



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

**MINUTES OF THE PERSONNEL COMMITTEE MEETING**  
Tuesday, October 18, 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 2022-27***

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**CALL TO ORDER**

*Chair Covington called the meeting to order at 5:30 p.m.*

**Announcement of Teleconference Participation**

Director of Finance and Administration Kirene Bargas, PhD, 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, Ramirez</i>
<i>Directors absent:</i>	<i>None</i>
<i>Staff present:</i>	<i>General Manager Dan Jagers Director of Finance and Administration Kirene Bargas, PhD Director of Information Technology Robert Rasha Human Resources Administrator Sabrina Foley Management Analyst II Lorena Lopez Administrative Assistant Cenica Smith</i>
<i>BCVWD Employee Association reps:</i>	<i>Water Utility Supervisor Julian Herrera</i>

**PUBLIC INPUT:** *None.*

**ACTION ITEMS**

- 1. Adjustments to the Agenda:** None.

**2. Acceptance of the Meeting minutes**

a. September 20, 2022

*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 / Update from BCVWD Employees Association:** No Report.

**4. Report / Update from Exempt Employees:** No Report.

**5. Report from Human Resources Department**

Human Resources Administrator Sabrina Foley presented the report. She highlighted new legislation and said she would be working with legal counsel to implement relevant law.

**6. Update: BCVWD 2023 Operational Budget**

Dr. Bargas detailed proposed positions and changes. Chair Covington recapped the changes and noted that they were discussed at the October 12 Board meeting. Mr. Jaggars and Dr. Bargas provided clarifications and responded to questions.

Chair Covington asked if there was a recommendation from the Finance and Audit Committee; Dr. Bargas confirmed there was discussion only and Mr. Jaggars added that there were no red flags identified.

Director Ramirez stated that he could see the logic in the proposals and appreciated that there was not just shuffling or overextension.

Dr. Bargas highlighted the budget process calendar.

**7. Update: Workforce and Succession Planning Project**

Human Resources Administrator Sabrina Foley advised that the agreement with the Mejorando Group is effective through December 31, 2023 although it is not expected that the project will take that long.

The project is still in Phase 1 due to a slight delay due to illness of the main consultant, Foley reported. The kickoff and launch meetings are now tentatively scheduled for November 1 and 2 with staff and a special Board meeting at 5:30 p.m. on November 1.

Deliverables for Phase 1 are due to be completed in early December, then Phase 2 will launch in the beginning of December. Phase 1 is 69 percent complete (due to the timeline extension), Foley noted.

Chair Covington posited that this may not be wrapped up until April; Foley estimated at the end of the first quarter. Implementation would depend on the results, Foley responded. Mr. Jagers indicated that if there was a recommendation that staff felt compelled to implement in 2023 it would come to the Board with any reorganization to take place, or needed budget amendment.

There were some positions that were of interest to the Board at various times, Jagers pointed out, and there are some informational unbudgeted items listed in the proposed Salary Schedule / Classification that were in the Classification and Compensation Study, i.e., Assistant General Manager.

## 8. Policies and Procedures Manual Updates / Revisions

Human Resources Administrator Sabrina Foley reviewed the policies.

Policy 3075 Vacation: Ms. Foley highlighted the Committee's desired revisions to the policy:

- Remove the language for the first year and allow an earn-as-you-go approach for non-exempt staff
- The MOU group has requested a review of the District's vacation cap for non-exempt staff and has proposed a higher cap amount to accommodate employees with more seniority

In response to Director Covington, Ms. Foley explained that the current cap is unclear but current policy indicates no accrual of vacation in excess of 160 hours, but does not call it a "cap." Jagers clarified the current cap at 120 hours as amended by Resolution 2019-08. He reminded about discussion and key decisions to make, and reviewed policy. Based on comments from the District's auditor about limiting liability, the "cap" for both contract and non-exempt staff was added along with ability to roll over hours from the previous year.

