

JOINT MEETING NOTICE

A REGULAR MEETING OF THE PERSONNEL COMMITTEE ⁽¹⁾ and A SPECIAL MEETING OF THE BOARD OF DIRECTORS ⁽²⁾ of the CENTRAL COAST WATER AUTHORITY



will be held at **11:00 AM April 8, 2021**
via URL: <https://meetings.ringcentral.com/j/1453932742>
or via telephone by dialing 1(623)404-9000 and entering code 145 393 2742#

CCWA's Committee meetings are conducted pursuant to California Government Code Section 54953 and Governor Newsom's Executive Orders (N-25-20, N-29-20 and N-35-20), temporarily suspending portions of the Brown Act in response to the COVID-19 pandemic. Members of the Committee will participate in this meeting by video call or telephone.

Public Comment on agenda items may occur via video call or telephonically, or by submission to the Board Secretary via email at lfw@ccwa.com no later than 8:00 a.m. on the day of the meeting. In your email, please specify (1) the meeting date and agenda item (number and title) on which you are providing a comment and (2) that you would like your comment read into the record during the meeting. If you would like your comment read into the record during the meeting (as either general public comment or on a specific agenda item), please limit your comments to no more than 250 words.

Every effort will be made to read comments into the record, but some comments may not be read due to time limitations. Please also note that if you submit a written comment and do not specify that you would like this comment read into the record during the meeting, your comment will be forwarded to Committee members for their consideration.

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>.

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. * Approve June 2, 2020 Personnel Committee Meeting Minutes**
- IV. * 2021 Review of Personnel Policy Manual**

Continued

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* Indicates attachment of document to agenda packet.

- (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. 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

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

June 2, 2020

The Committee meeting was conducted pursuant to California Government Code Section 54953 and Governor Newsom's Executive Order, N-29-20, temporarily suspending portions of the Brown Act to implement social distancing in response to the COVID-19 pandemic. Members of the Committee participated in this meeting by video call or telephone. Public Comment on agenda items also occurred telephonically.

Ms. Lisa Watkins, Board Secretary, confirmed that all Board members could hear each other, had received a copy of the meeting agenda, and could hear the proceedings.

I. Call to Order and Roll Call

Director Waterfield called the June 2, 2020, Central Coast Water Authority Personnel Committee meeting to order at 2:00 p.m.

Committee Members in Attendance:

Ed Andrisek	City of Buellton
Etta Waterfield	City of Santa Maria
Floyd Wicks	Montecito Water District

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 Minutes of the May 13, 2019 and September 26, 2019 Personnel Committee Meetings

Following discussion, motion to approve the minutes of the May 13, 2019 and September 26, 2019 meetings was made by Director Wicks, seconded by Director Waterfield and carried following a roll call vote with Directors Wicks and Waterfield in favor and none opposed.

IV. Personnel Policy Manual Changes

Ray Stokes, CCWA Executive Director, noted there was a memo detailing recommended changes to the CCWA Personnel Policy manual from CCWA's Personnel

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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.

Counsel, Jeff Dinkin, included in the meeting materials. Some of the changes proposed are mandated by law, but one was at the request of CCWA.

Mr. Jeffrey Dinkin, CCWA's labor attorney, reviewed the revisions necessary due to recent changes in California law to specifically address the prohibition against discrimination or harassment based on race including grooming traits as follows:

1. “Section 1.5 Equal Employment Opportunity. CCWA supports equal employment opportunities and does not unlawfully discriminate against its employees or applicants because of 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), 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.”

“Section 4.16 Harassment and Discrimination. 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, 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 (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.”

2. Add New Section 1.14.2.2 Treatment Plant Operator Portal to Portal Pay. This new section addresses the time required for a Treatment Plant Operator to report back to the treatment plant when on standby.

“Section 1.14.2.2. Treatment Plant Operator Portal to Portal Pay. Treatment Plant Operators who are assigned to Standby duty shall receive an additional two hours of pay at their regular hourly rate when required to report to the treatment plant with less than twelve hours' prior notice. This additional pay is intended to address the travel time for mobilizing and demobilizing to and from the Water Treatment Plant and therefore, no mileage reimbursement will be provided for mobilizing and demobilizing to and from the Water Treatment Plant.”

3, Section 3.21.1 Paid Family Leave Insurance. Legislative changes require modification of the last sentence of the first paragraph to read as follows: “Effective July 1, 2004, PFL provides up to sixeight weeks of wage replacement benefits to

employees who take time off work to care for a seriously ill child, spouse, parent, or domestic partner, or to bond with a new child.”

4. Add New Section 4.24 Lactation Accommodation. Due to legislative changes, add the following section to Section 4, Employment Policies:

“Section 4.24. Lactation Accommodation. CCWA will provide a reasonable amount of break time and an appropriate location, consistent with state and local requirements, to any employee desiring to express breast milk for the employee’s infant child. Wherever possible, the break time must run concurrently with any break time already provided to the employee and in such circumstances will be paid. However, if such break time does not run concurrently with the employee’s normal break times, such time may be unpaid.

