Commissioners ~~and~~; the General Manager ~~and the Operations and Maintenance Manager (as an alternate director to BACWA)~~ are required to attend ~~e~~Ethics training classes that meet all requirements outlined by Government Code Section 53234-53235.

### ***Electronic Systems and Media***

East Bay Dischargers Authority's electronic media is provided for employees to perform job functions. Electronic media includes but is not limited to: computers, software, laptops, telephones, cellular phones, ~~e-mail~~electronic mail (~~e-mail~~) and internet access. Personal use of the Authority's electronic media shall be kept to a minimum. The Authority reserves the right to access these items at any time with or without prior notice, and the employees should have no expectation of privacy when storing or exchanging information on these devices or system.

### ***Computers and E-Mail***

All files and records stored on Authority computers are the property of the Authority. Authority computers are for business purposes only. No personal information or personal advertising or soliciting is permitted on our computer system. Use of Authority computers for unauthorized purposes is prohibited.

~~Electronic-Authority e-mail~~ is to be used for business purposes only and is considered Authority property. ~~The Authority maintains the right to access these items at any time with or without prior notice, and the employees should not assume that such messages are confidential.~~ Inappropriate or offensive messages are prohibited. Passwords are assigned in complete confidence. ~~Do not give your~~Employees are not to share their passwords ~~to with~~ anyone. ~~Should you~~Upon suspecting that someone has learned ~~your~~ ~~his/her~~their password, ~~the employee shall~~ contact the General Manager immediately. ~~The Authority maintains the right to access these items at any time with or without prior notice, and the employees should not assume that such messages are confidential.~~

Employees shall conduct Authority business only on their Authority e-mail account, not on personal e-mail accounts.

### ***Telephone, Voice Mail, and Cell Phone Use***

The Authority has a limited number of telephone lines. It is essential that we keep those lines open for business calls. Therefore, employees are to minimize use of the Authority's telephone lines for personal calls. Use of the Authority's voice mail system for personal reasons shall also be kept to a minimum.



The Authority may provide managers with cellular phones to facilitate Authority business. Personal use of the employer-provided cell phone is excludable from the employee's income as a working condition de minimus fringe benefit.

Employees who prefer to use their personal cell phones for business reasons, shall be entitled to a tax-free reimbursement in an amount equal to the monthly cost per line for Authority provided cell phones, or the employee's actual cost for their cell phone plan, whichever is lower. The reimbursement shall be paid with the first payroll of every month. The reimbursement amount shall be reviewed every January and updated as needed, to reflect the then in-effect monthly cost per line under the Authority's cellular service plan. The Authority's cellular service plan will also be reviewed periodically to ensure that it is the most cost-effective available.

Employees must comply with submitting data from personal cell phones used for Authority business in the event of a public records request for such information.

### ***Confidentiality***

All records and files of the Authority are property of the Authority and considered confidential. No employee is authorized to copy or disclose any file or record. ~~Confidential information includes all letters or any other information concerning transactions with the public, payroll or personnel records of past or present employees, financial records of the Authority, all records pertaining to purchases from vendors or suppliers, correspondence and agreements with manufacturers or distributors and documents concerning operating procedures of the Authority.~~

Notwithstanding the confidentiality provision, requests for information are subject to the California Public Records Act, Government Code §§ 6250 - 6276.48, and shall be responded to in the manner permitted by law.

### ***Copy Machines and Facsimile***

The facsimile and copy machines are for legitimate business purposes only and should not be used for personal use. Employees are prohibited from using these machines for the purpose of transmitting, receiving or copying materials which may be deemed offensive or insulting. Any employee, who receives such materials via facsimile transmission, the mail, or from any other source, should report the transmission immediately to the General Manager.

### ***Gambling***

Gambling is prohibited on Authority property.

### ***Personal Mail***

Employees shall minimize personal mail deliveries to the Authority premises. Mail sent to an employee at the Authority will be opened by office personnel.

Authority postage meters and letterhead may not be used for personal correspondence.

## ***Searches and Inspections***

Employees do not hold any privacy rights in any Authority property. The Authority reserves the right, at all times and without prior notice, to inspect and search any and all of its property for the purpose of determining whether any policy, rule, or directive has been violated, or when the Authority determines an inspection is necessary for purposes of promoting safety in the workplace or compliance with state and federal laws. These inspections may be conducted during or after business hours and in the presence or absence of the employee. These searches may include, without limitation, workspaces, desks, electronic devices and equipment, cabinets, motor vehicles, and where appropriate non-Authority belongings that are brought onto District property.

All files and records stored on Authority computers are the property of the Authority and may be inspected at any time. ~~Authority computers are for business purposes only and should not be used for non-work related~~only be used for work-related matters. Use of Authority computers for unauthorized purposes is prohibited. Electronic mail and voice mail messages are to be used for business purposes only and are considered Authority property. The Authority may access these items at any time with or without prior notice, and the employee should not assume that such messages are confidential.

## ***Unauthorized Interviews***

From time to time, Authority employees may be contacted by outside parties to discuss Authority business. As a means of protecting ~~yourself~~employees and the Authority, no unauthorized interviews are permitted to be conducted by individuals representing themselves as attorneys, peace officers, investigators, reporters, or someone who wants to ~~"ask a few questions"~~ regarding Authority business. If ~~you are an employee is~~ asked questions about the Authority or its current or former employees, ~~you he/she the employee is are~~ to refer that individual(s) to ~~your~~his/her their supervisor. A decision will then be made as to whether that individual may conduct any interview ~~and they will be introduced to you by your supervisor with a reason for the questioning.~~ Similarly, ~~if you are an employee becomes~~ aware of an unauthorized interview occurring at the Authority, ~~you he/she they~~ must immediately notify the General Manager.

This provision is not intended to, nor does it interfere with any employee's ability to speak on matters of public concern; to report suspected harassment, discrimination, retaliation, fraud, misuse of public funds/resources and/or suspected criminal activity; or to engage in any lawful whistleblowing activities.

## ***Whistleblowing***

Notwithstanding the provisions of unauthorized interviews, the Authority will not prevent an employee from disclosing information to a government agency or law enforcement agency when the employee has reasonable cause to believe the information discloses a violation of a state or federal statute or a violation or noncompliance with a state or federal rule or regulation. Furthermore, the Authority will not retaliate against an employee for making such a disclosure or for refusing to participate in an activity that would result in a violation of state or federal statute, or violation or noncompliance with a state or federal rule or regulation. Employees who believe they have been retaliated against shall promptly report such retaliation to the General Manager or Commission Chair.

# **Personnel Policy**

## **EBDA Policy #4**

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## SECTION I – DEFINITIONS

Allocation	The assignment of a position to an appropriate class on the basis of the nature, difficulty and responsibility of duties actually performed.
Applicant	Any person who has made application for a position.
Authority	The East Bay Dischargers Authority.
Candidate	A qualified applicant who has been selected to participate in the selection process.
Class or Classification	A position or group of positions, the duties and responsibilities of which are sufficiently similar so that the same descriptive title, examples of duties and tests for fitness may apply.
Class Specification	A written description of duties, responsibilities and desirable qualifications for employment in a classification.
Commission	The East Bay Dischargers Authority Commission, the legislative and governing body of the Authority.
Compensation	The salary, wage, allowances and all forms of valuable consideration paid to any employee by reason of service in any position.
Demotion	A change of an employee from one position to any other position having a lower maximum salary.
Eligible	A person whose name is on an active employment list.
Employment List	A list of persons who may be considered for appointment to a specific position with the Authority.
Employee	A person officially appointed to a position in the adopted Classification Plan.
Examination	The selection procedure used to measure the relative fitness of persons applying for positions with the Authority.
Full-Time Schedule	The Authority considers full-time employment to be forty (40) hours per week.
General Manager	The General Manager of the Authority, as appointed by the Commission or their duly designated representative.



