



**BEAUMONT-CHERRY VALLEY WATER DISTRICT  
PERSONNEL COMMITTEE MEETING AGENDA  
560 Magnolia Avenue, Beaumont, CA 92223  
Monday, March 25, 2019 - 5:30 p.m.**

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**Call to Order, Chair Covington**

**Roll Call**

**Public Comment**

**PUBLIC COMMENT:** At this time, any person may address the Personnel Committee on matters within its jurisdiction which are not on the agenda. However, any non-agenda matters that require action will be referred to staff for a report and possible action at a subsequent meeting. To provide comments on specific agenda items, please complete a Request to Address the Committee form and provide the completed form to the Committee President prior to the committee meeting. Please limit your comments to three minutes. Sharing or passing time to another speaker is not permitted.

- 1. Adjustments to the Agenda**
- 2. Approval of Personnel Committee Meeting minutes:**
  - a. November 26, 2018 (pages (3 - 6)
  - b. January 28, 2019 (pages 7 - 10)

**CLOSED SESSION**

**3. Closed Session**

CONFERENCE WITH LABOR NEGOTIATORS  
Pursuant to Government Code Section 54957.6  
District Designated Representatives: Dan Jaggars, General Manager  
Employee Organization: BCVWD Employee Association

**Reconvene Open Session / Report From Closed Session**

**OPEN SESSION / ACTION ITEMS**

- 4. Draft Updates: BCVWD Policies and Procedures Manual**
  - a. Proposed Vacation Policy (pages 11 - 13)
  - b. Proposed Sick Leave Donation Program - Final Draft (pages 14 - 18)
- 5. Review and Update on HR consulting project**
- 6. Topics Requested by Employee Association**
- 7. Action List for Future Meetings**

8. **Next Meeting Date: July 22, 2019**  
*No meeting in May due to Memorial Day holiday*

### **Adjournment**

**AVAILABILITY OF AGENDA MATERIALS** - Agenda exhibits and other writings that are disclosable public records distributed to all or a majority of the members of the Beaumont-Cherry Valley Water District Board of Directors in connection with a matter subject to discussion or consideration at an open meeting of the Board of Directors are available for public inspection in the District's office, at 560 Magnolia Avenue, Beaumont, California ("District Office"). If such writings are distributed to members of the Board less than 72 hours prior to the meeting, they will be available from the District Office at the same time as they are distributed to Board Members, except that if such writings are distributed one hour prior to, or during the meeting, they can be made available from the District Office in the Board Room of the District's Office.

**REVISIONS TO THE AGENDA** -In accordance with §54954.2(a) of the Government Code (Brown Act), revisions to this Agenda may be made up to 72 hours before the Board Meeting, if necessary, after mailings are completed. Interested persons wishing to receive a copy of the set Agenda may pick one up at the District's Main Office, located at 560 Magnolia Avenue, Beaumont, California, up to 72 hours prior to the Board Meeting.

**REQUIREMENTS RE: DISABLED ACCESS** - In accordance with §54954.2(a), requests for a disability related modification or accommodation, including auxiliary aids or services, in order to attend or participate in a meeting, should be made to the District Office, at least 48 hours in advance of the meeting to ensure availability of the requested service or accommodation. The District Office may be contacted by telephone at (951) 845-9581, email at [info@bcvwd.org](mailto:info@bcvwd.org) or in writing at the Beaumont-Cherry Valley Water District, 560 Magnolia Avenue, Beaumont, California 92223.

### **CERTIFICATION OF POSTING REGULAR MEETING**

I certify that on or before 5:29 p.m. Mar. 22, 2019, a copy of the foregoing notice was posted near the regular meeting place of the Board of Directors of Beaumont-Cherry Valley Water District and to its website at least 72 hours in advance of the meeting (Government Code §54956(a)).



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Yolanda Rodriguez  
Director of Finance and Administration



**BEAUMONT-CHERRY VALLEY WATER DISTRICT AGENDA  
DRAFT MINUTES OF THE PERSONNEL COMMITTEE  
Monday, November 26, 2018 at 5:30 p.m.  
560 Magnolia Avenue, Beaumont, CA 92223**

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**CALL TO ORDER**

*Chair Covington called the meeting to order at 5:30 p.m. at 560 Magnolia Avenue, Beaumont, California.*

*Present*

<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 Administrative Services Yolanda Rodriguez, Senior Finance and Administrative Analyst Bill Clayton, Information Systems Manager Robert Rasha, and Administrative Assistant Erica Gonzales. Also present at this meeting were Dustin Smith and James Bean, Assistant Director of Operations.</i>

**PUBLIC INPUT:** *None.*

**ACTION ITEMS**

1. Adjustments to the Agenda: *None.*
2. Approval of July 23, 2018 Meeting minutes

*The Committee accepted the minutes of the July 23, 2018 Personnel Committee meeting.*

3. Review and Update on HR Consulting Project

Director of Finance and Administrative Services Yolanda Rodriguez advised that the Human Resource consultant, HR Dynamics, should have everything wrapped up by December and will present information to the General Manager in January 2019. Director Ramirez asked about effectiveness of the consultant. Both General Manager Jagers and Ms. Rodriguez indicated the project has been beneficial.

