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September 1, 2020

Board of Directors
Triunfo Water & Sanitation District
Ventura County, California

TWSD EMPLOYEE RESOLUTION NO TWSD 2020-007

Summary

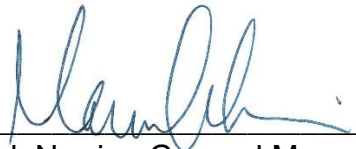
The Triunfo Water & Sanitation District (District) Board approved an updated business plan, for the transitioning of administrative and financial functions, from Ventura Regional Sanitation District to the District. As part of that updated plan, the Board also approved the Core Management Contracts with the understanding that staff would bring back a resolution providing additional detail regarding proposed employee benefits (TWSD Employee Resolution).

In general, this Resolution establishes the detailed framework and methodology for providing benefits for the various core management classifications. The Resolution framework describes benefits eligibility, levels of compensation, various paid leave, basis for merit and COLA increases, etc. In the short term, this Resolution is intended to be a companion document to the Core Management Contracts pending the development of a comprehensive Employee Handbook, which will include the information currently in this Resolution, but will also be expanded to address a wider range of mandatory employee training and Policies.

Recommendation:

It is recommended that the Board:

- A. Discuss the TWSD Employee Resolution No. TWSD 2020-007, modify if necessary, and approve the Resolution; and
- B. Direct Legal Counsel to reference the Resolution in the Core Management Contracts.

REVIEWED AND APPROVED: 
Mark Norris - General Manager

Attachment: TWSD Employee Resolution No. TWSD 2020-007

TRIUNFO WATER & SANITATION DISTRICT

RESOLUTION NO. TWSD 2020-007

**A RESOLUTION OF THE TRIUNFO WATER & SANITATION DISTRICT
BOARD OF DIRECTORS ESTABLISHING AND AUTHORIZING CERTAIN BENEFITS
FOR DISTRICT EMPLOYEES**

WHEREAS, the Triunfo Water & Sanitation District (“District”) has determined a fundamental need to employ a general manager, sanitation experts, and other persons (“Employees”) to carry into effect the powers of the District; and

WHEREAS, the District seeks to employ said Employees, pursuant to Health & Safety Code Section 4739; and

WHEREAS, the District’s Board of Directors has identified that certain additional benefits should be included in addition to any monetary compensation offered to Employees in order to provide competitive employment packages and ensure adequate compensation for employee recruitment and retention; and

WHEREAS, the District’s Board of Directors has determined that it is in the best interest of the District and its customers that Employees be provided such additional benefits in order to effectively maintain the District’s services and operations; and

WHEREAS, the District’s Board of Directors seek to clearly identify and define the additional benefits to provide transparency and consistency; and

WHEREAS, this Resolution is adopted as a temporary measure to guarantee Employees these additional benefits while and until the District’s Board of Directors approve and adopt a comprehensive Employee Handbook for all District Employees.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED, AND ORDERED by the Board of Directors of the Triunfo Water & Sanitation District that:

1. *Definitions.*

- a. “Employees” means every employee of the District.
- b. “Full Time Employees” specifically means the District’s full-time, exempt salaried employees. Any time “Full Time Employees” is used, those terms specifically and only apply to Full Time Employees.

2. *Holidays.*

- a. District Holidays. The District shall observe the following twelve (12) Holidays (“District Holidays”):
 - New Year’s Day (January 1st)
 - Martin Luther King Jr. Day
 - President’s Day
 - Cesar Chavez Day
 - Memorial Day
 - Independence Day (July 4th)
 - Labor Day
 - Veteran’s Day
 - Thanksgiving Day
 - Friday after Thanksgiving Day (Black Friday)
 - Christmas Eve (December 24th)
 - Christmas (December 25th)
- b. Weekend Holidays. If a District Holiday falls on Saturday, it shall be observed on the preceding Friday. If a District Holiday falls on a Sunday, it shall be observed on the following Monday.