An employee may request an accommodation for lactation breaks by submitting a lactation accommodation request form to her Supervisor. The Supervisor must respond to the employee's accommodation request in writing on the same lactation accommodation request form submitted by the employee indicating the approval of the request or whether CCWA cannot provide break time or a location in compliance with this policy or state law. The completed request form must be returned to the employee and a copy sent to human resources.

Employees have the right to request a lactation accommodation without fear of discrimination, harassment or retaliation. In addition to the rights provided under this Handbook, employees have the right to file a complaint with the Labor Commissioner for any violation of a right under the lactation accommodation laws (Chapter 3.8 of the California Labor Code).”

Upon a motion by Director Wicks, seconded by Director Andrisek and carried following a roll call vote with Directors Wisk, Andrisek and Waterfield in favor and none opposed, the committee recommended Board approval of the changes to the CCWA Personnel Policy Manual.

The Committee adjourned to closed session at 2:23 p.m.

V. 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

The Committee reconvened to open session at 3:14 p.m.

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 and had provided direction to the labor negotiator.

VI. Reports from Committee Members for Information Only

There were no reports from Committee Members.

VII. Items for Next Meeting Agenda

VIII. Date of Next Meeting: Unscheduled

IX. Adjournment

The meeting was adjourned at 3:15 p.m.

Respectfully submitted,

Elizabeth Watkins
Secretary to the Board

/lfw



CENTRAL COAST WATER AUTHORITY

MEMORANDUM

April 8, 2021

TO: CCWA Personnel Committee

FROM: Ray A. Stokes 
Executive Director

SUBJECT: 2021 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 Board approve 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
DATE: March 16, 2021
SUBJECT: 2021 Review of Personnel Policy Manual

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

1. Sick Leave. We suggest revising the Sick Leave provisions in the Manual to confirm to the definition of “parent” set forth in the governing statutory provision and to clarify that an employee can take paid sick leave to care for a child regardless of the child’s age or dependency status. This requires revisions to the third paragraph of Section 3.4.1 of the Manual as follows:

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. “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; ~~parent;~~ domestic partner as defined in California Family Code section 297;~~;~~ child of a domestic partner;~~;~~ ~~parent of employee’s spouse or domestic partner;~~ grandparent;~~;~~ grandchild;~~;~~ and sibling, and when permanently residing with the employee, the employee’s father in law and mother in law. 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 form 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.

2. Other Legally Required Leaves of Absences. Legislation effective January 1, 2021 expands existing law providing protected leave for employees who are victims of domestic violence, sexual assault, or stalking, to now include leave for victims of other crimes or offenses “that caused physical injury or that caused mental injury and a threat of physical injury” as well as other related reasons. We suggest revision Section 3.8 of the Manual to read as follows:

“In addition to the leaves of absences discussed in this Section 3, CCWA will provide employees a leave of absence when otherwise required by law, including appearance by a

SUBJECT TO ATTORNEY-CLIENT PRIVILEGE

parent at school when requested as provided for in the Education Code, performance of emergency duty by a volunteer firefighter, reserve peace officer or emergency rescue personnel, and time off relating to victims of domestic violence, ~~or~~ sexual assault or certain crimes, and alcohol and drug rehabilitation leave. Whenever possible, employees shall provide reasonable advance notice of the need for a legally required leave of absence. This leave will be unpaid for nonexempt employees. For exempt employees, this leave will be unpaid only as allowed by law. Employees may use accrued vacation time and, where appropriate, accrued sick leave while on leave.

3. Paid Family Leave Insurance. Legislation effective January 1, 2021 expands the reasons for which an employee may qualify for paid leave leave insurance, a program administered by the Employment Development Department that provides income replacement similar to State Disability Insurance, except for specified reasons other than an employee's personal injury or illness. We suggest revising the first paragraph of Section 3.21.1 of the Manual to read as follows:

“Employees are also covered under the Paid Family Leave insurance program (PFL), with the cost of such coverage also being paid by each Employee as a deduction from his/her paycheck. Similar to the State Disability Insurance program, PFL will be administered by the California Employment Development Department (EDD). PFL provides up to eight weeks of wage replacement benefits to employees who take time off work to care for a seriously ill child, spouse, parent, or domestic partner, ~~or~~ to bond with a new child, or due to a qualifying exigency related to the active duty or call to active duty of the employee's spouse, domestic partner, child, or parent in the Armed Forces of the United States.

4. Overtime. The further clarify that when time worked is paid at 1.5 times the employee's regular rate of pay, the employee is not eligible for an additional 1.5 pay premium when the time worked is overtime. We suggest revising the following portion of Section 1.12(1) of the Manual to read as follows:

“The following hours are excluded from the calculation in determining hours worked in excess of 40 in a workweek:

- Compensatory time taken; and
- Time worked and paid at the overtime premium rate; and”
[Rest of section continues unchanged]