Job Description	A written description of duties, responsibilities and desirable qualifications for employment in a specific position.
Part-time Position	A position to which an employee shall be assigned for less than forty hours per week.
Personnel Committee	A panel advisory to the Commission on personnel matters consisting of two members of the Commission.
Position	A group of current duties and responsibilities designated by the Commission as requiring the employment of one person.
Probationary Appointment	A working test period during which an employee selected from an employment list is required, by actual performance, to demonstrate fitness for the duties of the position to which appointed.
Promotion	A change of an employee from one position to another position that has a higher maximum salary.
Provisional Appointment	Appointment for a period not to exceed six months to a position for which no employment list exists.
Reallocation	Change in the assignment of a position from one existing class to a new class resulting from a change in the Classification Plan.
Regular Appointment	The type of status granted to an employee who has successfully completed a probationary period.
Seniority	The total length of satisfactory service of an employee within each specific class.
Suspension	Temporary separation of employment with or without pay.
Temporary Appointment	Assignment of an employee to a position for a limited duration.
Termination	Permanent separation of an employee from Authority service.
Unclassified Position	Certain management, professional or confidential positions designated by the Commission to fall outside the classified service and to be exempted from certain provisions of these Rules.

## **SECTION II – GENERAL PROVISIONS**

### ***Purpose***

The Personnel Policy is established to provide a comprehensive personnel system and procedure for its administration whereby the Authority may:

1. Establish consistent employment practices.
2. Provide guidelines for recruiting and selection of the best candidates.
3. Establish a fair and equitable compensation system.
4. Provide for the welfare of all employees.
5. Establish guidelines for separation of employment.

Employment under this Personnel Policy shall not constitute an employment contract, and the General Manager may interpret and implement the provisions included in this document as deemed appropriate. Any changes to this document must be in writing and must be adopted by resolution of the Commission. Copies shall be provided to employees so that they are aware of all changes to the Personnel Policy. No oral statements shall in any way change or alter the provisions of this Personnel Policy.

### ***Applicability***

This Personnel Policy shall apply to all employees of the Authority. In the case of conflicting language, an employment agreement shall supersede this Personnel Policy. The following list of persons are exempt from this document:

1. Commissioners of the Authority
2. Members of Committees advisory to the Commission
3. Persons engaged under contract to supply expert, professional, technical or other services
4. Volunteer personnel

### ***Administration***

The Commission shall appoint, and may remove, a General Manager who shall have responsibility for and control of the affairs of the Authority and who shall, among other duties, administer the personnel system set forth herein, including preparation and maintenance of the Classification and Compensation Plans, all essential records required for maintenance of the system and application of the rules, and shall enforce the provisions herein and all other pertinent regulations, directives and policies.

The Commission shall appoint a Personnel Committee consisting of two members of the Commission, the function of which is to review and make recommendations on all personnel matters coming before the Commission for action, including revision to the Classification or Compensation Plans and these Rules, and to hear appeals as indicated herein. Action by the Committee with respect to grievances (Section XVIII) shall be final

and shall not require further action by the Commission unless appealed to the full Commission.

***Non-Discrimination (Equal Employment Opportunity)***

No person within the service of the Authority, or seeking entry thereto, shall be employed, promoted, demoted, suspended, discharged, in any way favored or discriminated against, or retaliated against for charging acts of discrimination in accordance with Federal Equal Employment Opportunity Laws (EEO) and State of California Department of Fair Employment and Housing Act. This includes but is not limited to the following protected classes and activities:

- Age (40 and over)
- Ancestry
- Citizenship
- Color
- Disability (mental and physical) including HIV and Aids
- Equal Compensation
- Denial of Family and Medical Care Leave
- Gender, Gender Identity, Transgender and Gender Expression
- Genetic Characteristics and Genetic Information
- Marital Status
- Medical Condition
- Military or Veteran Status
- National Origin
- Political Affiliation
- Race
- Religion
- Religious Creed
- Sex (which includes pregnancy, childbirth and medical conditions related to pregnancy or childbirth)
- Sexual Orientation
- Whistleblowing

The Authority is an equal opportunity employer and its personnel policies shall be administered in accordance with applicable state and federal law.

***Incompatible Activities***

No officer or employee of the Authority shall:

1. Participate in any political activity during working hours on the Authority premises.
2. Use for private gain or advantage the influence of an Authority position or the facilities, equipment or supplies of the Authority.
3. Solicit or accept any favors or gifts from persons, concerns or corporations who have, or seek to have, business contacts with the Authority.

4. Divulge confidential information to anyone to whom issuance of such information has not been authorized by the General Manager.
5. Participate in any employment or other activity which, will prevent the employee from completing assigned duties in an efficient and capable manner, which brings discredit upon the Authority, or which might result in a conflict of interests between the employee's private interest and official duties and responsibilities, or in any event which has not been approved by the General Manager.
6. Provide information or services to contractors or other persons, which would give a competitive advantage over others dealing with the Authority.

### ***Violation***

Violation of these rules shall be grounds for rejection of application, removal from an eligible list, suspension, demotion, discharge or other discipline of employees deemed appropriate under the circumstances.

### ***Severability***

If any section, subsection, sentence, clause or phrase herein or any application thereof to any person or circumstance, is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of the Policy.

## **SECTION III – CLASSIFICATION PLAN**

### ***Preparation***

The General Manager may review the duties and responsibilities of all positions within the Authority service. All positions shall be grouped into classes and each class shall include those positions sufficiently similar in respect to their duties and responsibilities that similar requirements as to training, experience, knowledge, skills, personal qualities, and the same salary range may be made to apply with equity to all positions in the same class.

### ***Content***

The Classification Plan shall have written class specifications, which shall include concise descriptive titles, physical requirements and working conditions as required by the Americans with Disabilities Act, general descriptions of the essential duties and responsibilities of the class including job definitions, and statements of the required and desirable qualifications.

Each class specification outlines the main characteristics and qualification requirements of positions allocated to the class and gives examples of duties which employees holding such positions may properly be required to perform. The class specification is descriptive and explanatory, but not restrictive. The listing of particular examples of duties does not preclude the assignment of other tasks and duties of related kind or character or of lesser skills. The statement of desirable qualifications in a class specification is intended to be

used as a guide in selecting candidates for employment as an aid in the preparation of competitive examination, and for use in determining the relative value of positions in one class with positions in other classes. Such personal characteristics as honesty, sobriety and industry are deemed to be included in all class requirements and need not be specifically mentioned.

Nothing in the class specifications is to be interpreted as restricting a supervisor in assigning an employee of one class to perform the duties of a higher class for limited relief periods. Such assignment to perform the work of a higher class for a limited period comes within the requirements of work in all classes.

### ***Adoption***

Before the Classification Plan or any part thereof shall become effective, it shall be adopted by the Commission upon recommendation of the Personnel Committee.

### ***Revisions***

Each basic revision in the Classification Plan shall be made in the same manner as the Plan was originally established.

The General Manager may review duties of positions and prepare recommendations to the Personnel Committee for action by the Commission to ensure that the Plan is kept current and those changes in existing classes, the establishment of new classes or the abolition of classes is properly reflected in the Classification Plan.

The General Manager may reallocate a position to a different class whenever its duties change materially. Any proposed reallocation to be made shall be made with the knowledge of the employee concerned.

Whenever a new position is proposed, the General Manager shall prepare a comprehensive statement of the circumstances and description of the proposed duties and responsibilities and recommend allocation of the position to an appropriate class in the Classification Plan. No new position shall be filled by an individual until the position has been created by the Commission and until there is an approved class specification describing the work to be performed which has been adopted under the Classification Plan.

Reclassification of a position may not be used to circumvent the procedures concerning demotion, promotion, or compensation.

### ***Incumbents of Reclassified Positions***

When a position is reclassified from one class to another, the employee occupying the position may be retained in the position without further competitive examination provided that:

1. It is determined by the General Manager that the reclassification results from a change in duties and responsibilities that have already occurred.

2. The performance of the duties and responsibilities of the incumbent have been satisfactory.
3. The General Manager certifies that the incumbent possesses the knowledge, skills and abilities necessary to perform the duties of the new class.

The incumbent has regular status in the class to which the position was formerly allocated.

