

BOARD OF DIRECTORS

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Director of Communications

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Legal Counsel

**MONTEREY REGIONAL
WASTE MANAGEMENT DISTRICT**
Home of the Last Chance Mercantile
PERSONNEL COMMITTEE MEETING
AGENDA

Wednesday, September 1, 2021

Bales Boardroom

10:30 a.m.

14201 Del Monte Blvd., Monterey County, CA

Please Note: Meeting will be held virtually via zoom compliant with Governor Newsom's executive Order N-29-20 which allows local legislative bodies to hold public meetings via teleconference and to make public meetings accessible telephonically or otherwise electronically to all members of the public seeking to observe and address the local legislative body to avoid public gatherings, and which suspended all contrary provisions of the Brown Act. To join the zoom webinar, click on this link: <https://us02web.zoom.us/j/86782506929> copy/paste the link into your browser, or type the link into your browser. If your computer does not have audio, you will also need to join the meeting via phone. To participate via phone, please call: 1-669-900-9128; Meeting ID: 867 8250 6929 Public Comments: if you are unable to participate via telephone or virtually, you may also submit your comments by e-mailing them to igonzales@mrwmd.org with one of the following subject lines "Public Comment Item #" (insert the item number relevant to your comment) or "Public Comment - Non Agenda Item". Comments must be received by 4:00 p.m. on Tuesday, August 31, 2021. All submitted comments will be provided to the Committee and may be read into the record or compiled as part of the record. Public comment will also be accepted during the meeting.

CALL TO ORDER

ROLL CALL AND ESTABLISHMENT OF QUORUM

PUBLIC COMMUNICATIONS

Anyone wishing to address the Committee on matters not appearing on the Agenda may do so now. *Please limit comments to a maximum of three (3) minutes.* The public may comment on any other matter listed on the agenda at the time the matter is being considered by the Board.

ITEMS FOR COMMITTEE CONSIDERATION, DISCUSSION AND ACTION

1. General Manager Request for Exception to District Voluntary Separation Policy

GENERAL MANAGER COMMUNICATIONS

CLOSED SESSION

As permitted by Government Code Section 54956 et seq., the Board may adjourn to a Closed Session to consider specific matters dealing with litigation, certain personnel matters, property negotiations or to confer with the District's Meyers-Milias-Brown Act representative.

1. Conference with Property Negotiators
Property: Landfill Site Space/Capacity
District Negotiators: Tim Flanagan, Timothy Brownell, Guy Petrabor, and Zoe Shoats

Erin Harwayne, Denise Duffy Associates
Negotiating Parties: Green Waste Recovery of San Jose, CA

2. Public Employment Appointment (Govt. Code sec. 54957)
Position to be filled: General Manager

RETURN TO OPEN SESSION WITH ANY REQUIRED ANNOUNCEMENTS FROM CLOSED SESSION

Please note: A report out and announcement concerning the closed session will be provided to anyone requesting same by emailing igonzales@mrwmd.org.

ADJOURNMENT

NEXT MEETING DATE: Wednesday, October 6, 2021 9:30 a.m.

This agenda was posted at the District offices at 14201 Del Monte Blvd, Monterey County, CA. Staff reports and additional information regarding these agenda items are available on the District website (www.mrwmd.org) and at the District offices during regular business hours (additional fee for copying). All meetings are open to the public. The District does not discriminate against persons with disabilities and the Boardroom is wheelchair accessible. Recordings of meetings can be provided upon request. To request assistive listening devices, sign language interpreters, readers, large print agendas or other accommodations, please call Ida Gonzales at (831) 384-5313 or e-mail: igonzales@mrwmd.org. Requests must be made at least 48 hours in advance of the meeting.



Memorandum

MONTEREY REGIONAL WASTE MANAGEMENT DISTRICT

DATE: August 27, 2021
TO: Personnel Committee
FROM: General Manager
SUBJECT: Personnel Committee Meeting of September 1, 2021

ITEMS FOR COMMITTEE CONSIDERATION, DISCUSSION AND ACTION

1. **General Manager Request for Exception to District Voluntary Separation Policy**

Please refer to the enclosed memo. The GM is requesting an exception to the current policy of how leave time on the books is handled with an employee's departure. This request is part of the process to have the current GM extend his departure date to allow for a reasonable time for the transition to the incoming GM. The current GM had sought and received preliminary acceptance of this exception from the Board chair and Legal counsel. It is coming to the Board for approval of the policy exception.

