



ITEM NO. 13

PERSONNEL COMMITTEE AGENDA

**Wednesday, March 15, 2023
4:00 p.m.**

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

Committee Members: Azevedo (Chair), Simon

The meeting will also be accessible via Zoom video conferencing.

- **Join the meeting virtually at the following web address:**
<https://us02web.zoom.us/j/88072899721>
- **Participate via telephone by dialing: 1(669) 900-6833 and enter Meeting ID number: 880 7289 9721**

P1. Call to Order

P2. Roll Call

P2A. Request for Remote Appearance Pursuant to AB 2449

(This action item came to the attention of the Commission and staff subsequent to the agenda being posted (Government Code Section 54953 (b)(4)) to approve member's remote appearance pursuant to AB 2449 (Government Code 54953 (f) (2)).)

P3. Public Forum

P4. State Controller's Government Compensation in California Report for Calendar Year 2022

(The Committee will review the report submitted to the State Controller's Office.)

P5. Review of the Authority's Draft Fiscal Year 2023/2024 Compensation Plan

(The Committee will review the draft FY 2023/2024 Compensation Plan.)

P6. Review of Revisions to the Personnel Policy

(The Committee will review the Policy.)

P7. Review of Revisions to the Commissioner Compensation Policy

(The Committee will review the Policy.)

P8. Review of Revisions to the Records Retention Schedule

(The Committee will review the Policy.)

P9. Resolution Fixing the Employer's Contribution Under the Public Employees' Medical and Hospital Care Act

(The Committee will consider the resolution.)

P10. 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 Juanita Villasenor at juanita@ebda.org or (510) 278-5910. 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
Wednesday, May 17, 2023 at 4:00 p.m.**

ITEM NO. P4 STATE CONTROLLER'S GOVERNMENT COMPENSATION IN CALIFORNIA REPORT FOR CALENDAR YEAR 2022

Recommendation

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

Background

Government Code (GC) section 53891 requires special districts to submit an annual Government Compensation in California (GCC) report to the State Controller's Office (SCO). Pursuant to GC 53891, the report for the previous calendar year is due no later than April 30. The intent of the report is to capture pay and benefit information for every compensated employee who received a W-2, every elected official who received pay reported on IRS form 1099, and all uncompensated elected officials and/or board members in the calendar year.

Discussion

The information reported is consistent with the Authority's Compensation Plan and Commissioner Compensation Policy. The report is attached for the Committee's review and knowledge of what has been submitted.

ITEM NO. P5 REVIEW OF THE AUTHORITY’S DRAFT FISCAL YEAR 2023/2024 COMPENSATION PLAN

Recommendation

Provide guidance to staff for adoption of the FY 2023/2024 Compensation Plan.

Background

As discussed at the February 2023 Committee Meeting, staff makes a number of assumptions regarding compensation and benefits each year that are incorporated into the annual budget. Each year, the Commission adopts a Compensation Plan that reflects the salaries and benefits provided to Authority employees. The Compensation Plan is generally adopted in May, in parallel with the budget.

Discussion

A draft Compensation Plan for FY 2023/2024 is attached for the Committee’s review. The substantive changes are as follows:

- The proposed Salary Schedule includes of a cost-of-living adjustment (COLA) based on EBDA’s Personnel Policy, using a December-to-December comparison of the local Consumer Price Index (CPI), as shown in the table below.

Table A. San Francisco-Oakland-Hayward, CA, CPI-U 2-month and 12-month percent changes, all items index, not seasonally adjusted

Month	2018		2019		2020		2021		2022	
	2-month	12-month	2-month	12-month	2-month	12-month	2-month	12-month	2-month	12-month
February	1.4	3.6	0.5	3.5	0.9	2.9	0.5	1.6	1.4	5.2
April	0.8	3.2	1.2	4.0	-0.5	1.1	1.7	3.8	1.5	5.0
June	0.9	3.9	0.2	3.2	0.7	1.6	0.0	3.2	1.7	6.8
August	0.6	4.3	0.1	2.7	0.0	1.6	0.5	3.7	-0.5	5.7
October	0.7	4.4	1.0	3.0	0.5	1.1	0.7	3.8	1.0	6.0
December	0.1	4.5	-0.5	2.5	0.4	2.0	0.8	4.2	-0.3	4.9

At its February meeting, the Committee recommended updating the Authority’s Personnel Policy to reflect that COLA will be based on CPI with a floor-to-ceiling range of 2-5% (see also Item No. P6). The proposed COLA this year is therefore 4.9%.

- The Authority’s Public Employees' Medical and Hospital Care Act (PEMHCA) contribution has been increased by 3% to \$502, as recommended by the Committee last month (see Item No. P9).

Pending feedback from the Committee, a final Compensation Plan will be proposed for the Commission’s consideration in May.

ITEM NO. P6 REVIEW OF REVISIONS TO THE PERSONNEL POLICY

Recommendation

Provide direction to staff.

Background

The Authority's Personnel Policy was last revised in November 2020. At that time, the following language was inserted to address cost of living adjustments:

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.

Staff periodically reviews the Personnel Policy to ensure consistency with current applicable laws and industry best practices.

Discussion

As noted above, a COLA range was established for FY 2020/2021, and it is to be reviewed every three years. Based on input from the Committee at its February meeting, staff is recommending that the COLA language be updated for FY 2023/2024 to reflect a floor-to-ceiling range of 2% - 5%.