President Covington indicated this is a monumental step forward for the District and its employees.

4. Best Practices Related to Leave Accrual Caps

President Covington indicated he had reviewed the staff report, MOU and District policies. Director of Finance and Administrative Services Yolanda Rodriguez explained that a policy on leave accrual caps has been recommended by the District's auditors as a best practice.

### Vacation

Contract employees have no cap on vacation leave. It has been confirmed with payroll that employees covered under the MOU do cash out at year-end and vacation is awarded on the first day of the following calendar year for previous year accrued.

Accounting for accrued vacation is shown in the budget as a liability, resulting in an increase. The auditors advised staff to bring this to the board as a best practice. Mr. Jagers added that the MOU covers vacation and sick leave and explained the process. For contract employees, accrued vacation can be cashed out and is a liability on the books.

President Covington compared employee contracts and indicated he believes a cap is needed. He would like to see two to three more defined options for disposition of vacation hours, such as a ceiling/cap with annual payout to employee as in the MOU; an option to roll unused vacation into a 457, or other mechanism to dispose of the time. Covington pointed out that as a contract employee, he is often behind when returning from vacation and works additional hours to catch up, but contract employees cannot cash in vacation.

President Covington suggested a transition period over one to three years to avoid the potential for immediate cash out requests and impact to the budget. He indicated support for varied caps dependent on number of years of employment. He suggested it should be determined whether the cap should be written into any new and existing employee contracts or merely become part of the District's policy manual.

Director Ramirez reminded that there is a new general manager and contract staff working late. He favors reasonable caps, but would like to hear recommendations from staff on accrual based on years of service at shorter intervals, such as three or six years. He concurred with President Covington that it is often difficult for an employee to take vacation due to workload. Ramirez agreed that options such as rollover to a 457 would be good. He suggested that payout at 100 percent if an employee is terminated should be reconsidered.

Sick leave payout at separation of employment should also be discussed, Ramirez suggested, or a Paid Time Off (PTO) option considered. President Covington noted that would be a huge amendment to the MOU and would require study. General Manager Jagers briefly explained PTO. Covington indicated this could be a negotiating item for the next MOU; there are catches on both sides.

GM Jagers reiterated that the target is to reduce the District's liability for vacation hours as close to zero as possible. The need is for a cap for those who do not use their vacation and minimize the rollover at the end of each year. President Covington noted that in his experience, staff advocates to keep those hours on the books in case of unforeseen circumstances such as running out of sick leave.

### Sick Leave

President Covington noted the MOU defines sick leave accrual. If unused in 12 months, an employee can cash out hours at 50 percent, Jagers explained. Covington suggested discussion with the Employee Association. Employees should be obligated to keep a minimum number of hours of leave on the books, he said. Voluntary separation results in liability to the District, he said, and suggested a scale for payout based on years of service up to a maximum of 50 percent.

GM Jagers noted that most of the contract employees have accrued more sick leave than the MOU employees, indicating higher use by MOU employees. Longevity is also a factor in accrual. Upon voluntary separation, Covington clarified; employees do not receive a payout of sick leave. He suggested if sick leave is unused, there should be a tiered benefit.

Mr. Jagers cautioned against any policy that may injure good employees. He said he supports the idea of paying people who are dedicated to the organization, but advised there are ways to game the system that can be curtailed.

Director Ramirez asked about conversion to CalPERS service credit; this could be done at 50 percent, Jagers answered. Covington noted there should be mechanisms to curtail abuse of the policy.

#### 5. Discussion Regarding Sick Leave Donation Program

Director of Finance and Administrative Services Yolanda Rodriguez introduced the concept. She shared an example of a person with cancer who may need sick leave above their cap. An option might be for others to be able to donate sick leave hours.

President Covington acknowledged this is a good idea but is sometimes difficult to manage. If there is agreement by the employees and the staff is willing to put something together, he said he would support it with caveats such as the donated sick leave cannot be cashed out.

General Manager Jagers acknowledged the potential financial burden to the District and said it is a great thing to be able to do; but once policy is composed, the details become complicated. Covington suggested that for an employee to be eligible for donation, they must have 200 hours of sick leave on the books; and must use their own first. Jagers noted that some employees may never be able to reach 200 hours.

