



ADMINISTRATION COMMITTEE

Agenda Report

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File #: 2023-2874

Agenda Date: 3/22/2023

Agenda Item No: 15.

FROM: Robert Thompson, General Manager
Originator: Celia Chandler, Director of Human Resources

SUBJECT:

UPDATES TO ORANGE COUNTY SANITATION DISTRICT PERSONNEL POLICIES AND PROCEDURES

GENERAL MANAGER'S RECOMMENDATION

RECOMMENDATION:

Adopt Resolution No. OC SAN 23-09, entitled: "A Resolution of the Board of Directors of the Orange County Sanitation District adopting a Board of Directors Personnel Policies and Procedures Manual providing for Classification, Compensation, and Other Terms, Conditions, Policies, and Procedures Governing Employment of Orange County Sanitation District Employees; and Repealing Resolution No. OCSD 18-18 and Resolution No. OC SAN 22-07 and all other Amendments Affecting These Policies".

BACKGROUND

The Orange County Sanitation District's (OC San) Board of Directors' Personnel Policies and Procedures Manual (Policies) contains the terms, conditions, and rules of employment which are based on employment law and regulations as well as agreements reached and documented in collective bargaining agreements. A consolidated list of policies and updates has been provided illustrating what changes are being proposed in one reference document.

The Policies are reviewed and updated periodically to ensure full compliance with employment regulations and laws, to clearly document newly agreed to negotiated stipulations after labor contract negotiations, and to formally document employment practices into policy. Human Resources has completed the meet and confer process with all bargaining units required to update policies. The last comprehensive update of the Personnel Policies and Procedures Manual approved by the Board of Directors was completed in 2018. At this time, staff is recommending updates to the Policies as a result of local, state, and federal law changes, newly approved collective bargaining agreements, and to document into policy work practices. In accordance with Resolution No. OCSD 18-18, revisions to the Policies require Board of Directors' approval.

RELEVANT STANDARDS

- Comply with Resolution No. OCSD 18-18
- Maintain positive employer-employee relations

PROBLEM

There are now a total of 54 personnel policies, with 23 of these policies requiring updates to align with local, state, and federal law, collective bargaining agreements, and to reflect current work practices.

PROPOSED SOLUTION

Staff recommends that the Board of Directors approve the updated Policies to ensure compliance with local, state, and federal laws, and to reflect current work practices. The proposed revisions to each of the policies are summarized in the following table. Specific revisions are noted in the attached documents.

Policy Number / Title	Reason for Revision
1.1 - Harassment and Discrimination	Updated logo and organizational name.
1.2 - Retaliation and Whistleblowing	Updated logo and organizational name.
1.3 - Workplace Violence & Weapons	Updated logo and organizational name.
1.4 - Recruitment and Selection	Policy updated to include 12-month initial probationary period, selection process administrative details, revisions to eligibility list validity timeframe and use; removes General Manager approval for hiring of former interns as employees; and minor grammatical changes. Section 5.8 Employment Offers updated to reflect OC San's pay practices in compliance with labor laws. Section 8.7 updated to require successful completion of alcohol and controlled substance testing for promotion into classifications with DOT requirements.
1.5 - Outside Employment and Professional Associations	Updated logo and organizational name.
1.6 - Nepotism	Updated logo and organizational name.
1.7 - At-Will EMT Employment Agreements	Updated logo and organizational name.
1.8 - Business Ethics	Updated logo and organizational name.
1.9 - Layoff Procedure	Updated logo and organizational name.
1.10 - Employee Separation	Policy updated to include clarification that employees on their initial probationary period are considered at-will employees, revisions to resignation procedures consistent with MOUs, and minor grammatical changes.
1.11 - Temporary Workers	Updated logo and organizational name.
1.12 - Student Internship Program	Updated logo and organizational name.

2.1 - Classification and Compensation	Policy updated to include additional definitions, updated information on classification studies consistent with MOUs, probationary new hire eligibility changes for certificate pay, new hire salary offers (consistent with Policy 1.4 updates), promotion effective dates, salary range adjustments, and minor grammatical changes.
2.2 - Non-Base Building Pay	Policy updated to include lump sum merit pay eligibility changes, probationary new hire eligibility for development pay, updated maximum development pay amount (OCEA), updated list of observed holidays and dates, clarification to floating holiday's number of hours and use, and minor grammatical changes.
2.3 - Wage Garnishments and Attachments	Updated logo and organizational name.
3.1.1 - Hours of Work - Non-Exempt Employees	Policy updated to include the option for eligible employees to request telecommuting as provided in new Policy 5.11.
3.1.2 - Hours of Work - Exempt Employees	Policy updated to include the option for eligible employees to request telecommuting as provided in new Policy 5.11.
3.2 - Attendance	Policy updated to include a definition and disciplinary process for no call/no show consistent with recent labor negotiation outcomes and as stipulated in the collective bargaining agreements.
3.3 - Leave of Absence with Pay	Policy updated to include clarification on administrative leave administration for EMT, Managers, Supervisors, Professionals, and Confidential Exempt employees; information on voluntary payouts for leave accruals; and minor grammatical changes.
3.3.1 - Military Leave	Updated logo and organizational name.
3.4 - Leave of Absence without Pay	Policy updated to include additional definitions, updates to leave information and administration in compliance with federal and state laws, inclusion of military leave, and minor grammatical changes.
3.5 - Return to Work (NEW)	This policy documents OC San employment practice and process to outline the definitions, guidelines, and procedures for OC San's Return to Work Program for employees who are injured or disabled either on or off the job in returning to employment at OC San.
4.1 - Insurance	Policy updated to include clarification on calculation of continuous service consistent with MOUs, and minor grammatical changes.
4.2 - Retirement	Policy updated to include information on deferred compensation (definition, participation, contributions) and minor grammatical changes.
4.3 - Tuition Reimbursement	Policy updated to include probationary new hire eligibility to participate in tuition reimbursement after successful completion of six months of the initial probationary period.
4.4 - Certification Reimbursement	Policy updated to include probationary new hire eligibility changes for certification reimbursement, minor administrative process changes, and minor grammatical changes.
4.5 - Professional and Technical Memberships and Fees	Updated logo and organizational name.
4.6 - Domestic Partnership	Updated logo and organizational name.
4.7 - Pro Rata Benefits for Part-Time Employees	Updated logo and organizational name.