## **SECTION IV – COMPENSATION PLAN**

### ***Content***

The Compensation Plan shall consist of a schedule of monthly salary ranges, the method of computing hourly equivalents of actual salaries, and a summary list of additional benefits provided by the Authority.

### ***Preparation***

At least once annually, prior to the beginning of the fiscal year, the General Manager shall prepare a tentative Compensation Plan and shall present it to the Personnel Committee for review and recommendation to the Commission.

In preparing the tentative plan, the General Manager shall take into consideration class-by-class salary comparisons with Member Agencies and other comparable agencies to be designated by the Personnel Committee and across-the-board compensation adjustments received by Member Agencies since the last EBDA adjustment. Appropriate consideration shall be given to adjustments of the cost of living as measured by the Consumer Price Index for All Urban Consumers (CPI-U), the base figure for comparison shall be the San Francisco-Oakland-Hayward, CA for the period of January 1 through December 30 of the previous year. Adjustments in the cost of living shall be considered once a year as the General Manager prepares the Compensation Plan. Beginning with FY 2020/2021, the cost of living adjustment (COLA) shall be based on the above index within a floor-to ceiling-range of 0% - 4.0%. The COLA range shall be reviewed every three years. In adopting a COLA, the Commission may also consider the short- and long-term financial status of the Authority. Effective July 1, by adoption of an amended Compensation Plan, adjustments shall be applied to the salary range of each position to reflect the COLA.

### ***Adoption***

The Compensation Plan for all employees shall be established by the Commission upon recommendation of the Personnel Committee prior to the effective date of any amendments thereto.

### ***Administration***

The Compensation Plan shall be administered by the General Manager. The General Manager, after review by the Personnel Committee and approval by the full Commission,

shall determine the actual salary of individual employees, within the ranges established in the compensation plan, based on an evaluation of the employee's qualifications, performance and merit.

Salary step increases shall be earned, shall be subject to satisfactory service, and shall not be considered a right of the employee. After an employee completes twelve (12) months of continuous service in the same position, the employee may be advanced to the next higher rate of compensation as set forth in the Compensation Plan upon approval of the General Manager. Subsequent step increases shall be effective annually on the anniversary of the employee's hire date until the employee reaches the top step of the range. After reaching step 5, the employee shall remain at the same rate provided for at step 5 while continuing to serve in the same position, subject to satisfactory service.

A written performance evaluation shall accompany a recommendation for salary advancement. Performance standards are based on satisfactory achievement of the qualifications outlined in the classification plan in addition to customary employment standards, such as knowledge of the position; quality of work; ability to handle responsibility; acceptable rate of productivity; demonstrated initiative; and an acceptable attendance record. Performance evaluations, which may include employee comments or rebuttals, shall be maintained in the employee's personnel file. A copy shall be provided to the employee.

## **SECTION V – RECRUITMENT AND APPLICATION**

### ***Recruiting***

Public announcement of all employment opportunities shall be made at least three weeks prior to the final filing date of the announcement. The General Manager shall prepare an official announcement for posting in appropriate public places and its publication in appropriate news media or trade journals. The announcement shall contain all information of importance for potential applicants. Suitable and effective methods of distributing information concerning employment opportunities and securing the most qualified candidates available for competition shall be practiced.

### ***Application***

Applications for employment shall be made readily available to potential applicants. Applications filed with the Authority shall be filed at the time, place, and manner prescribed in the job announcement and, once filed, shall become the property of the Authority.

### ***Disqualification of Applicants***

The Authority may reject an application, may disqualify an applicant in an examination, may refuse to place a name on an eligibility list, or may remove a name from an eligibility list for any legitimate reason, including but not limited to the following:

1. Substantive failure to fulfill any of the qualifications for the class or position for which the application is made.
2. Failure to pass written examinations required by the Authority.
3. Failure to pass the appraisal board interview.
4. Failure to pass a pre-offer background check and/or post-offer physical examination.
5. Failure to furnish true statements of material facts.
6. Practice or attempted practice of fraud or deception in connection with filing an application or during examination.
7. Previous dismissal from any public service for cause.
8. Previous resignation from the Authority or a Member Agency without adequate notice or under other prejudicial circumstances.
9. Being under the influence of intoxicant(s) that would impair the applicant's ability to perform in a safe and competent manner.
10. Previous conviction of a crime against person or property of a violent nature.
11. Failure of an applicant, after notification, to present themselves promptly at the time and place designated for any portion of the examination.
12. Obtaining either directly or indirectly, information about an examination that, as an applicant or competitor, would give applicant an unfair advantage or to which applicant was not entitled.
13. Failure to respond to communications concerning the applicant's availability for employment.
14. Request by the applicant that their name be withheld from consideration.

### ***Confidentiality***

The names of applicants and information contained on applications for employment shall not be made public.

### ***Verification***

Information presented on applications may, during the course of the hiring process, be verified, and applicants may be subject to a background check by the Authority. The Authority has the right to conduct a complete and exhaustive background investigation of all applicants seeking employment.

### ***Exemption***

All at-will positions shall be exempted from the foregoing recruitment and application procedure. Recruitment and application for at-will positions shall be conducted in a manner established by the Commission as vacancies occur.



## **SECTION VI – SELECTION PROCEDURE**

The selection procedure shall be impartial, of a practical nature, and shall indicate a good faith effort to fairly measure and evaluate capacities of the applicants to execute the essential duties and responsibilities of the position to which they seek to be appointed. Applicants participating in the recruitment shall compete in the same process and follow the same selection methodology. The selection procedure may include any one or a combination of the following:

- A. Information extracted from the application form, resume and other pertinent documentation submitted;
- B. Written, practical (hands-on), or physical tests or examinations, or any combination thereof;
- C. Oral interview with an appraisal board and/or one-on-one interview with Authority staff; and/or,
- D. Other appropriate means.

Applications shall be screened and evaluated. The most qualified candidates will be selected to participate in the selection process.

The Authority shall notify each applicant in writing of their standing as important steps in the selection process are completed. Once a candidate is selected and a job offer is made, the other candidates on the eligibility list shall be notified of the fact, and informed that their names will remain on the eligibility list for that position for a period of one year.

### ***Medical Examination***

Before any appointment may be made to a regular position, the individual shall be required to satisfactorily pass a medical examination given by a regularly licensed physician designated by the Authority and made at the Authority's expense. No person shall be given a probationary or regular appointment that, at the time of such appointment, is physically unable to satisfactorily fulfill the duties of the position. An eligible candidate may be accepted conditionally when it is the opinion of the examining physician that the individual's physical disqualification may be temporary or when it is deemed that treatment may satisfactorily correct any impairment. Such impairment shall be corrected no later than one month prior to the completion of the employee's probationary period. Regular employees being appointed to positions involving increased physical effort may also be required to satisfactorily pass an appropriate physical examination.

## **SECTION VII – EMPLOYMENT LISTS**

### ***Establishment***

At the completion of the examination process, an employment list containing the names of all persons who have successfully passed all parts of the selection process shall be prepared by the General Manager.

### ***Order of Names***

The names of successful candidates shall be placed on the employment list in the order of their final ratings. If two or more candidates have final scores that are identical, these candidates shall occupy an identical position on the employment list.

### ***Duration of List***

Each employment list shall normally remain in force for one year from the date of its establishment, except that the General Manager, may extend the list for an additional period of time up to one year.

### ***Removal of Names***

The name of any eligible candidate may be removed or withheld from an employment list for any of the reasons specified in Section V.

### ***Restoration of Names***

An eligible candidate's name shall be reinstated to an employment list in the same relative position as originally held upon showing cause satisfactory to the General Manager.

### ***Termination of List***

An employment list may be terminated prior to its usual expiration date upon recommendation of the General Manager and approval of the Commission when it is considered to be in the best of interest of the Authority.

## **SECTION VIII – APPOINTMENT**

The power to appoint, discipline and dismiss employees of the classified service shall be vested in the General Manager or designee.

The successful candidate will be required to provide proof of identity and authorization to work in the United States. Documentation of eligibility to work in the United States will be required as a condition of employment.