Covington suggested examining policies of other agencies; there are many nuances. He cautioned that there is always the potential for abuse of the privilege. Director Ramirez added that there should be a base for the donating party and that discretion should be given to the GM to make decisions on a case-by-case basis.

#### 6. Update on District Policies and Procedures Manual

General Manager Dan Jagers noted that work on the policy revision is still underway; the section redline before the Committee shows some progress. He advised this has not yet been vetted with legal counsel but shows ideas for potential revision.

President Covington drew attention to the section detailing meetings. He suggested there should be a provision that allows directors to attend other functions. The list should not be all-inclusive, limited to those listed. Flexibility should be allowed for things that come up, and for potential of indirect relation to the District (such as the Beaumont wastewater treatment plant).

Covington pointed out there is currently no approval process for directors to attend meetings not listed such as the City of Banning, or City of Calimesa. Director Ramirez pointed out the revision of the attendance section and requested that directors be given an extra five to six minutes.

President Covington asked for clarification of reimbursement procedures for expenses for attendance at conferences. Mr. Jagers pointed to the Reimbursement section of the policy.

7. Safety Equipment and Classes Update

Mr. Jagers noted this is the beginning of the annual update to address what staff observes is coming up and needs improvement. The intent is to minimize exposure to certain activities and make improvements as quickly as possible. He reported on a number of 2018 accomplishments including safety equipment and practices.

Assistant Director of Operations James Bean pointed out the purchase of reflective vests and Class II tee shirts that are worn without the blue uniform shirt in temperatures above 80 degrees to alleviate opportunities for over-heating and heat illness. In response to Director Ramirez, Mr. Jagers explained that safety consultants had assessed risk from both insurance and safety perspectives. A list of improvements was developed and over time, solutions will be provided for confined spaces and other identified areas. Mr. Bean added some detail regarding upgrades completed and in progress.

8. Action List for Future Meetings

Review / Discussion of HR Dynamics report  
Update on policy revisions: Vacation / Sick Leave  
Employee Association topics

9. Next Meeting Date: *January 28, 2019 at 5:30 p.m.*

**ADJOURNMENT:** *6:50 p.m.*

Attest:

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



**BEAUMONT-CHERRY VALLEY WATER DISTRICT AGENDA  
DRAFT MINUTES OF THE PERSONNEL COMMITTEE  
Monday, January 28, 2019 at 5:30 p.m.  
560 Magnolia Avenue, Beaumont, CA 92223**

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**CALL TO ORDER**

*Chair Ramirez called the meeting to order at 5:30 p.m. at 560 Magnolia Avenue, Beaumont, California.*

*Present*

<i>Directors present:</i>	<i>Hoffman (alternate), Ramirez</i>
<i>Directors absent:</i>	<i>Covington</i>
<i>Staff present:</i>	<i>General Manager Dan Jagers; Director of Finance and Administrative Services Yolanda Rodriguez, Senior Finance and Administrative Analyst Bill Clayton, Information Systems Manager Robert Rasha, Assistant Director of Operations James Bean, Production Maintenance 1 Dustin Smith, and Administrative Assistant Erica Gonzales. Also present at this meeting were Julian Herrera, Alma Frausto and Eric Dahlstrom representing the Beaumont-Cherry Valley Water District (BCVWD) Employee Association, and HR Dynamics and Performance Management consultant Rhonda Strout-Garcia.</i>

**PUBLIC INPUT:** *None.*

**ACTION ITEMS**

1. Adjustments to the Agenda: *None.*
2. Approval of Nov. 26, 2018 Meeting minutes

*Chair Ramirez tabled the approval of the minutes of the Nov. 26, 2018 Personnel Committee meeting to the March 25, 2019 meeting.*

3. Closed Session

*Chair Ramirez recessed the meeting to Closed Session at 5:32 p.m.*

CONFERENCE WITH LABOR NEGOTIATORS  
Pursuant to Government Code Section 54957.6  
District Designated Representative: Dan Jagers, General Manager  
Employee Organization: BCVWD Employee Association

4. Reconvene in Open Session: 7:09 p.m.

Report on Action Taken in Closed Session: *Chair Ramirez announced that there was no reportable action taken.*

5. Review and Update on HR Consulting Project

Director of Finance and Administrative Services Yolanda Rodriguez reported that HR Dynamics and Performance Management has completed the assessment and recommendations are ongoing.

6. Draft Updates: BCVWD Policies and Procedures Manual

a. Vacation Leave Accrual Caps

Ms. Rodriguez advised that during the last audit, the District's auditors recommended adding a cap on vacation and sick leave accruals. For hourly employees, vacation is cashed out at the end of the year, for salaried and contract employees it rolls over. In response to Chair Ramirez, Ms. Rodriguez clarified that depending on years of service, vacation earned of 80 hours to 160 hours are allotted at the beginning of the year, and any hours not taken are cashed out at the end of the year. Mr. Jagers noted that a Personnel Committee member suggested evaluating the potential to roll over up to 80 hours to the following year to allow employees to save some vacation time for use in the next year. Right now, Ms. Rodriguez added, there is no option to roll over time: vacation must be used or cashed out.