4.8 - Employee Assistance Program	Updated logo and organizational name.
4.9 - Catastrophic Leave	Updated logo and organizational name.
4.10 - Employee Development	Updated logo and organizational name.
4.11 - Development Pay	Policy updated to include probationary new hire eligibility changes for development pay and minor grammatical changes.
5.1 - Rules of Conduct	Updated logo and organizational name.
5.2 - Discipline (including Exhibit A)	Policy updated to include housekeeping updates to Exhibit A (Rules of Procedure and Evidence for Post-Disciplinary Hearings).
5.3 - Operator Certification, Maintenance, and Renewal	Updated logo and organizational name.
5.4 - Employee Participation in Athletic and Recreational Activities on Off-Duty Time	Updated logo and organizational name.
5.5 - Meal and Rest Periods	Policy updated to include specific information on meal periods for Collection Facilities Division employees.
5.6 - Travel	Policy updated to include minor clarifications on administrative procedures and minor grammatical changes.
5.7 - Solicitation and Distribution	Updated logo and organizational name.
5.10 - Wireless/Electronic Communications (WEC)	Policy updated to include access through OC San-enabled single sign-on processes and clarify procedures for remote access, and minor grammatical changes.
5.11 - Telecommuting (NEW)	This policy formally documents OC San practice and the results of recent negotiations regarding telecommuting with all bargaining units. Recent collective bargaining agreements approved by the Board of Directors included a reopener to continue negotiations on telecommuting, which has now been completed resulting in this policy. The policy outlines the definitions, guidelines, and process required for telecommuting, which allows eligible employees to request to work at an alternative worksite for portions of a week.
5.18 - Use of District Property	Updated logo and organizational name.
5.19 - Vehicle Usage	Policy updated to include clarification that OC San vehicle use is a revocable privilege, information that Automatic Vehicle Location system data may be utilized in administrative investigations or discipline, and minor grammatical changes.
5.20 - Substance Abuse	Policy updated to clarify Human Resources' role in the Employee Assistance Program to refer employees seeking assistance to an appropriate treatment organization and provide the accurate course title for OC San-wide mandatory training.
5.21 - Smoking	Updated logo and organizational name.
6.1 - Appraisal of Performance	Updated logo and organizational name.

6.2 - Open Communications	Updated logo and organizational name.
6.3 - Privacy Information and Human Resources Records	Updated logo and organizational name.
6.4 - Problem Solving	Updated logo and organizational name.
6.5 - Grievance Procedure	Policy updated to include minor changes to procedure steps consistent with MOUs.
6.6 - Diversity, Equity, and Inclusion	Policy approved by the Board of Directors in February 2022. No changes to content.
7.1 - Miscellaneous Provisions	Updated logo and organizational name.
7.2 - IDEA Program	Policy updated to remove outdated definitions, clarify program administration including steps and timeframes for the submission process, specify approval criteria and which proposals are ineligible for award, revise maximum award dollar amount, and minor grammatical changes.

TIMING CONCERNS

The proposed revisions ensure dated language within the Policies is updated and aligns with current legal requirements.

RAMIFICATIONS OF NOT TAKING ACTION

The Policies would not reflect current practice, collective bargaining agreements, and provisions of the law.

PRIOR COMMITTEE/BOARD ACTIONS

February 2022 - Approved addition of Policy 6.6, Diversity, Equity, and Inclusion.

March 2020 - Authorized the General Manager to change policies during the COVID-19 pandemic.

September 2018 - Approved proposed changes to Personnel Policies, Procedures, and Guidelines.

ADDITIONAL INFORMATION

The Policies, as adopted by a Resolution of the Board of Directors, supersede any and all prior Board Resolutions and actions that are inconsistent with these Policies, unless otherwise specified herein.

The Policies detail employment rules and ensure compliance with all applicable agreements and employment laws. Employment policies detail OC San expectations of employee conduct and ensure a consistent District-wide application of all rules.

CEQA

N/A

FINANCIAL CONSIDERATIONS

N/A

ATTACHMENT

The following attachment(s) may be viewed on-line at the OC San website (www.ocsan.gov) with the complete agenda package:

- Resolution No. OC SAN 23-09
- Personnel Policies and Procedures Manual (Redline with Proposed Revisions & Clean)