### ***Oath***

In accordance with California Constitution Article 20, Section 3, and as mandated by California Government Code Sections 3100-3109, all public employees are declared to be disaster service workers, and must take and subscribe to an oath of loyalty as a condition of employment

### ***Regular Appointments***

Regular appointments shall be made by the General Manager or designee from established eligibility lists. Candidates appointed to regular positions shall be considered in a probationary status until successfully completing the probationary period. For

employees who are not classified as at-will, regular appointments shall be made upon successful completion of the probationary period.

### ***Provisional Appointments***

The General Manager may make a provisional appointment to a position if there is no eligibility list for the class, and if the needs of the service require that the position be filled before a selection process can be completed. A provisional appointee shall:

- Meet the requirements of training and experience established for the position;
- Not be continued for more than thirty (30) days after an eligibility list for the position has been established, unless there are no candidates on such eligibility list who are available or wish to be considered for appointment to the position;
- Not serve under provisional appointment for longer than a 12-month period except when employed for a specific contract undertaken by the Authority.

### ***Temporary Appointments***

If an employee is needed for a temporary period, certification shall be made from the names of those eligible candidates, if any are available, that have indicated willingness to accept temporary employment and appointment shall be made by the General Manager. The duration of the temporary appointment shall be limited to the period of the need.

The acceptance or refusal of a temporary appointment shall not affect an eligible candidate's standing on an employment list and the period of temporary service shall not constitute a part of a probationary period. Successive temporary appointments to the same position shall not be made nor shall an individual receive continued temporary appointments. If an appropriate employment list does not exist, an offer of temporary appointment may be made to a person who has not qualified under provision of these rules, but through a comparable process.

### ***Part-Time Appointments***

If an employee is needed for less than a total of 40 hours per week, a part-time appointment shall be made by the General Manager from eligible candidates that have indicated willingness to accept part-time employment. The Authority is responsible for following the same recruitment/selection process for part-time employees as for regular, full-time employees.

## **SECTION IX – EMPLOYMENT STATUS**

### ***Probationary Status***

The first six (6) months of employment is a period of evaluation for all regular employees and is called a Probationary Period. This is a time to monitor both work performance and work habits of the newly appointed employee. The probationary period may be extended for an additional period, not to exceed six (6) additional months, if an employee requires

additional evaluation. If an employee successfully completes the probationary period, the employee moves from probationary status to regular status.

If, at the sole determination of the Authority, the newly appointed employee is unsuccessful in completing the probationary period, the employee shall be terminated with no right of appeal or hearing.

Regular full-time employees occupying management or supervisory positions are not subject to probationary periods and serve as at-will employees at the pleasure of the Authority; they can be terminated anytime, with or without cause.

### ***Regular Full-Time Status***

Regular full-time employees are not in a temporary status and are regularly scheduled to work the Authority's full-time schedule. Generally, they are eligible for the full benefits package, subject to the terms, conditions and limitations of each benefit program.

Employees in this employment status have completed the probationary period and work a forty (40) hour work week on a regular basis.

### ***At-will Status***

An at-will employee is one whose employment may be terminated at the discretion of the Commission and/or General Manager at any time with or without cause. At-will positions include managerial employees whose terms of employment are stipulated in a written employment agreement signed by both parties. At-will status also applies to any probationary, provisional, and/or temporary employee.

At-will employees shall enjoy the same statutory protections of regular employees, including laws that prohibit discrimination or harassment based on protected classes such as those listed in the [Non-Discrimination section](#) of the General Provisions in Section II. At-will employees shall also be entitled to engage in protected activities without fear of retaliation, such as filing a charge of discrimination, whistleblowing or participating in an investigation.

Rules providing pre-discipline meeting rights and post-discipline appeal rights for discipline or separation for cause do not apply to at-will employees.

### ***Part-Time Employment***

Part-time positions are those that are required on a long-term basis and are scheduled to work less than 40 hours per week. Part-time employees do not serve a probationary period. At the end of each 2080 hours worked, the part-time employee is eligible for a salary step increase based on satisfactory performance. Such employees serve at the discretion of the General Manager, are at-will, and can be terminated any time, with or without cause. The General Manager shall periodically review the part-time positions to determine that there are appropriate staffing levels to meet the needs and requirements of the Authority and make adjustments as necessary.

Part-time employees shall be entitled to participate in the Authority's benefit programs as specified in the Compensation Plan. The Authority's payment toward these insurance programs shall be proportionate to the employee's scheduled work hours.

### ***Temporary Employment***

Temporary employees are hired as interim replacements if regular staff are unavailable, to temporarily supplement the workforce, or to assist in the completion of a specific project or set of projects for a limited duration. Employment beyond any initially-stated period does not in any way imply a change in employment status.

Temporary full-time employees are scheduled to work the Authority's full-time schedule. Temporary part-time employees are scheduled to work less than 40 hours per week. Employees in temporary classes are not eligible for benefits or accrued leaves, with the exception of sick leave.

### ***Resignation***

An employee who resigns shall present notice in writing to the Authority at least 14 calendar days prior to the effective date of the resignation.

### ***Reduction in Force***

The Commission may separate any employee, without prejudice, because of lack of work or funds, or because of material change in duties or organization. No regular employee, however, shall be separated while there are provisional, probationary or temporary employees serving in the same class; provided, however, a regular employee otherwise subject to separation under this Policy may elect voluntary demotion to a lower class if vacancies exist. The order of separation due to reduction in force shall be based upon seniority. All employees subject to separation under these provisions shall receive written notice at least 14 calendar days prior to the effective date.

A summary of employment types and relevant status and benefits is provided in the following table:

	<b>Status</b>	<b>Benefits</b>
Temporary Part-time	At-will	Sick leave only
Temporary Full-time	At-will	Sick leave only
Regular Part-time	At-will	All (except deferred compensation and disability) proportionate to scheduled work hours
Probationary Full-time	At-will	All
Regular Full-time	Subject to discipline procedures	All

## **SECTION X – DISCIPLINE AND GENERAL RULES OF CONDUCT**

It is expected that all employees shall render the best possible service and reflect credit on the Authority. Therefore, the highest standards of professional conduct are essential and expected of all employees. This Section does not apply to temporary, probationary, and provisional employees, though the Authority holds these employees to the same high standards of professional conduct. Discipline for at-will employees is at the discretion of the General Manager.

### **Disciplinary Actions**

The Authority may invoke the following types of disciplinary actions:

- a) Verbal Warning
- b) Written Reprimand
- c) Suspension With or Without Pay
- d) Reduction in Pay
- e) Demotion
- f) Disciplinary Probation
- g) Discharge/Termination

### ***Grounds for Discipline***

Disciplinary measures may be taken for any good and sufficient cause. Authority employees who are employed at-will, including temporary, provisional, and probationary employees, are not subject to the requirement of good cause, and are not entitled to pre-discipline procedures or appeals under these policies and may be separated with or without advance notice.

Good cause exists not only when there has been an improper act or omission by an employee in the employee's official capacity, but when any conduct by an employee brings discredit to the Authority, affects the employee's ability to perform his or her duties, causes other employees to be unable to perform their duties, or involves any improper use of the employee's position for personal advantage or the advantage of others. Rules requiring good cause do not apply to at-will employees. The type of disciplinary action shall depend on the seriousness of the offense and the relevant employment history of the employee. Causes for disciplinary action against an employee may include, but shall not be limited to, the following:

- a) Misstatements or omissions of fact in completion of the employment application or to secure appointment to a position with the Authority.
- b) Furnishing knowingly false information in the course of the employee's duties and responsibilities.
- c) Inefficiency, incompetence, carelessness or negligence in the performance of duties.

