



**A REGULAR MEETING OF THE PERSONNEL COMMITTEE ⁽¹⁾
of the
CENTRAL COAST WATER AUTHORITY**

will be held at 9:00 AM, April 7, 2023

at 255 Industrial Way, Buellton, California

Pursuant to Government Code section 54957.5, non-exempt public records that relate to open session agenda items and are distributed to a majority of the Committee less than seventy-two (72) hours prior to the meeting will be available on the CCWA internet web site, accessible at <https://www.ccwa.com>.

Eric Friedman
Chairman

Jeff Clay
Vice Chairman

Ray Stokes
Executive Director

Brownstein Hyatt
Farber Schreck
General Counsel

Member Agencies

City of Buellton

Carpinteria Valley
Water District

City of Guadalupe

City of Santa Barbara

City of Santa Maria

Goleta Water District

Montecito Water District

Santa Ynez River Water
Conservation District,
Improvement District #1

Associate Member

La Cumbre Mutual
Water Company

THE FOLLOWING ITEMS WILL BE DISCUSSED AT THE MEETING OF THE COMMITTEE AND A VOTE MAY BE TAKEN FOR THE PURPOSE OF RECOMMENDING ACTION BY THE BOARD OF DIRECTORS.

AGENDA

I. Call to Order and Roll Call

II. Public Comment- (Any member of the public may address the Committee relating to any matter within the Committee's jurisdiction. Individual speakers may be limited to five minutes; all speakers may be limited to a total of fifteen minutes.)

III. * April 13, 2022 Personnel Committee Meeting Minutes
Staff Recommendation: Approve minutes.

IV. * 2023 Review of Personnel Policy Manual
Staff Recommendation: Recommend Board approval of the proposed changes to the Personnel Policy Manual.

V. Closed Session:

- A. Public Employee Performance Evaluation - Government Code Section 54957
Title: Executive Director
- B. Conference with Labor Negotiator - Government Code Section 54957.6
Name of Negotiator: Jeffrey Dinkin
Unrepresented Employees: Executive Director, Deputy Director

VI. Return to Open Session

VII. Reports from Committee Members for Information Only

VIII. Date of Next Meeting: Unscheduled

IX. Adjournment

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Buellton, CA 93427
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www.ccwa.com

* Indicates attachment of document to agenda packet.

(1) The meeting is a committee meeting.

**MINUTES OF THE
CENTRAL COAST WATER AUTHORITY
MEETING OF THE PERSONNEL COMMITTEE ¹
AND SPECIAL MEETING OF THE BOARD OF DIRECTORS ²**

April 13, 2022

I. Call to Order and Roll Call

Director Friedman called the April 13, 2022, Central Coast Water Authority Personnel Committee meeting to order at 10:00 a.m.

Committee Members in Attendance:

John Sanchez	City of Buellton
Etta Waterfield	City of Santa Maria
Eric Friedman	City of Santa Barbara

Staff in Attendance:

Ray Stokes	CCWA Executive Director
John Brady	CCWA Deputy Director
Lisa Watkins	CCWA Secretary

II. Public Comment

There was no public comment.

III. Approve April 8, 2021 Personnel Committee Meeting Minutes

Following discussion, motion to approve the minutes of the June 2, 2020 meeting was made by Director Waterfield, seconded by Director Sanchez and carried with all in favor and none opposed.

IV. 2022 Review of Personnel Policy Manual

Ray Stokes, CCWA Executive Director, noted there was a memo detailing recommended changes to the CCWA Personnel Policy manual from CCWA's Personnel Counsel, Jeff Dinkin, included in the meeting materials. Mr. Dinkin explained that the changes are to address recent legislation that affected provisions related to CFRA and NPLA leave within the manual.

Upon a motion by Director Waterfield, seconded by Director Sanchez and carried with all in favor and none opposed, the Committee recommended Board approval of the proposed changes to the Personnel Policy Manual.

¹ The meeting is a Committee meeting.

² The meeting is a special meeting of the Board of Directors, but no action may be taken on any items on the agenda except to the extent of making a recommendation for action to a regular meeting of the Board of Directors.

V. CCWA 2022 Employee Salary and Benefits Survey Results

Beginning in 2016, the CCWA Board directed staff to prepare a compensation and benefits analysis every five years through a third party consultant to ensure that the salaries and benefits provided by CCWA are comparable to other similar agencies, so that CCWA remains competitive in retaining and attracting highly qualified employees.