GENERAL MANAGER COMMUNICATIONS

Strategic Planning – We will schedule about a 45-minute presentation with Catherine Hambley who will walk the Board through the beginnings of our Strategic Planning workshop process. The focus of the initial presentation will be on the work staff and Catherine has done around Mission, Vision, and TRAITS (this is an acronym which will be spelled out at the meeting). This process will help inform our development of our branding process which will take place as we develop the Strategic Plan.

COVID Update – Staff will be following up on our policy of vaccination with our employees. We are continuing the bargaining process around the impacts of the policy with OE3.

Authority Special Meeting and Bond Re-Financing Update – The Authority will meet in September ahead of the regular Board meeting to set a date for the Authority to meet in October to vote on the 2015 bond re-financing proposal. The Finance committee is evaluating the bond re-financing proposal and will make a recommendation to the full Board for the October meeting.

CLOSED SESSION

As permitted by Government Code Section 54956 et seq., the Board may adjourn to a Closed Session to consider specific matters dealing with litigation, certain personnel matters, property negotiations or to confer with the District's Meyers-Milias-Brown Act representative.

1. Conference with Property Negotiators

Property: Landfill Site Space/Capacity

District Negotiators: Tim Flanagan, Timothy Brownell, Guy Petraborg, Peter Skinner and Zoe Shoats
Erin Harwayne, Denise Duffy Associates

Negotiating Parties: Green Waste Recovery of San Jose, CA

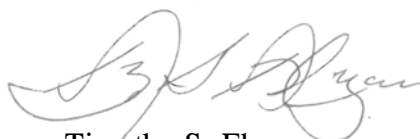
2. Public Employment Appointment (Govt. Code sec. 54957)

Position to be filled: General Manager

RETURN TO OPEN SESSION WITH ANY REQUIRED ANNOUNCEMENTS FROM CLOSED SESSION

Please note: A report out and announcement concerning the closed session will be provided to anyone requesting same by emailing igonzales@mrwmd.org.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Timothy S. Flanagan', written in a cursive style.

Timothy S. Flanagan



Memorandum

MONTEREY REGIONAL WASTE MANAGEMENT DISTRICT

DATE: August 27, 2021
TO: Personnel Committee
FROM: General Manager
SUBJECT: General Manager Request for Exception to District Voluntary Separation Policy

RECOMMENDATION: That the Personnel Committee Support the General Manager's Request For An Exception to the District's Voluntary Separation – Resignation or Retirement Policy, On a Non-Precedent Setting Basis, Allowing the Use of the Balance of Paid Time Off in Excess of 22 Days,

BACKGROUND AND DISCUSSION:

In May 2017, the General Manager implemented a new District Policy, Voluntary Separation – Resignation or Retirement, establishing a consistent process and set of rules for processing voluntary employee separations. See Attachment A.

California labor regulations require all accrued paid time off (PTO) (vacation, management leave and floating holidays) to be paid out at time of separation. District policy provides employees the option of using approximately one month of accrued paid time off (PTO) at the end of an employee's service time to extend their length of service. Employees who elect to use accrued paid time off in this manner, are considered 'active' employees and all benefits continue for the duration of time they are on PTO and their last day of work for all "official" purposes is their last day on PTO. Section 5.a of Voluntary Separation – Resignation or Retirement policy, sets a limit on the number of PTO days an employee may use to extend their length of service to 22 days total, equivalent to approximately one month.

In June 2021, I informed the Board and staff that I intended to resign my position, effective September 17, 2021 and that I intended to use all my accrued PTO until it had been exhausted, effectively remaining an "active" employee through March 2022. I offered to make myself available to assist the new General Manager as needed during the time I would be on paid leave.

After further discussion with the Leadership Team, I have decided to change my resignation date and to continue working through December 17, 2021, in order to be continuously available at the worksite during the new General Managers transition period. My intention remains the same in regard to the use of all accrued paid time off after my last day at work. Based on my current PTO balance and projected accruals to be earned while on paid leave (beginning December 20, 2021), my PTO balance will be approximately 827 hours or 103 days as shown on Attachment B. I do anticipate taking some additional days off during this interim period.