Currently, rollover of 120 hours is allowed, Jagers continued. He read from Policy and Procedures Manual Section 22:

*The District will not allow for accrual of vacation in excess of:*

- a. *Non-Exempt Employees: one hundred twenty (120)*  
*The General Manager reserves the right to allow overages in special circumstances.*
  
- b. *Exempt Employees*

<i>(1) 1 – 5 service years</i>	<i>260 hours</i>
<i>(2) 6 – 15 service years</i>	<i>300 hours</i>
<i>(3) 16 – 20 service years</i>	<i>350 hours</i>
<i>(4) 21+ service years</i>	<i>380 hours</i>

Jagers discussed the ambiguity of policy language, provided examples, and emphasized that the goal was to limit the District's liability. Covington recalled prior discussion and the desire to establish a cap due to the audit. The Employees Association spoke at a previous meeting about raising the cap on the accrual which is

currently 120 hours (on the low side), he noted. He recommended raising the accrual cap to 160 hours and indicated he is not in favor of raising it to 320. Anything in excess of 160 must be cashed out, he stated. Jagers pointed out a need to change the accrual style to make the cap work.

Director Ramirez also recalled the prior discussions and the need to reduce liability on the books. He said he was taken aback by the staff request to increase to 320 accrued hours. He said he would like to see all staff have as much equality as possible and said he was leaning toward the 160 hours.

Dr. Bargas pointed to issues for non-exempt: the best practice is to have all employees on accrual of vacation rather than front-loading and a grace period will be needed for transition.

Covington said he did not feel compelled to raise the cap above 160 hours. He suggested buyback should be at the discretion of the General Manager and Ms. Lopez suggested a procedure. An employee will not accrue more than 160 hours at any time with flexible provisions to cash out: "Use it or lose it," Covington stated; Dr. Bargas noted that "lose it" may not be legal in California.

Jagers discussed example situations and suggested bringing back policy language.

Director Ramirez indicated preference for basis on years of service. Covington pointed out that the problem was a few persons with a large amount of accrued vacation on the books, and asked Jagers to examine the employee contracts and bring back information.

Director Covington indicated that once policy is broadened that flexibility should be left to staff regarding vacation buyback. He requested staff bring back suggested language:

- Flexibility in buyback
- Accrue as you go (not front-loaded) (favored by employees)
- Use of vacation after 90 days of employment

Also to be determined will be a transitional period.

Ms. Foley explained further removal and addition of language based on legal counsel recommendation.

Policy 3090 Family and Medical Leave. Ms. Foley explained that current policy states that the District will comply with the Family and Medical Leave Act (FMLA). There is a substantially similar California Family Rights Act (CFRA) under which an employee qualifies if the employer has five or more employees. Legal Counsel advised that the District does not have to comply with FMLA as there are fewer than 50 employees, but ACWA/JPIA recommends that as a public agency, BCVWD is still an FMLA employer and must comply with FMLA noticing requirements. Foley recommended continued following of FMLA and CFRA under the title of BCVWD Family and Medical Leave.

Chair Covington noted that many times, these types of policies are outside of the confines of the Board and suggested moving this to the full Board with legal counsel present for guidance. Ramirez concurred.

Policy 3111 Leave for Crime Victims and Family Members. Ms. Foley explained the proposed new policy. The language aligns with California State law and with legal counsel recommendation, she noted.

Director Covington asked if this was paid leave; Foley explained that it is excused leave requiring documentation even if the employee has no paid leave time available. Director Ramirez emphasized the need for adequate documentation.

*The Committee recommended moving forward Policies 3090 and 3111 to the Board for consideration by the following vote:*

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

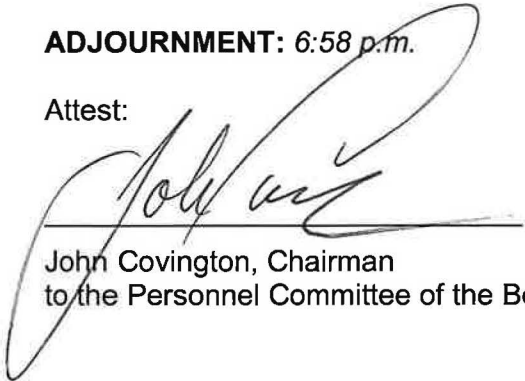
**9. Action List for Future Meetings**

- *Employee Association topics (none added)*
- *Policy manual updates (ongoing)*
- *Status of Workforce and Succession Planning*

**10. Next Meeting Date:** Tuesday, November 15, 2022, at 5:30 p.m.

**ADJOURNMENT:** 6:58 p.m.

Attest:



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