In 2021 CCWA retained the firm of Koff & Associates, who had prepared the benefit survey in 2016. Mr. Stokes provided a synopsis of the study methodology, and introduced Georg Krammer and Kari Mercer of Koff & Associates.

Mr. Krammer and Ms. Mercer reviewed the analysis methodology and matching processes to complete the study and the results of the study, which indicate that CCWA is remaining reasonably competitive in salaries, within the +5% to -5% of comparator median for the majority of positions. The exceptions to this were the Controller, Distribution Supervisor, Laboratory Analyst, Maintenance Superintendent, Office Manager and Water Treatment Plant Operator classifications. Recommendations in the study include new salary range placement for those positions to bring them in to market ranges. The budget effect of these changes is minor, as with the exception of the Controller, the current incumbents of these classifications are all within the proposed salary ranges.

The study also indicates that CCWA has fallen behind its peers in its benefit offerings. This is in large part due to the comparator agencies that participate in Social Security, which CCWA does not. However, the study reports that a large percentage of the comparator agencies provide a more robust health benefit, as well as several that contribute to deferred compensation plans. (A noted exception is Antelope Valley/East Kern Water Agency provides a deferred compensation retirement benefit in lieu of CalPERS.) Discrepancy in the amount of leave was also noted, with CCWA providing a lower value leave packet than the majority of comparators.

Following review of the 2022 Total Compensation Study Report, staff recommended the changes to the CCWA compensation and benefit structure to bring CCWA's compensation structure and benefits into alignment with its peers, some of which were suggested by the CCWA employees following a review of the draft report:

Upon a motion by Director Waterfield, seconded by Director Sanchez and carried with all in favor and none opposed, the Committee recommended Board acceptance of the 2022 Total Compensation Study report and approved the changes to the employee compensation and benefits as outlined.

The Committee adjourned to closed session at 10:59.

VI. Closed Session:

- A. Public Employee Performance Evaluation - Government Code Section 54957
Title: Executive Director
- B. Conference with Labor Negotiator - Government Code Section 54957
Unrepresented Employees: Executive Director, Deputy Director

VII. Return to Open Session

The Committee reconvened to open session at 11:24.

Upon reopening the meeting, the Committee announced that it had met to consider salary changes for the Executive Director and Deputy Director, to evaluate the Executive Director performance and had provided direction to the labor negotiator and both matters will be considered by the Board at its next regular meeting.

VIII. Reports from Committee Members for Information Only

There were no reports from Committee Members.

IX. Date of Next Meeting: Unscheduled

X. Adjournment

The meeting was adjourned at 11:25 PM.

Respectfully submitted,

Elizabeth Watkins
Secretary to the Board


/lfw



CENTRAL COAST WATER AUTHORITY

MEMORANDUM

March 31, 2023

TO: CCWA Personnel Committee
FROM: Ray A. Stokes 
Executive Director
SUBJECT: 2023 Review of Personnel Policy Manual

DISCUSSION

Each year, the CCWA personnel attorney and CCWA staff review the personnel policy manual to identify needed changes based on personnel law changes and operational changes requiring changes or modifications to the manual.

Attached is a memo from the CCWA personnel attorney describing the proposed changes to the CCWA Personnel Policies and Procedures Manual.

Staff will provide an overview of the proposed changes at the Personnel Committee meeting.

RECOMMENDATION

That the Personnel Committee recommend CCWA Board approval of the proposed changes to the Personnel Policy Manual as outlined in the attached memo.

RAS

Attachment

STRADLING YOCCA CARLSON & RAUTH, P.C.

MEMORANDUM

TO: Ray Stokes, Executive Director **FILE NUMBER:** 102869-0001
FROM: Jeffrey Dinkin and Jared Speier
DATE: March 30, 2023
SUBJECT: 2023 Review of Personnel Policy Manual

We have reviewed the CCWA Personnel Policy Manual (“Manual”), consulted with Lisa Watkins, and suggest the following revisions.

