

AGENDA

**HUMAN RESOURCES COMMITTEE MEETING
LEUCADIA WASTEWATER DISTRICT**

Tuesday, February 28, 2023 – 3:00 p.m.
Via Teleconference

Pursuant to the State of California Executive Order N-29-20, and in the interest of public health, the District is temporarily taking actions to mitigate the COVID-19 pandemic by holding meetings by teleconference. The general public may not attend this meeting at the District's office due to social distancing requirements.

Members of the public attending via teleconference will be provided with an opportunity to comment on each agenda item prior to Committee discussion.

**To join this meeting via Teleconference please dial: (669) 900-6833
Meeting ID: 810 1382 9305 Password: 129823**

1. **Call to Order**
2. **Roll Call**
3. **Public Comment**
4. **Annual Review of Board-General Manager/Staff Relations Policy – Adopt Resolution No. 2394
(Pages 2-7)**
5. **Amending the Human Resources Policy Manual - Adopt Resolution No. 2393
(Pages 8-10, Enclosure 5)**
6. **Information Items**
None.
7. **Directors' Comments**
8. **General Manager's Comments**
9. **Adjournment**

MEMORANDUM

DATE: February 23, 2023
TO: Human Resources Committee
FROM: Paul J. Bushee, General Manager 
SUBJECT: Board-General Manager/Staff Relations Policy Annual Review

RECOMMENDATION:

Staff requests that the Human Resources Committee (HRC) recommend that the Board of Directors:

1. Adopt Resolution No. 2394 – The Revised Board-General Manager/Staff Relations Policy; and
2. Discuss and take other action, as appropriate.

DISCUSSION:

Tactical Goal: People/Administrative Policy Updates-Reviews/Board-General Manager/Staff Relations Policy

In January, 2007, the Board of Directors (Board) adopted Leucadia Wastewater District's (LWD) Board-General Manager/Staff Relations Policy. The policy, which was last amended on January 13, 2021, calls for an annual review by the Board of Directors.

Staff recently conducted an annual review of the existing policy. Based on this review, staff is recommending minor administrative revisions to the policy relating to staff title changes since the policy's last review. This item has been placed on the agenda for the HRC's review and comment. The revised strikeout policy is attached for the HRC's review.

th:PJB

Attachment

RESOLUTION NO. 2394

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE
LEUCADIA WASTEWATER DISTRICT
ADOPTING THE REVISED LEUCADIA WASTEWATER DISTRICT'S
BOARD-GENERAL MANAGER/STAFF RELATIONS POLICY**

WHEREAS, the Leucadia Wastewater District Board of Directors originally adopted a Board-General Manager/Staff Relations Policy in January 2007; and,

WHEREAS, the Policy was last amended in January 2021; and,

WHEREAS, it is in the interest of the Leucadia Wastewater District to periodically review and update the Board-General Manager/Staff Relations Policy; and

WHEREAS, the Board of Directors has completed its review and recommended changes to the policy.

NOW, THEREFORE, it is resolved as follows:

1. The LWD Board of Directors adopts the revised LWD Board-General Manager/Staff Relations Policy attached hereto as Exhibit "A" and directs that it be implemented consistent with all applicable laws and related District policies.
2. This Resolution supersedes Resolution No. 2324 and all previously adopted Board-General Manager/Staff Relations Policies.

PASSED AND ADOPTED at a meeting of the Board of Directors of the Leucadia Wastewater District held March 8, 2023 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Elaine Sullivan, President

ATTEST:

Paul Bushee, General Manager
(SEAL)

**LEUCADIA WASTEWATER DISTRICT
BOARD - GENERAL MANAGER/STAFF RELATIONS POLICY**

Ref: ~~21-7483~~[23 8294](#)

I. General Provisions

A) The Board of Directors, acting as a Board, is the governing body of the Leucadia Wastewater District (District) and is accountable to the public for the District's services, finances, establishment of policy and District performance. All powers of the Board shall be exercised and performed by the Board as a body, and no individual Director, except as otherwise authorized by the Board, shall have the power to alter or amend Board policy or directions. Public statements of Board policy and direction should reflect the viewpoint of a Board majority, notwithstanding a minority position. Directors acting within the scope and authority of their position enjoy strong legal protections from personal liability. Directors could lose some of these protections and risk personal liability if they act independently in excess of their authority.

B) The General Manager serves at the pleasure of the Board and is accountable to the Board for the implementation of Board policy and directions. The General Manager is the official spokesman for the District and is responsible for its day-to-day operation and administration. Unless directed otherwise by the Board, letters that express policies or positions of the District shall be from the General Manager.

C) The staff is responsible for performing administrative and operational functions assigned by the General Manager, or his or her designee, in implementing Board policy and directions. Direction to staff shall come through formal job descriptions or by directives from the General Manager or his or her designee.

