

Agenda Report

File #: 2020-1020, **Version:** 1

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SUBJECT:

RATIFY AMENDMENTS TO PERSONNEL POLICIES AND PROCEDURES IN RESPONSE TO COVID-19 PANDEMIC

GENERAL MANAGER'S RECOMMENDATION

RECOMMENDATION: Recommend to the Board of Directors to:

Pursuant to Resolution No. OCSD 20-01, ratify amendments to Orange County Sanitation District Board of Directors' Personnel Policies and Procedures: 1.4 Recruitment & Selection, 1.11 - Temporary & Contract Worker, 1.12 - Student Internship Program, 3.1.2 - Hours of Work - Exempt Employees, 3.2 - Attendance, 3.3 - Leave-of-Absence with Pay, and 3.4 - Leave-of-Absence Without Pay, effective March 25, 2020 through December 31, 2020 or as soon as the State emergency related to the COVID-19 pandemic is lifted.

BACKGROUND

The Orange County Sanitation District (Sanitation District) Board of Directors' Personnel Policies and Procedures Manual (Policies) contains the terms, conditions, rules, and regulations of employment which are consolidated into one reference document. Additionally, staff has met and conferred with unions on changes, and have agreement. Staff is proposing temporary amendments to the Policies listed herein as a result of the COVID-19 pandemic. In accordance with Resolution No. OCSD 18-18, revisions to the Policies require Board of Directors' approval.

RELEVANT STANDARDS

- Comply with Resolution Nos. OCSD 18-18 and OCSD 20-01
- Comply with all State and Federal mandates and orders
- Maintain positive employer-employee relations

PROBLEM

The COVID-19 pandemic requires rapid response to changing conditions in the work environment. The current policies and procedures reflect a routine business model and changes are needed to accommodate operational needs in response to the COVID-19 pandemic.

PROPOSED SOLUTION

The Sanitation District remains committed to providing essential services to protect the public health and environment during the State emergency. To that end, staff has identified seven (7) policies that require temporary amendment to provide flexibility while simultaneously ensuring the Sanitation District continues to meet its objectives.

Staff recommends that the Board of Directors ratify the temporary amendments to the policies listed herein.

Policy Number / Title	Reason for Proposed Revision
1.4 - Recruitment & Selection	Temporary amendment will allow employment of former employees retired from OCSD without the standard 180 day waiting period and removes the 960-hour cap in a one-year period.
1.11 - Temporary & Contract Worker	Temporary amendment to eliminate the 1,600-hour cap that can be worked by a temporary employee in a one-year period.
1.12 - Student Internship Program	Temporary amendment will allow for flexibility in scheduling and align with the new Federal Law (Families First Coronavirus Response Act - FFCRA) requiring employers to provide protections for FMLA and paid sick leave.
3.1.2 - Hours of Work - Exempt Employees	Temporary amendment will allow for immediate schedule changes without the required 30-day written notice and allow for modification of start and stop times of shifts.
3.2 - Attendance	Temporary amendment allows for exceptions to the requirement to notify management of a time off request 24 hours to two weeks in advance of shift for COVID-19 related issues.
3.3 - Leave-of-Absence with Pay	Temporary amendment will allow employees to utilize their individual leave banks by removing leave usage criteria for vacation, sick, personal, administrative, and supplemental leave. Additionally, a Paid Administrative Leave option was added for use in the event an employee is unable to telecommute and belongs to a high-risk group as defined by the Centers for Disease Control (CDC) in relation to COVID-19.
3.4 - Leave-of-Absence Without Pay	Temporary amendment aligns with the FFCRA and Emergency Paid Sick Leave under the requirements of the new Federal law.

TIMING CONCERNS

The proposed temporary amendments will ensure the Sanitation District implements an approach to policies and procedures designed to prevent the spread of the virus and ensure we continue to have the needed resources to operate our facilities during the pandemic.

RAMIFICATIONS OF NOT TAKING ACTION

Without ratification, the General Manager's amendments to these Policies will not be in effect and therefore not inclusive of new Federal law that allow the Sanitation District to effectively respond to the COVID-19 pandemic.

PRIOR COMMITTEE/BOARD ACTIONS

March 2020 - Adopted Resolution No. OCSD 20-01 entitled, "A Resolution of the Board of Directors of the Orange County Sanitation District Granting Emergency Power to the General Manager in the Event the Public Health and Safety is Endangered Due to a Disruption of Sewer Service; and Repealing Resolution No. 75-160".

September 2018 - Adopted Resolution No. OCSD 18-18 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 District Employees; and Repealing Resolution No. OCSD 15-18".

ADDITIONAL INFORMATION

The proposed policy amendments are temporary in nature and do not constitute a contract of employment.

CEQA

N/A

FINANCIAL CONSIDERATIONS

N/A

ATTACHMENT

The following attachment(s) may be viewed on-line at the OCSD website (www.ocsd.com) with the complete agenda package:

- Policy 1.4, Recruitment and Selection (Redline Version)
- Policy 1.11, Temporary & Contract Worker (Redline Version)
- Policy 1.12, Student Internship Program (Redline Version)
- Policy 3.1.2, Hours of Work - Exempt Employees (Redline Version)
- Policy 3.2, Attendance (Redline Version)
- Policy 3.3, Leave-of-Absence with Pay (Redline Version)
- Policy 3.4, Leave-of-Absence Without Pay (Redline Version)