1. Equal Employment Opportunity. Legislation effective January 1, 2023 expands protected characteristics to include “reproductive health decision making.” Employees cannot be discriminated against or harassed based on their decisions to use or access a particular drug, device, product, or medical service for reproductive health. This requires revisions to Section 1.5 of the Manual as follows:

“CCWA supports equal employment opportunities and does not unlawfully discriminate against its employees or applicants because of race, race (including traits historically associated with race including, but not limited to, hair texture and protective hairstyles such as braids, locks, and twists), color, religion, sex (including pregnancy, childbirth, breastfeeding and/or related medical conditions), sexual orientation, national origin, ancestry, age (40 and above), marital status, military or veteran status, physical or mental disability, medical condition (genetic characteristics, cancer or a record or history of cancer), reproductive health decision making, gender, gender identity, or gender expression, genetic information, or any other characteristic protected by state, federal or local law. CCWA also makes reasonable accommodations, as required by law, for employees who have a physical or mental disability. Finally, CCWA prohibits the harassment of any individual on any of the basis listed above. This policy applies to all areas of employment including recruitment, hiring, training, promotion, compensation, benefits, transfer, and social and recreational programs.”

3. Sick Leave and CFRA Leave. Legislation effective January 1, 2023 expands the reasons for which an employee may qualify for paid sick leave or leave under the California Family Rights Act (“CFRA”). Employees may take sick leave or CFRA leave to care for a “designated person.” A designated person must be identified by the employee at the time they request leave, but is not required to be related by blood or even a familial equivalent relationship. Employees are limited to one designated person in a 12 month period. This requires revisions to the third paragraph of Section 3.4.1 and the first paragraph of Section 3.5.2.1 of the Manual as follows:

Updated Section 3.4.1:

“Except as otherwise provided in this Manual, sick leave may be taken for a normally scheduled work period for the diagnosis, care or treatment of an existing health condition of, or preventative care for, an employee or an employee’s qualifying family member or designated person (only one person may be designated in a 12-month period).”

SUBJECT TO ATTORNEY-CLIENT PRIVILEGE

"Qualifying family member" is defined as the employee's spouse, child (including biological, foster or adopted child, stepchild, legal ward, or child of a person standing in loco parentis), regardless of age or dependency status; 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; domestic partner as defined in California Family Code section 297; child of a domestic partner; grandparent, grandchild, and sibling. Regularly scheduled work hours absent for medical and dental appointments will be treated as sick leave. Employees who are victims of domestic violence, sexual assault, or stalking may also use paid sick leave absences from regularly scheduled work to seek medical attention, obtain services from a shelter or crisis center, obtain counseling, or go to court. CCWA may request a written verification from a qualified health care provider for all absences due to the employee's illness, injury, or disability or the ability of the employee to return to work following the use of sick leave as provided in Section 3.4.2. CCWA may also request appropriate verification for the employee's use of sick leave in connection with a qualifying family member to confirm that the sick leave was used for a purpose consistent with this provision.

Updated Section 3.5.2.1:

"Family care leave" may be requested under the FMLA and CFRA for (1) To care for or bond with your newborn child; (2) Placement of an adopted or foster care child with you; (3) To care for your child, grandchild, parent, parent in law, grandparent, sibling, spouse, registered domestic partner, or for CFRA only, a designated person (only one person may be designated per 12-month period) who has a serious health condition; or (4) To deal with a "Qualifying Exigency" arising out of the fact that your spouse, son, daughter, parent, or for CFRA only, your domestic partner is on active duty, or has been notified of an impending call to active duty status, in support of a "Contingency Operation." Qualifying Exigencies include, but are not limited to, such needs relating to the call to active duty as (a) issues arising from a short notice deployment with seven or less days of notice, (b) having to attend to childcare and school concerns, (c) attending military events, and (d) appointments to deal with financial or legal affairs, (e) counseling, (f) parental care activities, (g) rest and recuperation, (h) post-deployment activities. To additional qualifying exigencies, please contact the Human Resources Department. Additionally, FMLA and CFRA leave can be requested for a serious health condition that prevents you from performing one or more of the essential functions of your position."

4. Bereavement Leave. Legislation effective January 1, 2023 requires employers to provide five days of bereavement leave. Per our discussion with Lisa, we updated this policy to provide for five days of paid bereavement leave with the option to extend to seven days with Ray's approval. Section 3.11 of the Manual was revised as follows:

"Regular and probationary employees will be granted paid bereavement leave due to deaths in their immediate family for a period of up to ~~three~~five days, which may be extended with the Executive Director's approval up to a limit of ~~seven~~five days where out-of-state travel to the services is involved. The term "immediate family" includes spouse, domestic partner as defined in Family Code Section 297, child, brother, sister, father, mother, step-parents, brother-in-law, sister-in-law, father-in-law, mother-in-law, and grandparent. If circumstances demand that additional time off be

taken, paid leave, to the extent available, or unpaid leave may be granted at the discretion of the Executive Director. Employee taking paid bereavement leave will be paid based on the number of hours the employee was scheduled to work on those days that are taken off under this section.”

