



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

**MINUTES OF THE PERSONNEL COMMITTEE MEETING**  
**Tuesday, August 16, 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 2022-22***

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**CALL TO ORDER**

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

**Announcement of Teleconference Participation**

General Manager Dan Jagers clarified that this meeting is conducted pursuant to California Government Code Section 54953 and 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, Hoffman (alternate)</i>
<i>Directors absent:</i>	<i>Ramirez</i>
<i>Staff present:</i>	<i>General Manager Dan Jagers Director of Finance and Administration Kirene Manini, PhD Director of Information Technology Robert Rasha Human Resources Administrator Sabrina Foley Senior Management Analyst Sylvia Molina Management Analyst I Erica Gonzales Administrative Assistant Cenica Smith</i>
<i>BCVWD Employee Association reps:</i>	<i>Development Services Technician Aaron Walker</i>

**PUBLIC INPUT:** *None.*

**ACTION ITEMS**

1. Adjustments to the Agenda: None
2. Acceptance of the Meeting minutes
  - a. July 19, 2022

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

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

### **3. Report from Human Resources Department**

Human Resources Administrator Sabrina Foley presented the report. She noted the COVID-19 measures enacted due to an outbreak; they have now been lifted.

In response to Director Hoffman, Ms. Foley explained the requirement for, and some detail of, the annual workplace violence training and General Manager Jagers confirmed it is worthwhile. Hoffman asked about cost; Foley noted that it is offered as part of the District's membership in ACWA/JPIA.

Director Hoffman asked about the status of AB 1632, the restroom access legislation. Foley advised that the bill is moving forward. Many bills are in the Appropriations suspense file.

Director Covington noted that COVID restrictions on use of restrooms is a thing of the past. Foley advised that public access to restrooms is restricted during regular operating hours as part of the District's current COVID prevention plan but does not specify they cannot be open during meetings. Covington asked staff to look into opening the restrooms during meetings.

Covington pointed to AB 2188 regarding discrimination in employment for use of cannabis. Foley noted there are some federal requirements such as the with the Department of Transportation for Class A licenses.

### **4. Report / Update from BCVWD Employees Association**

General Manager Jagers assured that there is dialogue with field employees and acknowledged the attendance of Aaron Walker.

### **5. Update: BCVWD Employment Agreements**

General Manager Jagers reported that the task to modernize the agreements falls to him and it is hoped that in the near future a template will be brought back to the Board.

Director Covington reminded about direction given to staff during a closed session of the Board of Directors. It is difficult to have the employment agreement out for public viewing which could raise problems, he said. There is chatter, but building blocks are not yet in place, he noted. He acknowledged the comments presented at the last Personnel Committee meeting in his absence. He advocated keeping it in closed session to avoid having too many opinions until the General Manager and the Board are aligned.

There are no changes on the agreement since the iteration presented in July, Jagers noted.

## **6. Discussion of Options for Unrepresented Employee Participation and Communication**

General Manager Jagers reminded about discussion at the July meeting, and noted that there is opportunity for participation (Agenda Item 4) for the Employees Association (non-exempt staff) and whether the Committee wanted to offer opportunity for the other staff members to communicate to the Personnel Committee or just offer the public comment period.

Director Hoffman recalled prior conversation and comments from Robert Rasha. Mr. Jagers reviewed the July 19, 2022 minutes and direction to bring this item to the next meeting. He suggested that staff members need to know where the opening for them is to talk about things which could be public comment or an item on the agenda.

Management Analyst I Erica Gonzales pointed out that there can be no discussion under public comment. Hoffman agreed and noted that the specific concern would need to be agendaized in order to provide a response. Jagers noted that staff would understand that they could request an item on the agenda for discussion, or to include an item like Item 4.

Hoffman asked Covington if he agreed that it was important for employees to feel they have access and not a challenging way to communicate things and a way to get a response in a fairly reasonable period of time. He said he wanted to be able to know what the concerns are in order to evaluate and discuss an approach, and be responsive.

Employees not part of the Employees Association would have to come to a meeting and request an item on a future meeting which creates a time lag, Jagers noted. Covington said he felt it was a great idea to offer exempt / unrepresented employees a placeholder on the agenda, but this is not a forum to discuss specific contract issues. The Personnel Committee is not directly charged with employees' contracts, he stated. Anything seen on a Personnel Committee or Board agenda would be great, he noted, and recommended putting bookends on conversations. The Personnel Committee wants to hear from the whole team, Covington advised, but is not here to negotiate employment contracts or go into details unless it is an agendaized item.

