



BEAUMONT-CHERRY VALLEY WATER DISTRICT AGENDA
560 Magnolia Avenue, Beaumont, CA 92223

MINUTES OF THE PERSONNEL COMMITTEE MEETING
Tuesday, June 21, 2022 at 5:30 p.m.

Meeting held in-person and via teleconference pursuant to California Government Code Section 54950 et. seq. and BCVWD Resolution 2022-17

CALL TO ORDER

Director Covington called the meeting to order at 5:33 p.m.

Announcement of Teleconference Participation

Director of Finance and Administration Kirene Manini, PhD, clarified that this meeting is conducted pursuant to BCVWD Resolution.

Due to the danger of COVID-19, the teleconference locations are not publicly accessible. The public's right to comment and participate in the meeting is being assured via teleconference capabilities.

Attendance

<i>Directors present:</i>	<i>Covington, Ramirez</i>
<i>Directors absent:</i>	<i>None</i>
<i>Staff present:</i>	<i>General Manager Dan Jagers Director of Finance and Administration Kirene Manini, PhD Director of Operations James Bean Director of Information Technology Robert Rasha Director of Engineering Mark Swanson Human Resources Administrator Sabrina Foley Management Analyst I Erica Gonzales Senior Management Analyst Sylvia Molina</i>
<i>BCVWD Employee Association reps:</i>	<i>Julian Herrera</i>

PUBLIC INPUT: *None.*

ACTION ITEMS

1. Adjustments to the Agenda: None
2. Acceptance of the Meeting minutes
 - a. May 17, 2022

Director Covington stated that the documents referenced in the minutes are not contracts or Memorandums of Understanding, but are employee agreements.

The Committee accepted the minutes of the Personnel Committee meeting by the following vote:

MOVED: Ramirez	SECONDED: Covington	APPROVED
AYES:	Covington, Ramirez	
NOES:	None.	
ABSTAIN:	None.	
ABSENT:	None.	

3. Report from Human Resources Department

Human Resources Administrator Sabrina Foley presented the report.

Director Covington acknowledged the employee anniversary dates.

4. Report / Update from BCVWD Employees Association

No report.

5. Update: BCVWD Employment Agreements

General Manager Jagers reminded that the District has used employment agreements for many years and with direction from the Board is moving forward with standardizing agreements. This is to set a beginning point that sets forth general employment activities plus three exhibits (job description, benefits, and grounds for termination).

Ms. Foley noted that agreements are already in place for the majority of staff that are still valid, and no legal issues have been identified by legal counsel or HR consultant, but some are outdated. She requested feedback from the committee on the agreement template and items identified by employees.

Items of interest identified by employees are administrative leave, access to 401(a) account, and definition of the Cost of Living Adjustment (COLA), Foley stated. Jagers explained that exempt employees have usually followed the formula for COLA calculation that has not previously had maximum or minimum values, but there is now a different condition for the next five years and the COLA must be addressed at the exempt employee level.

Two staff members have moved from non-exempt to exempt positions and draft agreements are ready to execute, Jagers reported. Traditionally, the Board has negotiated the MOU and defined the process to calculate COLAs using the Consumer Price Index, Jagers continued. Now there are limits. Covington stated the only thing that changed was the addition of bookends on the COLA amount; the formula did not change as the same index is being used.

Covington recommended that for the two current outstanding contracts, the latest version be used without language on the COLA, as the Board has not approved any changes to the contractual format, and it is unknown how long it will take to get through

the process. Employees should be notified that this is the latest contract and there is no reason to get ahead of the curve, as how can it be taken back when the Board changes the rules, Covington pointed out.