Currently, Ms. Rodriguez continued, for this example the accrual cap is 80 hours. Mr. Jagers noted that the roll over potential might be an option to discuss with the Employee Association if the Personnel Committee is inclined to consider it. Chair Ramirez clarified that right now, hours cannot roll over. Mr. Jagers explained that employees begin the year with the full accrual of vacation hours due, not accrued over time.

At the last Personnel Committee meeting, exempt employees' accrual was discussed, and President Covington suggested discussion of hourly employees. There was enough interest to bring the matter forward again. Chair Ramirez asked the employees present for feedback.

Julian Herrera advised that feedback from employees was very good, and they felt they were being included and this is a benefit. Ms. Frausto concurred. Mr. Jagers clarified that the current policy in the Policies and Procedures Manual requires cash out. The exposure for the District is that if there is a Cost of Living increase awarded, there may be a minor increased cost if cashed out in a future year. Additionally, if an employee is promoted the hours are carried to the next pay grade.

Mr. Jagers noted that the District is trying to improve the employees' experience and this allows more flexibility than cashing out. The vacation cap was discussed, and 80 hours is a number determined for discussion purposes. Chair Ramirez asked, and Ms. Rodriguez acknowledged she is comfortable with the 80 hours rollover. Mr. Jagers pointed out this is more parallel with the contract employees who are not currently required to cash out time at the end of the year.

Ms. Rodriguez drew attention to the staff report on vacation time caps with examples from other agencies, as requested at the last meeting, and options for consideration. BCVWD employees surveyed favored Option A or Option C. Mr. Jagers noted that for those employees with large vacation balances, the goal would be to reduce the amount over time.



In response to Chair Ramirez, Mr. Jagers explained the Option A multiplier of maximum of 2 times the rate of accrual. He also pointed out that for recruitment purposes, a contract negotiating point is a third week of vacation to entice potential experienced hires who have earned that third week at the current employer due to years of service. In addition, in a number of positions it may be difficult for a dedicated employee to take all earned vacation time.

Chair Ramirez pointed out this is an added benefit and employees are unified in support of the suggested rollover policy. He said the Committee, and the Board understands there is a human aspect and would like to be as helpful and amicable as possible within reason. He recommended proceeding as indicated with the 80 hours option for hourly employees and suggested looking at Option C for contract employees with adjusted years, then an Option C hybrid focused on employee retention. Member Hoffman concurred. Mr. Jagers indicated he favored a multiplier formula for flexibility.

b. Sick Leave Accrual Caps

Ms. Rodriguez explained this is also a recommendation from the auditor. Currently, there is no cap, Mr. Jagers noted. Per legal counsel, this is something that would have to be renegotiated in the MOU. Chair Ramirez directed staff to have the Employee Association discuss, and requested a fair and balanced approach.

Mr. Jagers explained that the policy indicates that sick leave may not be cashed out unless an employee has had 12 months without taking sick leave. Cash out is at 50 percent of sick leave value; or two days traded for one day's pay. He explained some policy nuances that would require a transition to implement. Jagers also noted that some agencies had converted all time off into a combined "Paid Time Off" (PTO) system, which could be an option for the future.

Ms. Rodriguez explained the current and potential sick leave buyout options and noted that many agencies do not cap sick leave. Chair Ramirez indicated that cities are more inclined to cap sick leave. Mr. Jagers pointed to the Cal PERS conversion at retirement or death, which is part of the current policy and a defined benefit.

Chair Ramirez directed staff to return with a cost benefit analysis of a cap. Mr. Jagers noted that the general manager, per contract terms, cannot not cash out sick leave.

c. New Sick Leave Donation Program

Ms. Rodriguez advised the members that at its last meeting, the Committee requested a draft policy with recommendations. Staff looked at policies of different agencies and created a comprehensive sample to fit BCVWD.

The purpose of the proposed policy is to offer an option for employees if the District adopts a sick leave cap. The sample policy is very detailed, and applies only to a catastrophe. Chair Ramirez asked about the minimum leave to retain; Ms. Rodriguez answered it is 40 hours.

Mr. Jagers explained the policy items and staff recommendations to result in a complete policy. Chair Ramirez asked if this has been shared with the Employee Association; Mr. Jagers said such a policy has been discussed in general, but this is the first look and beginning discussion as part of a published agenda.

Chair Ramirez asked staff and the Association to read the proposal and direct any questions to management in order to iron it out for the next meeting. Member Hoffman concurred that feedback should be garnered from the Employee Association to determine whether to move forward with the policy.