- d) Violation of safety rules.
- e) Violation of any of the provisions of these personnel rules and regulations or Authority policies.
- f) Inattention to duty.
- g) Tardiness, or overstaying lunch periods.
- h) Being under the influence of an intoxicating beverage or non-prescription drug, or prescription drugs not authorized by the employee's physician, while on duty or on Authority property, or when called in for emergency duty.
- i) Disobedience to proper authority, refusal or failure to perform assigned work, to comply with a lawful order, or to accept a reasonable and proper assignment from an authorized supervisor.
- j) Any violation of the Authority's No Harassment Policy.
- k) Unauthorized soliciting on Authority property.
- l) Unauthorized absence without leave; failure to report after leave of absence has expired or after a requested leave of absence has been disapproved, revoked or canceled; or any other unauthorized absence from work.
- m) Conviction of a felony, or a misdemeanor involving moral turpitude, or a violation of a federal, state or local law which negatively impacts the employee's ability to effectively perform assigned job or brings discredit to the Authority.
- n) Offensive treatment of the public or other employees.
- o) Falsifying any Authority document or record.
- p) Misuse of Authority property; improper or unauthorized use of Authority equipment or supplies, damage to or negligence in the care and handling of Authority property.
- q) Fighting, assault, and/or battery.
- r) Theft or sabotage of Authority property.
- s) Sleeping on the job, except as specifically authorized for 24-hour duty personnel.
- t) Accepting bribes or kickbacks.
- u) Intimidation or interference with the rights of any employee.
- v) Outside work or any other activity or conduct which creates a conflict of interest with Authority work, which causes discredit to the Authority, negatively impacts the effective performance of Authority functions or is not compatible with good public service.
- w) Failure to maintain the minimum qualifications, including necessary licenses or certifications specified for the position.
- x) Abusive or intemperate language toward or in the presence of others in the workplace.
- y) Any other conduct of equal gravity to the reasons enumerated above as determined by the Authority.

## ***Procedure for Disciplinary Action***

Regular employees covered by this policy shall be governed by the following provisions:

### **Written Notice**

The General Manager shall issue a written notice of discipline, describing the intended discipline, the basis for the discipline, and attaching any documents upon which the discipline is based. The affected employee may respond by submitting a rebuttal to be lodged in the employee's personnel file, and in the case of a suspension of one to four days, shall have the ability to present their side of the story by responding orally or in writing before the discipline becomes final within five working days of the notice being issued. Any such response to a proposed suspension of one to four days shall be considered before a final decision is made. For minor discipline—any action up to and including a suspension of four (4) working days—no further appeal shall be permitted. For disciplinary actions of suspensions of more than four (4) working days, a reduction in pay resulting in loss of pay equal to or exceeding a suspension of more than four (4) days, demotion or termination (serious discipline), employees shall retain pre-discipline meeting and post-discipline appeal rights as described below.

### **Pre-Discipline Meeting**

For serious discipline, the employee shall receive written notice of the charges upon which the disciplinary action is based, the materials upon which the charges are based, and the employee's rights under *Skelly vs. State Personnel Board*, 15 Cal.3d 194 (1975.) The employee then has an opportunity to respond, either orally or in writing.

The General Manager shall designate an individual to convene a meeting to review the employee's response and position before imposing discipline. As soon as practical following the meeting, the designated individual shall present his or her written opinion for consideration by the General Manager. If the General Manager is not the direct supervisor of the employee, the General Manager him/herself may convene the meeting.

The employee shall be entitled to a representative of their choice; provided, however, that the inability of a particular representative to attend the meeting shall not cause a continuance of the meeting. At the meeting, the employee shall be provided the opportunity to respond to the charges and to present any new information for consideration by the General Manager or their designee.

### **Final Action**

After the employee responds to the charges, they shall be given by the General Manager a final notice of discipline to be imposed and an opportunity to appeal the discipline after it is imposed, in accordance with the rules contained herein. The notice shall include the final decision, the effective date of the discipline, and the facts upon which the discipline is based.

### **Appeal**



For serious discipline, employees shall have the right to appeal the final decision. The notice of appeal must be received within seven (7) calendar days from the date of the final notice of discipline, or the right to appeal is waived and the discipline shall become final.

The appeal shall be heard by an independent hearing officer from the Office of Administrative Hearings of the State of California; a neutral mediator from another recognized organization; or a neutral mediator selected by mutual agreement of the employee and the Authority.

The costs of the hearing officer shall be borne by the Authority. Either party may request that the matter be transcribed. The requesting party shall bear the expense of the transcript.

The hearing officer shall have the authority to convene the hearing, receive evidence through testimony and documents, and to make findings of fact and conclusions about the discipline. The hearing officer may recommend an outcome, but the final authority rests with the Commission. The hearing officer shall serve a recommended decision on the Authority and the employee. The Commission shall issue a final decision. The Commission's decision is reviewable by administrative writ of mandamus.

## **SECTION XI – HOURS OF WORK**

### ***Hours of Work***

A full-time employee shall be scheduled to work a forty (40) hour work week within a seven (7) day work period. Employees may vary their starting and ending times with management approval, and provided there is sufficient coverage during the hours the Authority is open to the public.

The General Manager may vary the working hours of any employee within the limits of State Law or other labor regulations should the need arise. Daily attendance records shall be kept and certified for payroll purposes. Any employee absent without leave, who fails to return to work within 24 hours after notice to return, shall be subject to disciplinary action.

### ***Overtime***

Authorized or required work performed by non-exempt employees in excess of forty (40) hours per week shall be deemed overtime.

### ***Overtime Rate***

Overtime shall be paid at the rate of one and one-half (1.5) times the straight-time hourly rate. Overtime hours may be paid on the next regular pay check. With the approval of the General Manager prior to performance of the overtime work, employees may choose to receive compensatory time off rather than overtime pay. Compensatory time shall be used or paid to the employee within a 12-month period from the date earned.

### ***Call Back***

When an employee is required to return to work following a lapse of at least one hour after their normal working hours, a minimum of two hours shall be recorded.

### ***Exception***

Exempt positions shall not accrue overtime but may adjust their working hours in lieu thereof as approved by the General Manager.

## **SECTION XII – HOLIDAYS**

### ***Authority Holidays***

The following days shall be holidays for all full-time Authority employees:

New Year's Eve	December 31
New Year's Day	January 1
Martin Luther King's Birthday	3 <sup>rd</sup> Monday in January
President's Day	3 <sup>rd</sup> Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	1 <sup>st</sup> Monday in September
Thanksgiving Day	4 <sup>th</sup> Thursday in November
Day after Thanksgiving	4 <sup>th</sup> Friday in November
Christmas Eve	December 24
Christmas Day	December 25

If a holiday falls on a Sunday, the following Monday shall be observed as a holiday. If a holiday falls on a Saturday, the preceding Friday shall be observed as a holiday. A part-time employee's holiday leave shall be proportionate to their scheduled work hours.

### ***Floating Holidays***

Full-time employees are allotted twenty-eight (28) hours of floating holiday to be used within the fiscal year, July 1 – June 30. Use of the allotted hours shall be approved by the General Manager. Floating holiday leave hours do not accrue and employees will not be compensated for unused hours.

A person hired after July 1, or a temporary full-time employee hired to work for less than 12 months, shall be provided the pro rata share of floating holiday hours for the number of months of work in the fiscal year compared to the annual allotment of twenty-eight (28) floating holiday hours per year.

Floating holiday hours shall be reconciled upon an employee's permanent separation from the Authority. Hours used in excess of those earned shall be deducted from the employee's final pay.

### ***Compensation for Holidays Worked***

Holidays shall be worked only on order and authorization of the General Manager. Work performed by a non-exempt employee on a holiday shall be compensated at the rate of one and one-half (1.5) times the straight-time hourly rate.

## **SECTION XIII – LEAVES AND VACATIONS**

### ***Vacation Leave Policy***

Vacation leave is an earned benefit of eligible employees and its use shall be approved by the General Manager. Employees shall take vacation leave in increments of one (1) hour. Leave begins to accrue upon date of hire, but shall not be granted to the employee for use during the first six (6) months of employment. Vacation is accrued for all regular hours worked and shall continue to be earned during other authorized leaves with pay.