Staff also recommends updating language in the Sick Leave and Bereavement Leave sections of the Policy to conform to current law. The Authority's legal counsel also assisted staff with revisions to the Family Leave section to clarify the applicability of the California Family Rights Act (CFRA) and the Family Medical Leave Act (FMLA) to EBDA and its employees.

A redline version of the Personnel Policy showing proposed changes is attached. Pending feedback from the Committee, staff will bring the updated Personnel Policy to the Commission for consideration.

ITEM NO. P7 REVIEW OF REVISIONS TO THE COMMISSIONER COMPENSATION POLICY

Recommendation

Provide direction 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 December 2020, the Commission adopted the Authority's Commissioner Compensation Policy, fixing the rate per day of service and outlining the activities that are eligible for compensation.

Discussion

At its February 2023 meeting, the Personnel Committee reviewed the Commissioner Compensation Policy and requested revisions to the list of meetings and activities eligible for compensation, as well as the list of activities that are ineligible. The Committee also discussed the fact that Government Code Section 61047, which is currently referenced in the Policy, does not apply to EBDA. Based on the Committee's direction, staff has proposed the attached revisions to the Policy. A redline version is included for reference.

In February, the Committee also discussed the rate per day of service, which has been \$240 per day since January 1, 2019. This compensation rate may be adjusted by up to 5% annually by action of the Commission. In December 2022, the Committee recommended maintaining the current rate of \$240 per day of service, and the Commission concurred. In February 2023, the Committee recommended increasing the daily rate at the end of this calendar year, effective January 1, 2024.

Pending feedback from the Committee, staff will bring an updated Commissioner Compensation Policy incorporating the eligibility revisions to the Commission for consideration in April 2023. Staff will then work with the Committee to revisit the daily rate at the end of 2023 and bring forward additional revisions as necessary.

ITEM NO. P8 REVIEW OF REVISIONS TO THE RECORDS RETENTION SCHEDULE

Recommendation

Provide direction to staff.

Background

In October 1993, the Authority adopted its Records Management Policy and Records Retention Schedule. The Policy provides guidance for the efficient, economical, and effective controls over the creation, distribution, organization, maintenance, use, and disposition of all Authority records.

In 2021, staff determined that a comprehensive overhaul of the policy was necessary. Staff considered the Secretary of State (SOS)'s Local Government Records Management Guidelines when drafting revisions to the policy, deviating from them slightly at times, for example where staff prefer a longer retention. Updated Policy and Retention Schedules were adopted in February 2021.

Discussion

The Authority's Records Management Policy states that revisions of retention periods shall be submitted for review and approval every five years or when changes are required by law. Senate Bill 807, adopted in late 2021, increased employers' requirement to retain personnel records from 2 to 4 years. Therefore, staff recommends updating the Retention Schedule to conform to current law. A redlined version of the Retention Schedule is attached. Pending feedback from the Committee, staff will bring the Schedule to the Commission for approval.

ITEM NO. P9 RESOLUTION FIXING THE EMPLOYER'S CONTRIBUTION UNDER THE PUBLIC EMPLOYEES' MEDICAL AND HOSPITAL CARE ACT

Recommendation

Adopt the resolution fixing the Authority's monthly contribution under the Public Employees' Medical and Hospital Care Act (PEMHCA) at \$502.

Background

The CalPERS Health Program is governed by the Public Employees' Medical and Hospital Care Act (PEMHCA), and the California Code of Regulations, of the California Public Employees Retirement Law (PERL). PEMHCA contains the rules and regulations that a contracting agency must adhere to. EBDA has elected to participate in the CalPERS Health Program and provides Kaiser and Medicare for employees and retirees. Catastrophic illnesses do not affect coverage or premium rates, which are negotiated on an annual basis.

The monthly employer contribution amount must be equal for both active employees and annuitants, but may not be less than the minimum employer contribution amount as prescribed by Section 22892 of the Act, which is currently \$151. The employer can elect to provide coverage beyond the adopted amount. Currently, EBDA provides full medical benefits to full-time employees, equivalent to Kaiser family coverage. Four of EBDA's six retirees receive the adopted PEMHCA amount or full coverage under Medicare, if applicable. Two retirees receive full medical coverage based on their negotiated contracts.

An agency must file a CalPERS change resolution to change the monthly employer health contribution. Contracting agencies may change their employer contribution at any time of the year. A change resolution becomes effective on the first day of the second month in which the resolution is filed and received by CalPERS.

Discussion

On March 17, 2022, the Commission adopted Resolution 22-04 fixing the EBDA contribution amount at \$487 per month. The current Kaiser premium for a typical retiree in the Bay Area is \$914 per month. With a spouse, it jumps to \$1,827 per month. In light of the high cost of health coverage, at its February 2023 meeting, the Personnel Committee recommended a 3% increase to EBDA's contribution amount, bringing it to \$502. The total effect on EBDA's budget of increasing the PEMHCA by 3% would be a maximum of \$720 annually.

The CalPERS resolution for adoption of changes to the rate is included for the Commission's consideration. Note that agencies are not permitted to add, edit, or remove language from the template resolution. CalPERS may reject resolutions with additional language or changes.