3. *Annual Leave.*

- a. Full-Time Employees are eligible and shall be entitled to up to one-hundred and eighty-four (184) hours of annual leave time (equal to twenty-three (23) days of leave) per fiscal year (“Annual Leave”).
 - i. For all Full-Time Employees who begin employment with the District during the middle of a fiscal year, the Full-Time Employee’s Annual Leave shall be prorated based upon the time remaining on the fiscal year. For example, a Full-Time Employee who starts on January 1st shall be entitled to 50% of the 184 hours of Annual Leave, or 92 hours.
- b. Accrual. Full-Time Employees may roll-over unused Annual Leave at the end of each fiscal year, but may not accrue more than six-hundred (600) hours of Annual Leave in total.

4. *Wellness Benefit.*

- a. Full-Time Employees. The District shall provide all Full-Time Employees up to \$1,874.00 per month as a “Wellness Benefit” for health coverage.
- b. Limitations. An Employee’s Wellness Benefit shall be limited to health insurance, dental insurance, and vision insurance

- c. Opt-Out. All Employees may opt out of their Wellness Benefit. In exchange for opting out of a Wellness Benefit, the Employee may receive up to 75% of the applicable maximum Wellness Benefit as additional monetary compensation.

5. *Retirement.*

- a. Defined Contribution. Sixteen and a half percent (16.5%) of Full-Time Employees' base pay shall be directed to a retirement fund or deferred compensation plan established by the District.
- b. Base Pay Only. All contributions are limited to an employee's base pay and may not include other forms of payment or monetary compensation, including other benefits received by Employees pursuant to this Resolution.

6. *Other Benefits*. The District shall obtain and provide all Employees other additional benefits, including short-term and long-term disability insurance coverage, life insurance coverage, and an employee assistance program ("Other Benefits"), as such Other Benefits are offered and provided by Paychex, and conditioned upon the approval of the District's Board of Directors.

7. *Vehicle Allowance*. The District shall provide all Full-Time Employees a monthly vehicle allowance of [DOLLARS] (\$X.XX) for the purposes of purchasing and/or leasing, maintaining, repairing, and insuring a vehicle for such Employees to use for any and all purposes related to their District duties.

8. *Worker's Compensation.*

- a. The District shall provide workers' compensation coverage that protects all Employees who are injured or disabled while performing District-related job duties.
- b. A comprehensive Workers' Compensation Insurance plan shall be procured by the District and approved by the District's Board of Directors.
- c. In order to receive any Workers' Compensation benefits to which an Employee may be entitled, the Employee must:
 - i. Report any work-related injury to their supervisor immediately;
 - ii. Provide a written report describing the nature of the injury and when and how the injury occurred;
 - iii. Seek medical treatment and follow-up care, if required;

- iv. Provide a supervisor with certification from a healthcare provider regarding any need for Workers' Compensation Disability leave, as well as Employee's eventual ability to return to work.
 - d. California Labor Code § 5401.7 requires the District to report any claims that are suspected as fraudulent. Any person who makes or causes to be made any knowingly false or fraudulent material statement or material representation for the purpose of obtaining or denying Workers' Compensation benefits or payments is guilty of a felony. A violation of this law is punishable by imprisonment for one to five years, or by a fine not exceeding \$50,000.00 or double the value of the fraud, whichever is greater, or both.
9. *Social Security*. The District shall comply with the Social Security Act and any other applicable federal laws concerning contributing to Employees' Social Security benefits.

10. *Administrative Leave*.

- a. In addition to the benefits described herein, all Employees may be eligible for up to five (5) days of Administrative Leave per calendar year.
- b. Any Administrative Leave shall be awarded to an Employee by the District's General Manager on a discretionary basis.
- c. Administrative Leave does not accrue. Nor is Administrative Leave subject to buy-outs.

PASSED, APPROVED, AND ADOPTED this 1st day of September 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

James Wall, Chair
Triunfo Water & Sanitation District
Board of Directors

Juliet Rodriguez
Clerk of the Board

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