### **Vacation Leave Allowance**

All full-time employees shall earn vacation leave at the rate of 80 working hours per year from the date of employment. Full-time employees shall earn an additional eight (8) hours vacation leave allowance for each full year of continuous employment thereafter, up to a maximum of 160 working hours per year. Part-time employees shall earn vacation leave proportionate to their scheduled work hours.

All eligible employees shall be permitted to accumulate unused vacation at a rate of 2-1/2 times their annual vacation allowance. Vacation accruals will be reviewed at the end of each fiscal year. If the accrual exceeds 2-1/2 times the annual allowance, the value of the excess accrual shall be paid to the employee at the end of that fiscal year and those hours shall be subtracted from the balance.

### **Computing and Recording Vacation Leave**

Vacation leave credits shall be computed and recorded in increments of one hour. When periods of less than one full month have been worked, vacation leave credits shall be based on service computed to the nearest half month.

On July 1st of each year, employees who have completed at least six months of satisfactory full-time continuous service shall be credited in advance with vacation leave allowance for the entire fiscal year. Vacation leave shall be earned during authorized leave with pay. When a holiday falls during an employee's absence on vacation leave, it shall not be deducted from the employee's accrued leave.

Vacation leave shall be reconciled upon an employee's permanent separation from the Authority. Unused vacation leave is not transferable to retirement service credit. Leave used in excess of earned leave shall be deducted from the employee's final pay. Leave that is earned but unused at the time of separation shall be added to employee's final pay.

## ***Sick Leave Policy***

Sick leave shall be allowed in case of actual sickness of the employee. Sick leave shall be granted only on approval of the General Manager in increments of not less than one hour. If an employee will not be at work as scheduled, they must notify the supervisor within one-half hour of the time to report for work or at the first practical opportunity.

An employee may use a maximum of five (5) days of sick leave each fiscal year for absences caused by the illness or injury of a *family member*. A family member is defined as a child, parent, spouse or registered domestic partner, grandparent, grandchild or sibling. Use of sick leave for this purpose is intended to apply in serious and unforeseen conditions where the presence of the employee in the home or hospital is required for the care, legal requirement, or health of the family member. Authorization to use additional sick leave beyond the five-day maximum may be granted by the General Manager when exceptional circumstances warrant.

### **Sick Leave Accrual**

Employees who work thirty (30) days or more within a year shall receive sick leave in accordance with the Healthy Workplace, Healthy Families Act of 2014.

Regular and Temporary Full-time employees accrue sick leave at the rate of four (4) hours per payroll period, up to 96 hours per calendar year. Part-time employees shall accrue sick leave proportionate to their scheduled work hours, with a minimum of 24 hours per year. Sick leave shall be cumulative without limit.

### **Computing and Recording Sick Leave**

Initial crediting of sick leave shall be based on service computed to the nearest half month. Sick leave records shall be maintained on an hourly basis. On July 1st each year, an employee shall be credited in advance with the annual allowance. After an absence is approved as sick leave, it shall be deducted from the employee's leave balance. If at time of separation an employee owes the Authority for unearned sick leave, the actual time shall be deducted from their final pay.

### **Medical and Dental Appointments**

Sick leave may be used for medical, dental, therapy or similar purposes for a minimum period of one (1) hour and should not exceed four (4) hours except in unusual circumstances. A maximum of forty (40) hours of sick leave per year may be used for medical, dental or therapy appointments for a family member when the employee's presence is required.

### **Payment for Unused Sick Leave**

CalPERS' sick leave credit benefit is included in the Authority's pension contract. An employee whose effective date of retirement is within four months of separation from employment shall be credited with 0.004 year of service credit for each unused day of sick leave.

Upon the death of an employee prior to separation from employment, the employee's heir(s) or beneficiary(ies) shall receive compensation for sick leave earned but unused by the employee equal to 0.167% of the number of hours of sick leave, times the number of whole months of continuous employment, times the employee's hourly rate of pay at the time of death.

### ***Bereavement Leave***

Full-time regular employees, shall be granted bereavement leave with pay not to exceed twenty-four (24) hours, as necessary, upon the occasion of the death of a close relative. When additional time is desired, employees may be allowed to take accumulated vacation leave or compensatory time off. Close relatives are defined as the employee's mother, father, brother, sister, wife, husband, domestic partner, child, grandparent, current mother-in-law or current father-in-law. The General Manager may grant bereavement leave for other relatives on a case-by-case basis. Additional leave for travel purposes not to exceed five (5) calendar days may be granted by the General Manager when circumstances warrant.

### ***Catastrophic Leave***

Full-time regular employees (i.e. excludes temporary, probational, and part-time employees), are eligible to receive catastrophic leave donations in the following circumstances:

- The employee must have exhausted all available leave (i.e. vacation and sick leave, floating holidays).
- The absence must be due to the employee's or their spouse, domestic partner, or child's life threatening or debilitating illness, injury, or condition.
- Use of catastrophic leave must be approved by the General Manager.

Employees may donate vacation leave on a voluntary basis. The employee making the donation must authorize in writing that a designated portion of their accrued vacation may be transferred from their leave account to the recipient employee's vacation account. Once made, donations are irrevocable.

All donated hours shall be converted to the donor's hourly rate, and the equivalent dollar amount shall be deposited and converted to hours at the recipient's hourly rate. Donors must retain a minimum of eighty (80) hours of their own vacation leave.

### ***Family Leave***

The California Family Rights Act (CFRA) And Family Medical Leave Act (FMLA) were established to ensure secure leave rights for the following:

- Birth of a child for purposes of bonding
- Placement of a child in the employee's family for adoption or foster care
- For the serious health condition of the employee's child, parent or spouse

- For the employee's own serious health condition

Employers subject to CFRA/FMLA are those who do business in California and employ 50 or more employees. EBDA does not have a workforce of 50 or more employees, and therefore, CFRA and FMLA do not apply to EBDA employees. Full-time employees are eligible for short-term disability leave as outlined in the Compensation Plan.

### ***Time Off to Vote***

An employee may take time off to vote at the beginning or the end of the shift, whichever provides the most time to vote. The employee may take off no more than two (2) hours without loss of pay, providing that reasonable notice is given to their supervisor.

### ***Jury and Witness Duty***

Leave is provided for employees who are called to serve jury duty or who are summoned to appear as a witness in a judicial proceeding, pursuant to a subpoena or other court order. Employees must notify the Authority as soon as practicable of the need for leave under this policy. Employees will receive time off with regular base pay for the length of service. If an employee does not have to attend court, the employee is expected to report to work. Any jury fees received by an employee shall be remitted to the Authority. Reimbursements for mileage or food may be retained by the employee.

### ***Military Leave***

Any employee who is a member of the Reserve Corps of the Armed Forces of the United States, the National Guard or the National Militia is entitled to a temporary leave while engaged in military duty ordered for purposes of military training, drills, encampment, naval cruises, and special duty or like activity. Such temporary leave does not have to exceed seventeen (17) calendar days including travel time and does not have to be compensated. Military leave shall be granted in accordance with the provisions of State law. All employees entitled to military leave shall give the General Manager an opportunity, within the limits of military requirements, to determine when such leave shall be taken. Military leave may be granted with pay provided employees reimburse the Authority for the amount of compensation, excluding travel and sustenance, which may be earned during the leave period.

### ***Time Off To Appear At School When Required By the School***

All employers must allow a parent or guardian of a pupil to appear at the school when the school has given advance notice. It is not a requirement that the employee be compensated for the time. The employee is required to give reasonable notice to the employer. An employee may take vacation or personal leave.

### ***Disability Leave***

For employee injury or disability falling within the provision of the State Workers' Compensation Disability Act, disability compensation at the rate allowed under said Act shall be basic remuneration during the employee's period of disability. In the case of full-

time employees, additional compensation equal to the difference between said employee's regular pay and disability compensation allowance shall be granted not to exceed one year for any one period of incapacity. In the event a waiting period is required before an employee's disability compensation allowance is payable, the employee's regular pay shall be provided during said waiting period.

Compensation for short- and long-term disability leave resulting from employee injury or disability not related to Workers' Compensation is addressed in the Compensation Plan. Authority employees do not pay into the California State Disability Insurance (SDI) Program.

