

NIPOMO COMMUNITY SERVICES DISTRICT

TUESDAY, JANUARY 18, 2011

1:00 P.M.

SPECIAL MEETING NOTICE & AGENDA PERSONNEL COMMITTEE

COMMITTEE MEMBERS

LARRY VIERHEILIG, CHAIRMAN
DAN A. GADDIS, MEMBER

PRINCIPAL STAFF

MICHAEL LEBRUN, INTERIM GENERAL MANAGER
LISA BOGNUDA, ASST GM/FINANCE DIRECTOR
JON SEITZ, GENERAL COUNSEL

**MEETING LOCATION - District Board Room
148 S. Wilson Street, Nipomo, California**

- 1. CALL TO ORDER, ROLL CALL AND FLAG SALUTE**

- 2. REVIEW PERSONNEL POLICIES AND PROCEDURES MANUAL RELATED TO PART-TIME POSITIONS**

Review definition and eligibility for benefits.

ACTION RECOMMENDED: Provide direction to Staff.

- 3. ADJOURN**

TO: BOARD OF DIRECTORS
FROM: MICHAEL LEBRUN *ML*
INTERIM GENERAL MANAGER
DATE: JANUARY 14, 2011



REVIEW PERSONNEL POLICIES AND PROCEDURES MANUAL RELATED TO PART-TIME POSITIONS

ITEM

Review Personnel Policies and Procedures Manual related to part-time positions

BACKGROUND

Several years ago the District advertised and hired a part-time employee to work 20 hours per week. The position was advertised as a position that would not include any benefits. After the hiring of the part-time employee, it was determined that there was a discrepancy in the Personnel Policies and Procedures Manual.

The District does not currently employ any part-time employees. Staff would like to correct the discrepancies in the Personnel Policies and Procedures Manual prior to advertising and filling the open part-time position. The proposed modifications do not affect the District's current regular employees.

Attached are the following sections of the Personnel Policies and Procedures Manual that need to be modified. Staff has red-lined the proposed changes:

1. Policy 1010 (13) and (15)
2. Policy 4000
3. Policy 4010
4. Policy 4020
5. Policy 4110

FISCAL IMPACT

Part-time positions working 20 hours or less would not be eligible for paid vacation and sick leave, thus reducing the fiscal obligation of the District.

RECOMMENDATION

Staff recommends the Committee review the proposed changes, make recommendations and direct Staff to prepare this item for the Board of Directors to consider.

ATTACHMENTS

- Pages from the Personnel Policies and Procedures Manual

7. Employee: Any person legally occupying a position in the District service.
8. Exempt Employee: Employee designated as Executive, Administrative or Professional are exempt employees, as defined by the Fair Labor Standards Act. An exempt employee is expected to complete his/her assigned duties rather than adhere to a strict workday schedule. Consequently, no overtime or compensatory time will be provided for working beyond a forty-hour work-week.
9. Immediate Family: Is defined as being spouse and the following, if living in the employee's household: parents, grandparents, child, step child, brother or sister, grandchild or corresponding relatives by marriage or any other person who is a legal dependent of employee.
10. Introductory Employees: An introductory period regarded as part of the examination process which provides the General Manager the opportunity to observe and evaluate an employee's competence and ability to perform assigned duties. A new and/or returning employee shall be regarded as an introductory employee for the first 365 calendar days of employment. Introductory employees serve entirely at the will and pleasure of the General Manager and may be terminated by the General Manager without cause and without right of appeal or hearing at any time.
11. Leave of Absence: Permission to be absent from duty without pay for a specified period and purpose.
12. Step-Merit Increase: That periodic increase in salary that is based on performance and duration of employment in any given position.
13. Part-Time Position: A position, approved by the District Board, in which an employee works a continuing, year-round shift averaging 20 hours or ~~more-less~~ per week. ~~All such employees are entitled to vacation and sick leave according to a formula adopted by the Board of Directors.~~
14. Reclassification: As approved by the Board, a significant change in the duties and responsibilities of a position. A reclassification downward does not affect an employee's anniversary date. In a reclassification upward, the anniversary date is changed to the date the Board approves the reclassification.
15. Regular Employees: A regular employee is one who has been hired to fill a regular position in any job classification and has completed his/her introductory period and works ~~30-21~~ or more hours per week on a regular and continuous basis.
16. Regular Pay Rate: The hourly rate actually paid an employee for the normal work time performing the duties for which that employee has been employed by the District.
17. Transfer: At the General Manager's discretion, a change of an employee from one position to another with the same or comparable duties.