5. Safety Program. Based on the recommendation of your safety consultant indicating your Heat Illness Prevention program does not need to be separately called out in your Safety Program Policy, we suggest the following revisions to the second paragraph of Section 4.8.1 of the Manual as follows:

“The Company maintains an Injury and Illness Prevention Plan ~~and other written safety programs specific to the applicable requirements of the General Industry Safety Orders as well as a Heat Illness Prevention Plan~~, copies of which may be obtained from the Safety Officer. Employees should contact the Safety Officer or the Operations Manager with any questions about safety-related concerns.”

6. ACWA/JPIA Driver Record Review Program. Based on your actual practice, we removed the section of this policy indicating that driving reports are delivered to the ACWA/JPIA on an annual basis. The updated Section 4.11 of the Manual as follows:

“The ACWA/JPIA Driving Record Review Program requires that all member districts: "Obtain from the Department of Motor Vehicles a copy of the driving record of all employees that are authorized to operate district-owned (or privately owned) vehicles on District business".

These reports are ~~sent on an annual basis (every 12 months) to the ACWA\JPIA and a copy~~ placed in a confidential file kept by the Executive Director or his designee.”

7. Harassment and Discrimination. Similar to the changes made to your Equal Employment Opportunity Policy, legislation effective January 1, 2023 expands protected characteristics to include “reproductive health decision making.” Employees cannot be discriminated against or harassed based on their decisions to use or access a particular drug, device, product, or medical service for reproductive health. Additionally, the California Department of Fair Employment and Housing is now referred to as the Civil Rights Department, and the California Fair Employment and Housing Council is now referred to as Civil Rights Council. Finally, the statute of limitations to file a claim has been expanded from one year to three years. These changes require updates to the first and final paragraphs of Section 4.16 of the Manual as follows:

“CCWA is committed to providing a workplace free of sexual harassment or discrimination (which includes harassment or discrimination based on pregnancy, childbirth, breastfeeding and/or related medical conditions) as well as harassment or discrimination based ancestry, age (40 and above), color, ~~reproductive health decision making~~, gender, gender identity, or gender expression, genetic information, marital status, medical condition (genetic characteristics, cancer or a record or history of cancer), military or veteran status, national origin, physical or mental disability, race, race (including traits historically associated with race including, but not limited to, hair texture and protective hairstyles such as braids, locks, and twists), religion, sexual orientation, or any other characteristic protected by state, federal or local law. CCWA strongly

disapproves and will not tolerate unlawful harassment or discrimination against employees by managers, supervisors, or coworkers, as well as by non-employees in the workplace. Harassment includes verbal, physical, and visual conduct that creates an intimidating, offensive, or hostile working environment or interferes with work performance. Such conduct constitutes harassment when (1) submission to the conduct is made either an explicit or implicit condition of employment; (2) submission to or rejection of the conduct is used as the basis for an employment decision; or (3) the harassment interferes with an employee's work performance or creates an intimidating, hostile or offensive work environment.”

“Sexual harassment, and retaliation for opposing sexual harassment or participating in investigations of sexual harassment, is illegal. In addition to notifying CCWA about harassment or retaliation complaints, affected employees may also direct their complaints to the California Civil Rights Department of Fair Employment and Housing (DFEHCRD), which as the authority to conduct investigations of the facts. The deadline for filing complaints with the DFEH-CRD is one-three (3+) years from the date of the alleged unlawful conduct with that deadline being extended by ninety (90) days in limited circumstances. If the DFEH-CRD believes that a complaint is valid and settlement efforts fail, the DFEH-CRD may seek an administrative hearing before the California Fair Employment and Housing Civil Rights Council (FEHCCRC) or file a lawsuit in court. Both the FEHC-CCRC and the courts have the authority to award monetary and non-monetary relief in meritorious cases. You can contact the nearest DFEH-CRD office or the FEHC-CCRC at the locations listed in the CCWA's DFEH-CRD poster or by checking the state government listings in the local telephone directory.

~~—The California Labor Commissioner, rather than the DFEH, processes administrative claims of sexual orientation discrimination. The deadline for filing complaints with the Labor Commissioner is thirty days from the date of the alleged unlawful conduct.”~~