### ***Voluntary Leave of Absence***

The Commission, upon written request of a full-time regular employee (i.e. excludes temporary, probational, and part-time employees), may grant a voluntary leave of absence, without pay, for a period up to six (6) months. Upon written request of the employee, accompanied by justification and assurance of intent to return to duty, such leave of absence may be extended by the Commission another six (6) months, for a total continuous leave not to exceed a period of one (1) year. Leaves hereby authorized shall include educational leave, maternity leave, and leave for any other purpose promoting the good of the service. Upon expiration of such a leave, the employee shall be reinstated to the position held at the time leave was granted. Failure of the employee to report promptly at its expiration, or within 24 hours after notice to return to duty, shall terminate their right to be reinstated. During such leave an employee shall not earn sick leave or vacation leave, but shall maintain seniority at the time leave was first granted.

If the employee elects to maintain benefits during a voluntary leave of absence, prior to the start of the leave period, the employee shall pay to the Authority an amount equal to 100% of medical, dental, vision and disability insurance premium costs that are due and payable during the scheduled leave period. If the employee elects to suspend or discontinue benefits during a voluntary leave of absence, they may re-enroll during the Open Enrollment period upon return to work.

## **SECTION XIV – EMPLOYEE EDUCATION OR TRAINING**

An employee may be authorized to attend special training courses, seminars or conferences which are determined to be job-related or will enhance the employee's work performance. In addition to receiving leave with pay, the employee may be reimbursed for the cost of registration, tuition, books, supplies or other expenses incurred in attending special training courses, seminars or conferences which are job-related or will enhance work performance.

## **SECTION XV – EMPLOYEE HEALTH AND SAFETY**

### ***Accident Reports***

Any employee involved in an accident (whether involving injury or not) while on the job, must notify their supervisor and complete the required accident report forms within 24 hours of occurrence.

### ***Work Injury or Illness***

If an employee is unable to work as a result of what is believed to be an injury or illness arising out of or in the course of employment, the employee must visit a doctor for examination and the necessary forms shall be prepared for compliance with State laws and compensation insurance. If it is determined that the injury or illness is job-related, no deduction will be made from the employee's sick leave.

Filing a false or fraudulent workers' compensation claim is a violation of Authority policy, and will result in disciplinary action, up to and including immediate termination.

### ***Employee Health***

When, in the judgment of the General Manager, an employee's health or physical condition may have an adverse effect on the performance of the employee's duties, or affect safety or health of fellow employees, the employee may be required to undergo a medical or psychological examination at the expense of the Authority.

On the basis of authoritative medical advice, the General Manager shall determine whether an employee is physically and psychologically incapacitated for the duties of their position and may take whatever action deemed appropriate.

### ***Safety Rules***

All employees shall be expected to comply with all safety rules which may be adopted by the Authority as an integral part of their job duties. Failure to comply with adopted safety rules shall be grounds for disciplinary action.

### ***Safety Equipment***

The Authority shall determine the need for protective clothing and safety equipment for all employees and shall require its use where necessary for the protection of the employee. The Authority will furnish, at no expense to the employee, all protective clothing and safety equipment required for the employee's performance of duties.

## **SECTION XVI – ANTI-HARASSMENT POLICY**

The Authority does not tolerate harassment of any of our employees, customers or clients. Any form of harassment which violates federal, state or local law, including, but not limited to the items listed in the [Non-Discrimination](#) section of the General Provisions in Section II is a violation of this policy and will be treated as a disciplinary matter. For these



purposes the term harassment includes slurs and any other offensive remarks or jokes, and other verbal, graphic, or physical conduct. Harassment also includes sexual advances, requests for sexual favors, unwelcome or offensive touching and other verbal, graphic or physical conduct of a sexual nature.

Questions about what constitutes harassing behavior shall be directed to the General Manager or to the Commission Chair.

Harassment shall be immediately reported to the General Manager or to the Commission Chair. The Authority strictly prohibits retaliation of any kind and will not tolerate employees' attempts to hinder internal investigations and/or corrective actions. All complaints of harassment that are reported to management will be looked into as promptly as possible and may be investigated. All complaints of harassment that are reported to management will be treated to the extent allowable by law.

Harassment of our employees in connection with their work by non-employees is also strictly prohibited. Any employee who experiences harassment by a non-employee or who observes harassment of an employee by a non-employee should report such harassment to the General Manager or Commission Chair. Harassment of our customers or clients by our employees is also strictly prohibited. Any violation of this policy will result in appropriate disciplinary action, up to and including termination.

Authority employees are required to complete sexual harassment prevention training and education that meet all requirements outlined by Government Code §12950.1.

## **SECTION XVII – LACTATION ACCOMODATION POLICY**

Per California Senate Bill (SB) 142, the Authority will provide a reasonable amount of break time to accommodate an employee desiring to express breast milk for the employee's infant child. The break time shall, if possible, run concurrently with any break time already provided to the employee. The employer shall make reasonable efforts to provide the employee with the use of a room, other than a toilet stall, in close proximity to the employee's work area, for the employee to express milk in private. The room may include the place where the employee normally works.

Employees requesting an accommodation under this policy are responsible for communicating their needs to the General Manager. The General Manager will work with the employee to make the appropriate accommodations needed, including allowing for flexible break periods if necessary.

Management will not discriminate or retaliate against any employee for exercising or attempting to exercise their rights under this policy.

If an employee feels that their rights, as described in this Policy, have been violated, they may file a complaint with the California Labor Commissioner.

## **SECTION XVIII – GRIEVANCES**

### ***Definition***

A grievance is any dispute between the Authority and an employee or employees with respect to the meaning, interpretation, application or enforcement of Authority rules and regulations or other terms or conditions of employment. Grievance shall not include actions taken by the Authority in accordance with [Section X](#), Discipline and General Rules of Conduct, hereof.

### ***Policy***

It is the intent of the Authority to anticipate and diminish causes of grievances and to settle any which arise, at the lowest practicable level of supervision and as fairly and promptly as possible. Therefore, time limits have been established between initiation of a grievance and its occurrence and between steps of the procedure. Any grievance not initiated or pursued within these limits will be considered settled on the basis of the last timely demand or answer, unless the time is extended to a definite date by agreement of the Authority and the employee.

Any regular employee (i.e. excludes temporary, probationary, and part-time employees) shall have the right to use this grievance procedure free from restraint, discrimination, pressure or reprisal from any other employee or officer of the Authority. Each employee shall have the right to present the grievance individually or through a designated representative at any step of the procedure. Employees shall have the right to withdraw the grievance at any step in the procedure

### ***Procedure***

If an employee has a grievance which cannot be settled by informal discussion with their immediate supervisor, the employee shall proceed in the following manner:

- Step 1. Present the grievance, in writing, to the General Manager, within ten (10) working days following occurrence of the event on which the grievance is based. The General Manager shall make a thorough investigation of the reported grievance and circumstances surrounding it and render a decision, in writing, to the employee within three (3) working days.
- Step 2. If the employee is not satisfied with the decision in Step 1, they may appeal to the Personnel Committee. Such appeal must be made within five (5) working days after the General Manager's decision is received. The Personnel Committee shall make a thorough investigation and shall arrange for a hearing of the grievance at which both the employee and the Authority shall have the right to call witnesses. The Personnel Committee shall render its decision in writing within five (5) days after close of the hearing.

- Step 3. If the employee is not satisfied with the decision of the Personnel Committee in Step 2, they may appeal to the Commission. Such appeal must be made within five (5) working days after the Personnel Committee's decision is given. The Commission or its appointed representative shall conduct an investigation and hearing within twenty (20) days and shall render a decision in writing. The decision of the Commission shall be final in all grievance proceedings.

## **SECTION XIX – PERSONNEL RECORDS**

Personnel records are maintained in accordance with State and Federal guidelines. The personnel file shall contain, but not be limited to, performance evaluations, as well as other forms, letters, and memoranda addressed to or pertaining to an employee. If an employee refuses to sign a form, letter, or document, the supervisor shall indicate "REFUSED TO SIGN" on the document and shall sign their name as witness to the fact, and the document shall then be placed in the employee's personnel file.