D) District Counsel is retained by the Board, and is solely accountable to the Board.

E) The District's Financial Auditor is directly accountable to the Board. The Investment and Finance Committee (IFC) shall serve as the Board's delegated point of contact and meet with the Financial Auditor as required during the audit process.

II. Board to General Manager

A) The Board shall hire a General Manager, establish his or her compensation and define the conditions of his or her employment. The General Manager shall serve at the pleasure of the Board.

B) The General Manager is responsible for performing those functions, specific or general, assigned by the Board, either in the form of job description or Board direction.

C) The General Manager shall recommend, and the Board shall approve, the organizational structure of the District.

D) The General Manager shall hire all personnel with the exception of General Counsel at his or her sole discretion. The General Manager shall recommend and the Board shall approve the District's organizational chart and compensation ranges.

Policy Adopted: January 10, 2007

Amended: October 12, 2012, November 12, 2014, January 9, 2019, January 8, 2020, January 13, 2021 (approved via minutes), [March 8, 2023](#)

E) The Board of Directors shall ultimately approve district Policy. The General Manager may recommend and provide information regarding policy matters, including information relating to the technical, administrative and fiscal ramifications of the policies being considered.

F) The General Manager shall take direction only from a Board majority, or from a duly appointed committee, acting within the scope of the District's policies.

G) The General Manager shall act as the primary point of contact between the Board and the staff.

H) The General Manager shall provide such reports for the Board as requested, including but not limited to:

- 1) Status reports on Board directed activities.
- 2) Financial reports.
- 3) Updates on operations, maintenance, construction and personnel matters.
- 4) Emergency reports.

III. Board to Staff

A) Administration of staff is the direct responsibility of the General Manager. The General Manager shall provide policy and administrative direction to staff. Directors shall not direct staff regarding their employment duties.

B) If a Director is requesting the creation of a particular report or analysis, the matter shall be brought to the General Manager or, if appropriate, the Board of Directors. However, Directors may obtain copies of existing reports and analysis from staff.

C) Individual Directors may contact Management Staff directly for the purpose of asking questions about, or seeking clarifications of, issues related to the District's official business. For the purposes of this policy, Management Staff includes the ~~Administrative Services Manager~~ Director of Finance and Administration, the ~~Technical Services Manager~~ Director of Technical Services and the Field Services Superintendent. Travel questions may be directed to the Executive Assistant. The General Manager should be notified by staff of such contacts. This access may be in person or via telephone, e-mail or other forms of written or verbal requests.

D) Individual Directors intending to use more than 30 minutes of any staff member's time for issues relating to the District's business, should make an appointment with the staff member at a mutually agreed time and date. Contact with staff members should not generally exceed one (1) hour in any one week. Contact between Directors and the General Manager is not limited.

E) Individual Directors shall be granted access to all existing public documents at the District.

F) Staff members are not precluded from speaking with Directors. However, all complaints or matters of internal discipline should follow the established chain of command.

IV. Board and Employee Political/Election Related Activities

A) Government Code § 3204 prohibits elected public officials, such as District Board Members, from directly or indirectly “using any office, authority or influence” to persuade an individual to vote, exert political influence, or take political action on behalf of any candidate, officer, or party, in exchange for aiding or obstructing that individual’s ability to secure “any position, nomination, confirmation, or promotion.” It is unlawful, therefore, for Board Members to use their positions to force employees to perform political or election related tasks, or to retaliate against employees for refusing to do so.

B) In the event that District employees volunteer to help Board Members with election or political activities, the District prohibits such conduct while at work or while on District property. The basic rule is that public entities cannot use public funds or resources to influence voters to support a political position. This prohibition naturally extends to a public employee’s use of his or her time on the job for political or election activities. Employees may not participate in political or election activities while in uniform or at work.

V. Board, General Manager and Staff to Attorneys

A) The Board may hire Attorneys as needed and establish their compensation. Attorneys shall work under the direction of the Board or its designee and shall serve at the pleasure of the Board or its designee.

B) Attorneys shall not become involved in policy decisions, except to comment on the legal ramifications of the policies being discussed or considered.

C) Attorneys shall take direction from a Board majority, or from a duly appointed committee acting within the scope of the District’s policies.

D) Any Director may request a verbal opinion from Attorneys on matters relating to District business, including, but not limited to, clarification of potential conflicts of interest which may bear on the Director’s ability to participate in a vote. Any advice Attorneys provide shall be as legal counsel for the District and not individual Directors. Attorneys shall inform the Board if they become aware of any potential conflict of interest that may require withdrawal, disclosure, or abstention of a Director or otherwise impact the actions of the Board.

Directors may consult independent counsel on conflict of interest matters. If a potential conflict between an individual Director and the Board arises, the Director is encouraged to consult independent counsel.

E) Attorneys shall not respond to individual requests of a personal nature.