Covington said he would like to see a standardized contract (all contracts are public record, he reminded). The Board does not want executive staff to have to manage different flavors of contracts. This is to start with a clean template on which the full Board can provide feedback, he said. In the interim, the two staff members should have a contract, he said. He said he did not anticipate going back and opening contract negotiations with staff, and that was not the intent of the Committee's direction. The intent was to memorialize the contracts with FSLA language, and for HR to refresh them with the latest appropriate legal language. Taking it any further is a separate discussion, he stated. Items such as vacation, opportunity to participate in the 401(a) plan, incentives such as tuition reimbursement, flexible work schedules and more are discussion items once the Board approves a baseline contract. He acknowledged that recruitment of high-level employees may require contract customization.

Covington indicated he had heard comments that the contract employees had no voice in the MOU negotiations, but posited that they are still benefiting from those negotiations.

Director Ramirez agreed regarding the baseline contract and suggested some items be more clearly defined such as the 401(a). He voiced concern about the section on provision of a vehicle and said this should be discussed with the Board. Requests for administrative leave or vacation may be discussed by the Personnel Committee, he stated. He emphasized fairness to the contract employee while at the same time protecting the District.

Jaggers reiterated the identified issues and pending contracts:

- COLA policy or calculation
- Management level contract and exempt employee contract templates
- Opportunity for a 401(a) plan
- Vacation
- Incentives such as tuition reimbursement
- Flexible work schedules

This is the best version of the new contract template as it stands today, Jaggers explained. The preference would be to move forward with the contract, whether it is permanent or temporary for the two staff members, he stated. The contract represents no change in current practices, it just explicitly enumerates them, Foley added. Covington cautioned about using the draft contract before the Board has made a foundational decision. He pointed to differences in the exhibits. Director Ramirez agreed with not getting head of the process.

Director Covington reviewed the provisions of the agreement. He pointed out that Exhibit B of the draft commits the Board to almost all the benefits that are paid to MOU employees, and these may be negotiable. He also noted that some areas repeat what is already in District policies.

Director Covington highlighted Section 9 pertaining to District documents remaining the sole property of the District. He noted that the District would not want employees using information for their own endeavors or selling information and profiting on the side.

Covington noted a question about Section 11 regarding bonding of employees. He also noted that the termination details in Section 15 should have feedback from the Board.

Director Covington also pointed to the clause regarding use of a District vehicle. Mr. Jagers explained the need for District vehicles to be available for certain situations and positions.

Exhibit C Grounds for Termination has been updated, Covington pointed out, and said he would like staff to review the information with the Board. Mr. Jagers advised that the list was actually broader than it currently is, and has been refined to things that staff did not see were well represented in District policy. Legal counsel and human resources also weighed in, and this is a better representation of areas of concern.

Covington stated he had no major revisions, and posited that the Board needs to discuss it in closed session. Director Ramirez indicated it seemed ready to go to the Board.

Mr. Jagers again drew attention to the items of employee concern. Director Covington pointed out that there would be a staff report. He expressed desire that everyone is treated fairly. He also asked staff to report on the impact to those employees under existing contracts.

Director of Engineering Mark Swanson pointed out the semantics of agreement / contract. He pointed to Exhibit B and asked if there would be differentiation between the executive staff and exempt staff. He said he heard that it is not the desire of the Board to do a separate MOU, but if there are agreements, and there is a differentiation, is Exhibit B where those items would go; and Exhibit C would be as is. Covington said he envisioned that the Board would come up with a boilerplate Exhibit B of baseline benefits to be finalized by the general manager through negotiations. He said he did not expect Exhibit C to change as it is reliant on HR and legal.

Swanson pointed out that the COLA is not included on Exhibit B.

Director of Information Technology Robert Rasha indicated concern that contract staff stood by and allowed the MOU negotiations to take place with the understanding that those negotiations do not affect their positions. Often what has happened, if there were negotiations and the contracts don't explicitly state it, that staff would fall back to the MOU negotiation. If that were the case, he said he may have shared concerns. The majority of other organizations do this by rolling out multi-level MOUs that are negotiated, he explained.

Rasha further commented on the negotiation and development of an employment agreement, contract, or MOU for consistency and emphasized that the hourly staff level negotiations are different from management level staff. If Exhibit B lays out the benefits, and the Board later makes a change, this creates a problem as there are employment agreements that must be modified; but if the agreement references the policy, those would not necessarily be part of the agreement negotiations. He suggested the agreement would include only separate negotiated benefits.