Mr. Herrera of the BCVWD Employee Association noted that the group has talked about the policy and it is something the employees view as an added benefit.

Ms. Rodriguez added the Committee expressed concern that there is no abuse of the policy, therefore staff tried to make procedures as clear as possible. Chair Ramirez commended the GM for his approach to staff unity with office and field crews.

7. Topics Requested by Employee Association

Messers Herrera and Dahlstrom indicated that employee representative positions would be opened to a vote. Mr. Jagers added that at some point, there should be established a vehicle for contract employee representation.

8. Action List for Future Meetings

Vacation and Sick Leave Accrual Caps  
Sick Leave Donation Program

9. Next Meeting Date: *March 25, 2019 at 5:30 p.m.*

**ADJOURNMENT:** *8:08 p.m.*

Attest:

*DRAFT UNTIL APPROVED*

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Andy Ramirez, Chairman  
to the Personnel Committee of the  
Beaumont-Cherry Valley Water District



**Beaumont-Cherry Valley Water District  
Personnel Committee Meeting  
March 25, 2019**

Item 4a

STAFF REPORT

**TO:** Personnel Committee  
**FROM:** Yolanda Rodriguez, Director of Finance and Administrative Services  
**SUBJECT:** **Proposed Vacation Policy**

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**Staff Recommendation**

Review the final draft of the proposed Vacation Policy and, if desired, direct staff to prepare a recommendation to the Board of Directors.

**Background**

At the meeting of the Personnel Committee on November 26, 2018, members requested revisions to the District's vacation policy to reflect a cap on accrued vacation time. This recommendation was initiated by the District's auditors as a best practice to keep the District's vacation accrual liability under control. The Personnel Committee reviewed a first draft of the policy at its meeting on January 28, 2019, made recommendations based on policy options presented, and directed staff to prepare a final draft for potential recommendation to the Board of Directors.

**Summary**

The proposed Vacation Policy was revised to reflect direction of the Personnel Committee given at the January 28 meeting:

1. Sections B and C – Accrual rates were converted to equivalent increments of hours rather than days.
2. Section D – Revisions were made to reflect the options favored by the Personnel Committee: Non-exempt employees may accrue up to 120 hours of vacation time. After 120 hours, accrual of vacation time ceases. Exempt employees may accrue additional vacation hours up to the maximums indicated based on years of service.
3. Section E – Additional flexibility was incorporated into the vacation buy-back policy.
4. Section G – A more flexible policy is suggested for scheduling of vacation time.

Vacation time accrual is addressed in the 2018-2021 BCVWD Employee Group Memorandum of Understanding (approved December 17, 2017). The proposed revisions to the Policy and Procedures Manual do not change accrual amounts, and actually allow more flexibility for buy-back than shown in the MOU. The MOU does not address accrual maximums or carryover, therefore the MOU will not require amendment along with this policy revision.

**Fiscal Impact:** The fiscal impact cannot be determined at this point.

**Attachments**

Final Draft – Proposed BCVWD Personnel Policies and Procedures Manual, Part I - Section 22 – Vacation Policy

Staff Report prepared by Lynda Kerney, Administrative Assistant

22. VACATION

- A. **Application.** This policy shall apply to regular and introductory employees in all classifications.
- B. **Accrual.** Vacation shall be earned from date of hire. Paid vacations shall be accrued according to the following schedule on an annual basis:
- i. One (1) through four (4) years of service, ~~ten (10) days~~ eighty (80) hours;
  - ii. Five (5) through fourteen (14) years of service, ~~fifteen (15) days~~ one hundred twenty (120) hours; ~~or~~
  - iii. Fifteen (15) years and more, ~~twenty (20) days~~ one hundred sixty (160) hours.
- C. **First Year.** An employee with less than five years seniority would receive ~~10 days~~ 80 hours vacation per year. The first year shall be prorated and accrued ~~at a rate of 5/6 of a day~~ per month commencing with the first full month of employment, and awarded after January 1 of the following year.
- D. **Non-accumulation Use of Vacation.** Employee shall be eligible to use vacation after it is accrued. If there is sufficient time in the remainder of the calendar year to take or reschedule a vacation, and an employee elects not to take or schedule his/her vacation, the District shall have the option of requiring the employee to take a vacation or purchase unused vacation at an employee's regular hourly rate of compensation. An employee is allowed to accrue vacation hours up to the maximum allowed explained below. Vacation buy-backs are scheduled on the first pay period in the month of December. Employees are allowed one (1) additional buy-back during the calendar year. Request is submitted to Payroll and will be reviewed and prepared by Human Resource. The purchase shall occur at the first pay period in the month of December.
- i. Upon termination, employee shall be compensated for accrued unused vacation at their current pay rate.
  - ii. The District will not allow for accrual of vacation in excess of:
    - a. Non-Exempt Employees: one hundred twenty (120).  
The General Manger reserves the right to allow overages in special circumstances.
    - b. Exempt Employees:

<u>(1) 1 – 5 service years</u>	<u>320 hrs.</u>
<u>(2) 6 – 15 service year</u>	<u>360 hrs.</u>
<u>(3) 16 – 20 service years</u>	<u>400 hrs.</u>
<u>(4) 21 + service years</u>	<u>440 hrs.</u>
- E. **Vacation Buy-Back.** For the additional buy-back during the year, employees who have been employed with the District for a minimum of one (1) year may elect to buy-back accrued, but unused, vacation hours. An employee may request to buy-

back a minimum of ten (10) hours. To purchase vacation hours, an employee must have a minimum remaining balance of forty (40) hours of vacation leave accrual after the purchase of said vacation hours for the calendar year. The employee will be compensated for such purchased vacation hours at the salary rate in effect for that employee at the time the hours are paid.

i. Vacation accruals for which the employee receives compensation will be deducted from the employee's accumulated total.

ii. All additional vacation buy-back requests during the year will be processed in the payroll cycle following the date the requests was approved.

~~D.~~

~~E.F.~~ **Sick Leave.** The District will not require an employee to take vacation time in lieu of sick leave during periods of illness. However, the employee may elect to take vacation time in case of extended illness where sick leave has been fully used. The District will not consider granting a leave of absence for medical reasons until all accumulated sick leave and vacation time have been used.

~~F.~~ **G. Scheduling.** Employee shall request use of vacation in a reasonable time in advance, preferably thirty (30) days, of the proposed vacation. Same day requests are discouraged, and will be considered on a case-by-case basis provided that District operations are not interrupted, and in emergency situations. Vacations shall be scheduled prior to March 15 and approved by April 1, or scheduled and approved thirty (30) days in advance of desired time provided that District operations are not interrupted, vacation will be scheduled in a first come first serve basis.



**Beaumont-Cherry Valley Water District  
Personnel Committee Meeting  
March 25, 2019**

Item 4b

STAFF REPORT

**TO:** Personnel Committee  
**FROM:** Yolanda Rodriguez, Director of Finance and Administrative Services  
**SUBJECT:** **Proposed Sick Leave Donation Program – Final Draft**

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**Staff Recommendation**

Review the final draft of the proposed Sick Leave Donation Policy and, if desired, direct staff to prepare a recommendation to the Board of Directors.

**Background**

Many public agencies offer a leave-sharing plan and / or banking program to give employees the ability to assist co-workers who face extended leaves without pay due to a catastrophic health crisis, whether their own, or that of a family member. Participation in such a plan and banking program is entirely voluntary. At its November 26, 2018 meeting, the Personnel Committee directed staff to prepare a draft policy for consideration.

At its January 28, 2019 meeting, the Personnel Committee reviewed the draft Sick Leave Donation Program and concurred with the proposed options and directed staff to confer with the BCVWD Employee Association to finalize. At that time, Employee Association representatives indicated the group felt this policy is viewed as an added benefit. No further comments were received.

**Summary**

The Sick Leave Donation program would allow individual employees to donate a portion of their accrued sick and/or vacation leave over a certain threshold (number of hours) to another eligible employee who might not have enough of their own leave accrued to take an extended leave of absence from work.

The Beaumont-Cherry Valley Water District does not currently provide this type of catastrophic leave donation program.

The final draft policy is attached for consideration. Staff requests further direction or recommendation of the policy for consideration by the full Board of Directors.

The intention is to include the final draft policy with other human resources-related policies that are in the process of being reviewed for later recommendation to the full Board.

**Fiscal Impact**

The fiscal impact is unknown at this time, though it can be reasonably expected to be very minor.

**Attachments**

Proposed Sick Leave Donation Policy

Draft Request Form

Report prepared by Lynda Kerney, Administrative Assistant

## 1. Sick Leave Donation Program

The intent of a Sick Leave Donation Program is to allow employees to voluntarily assist co-workers who are in critical need of time off due to a catastrophic medical condition, illness or injury, which incapacitates the employee and creates a financial hardship due to the exhaustion of sick leave and/or other paid time off.