The personnel employment records are confidential. Only administrative staff specifically designated by the General Manager and those persons who are in a supervisory capacity to an employee may review an employee's file. Employees may review their own file upon request by scheduling an appointment with the Administrative Assistant.

## **SECTION XX – WHAT THE AUTHORITY EXPECTS OF YOU**

### ***Attitude***

Every employee should display a positive attitude toward their job. A negative attitude creates a difficult working environment and prevents the Authority from providing quality service.

### ***Business Ethics and Conflict Of Interest***

The Authority requires its personnel to conduct Authority business with integrity and to maintain a high standard of personal conduct in outside activities.

Employees are expected to recognize and avoid activities or investments which involve, or might appear to involve, a conflict of interest. While it is impossible to list in this policy statement every circumstance which may suggest a possibility of conflict of interest, the standards for evaluating such activities or investments set forth in the paragraph below are suggested for use by employees in deciding whether a conflict may exist.

No employee may engage in any outside business activity, pursuit, action or investment which could by its nature or scope (with or without personal gain): be objectively construed as preventing or potentially preventing an impartial discharge of duties; or interfere with the satisfactory performance of assigned duties within the Authority; or reflect a compromise or misuse of Authority information; or adversely affect the interests or reputation of the Authority.

Commissioners and the General Manager are required to attend ethics training classes that meet all requirements outlined by Government Code Section 53234-53235.

### ***Electronic Systems and Media***

East Bay Dischargers Authority's electronic media is provided for employees to perform job functions. Electronic media includes but is not limited to: computers, software, laptops, telephones, cellular phones, electronic mail (e-mail) and internet access. Personal use of the Authority's electronic media shall be kept to a minimum. The Authority reserves the right to access these items at any time with or without prior notice, and the employees should have no expectation of privacy when storing or exchanging information on these devices or system.

All files and records stored on Authority computers are the property of the Authority. Authority computers are for business purposes only. No personal information or personal advertising or soliciting is permitted on our computer system. Use of Authority computers for unauthorized purposes is prohibited.

Authority e-mail is to be used for business purposes only and is considered Authority property. The Authority maintains the right to access these items at any time with or without prior notice, and the employees should not assume that such messages are confidential. Inappropriate or offensive messages are prohibited. Passwords are assigned in complete confidence. Employees are not to share their passwords with anyone. Upon suspecting that someone has learned their password, the employee shall contact the General Manager immediately.

Employees shall conduct Authority business only on their Authority e-mail account, not on personal e-mail accounts.

### ***Telephone, Voice Mail, and Cell Phone Use***

The Authority has a limited number of telephone lines. It is essential that we keep those lines open for business calls. Therefore, employees are to minimize use of the Authority's telephone lines for personal calls. Use of the Authority's voice mail system for personal reasons shall also be kept to a minimum.

The Authority may provide managers with cellular phones to facilitate Authority business. Personal use of the employer-provided cell phone is excludable from the employee's income as a working condition de minimus fringe benefit.

Employees who prefer to use their personal cell phones for business reasons shall be entitled to a tax-free reimbursement in an amount equal to the monthly cost per line for Authority provided cell phones, or the employee's actual cost for their cell phone plan, whichever is lower. The reimbursement shall be paid with the first payroll of every month. The reimbursement amount shall be reviewed every January and updated as needed, to reflect the then in-effect monthly cost per line under the Authority's cellular service plan. The Authority's cellular service plan will also be reviewed periodically to ensure that it is the most cost-effective available.

Employees must comply with submitting data from personal cell phones used for Authority business in the event of a public records request for such information.

### ***Confidentiality***

All records and files of the Authority are property of the Authority and considered confidential. No employee is authorized to copy or disclose any file or record.

Notwithstanding the confidentiality provision, requests for information are subject to the California Public Records Act, Government Code §§ 6250 - 6276.48, and shall be responded to in the manner permitted by law.

### ***Copy Machines and Facsimile***

The facsimile and copy machines are for legitimate business purposes only and should not be used for personal use. Employees are prohibited from using these machines for the purpose of transmitting, receiving or copying materials which may be deemed offensive or insulting. Any employee who receives such materials via facsimile transmission, the mail, or from any other source, should report the transmission immediately to the General Manager.

### ***Gambling***

Gambling is prohibited on Authority property.

### ***Personal Mail***

Employees shall minimize personal mail deliveries to the Authority premises. Mail sent to an employee at the Authority will be opened by office personnel.

Authority postage meters and letterhead may not be used for personal correspondence.

### ***Searches and Inspections***

Employees do not hold any privacy rights in any Authority property. The Authority reserves the right, at all times and without prior notice, to inspect and search any and all of its property for the purpose of determining whether any policy, rule, or directive has been violated, or when the Authority determines an inspection is necessary for purposes of promoting safety in the workplace or compliance with state and federal laws. These inspections may be conducted during or after business hours and in the presence or absence of the employee. These searches may include, without limitation, workspaces, desks, electronic devices and equipment, cabinets, motor vehicles, and where appropriate non-Authority belongings that are brought onto District property.

All files and records stored on Authority computers are the property of the Authority and may be inspected at any time. Electronic mail and voice mail messages are to be used for business purposes only and are considered Authority property. The Authority may access these items at any time with or without prior notice, and the employee should not assume that such messages are confidential.

### ***Unauthorized Interviews***

From time to time, Authority employees may be contacted by outside parties to discuss Authority business. As a means of protecting employees and the Authority, no unauthorized interviews are permitted to be conducted by individuals representing themselves as attorneys, peace officers, investigators, reporters, or someone who wants to *ask a few questions* regarding Authority business. If an employee is asked questions about the Authority or its current or former employees, the employee is to refer that individual(s) to their supervisor. A decision will then be made as to whether that individual may conduct any interview. Similarly, an employee becomes aware of an unauthorized interview occurring at the Authority, they must immediately notify the General Manager.

This provision is not intended to, nor does it interfere with any employee's ability to speak on matters of public concern; to report suspected harassment, discrimination, retaliation, fraud, misuse of public funds/resources and/or suspected criminal activity; or to engage in any lawful whistleblowing activities.

### ***Whistleblowing***

Notwithstanding the provisions of unauthorized interviews, the Authority will not prevent an employee from disclosing information to a government agency or law enforcement agency when the employee has reasonable cause to believe the information discloses a violation of a state or federal statute or a violation or noncompliance with a state or federal rule or regulation. Furthermore, the Authority will not retaliate against an employee for making such a disclosure or for refusing to participate in an activity that would result in a violation of state or federal statute, or violation or noncompliance with a state or federal rule or regulation. Employees who believe they have been retaliated against shall promptly report such retaliation to the General Manager or Commission Chair.

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

RESOLUTION NO. 20-26

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

**RESOLUTION APPROVING REVISIONS TO THE PERSONNEL POLICY**

**WHEREAS**, the East Bay Dischargers Authority is a joint powers public agency that is required to be in compliance with federal and state laws regarding its employees; and

**WHEREAS**, the Authority maintains a policy of being in compliance with all applicable laws by establishing policies that provide for a comprehensive personnel system and the administration thereof; and

**WHEREAS**, the Authority has determined that certain updates are required to comply with current state law and to clarify the benefits that accrue to each employee status; and

**WHEREAS**, the Authority has determined that it is prudent to provide a floor and ceiling for annual cost-of-living-adjustments; and

**WHEREAS**, the proposed revisions are regarded by general counsel to comply with current law; and

**WHEREAS**, the revised policy has been reviewed and recommended for approval by the Personnel Committee.

**NOW, THEREFORE, BE IT RESOLVED**, the Authority hereby adopts revisions to the Personnel Policy effective November 19, 2020.

**SAN LORENZO, CALIFORNIA, NOVEMBER 19, 2020, 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. 20 ITEMS FROM THE COMMISSION AND STAFF**

The Commission and staff may comment on items of general interest.

**ITEM NO. 21 ADJOURNMENT**