CHAPTER FOUR - BENEFITS

4000 - VACATION

1. This policy shall apply to regular ~~full-time~~ and introductory employees in all classifications. District policy shall discourage employees from working during vacations.
2. Paid vacations shall be accrued according to the following schedule on an annual basis:
 - A. From the date of employment through the fourth anniversary date of hire, at the rate of five-sixths of a working day per month of paid employment (10 working days);
 - B. After the fourth anniversary date of hire through the ninth anniversary date of hire, at the rate of one and one-fourth working days per month of paid employment (15 working days);
 - C. After the ninth anniversary date of hire, vacation time shall be accrued at the rate of one and two-thirds working days per month of paid employment (20 working days).
3. Limitations on accumulated vacation time. Once the maximum vacation accrual is reached, vacation time will no longer be accumulated. Once the vacation accrual is below the maximum, vacation accrual will again start to accumulate. An employee shall be able to accrue no more than the number of vacation days they are entitled to earn in two years of employment.
4. At termination of employment for any reason, the District shall compensate the employee for his/her accumulated vacation time at his/her straight time rate of pay at the time of termination.
5. Exempt employees shall earn an additional five (5) days per year of administrative leave, to be used subject to General Manager approval, in a similar manner as vacation time. Administrative leave shall not be accumulated and carried over from one calendar year to the next.
6. The District will not require an employee to take vacation time in lieu of sick leave or leave of absence 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.
7. No vacation accrues during a layoff or other leave of absence. An employee is not permitted to borrow on future accrual of vacation benefits.
8. If a holiday falls on a workday during an employee's vacation period, that day shall be considered as a paid holiday and not vacation time.

9. Vacations may be scheduled at any time during the year upon approval of the employee's immediate supervisor. Vacation requests must be submitted in writing, and may not be approved if not submitted at least three weeks in advance, or if the request conflicts with other vacation requests. Leave Request Form is located at Appendix "G".
- A. Vacations shall be scheduled on a first-come-first-serve basis by the employee's Supervisor, based on operational needs of the District
- B. Overlapping vacations within a department may be permissible with the approval of the Supervisor and the Manager. Vacation preference shall be by seniority where conflicts exist.
10. Introductory employees shall not accrue vacation time during the introductory period. However, if an introductory employee becomes a regular employee of the District, after twelve (12) months of employment with the District, the period that the employee occupied introductory status shall be included in calculating his/ her entitlement to vacation with pay.
11. Vacations are provided by the District to employees as a period of exemption from work with pay for the purpose of rest, relaxation and recreation. This respite is a benefit and is intended as an aid in maintaining the long-term and consistent productivity and contentment of the employee. As such, pay in lieu of vacation time away from work shall not be permitted.
12. Employees are eligible for vacation ~~and sick~~ leave based on the following formulas:

Hours Worked Per Week	Proportion of Vacation, Sick and Holiday-Sick Benefits
0-17	-0.0%
18-20	50.0%
21-23	57.5%
24-26	65.0%
27-29	72.5%
30-32	80.0%
33-35	87.5%
36-38	95.0%
39-40	100.0%

4010 - HOLIDAYS

1. This policy shall apply to all regular and introductory employees.
2. The following days shall be recognized and observed as paid holidays:
 - New Years Day;
 - Martin Luther King, Jr's Birthday;
 - President's Day (third Monday in February);
 - Memorial Day;
 - Independence Day;
 - Labor Day;
 - Veteran's Day;
 - Thanksgiving Day;
 - The Friday in November immediately following the day designated as Thanksgiving Day;
 - The four regularly scheduled working hours immediately preceding the day designated as Christmas Day;
 - Christmas Day;
 - The four regularly scheduled working hours immediately preceding the day designated as New Year's Day;
 - All regular District employees have one floating holiday per calendar year. If not taken during the calendar year earned, the floating holiday will be forfeited.
 - All other days as may be proclaimed by the District Board of Directors.
3. All regular work shall be suspended and employees shall receive one (1) day's pay for each of the holidays listed above. An employee on a leave without pay will not receive holiday pay.
4. Whenever a holiday falls on Saturday, the preceding Friday shall be observed as the holiday. Whenever a holiday falls on Sunday, the following Monday shall be observed as the holiday.
5. When an employee is taking an authorized leave with pay when a holiday occurs, he/she will receive holiday pay.
6. If any employee works on any of the holidays listed above, he/she shall, in addition to his/her holiday pay, be paid for all hours worked at the rate of time and one-half (1½) his/her regular rate of pay or as otherwise specified under Section 3000.
7. Employees are eligible for holidays based on the following formulas:

**HOLIDAYS
CHAPTER FOUR - BENEFITS**

**NUMBER: 4010
EFFECTIVE: 05/23/07**

<u>Hours Worked Per Week</u>	<u>Proportion of Vacation, Sick and Holiday Benefits</u>
<u>21-23</u>	<u>57.5%</u>
<u>24-26</u>	<u>65.0%</u>
<u>27-29</u>	<u>72.5%</u>
<u>30-32</u>	<u>80.0%</u>
<u>33-35</u>	<u>87.5%</u>
<u>36-38</u>	<u>95.0%</u>
<u>39-40</u>	<u>100.0%</u>

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4020 - SICK LEAVE

1. This policy shall apply to introductory and regular ~~full-time~~ employees in all classifications.
2. Sick leave is defined as absence from work due to illness, non-industrial injury, or quarantine due to exposure to a contagious disease. In addition, dentist and doctor appointments and prescribed sickness prevention measures shall be subject to sick leave provided prior notice is provided to his/her immediate supervisor.
3. Sick leave may be used to care for the needs of a sick member of the employee's immediate family as defined in Section 1010 (8).
4. Employees shall earn sick leave at the rate of one (1) working day per month cumulative to a maximum of one hundred eighty (180) working days. Overtime work shall accrue no additional sick leave credit.
5. Sick leave shall not be used in lieu of or in addition to vacation leave.
6. No sick leave accrues during layoff, or other leave of absence. An employee is not permitted to borrow on future accrual of sick benefits.
7. In order to receive compensation while on sick leave, the employee shall notify his/her supervisor prior to the time for beginning the regular work day.
8. If absence from duty by reason of illness occurs, satisfactory evidence may be required by the General Manager or other responsible managing employee.
9. If an employee who has more than 5 years of service with the District as a regular employee leaves the District in good standing, he/she shall be compensated for all accrued sick leave not in excess of 180 days. Compensation shall be at a rate equivalent to 25% of his/her unweighted hourly salary.
10. Sick leave is not a privilege that an employee may use at his/her discretion, but shall be allowed only in case of necessity and actual sickness or disability of the employee, or because of illness in his/her immediate family. Sick leave may be donated to another employee needing additional sick leave, pursuant to Section 4030.

11. Employees are eligible for sick leave based on the following formulas:

**SICK LEAVE
CHAPTER FOUR - BENEFITS**

**NUMBER: 4020
EFFECTIVE: 05/23/07**

<u>Hours Worked Per Week</u>	<u>Proportion of Vacation, Sick and Holiday Benefits</u>
<u>21-23</u>	<u>57.5%</u>
<u>24-26</u>	<u>65.0%</u>
<u>27-29</u>	<u>72.5%</u>
<u>30-32</u>	<u>80.0%</u>
<u>33-35</u>	<u>87.5%</u>
<u>36-38</u>	<u>95.0%</u>
<u>39-40</u>	<u>100.0%</u>

4110 - BENEFIT CONTRIBUTIONS

The District has the right to change medical and/or dental providers after consultation with affected employees.

1. Medical Expense Insurance - Accident, health, and hospital insurance to cover non-occupational injuries and sickness for introductory and ~~full-time~~ regular employees and their dependents (working more than 20 hours per week pursuant to PERS rules) in all job classifications, shall be provided by the District. The scope of coverage and the payment of premiums may be subject to annual review and revision by the Board of Directors.
2. Dental insurance shall be provided for regular employees and their dependents (working 30 or more hours per week pursuant to Dental Insurance Carrier Policy) upon completion of ~~six-one~~ months of continuous employment. The scope of coverage and the payment of premiums may be subject to annual review and revision by the Board of Directors.
3. Vision Insurance shall be provided for regular employees and their dependents (working 30 or more hours per week pursuant to vision Insurance Carrier Policy) upon completion of ~~six-one~~ months of continuous employment. The scope of coverage and the payment of premiums may be subject to annual review and revision by the Board of Directors.
4. Workers' Compensation Insurance - All District employees will be insured against injuries received while on the job as required by State law.
5. Retirement Plan - The District is a member of PERS (Public Employees Retirement System). The District contributes the required percentage of gross wages (excluding overtime) to PERS on behalf of each eligible employee.
6. Deferred Compensation Plan - The District offers an IRS 457 Deferred Compensation Plan to its employees who are PERS members. This plan is provided as an optional PERS benefit. The District does not contribute to this plan.
7. 1959 Survivor Benefit Allowance - This benefit provides for a monthly allowance to eligible survivors of members who were covered for this benefit program and dies before retirement. The cost to each employee is \$2.00 per month. The District contributes \$3.20 per month on behalf of each employee.