Director of Information Technology Robert Rasha said he appreciated consideration of the placeholder on the agenda, which adds to productive conversation, and Covington's mention of the fact that this is not the appropriate platform for discussion of employment contracts. He noted that it was during the Personnel Committee previously that employment contracts were requested to be brought back, that opened some controversial conversation and unrepresented employees felt they had no mechanism to address the Committee outside of public comment. As long as there is understanding that employment agreements are not discussed at the Personnel Committee and those are handled in closed session or with General Manager Jagers, he is in support.

Covington reiterated that the open-to-the-public Personnel Committee meeting is not the place and time for discussion of the particulars of a contract, those discussions would be with the general manager and if necessary, with the Board in closed session.

Discussion of this employment agreement is agendaized and can be discussed but this is not the Dr. Phil session, Covington advised. Those items are for another meeting venue, he continued, but he said he wants to hear from the exempt employees.

Mr. Rasha clarified that there are items of policy that affect all staff members.

Director Covington directed staff to include this as a standing agenda item at the top of the agenda just as is done with the Employees Association: Report or Update from Exempt Employees.

## **7. Update: BCVWD 2023 Operational Budget**

Ms. Foley reminded that the Committee had requested advance budget updates pertaining to understanding staffing and personnel changes that may be presented in the budget. There are no new positions for discussion, she said, and noted that the Workforce and Succession Planning project is parallel and underway.

Management is working on spreadsheets for Finance and goals and accomplishments, she noted. Budget numbers will be presented to the Finance and Audit Committee, then presented to the Board for adoption in December, per policy. Discussion ensued regarding the budget timeline and meeting schedule. Covington advised he will be on vacation, returning December 9, and wants to be able to discuss the draft budget with the Board. He emphasized that the goal is to go dark for December and requested a draft budget go to the Board in November.

Director Covington noted that some positions that are filled are not showing a head count. Jagers and Foley responded in detail. Covington requested an update showing how many positions are budgeted and how many persons are budgeted for each position.

## **8. Update: Workforce and Succession Planning Project**

Human Resources Administrator Sabrina Foley reminded the Committee about the Board-approved project and contract with the Mejorando Group.

The consultant has been on site to interview management and focus groups, and prepare an initial analysis of the management team stakeholders. This month, the consultant is looking to arrange Zoom meetings with some individual Board members, she noted. Target dates will then be set for Phases 2 through 4. HR has an update meeting with the Mejorando Group every other week to go over deliverables and progress. The consultant was on site on August 4.

The project is on schedule and within budget, Foley reported. Director Covington observed that Phase 1 is 50 percent completed.

Dr. Manini confirmed that the date for Board member interviews would be August 30. The requested information would be sent to the Board members prior to that date, Jagers noted. Director Hoffman said he was looking forward to seeing the final product, information, and how the projections are made. Jagers pointed out that the workforce is an equal component of the study, including staffing levels. The goal of the project is to assure that the District is adequately sized to properly serve the community (workforce) and to provide for, plan, and understand retirements, migration, and

possible turnover (succession). Covington requested a copy of the Mejorando Group proposal.

Covington noted reference to revision of the strategic plan and Foley noted this is based on activities identified by management such as recycled water. She further detailed project expectations.

Director Hoffman pointed out that the position of Assistant General Manager (AGM) is not on the chart. Covington indicated it is on the list and reminded that the Board talked about an AGM or other title, if any at all. Things came up and other issues surfaced, he recalled. The Board's position was to hold off on the AGM and it was felt that perhaps they were getting ahead of themselves. The AGM employee would potentially be costly, and it would make more sense to do a review of the structure to find out where shortfalls are; the Board would not want to hire an AGM if that is not what is truly needed to push the District forward. The cost of the study outweighs what an AGM or other would be paid, then finding out that that was not the best way to spend money. At this point, the plan is to go through the structure of the District, so the Board and staff have a better understanding of any shortfalls. Once understood, reorganization can be considered, Covington concluded.

Hoffman asked who was performing and managing the enforcement of the water restrictions, which may be an ongoing thing. He said he is not seeing compliance. Jagers indicated this is a later discussion.

Covington invited public comment. There was none.

## 9. Policies and Procedures Manual Updates / Revisions

Human Resources Administrator Sabrina Foley reviewed the policies.

Policy 3135 Occupational Certification and Education: Ms. Foley reviewed changes based on discussion at the July 19 meeting. She reminded that Director Covington had requested a more robust policy.