### A. Definitions.

- i. "Catastrophic medical condition, illness or injury"  
A physician-certified death eminent case or a medical condition, illness, or injury which is of an extraordinary or severe nature, which requires a physician's ongoing care, and which has caused, or is likely to cause, the employee to: (i) be incapacitated and unable to work in excess of five working days; or (ii) otherwise be required to terminate District employment due solely to the absence of any available leave. Pregnancy is not considered catastrophic.
- ii. Regular employee: An employee working more than 30 hours per week who is eligible to receive and use Sick Leave as defined in Personnel Policies and Procedures Manual Section 24.
- iii. Qualified Family Member: Includes the following qualified family members as defined by the Healthy Workplaces, Healthy Families Act of 2014 (HWHFA):
  - a. Child. A child, which for purposes of this article means a biological, adopted, or foster child, stepchild, legal ward, or a child to whom the employee stands in loco parentis. This definition of a child is applicable regardless of age or dependency status.
  - b. Parent. A biological, adoptive, or foster parent, stepparent, or legal guardian of an employee or the employee's spouse or registered domestic partner, or a person who stood in loco parentis when the employee was a minor child.
  - c. Spouse. The term "spouse" is not defined in the legislation mandating kin care, but presumably applies only to an individual to whom the employee is legally married.
  - d. Registered domestic partner. A registered domestic partnership shall be established in California when both persons file a Declaration of Domestic Partnership and are registered with the Secretary of State.
- iv. Family and Medical Leave Act of 1993: The FMLA was intended "to balance the demands of the workplace with the needs of families."<sup>[2]</sup> The Act allows eligible employees to take up to 12 workweeks of unpaid leave during any 12-month period to attend to the serious health condition of the employee. In order to be eligible for FMLA leave, an employee must have been at the place of employment at least 12 months, and worked at least 1,250 hours over the past 12 months. The FMLA covers both public- and private-sector employees, but certain categories of employees are excluded, including elected officials and their personal staff members." (Wikipedia)

### B. Eligibility.

- i. Sick Leave Donation Program hours are available to a full time, regular employee who has experienced an FMLA qualifying personal (or family) "catastrophic medical condition, illness or injury" that is expected to last a minimum of two (2) weeks (80 hours) and would not be fully covered by the employee's available sick leave and/or other vacation/paid time off.

- ii. The recipient employee must have exhausted all paid leave before the employee may accept donations.
  - iii. Recipient employee must have passed his / her introductory period.
  - iv. At the time of request, there is no monitoring or disciplinary action for sick leave abuse.
  - v. Recipient employee must be on approved FMLA leave including written verification that the catastrophic medical condition, illness or injury exists.
  - vi. Pregnancy is not considered a “catastrophic medical condition, illness or injury” and is not covered under this Sick Leave Donation Program.
  - vii. Sick Leave Donation will not be approved if, based on the physician's certification and consideration of the employee's condition, the employee is not expected to return to District employment.
- C. Authorization.
- i. In the event that an eligible employee may require the use of more sick leave than the sum of his/her accumulated sick leave and vacation time combined, thereby entering into a “no pay” status because of the extended illness or injury, then the General Manager is authorized to accept and consider a Request for Sick Leave Donation.
  - ii. The General Manager may appoint a committee of three (3) members to evaluate the request for Sick Leave Donation, but retains final decision-making authority.
  - iii. The following may be considered when determining whether to approve a catastrophic time bank request:
    - a. The nature of the medical condition, illness or injury;
    - b. Any history of excessive use of sick leave by the employee requesting leave or a pattern of abuse of sick leave;
    - c. The likelihood that the employee will be medically able to return to work.
    - d. Such other factors as may be relevant to evaluation of the request.
  - iv. As with all sick leave, abuse and misuse of donated sick leave is grounds for disciplinary action, up to and including discharge. The employee is required to keep the employer informed of any changes in medical status and/or limitations. The employer has the right at any time to require the employee to provide certification from a physician attesting to such medical condition, illness or injury.
  - v. A decision on approval or denial of the Sick Leave Donation request will be made within eight (8) working days of receipt of a complete request.
- D. Value. All donations will be based on the hourly dollar value of the donation. This will be based on the hourly pay rate of the employee donating. Example:
- i. Paul earns \$40 per hour and wants to donate 8 hours of sick time to Jane, who earns \$20 per hour. The value of Paul’s 8 hours is \$320, which would equate to 16 hours of sick leave donation for Jane. Similarly, if Jane donated to Paul, the value of her 8 hours is \$160, which would equate to 4 hours of sick leave donation for Paul.
- E. State Worker’s Compensation / Sick Leave  
 In the instance where an illness or injury qualifies or may qualify an employee for State Workers' Compensation, the employee shall first make an application for Workers' Compensation benefits and then the employee's access to the Sick Leave Donation Program shall only be for the difference between the employee's straight time base hourly wage and the amount paid the employee by the State Workers' Compensation benefits.
- F. Use of Sick Leave Donation
- i. Recipient Employee must follow all District required FMLA procedures.