F) The General Manager is the primary point of contact between the staff and Attorneys for the assignment of work.

G) The General Manager shall be authorized to contact Attorneys at his or her discretion.

VI. Board to Other Agencies

- A) Directors may contact elected officials, or staffs of other Agencies, on behalf of the Board. However, when representing the Board, Directors' comments should reflect approved Board policies or, in areas where no policy has yet been developed, the viewpoint of a majority of the Board. If the Board's viewpoint is unclear or not known, this should be stated.
- B) If a Director expresses an opinion before another agency regarding District business that is inconsistent with established Board policy or is simply not covered by Board policy or action, it is requested that the Director state that he or she is expressing their own opinion and not representing the Board as a whole.
- C) Directors shall not offer testimony or comments, regarding District business, at a formal meeting of another official body, without express consent from the Board.

VII. Emergency Situations

- A) The General Manager or his/her appointee shall notify Directors of an emergency as soon as reasonably practical. The General Manager or his/her appointee shall follow-up with a written report to the Board at the next scheduled Board meeting following the emergency.

VIII. Access to the Agenda


- A) The Board may request items to be placed on future agendas at its regular meetings. In addition, each and every Director may place any item on the agenda provided the request is made no later than Tuesday of the week before the meeting.
- B) Items placed on the agenda by an individual Director, accompanied by material submitted by that Director, shall be included in the agenda packet.

IX. Policy Review

- A) This policy shall be reviewed annually by the Board of Directors.

MEMORANDUM

Ref: 23-8336

DATE: February 23, 2023
TO: Human Resources Committee
FROM: Paul J. Bushee, General Manager 
SUBJECT: Amending the Human Resources Policy Manual

RECOMMENDATION:

Staff requests that the Human Resources Committee (HRC) recommend that the Board of Directors:

1. Adopt Resolution No. 2393 amending the Human Resources Policy Manual (HRPM).
2. Discuss and provide direction as appropriate.

BACKGROUND:

In order to comply with current federal and state laws, LWD should periodically update its Human Resources Policy Manual (HRPM). LWD's HRPM was originally adopted by the Board of Directors in April 2001, and the HRPM was last updated on April 14, 2021.

DISCUSSION:

The proposed HRPM provides compliance with changes in applicable federal and state laws, and includes revisions that align with current procedures, along with clerical and formatting updates. Several California employment laws became effective January 1, 2023. Staff has updated the policy to reflect employment law updates that are applicable to the District. Staff will provide a summary of revisions to the HRPM at the upcoming meeting.

Below please find a summary of the HRPM's revisions:

Section 3 – General Employment Policies

Section 3.2: Nondiscrimination/Equal Employment Opportunity – this section was reorganized and a “No Retaliation” section was added. (Pages 4-9)

Section 3.3: Governmental Administrative Remedies for Discrimination and Harassment – includes updated California Department of Fair Employment and Housing name and contact information to the California Civil Rights Department. (Page 9-10)

Section 10 – Leave of Absence

Section 10.6: Bereavement Leave – revisions were made to comply with current CA law, AB 949. (Page 48)

Section 10.12: Leaves under the Family and Medical Leave Act and California Family Rights Act – revisions made to include definition, “Designated person” resulting from CA law update AB 1041, and other revisions to comply with current FMLA/CFRA laws. (Page 55-60)

Minor Change Recommendations

Throughout the HRPM, various minor changes were made to improve clarity and correct grammatical spelling and format inconsistencies.

Therefore, staff requests that the HRC recommend that the Board of Directors adopt Resolution No. 2393 amending the Human Resources Policy Manual and provide direction as appropriate.

th:PJB

Attachment
Enclosure

RESOLUTION NO. 2393

**A RESOLUTION OF THE BOARD OF DIRECTORS OF
THE LEUCADIA WASTEWATER DISTRICT
ADOPTING THE AMENDED HUMAN RESOURCES POLICY MANUAL**

WHEREAS, the Leucadia Wastewater District (LWD) Board of Directors originally adopted LWD's Human Resources Policy Manual in April 2001; and,

WHEREAS, the Human Resources Policy Manual was last updated on April 14, 2021; and,

WHEREAS, the Board of Directors desire to amend the Human Resources Policy Manual to reflect changes in applicable federal and state laws, as well as organizational policies.

NOW, THEREFORE, it is hereby resolved as follows:

1. The LWD Board of Directors adopts the amended LWD Human Resources Policy Manual attached hereto as Exhibit "A" and directs that it be implemented consistent with all applicable laws and related District policies.
2. This Resolution supersedes Resolution No. 2345.

Passed and Adopted by the Board of Directors of the Leucadia Wastewater District this 8th day of March 2023 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Elaine Sullivan, President

Attest:

Paul J. Bushee, Secretary /Manager

SEAL