Director of Operations James Bean also noted the terminology issues and Covington said he would like to hear from legal counsel. The discussions in closed session should address the concerns voiced and the differences between contract, agreement, and MOU, he said

Mr. Jagers pointed out that there was at least one staff member who indicated that they were dissatisfied with the classification and compensation study, and Covington

responded that he was not pleased with it either. The Board met its obligation, he noted. Mr. Rasha added that he informed Mr. Jagers that he was not in favor of modifying his position in any way outside of his contract agreement, but was told that the benefit of the organization was being handled all together and affects every position. Rasha advised of his concerns and said he had still not signed the modifications to the position, and was willing to return the remuneration benefits back to the District.

Mr. Jagers acknowledged the Board's desire for fairness, transparency, and consistency, and said staff is working towards that solution in a way that is most correct for the organization.

The Committee approved the draft employment agreement to be forwarded to the full Board of Directors for consideration by the following vote:

There was no motion or second.	APPROVED
AYES:	Covington, Ramirez
NOES:	None.
ABSTAIN:	None.
ABSENT:	None.

6. Policies and Procedures Manual Updates / Revisions

Human Resources Administrator Sabrina Foley introduced proposed new Policy 3003 which requires input from the Personnel Committee. Chair Covington tabled Policy 3003 pending needed information.

Covington concurred with moving forward with four policies given some needing only de minimis changes.

Ms. Foley reviewed Policy 3055 and advised of some changes recommended by Employee Representative Julian Herrera regarding Section 3 Training and Part 6c Primary on-call staff. Discussion ensued.

Director Covington pointed to Policy 3055 and reminded that the Board has discussed reviewing the 4/10 workweek schedule and transitioning to some level of a five-day workweek. This language memorializes what is happening now, and if needed it may be adopted with the understanding that it may be modified by the Board at a future date, he said. He directed staff to clean up the language as discussed and bring it back to the Personnel Committee.

Ms. Foley reviewed Policy 3135 which added two certifications for potential compensation. Mr. Jagers and Mr. Swanson detailed some requirements. Covington clarified that the District should not be paying for something that is already required by the job description, and said the policy is not broad enough to cover what is desired. Ultimately, the benefit is at the discretion of the general manager.

The Committee tabled the following policies:

- *Policy 3033 – Employment Agreements*
- *Policy 3055 Work Hours, Overtime, and Standby Program (pending revisions to Part 3055.5 sections 3 and 6c)*
- *Policy 3135 Occupational Certification Assistance (pending revision)*

by the following vote:

MOVED: Covington	SECONDED: Ramirez	APPROVED
AYES:	Covington, Ramirez	
NOES:	None.	
ABSTAIN:	None.	
ABSENT:	None.	

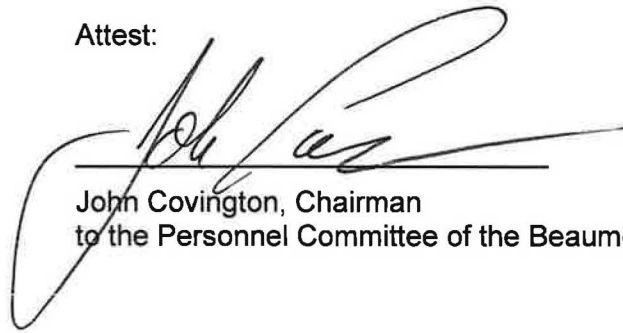
7. Action List for Future Meetings

- *Employee Association topics (none added)*
- *Policy manual updates (ongoing)*

8. Next Meeting Date: Tuesday, July 19, 2022 at 5:30 p.m.

ADJOURNMENT: 7:40 p.m.

Attest:



John Covington, Chairman
to the Personnel Committee of the Beaumont-Cherry Valley Water District