- ii. Recipient Employee must apply for any paid leave or benefit programs for which he/she is eligible.
  - iii. Recipient Employee must keep the Human Resources Coordinator regularly informed including written certification from a physician.
  - iv. The maximum total lifetime donation of sick leave is the greater of 680 hours or 68 sick days).
  - v. If the Recipient Employee separates from BCVWD employment due to termination, retirement, disability, etc. any remaining donated sick leave will be returned to the donor per the policy outlined below.
- G. Requesting time donations.
- i. Eligible employees must submit a request in writing using the form provided by the District.
  - ii. NOTE: If an employee's request for catastrophic time is approved, the notice announcing such approval shall not identify the medical condition necessitating the need for the time. Examples of acceptable statements include: "The employee is scheduled for surgery and will be absent from work approximately...", "The employee is undergoing medical treatments which are anticipated to last approximately... ", "The employee has been excused from work for medical reasons and is anticipated to be absent for ..."
  - iii. Examples of **unacceptable** statements include but are not limited to: "The employee was diagnosed with cancer and is undergoing treatments...", "The employee is suffering from kidney disease/ heart disease and will be absent...", "The employee is scheduled for gall bladder surgery, for prostate surgery," etc.
  - iv. No employee may solicit donation of sick leave or vacation time from co-workers.
  - v. Recipient employee agrees to accept the donated leave under the terms of this policy.
- H. Notice. Upon approval of the Sick Leave Donation Request, a notice to all District employees will be promulgated via email and on District bulletin boards.
- i. A Catastrophic Time Bank (CTB) notice must contain the following information:
    - a. Employee name and classification.
    - b. A general statement regarding the need for leave donations.
      - i. Examples of acceptable statements include: "The employee is scheduled for surgery and will be absent from work approximately...", "The employee is undergoing medical treatments which are anticipated to last approximately... ", "The employee has been excused from work for medical reasons and is anticipated to be absent for ..."
      - ii. Examples of **unacceptable** statements include but are not limited to: "The employee was diagnosed with cancer and is undergoing treatments...", "The employee is suffering from kidney disease/ heart disease and will be absent...", "The employee is scheduled for gall bladder surgery, for prostate surgery," etc.
    - c. Dates of absence and date when leave credits will be exhausted.
    - d. Anticipated length of absence.
    - e. From whom the Recipient Employee can receive leave credits.
    - f. Brief description regarding how to donate leave credits, e.g. what form to use and where it can be found; where to send the form.
    - g. Name of the staff person to receive all donation forms.
    - h. Name and phone number of person employees may contact for questions.

- i. The following statement: *The approval of the Sick Leave Donation Request is in no way to be construed as departmental acceptance or agreement that the illness/injury is work related.*
- I. Denial.
  - i. If the reviewing authority denies the Sick Leave Donation Request, the employee must be notified of such denial in writing. The denial notification must include the reason for denial.
  - ii. Denial cannot be appealed or grieved.
- J. Donations to the impacted employee:
  - i. Once a Sick Leave Donation Request has been approved, the Director of Finance and Administrative Services shall take action to begin the donation process and ensure individual employee decisions to donate or not to donate to the program are kept confidential and employees are not pressured to participate.
  - ii. The donation program will be established on behalf of the Recipient Employee and will be administered through the Payroll Department.
  - iii. Donations may be made in increments of one (1) hour.
  - iv. Employees who wish to donate must maintain a minimum balance of 40 hours in their own sick leave bank.
  - v. The maximum donation is 40 hours per calendar year, per employee.
  - vi. Donations may be made of sick leave or vacation hours.
- K. Residual Sick Leave Credits
 

The donation of Sick Leave is not intended to result in the recipient employee having residual leave credits after the catastrophic event is over.

  - i. Any leave donations not credited to the Recipient Employee's leave record will be returned to the donor(s) based on the order in which the hours were donated and used.
  - ii. This includes leave credits that are later determined to be unnecessary because a workers' compensation claim was approved for the employee.
  - iii. In such cases, all leave credits restored because of the approved workers' compensation claim are to be returned to the donor(s) based on the order in which they were donated and used.
  - iv. Donors will be notified that the time they pledged was not needed by the employee and is being credited back to their own leave balance record.
  - v. Donated sick leave has no cash value.
- L. Benefits.
  - i. Health Insurance: Employees on leave who were previously covered by the District's health benefits shall continue to be covered at the level and under the condition that the coverage would have been provided if the employee were continuing to work, consistent with FMLA and existing benefits and leave policy..
  - ii. Sick and Vacation Accrual: Sick leave, vacation time, and other time off benefits do not accrue during the use of Catastrophic Leave or FMLA Leave.
- M. Return to Work.
  - i. Employee's return to work may require a physician's release.
  - ii. Upon recipient employee's return to work, all unused donated time will be returned to the donor(s) based on the order in which the hours were donated and used.