Covington indicated that it should be clarified that this education is not tuition. It is continuing education, Foley stated.

*The Committee recommended moving this policy forward to the Board for consideration by the following vote:*

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

Policy 3085 Sick Leave. Ms. Foley reviewed the updates made per legal counsel and identified corrected typos.

Foley noted that there is no definition or current practice of a cap for sick leave and the policy does not propose a cap. It carries over without limitation, which is different from vacation time as it is not a liability. Jagers pointed out the buyback opportunity and the potential for movement to CalPERS upon retirement.

Covington pointed out that Incentive A is contradictory of the recently approved MOU, regarding maintaining a balance of 30 hours of sick leave. He requested keeping it consistent with the MOU at 40 hours.

Jaggers noted that for Incentive B, the beneficiary is the individual listed on the employee's life insurance beneficiary form and had been modified by the MOU but says the same thing.

Ms. Foley explained the change in terminology to "hours" instead of "days" to reflect the alternative work schedule, and updates to mirror the California Healthy Workplaces, Healthy Families Act.

Director Covington invited public comment. There was none.

*The Committee recommended moving forward this policy, as amended, to the Board for consideration by the following vote:*

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

Policy 3075 Vacation. Ms. Foley explained added language related to California law and updated accrual rates. An increase to the vacation accrual cap is proposed for non-exempt employees at the request of the Employees Association, she explained.

Detailed discussion regarding the vacation accrual cap and policy intent ensued. Employees have requested clarification that accrued vacation would be paid out automatically, Foley noted. Mr. Walker pointed out that District employees of longer duration and years of service almost feel that they are being punished with the accrual cap, as they accrue more hours than the cap provides. Covington noted that the accrual cap is driven by budget and by conversations regarding vacation in 2018 and 2019, indicating that the District wants employees to take vacation, not stockpile vacation hours. Mr. Jaggers explained that the accrual cap had originally been recommended by the District's auditor to limit liabilities for high payouts at the end of service, but stated that the District does not want to penalize workers. He advocated reducing the liability and compensating for vacation on a pay-as-you-go basis.

Mr. Walker discussed a tiered accrual matrix with consideration of years of service, as long-term employees now have a cap lower than their accrual rate. He suggested comparing to other agencies. Ms. Gonzales added that the original discussion was to cap the carryover at 120 hours, not have an accrual cap at 120. Jaggers agreed, provided more detail, and suggested a change in terminology. Foley pointed out that there could be a cap on both carryover and on accrual. Covington opined that this was to be a "use it or lose it" policy. Hoffman asked about the application of the cap during the year or at the end of the year, and Covington stated that the cap applies throughout, and the intent was to stop accrual at 120 hours.

Director Covington stated that he had no problem with employees carrying over accrued vacation from one year to the next; the bookend on that is the maximum amount that employees may keep on the books. He said that 320 hours would not garner his

approval; it is way too much, but he indicated willingness to consider more than 120. He reiterated that the goals are to limit liability and to have employees use their vacation.

Ms. Gonzales reminded that vacation is accrued throughout the year, but is awarded on January 1. Covington acknowledged that this is a problem, and suggested awarding the hours as they are accrued. Ms. Foley suggested striking the language regarding award of vacation.

Jaggers listed the following potential changes to the proposed policy:

1. Award vacation as it is accrued
2. Carryover (rollover) at the end of the year maximum

Mr. Rasha advised that the prior discussions of the Personnel Committee on vacation took place on November 26, 2018 and the recording can be made available.

The Committee directed staff to bring back the policy. Covington requested more robust language in section 3075.6 on carryover. He said the cap for non-exempt employees must be identified and said he was not opposed to 160 hours. There should be two opportunities to buy back vacation, he added.

Jaggers offered a scenario for buyback and noted potential hours over the cap. Covington disagreed; saying "a cap is a cap." He stated he would not buy into raising the cap for exempt employees. Use it or cash out, he said, reiterating that the District needs to put a ceiling on its liability.

Mr. Jaggers reminded that the Committee had requested bring back of a few policies at a time, but there is a policy manual that is two different styles, and the matrix must be references to know whether there is a new policy. There are still many policies to address, he said, and suggested a workshop with a person to assist with completion of the project. Covington pointed out this means more and/or longer meetings, and quality is the paramount driver.

Director Covington invited public comment. There was none.

#### **10. Action List for Future Meetings**

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

**11. Next Meeting Date:** Tuesday, September 20, 2022, at 5:30 p.m.

**ADJOURNMENT:** 7:50 p.m.

Attest:



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