August 27, 2021

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FINANCIAL IMPACT:

Since the balance of PTO must be paid out at time of separation, in accordance with California labor regulations, the financial impact of a policy exception as discussed above, would only include the District contributions towards, CalPERS, 457(b) employer match, benefits and the continued PTO accruals for the period over the 22 days permitted by policy, and is estimated to amount to \$35,057.90.

CONCLUSION:

I hereby request the Personnel Committee support the General Manager's request for an exception to District policy, on a non-precedent setting basis, to allow me to use the balance of my accrued PTO after my last day at work, effectively extending my length of service through mid-May 2022. The total period of paid time off will be dependent on the actual balance of PTO on my last day at work.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Tim Flanagan', is written over a horizontal line. The signature is stylized and cursive.

Tim Flanagan, General Manager



Monterey Regional Waste Management District

VOLUNTARY SEPARATION - RESIGNATION OR RETIREMENT

Applies to:	All Employees
Date Implemented:	May 2017 (Distributed with 5/31/17 payroll.)
Policy Owner:	Human Resources Department

1. An employee may voluntarily resign from the District by presenting his/her resignation in writing to their Manager and the Human Resources Department. To resign in good standing, an employee shall provide advance notice of two-weeks minimum, unless there are extenuating circumstances that make it difficult for the employee to provide such advance notice.
2. A resignation is accepted upon submission of the resignation. Withdrawal of the letter of resignation can only be accomplished by the mutual written agreement of the District and the employee. The District will act on reliance of resignations and initiate the recruitment process as soon as practical, for filling the position, if deemed appropriate by the District.
3. On or about the employee's last day, a Human Resources representative shall conduct an exit interview with the separating employee. The information received during the exit interview, may be shared with the General Manager, Department Director and/or Manager for improvement opportunities.
4. Employees shall return all District property (uniforms, keys, gate pass, tools and equipment, credit card, District communication devices, etc.) to his/her manager as soon as practical, but no later than the employee's last day at work.
5. Employees who separate from the District shall receive payment of all actual hours worked and accrued paid time off (vacation, comp, floating holidays) for which the employee is eligible. Such payment shall be subject to all applicable deductions.
 - a. Separating employees may elect to use accrued paid time off (up to a maximum of 22 days) after their last day on the job to extend their "official last day of work". These employees shall be placed on paid leave of absence during this period.
 - b. Separating employees who are placed on paid leave of absence shall accrue all regular benefits and paid time off during that period and shall receive their paycheck on the normal payday until their "official last day of work".
 - c. The final paycheck will include payment of the balance of all accrued, unused vacation hours, comp time and floating holidays, if applicable.
6. Health insurance benefits shall remain in effect as if the employee was actively employed, through the end of the following month, after the employee's official last day of work. (Example: Employee's last day is May 15. Benefits expire on June 30th.)
7. Whenever applicable, the District shall report the employee's retirement to CalPERS and transfer all accrued paid sick leave hours for conversion at retirement, pursuant to the rules of the Public Employee's Retirement System.
8. Separated employees shall provide written notice to Human Resources of any address and phone number changes during the first year of their separation for year-end (W2) mailings.

// END OF POLICY

PTO Accrual Schedule

Tim Flanagan

Bal @ 8/5/21		Management		
Pay date	Pay period	Vacation	Floating Holiday	Leave
		326.77	184.00	343.00
8/19/2021	8/1-8/14	6.77		
9/2/2021	8/15-8/28	6.77		
9/16/2021	8/29-9/11	6.77		
9/30/2021	9/12-9/25	4.92		
10/14/2021	9/16-10/9			
10/28/2021	10/10-10/23			
11/10/2021	10/24-11/6			
11/24/2021	11/7-11/20			
12/9/2021	11/21-12/4			
12/23/2021	12/5-12/18		8.00	(109.00) Buy Out over 234 hours
1/6/2022	12/19-1/1/22			4.50
1/20/2022	1/2-1/15			4.50
2/3/2022	1/16-1/29			4.50
2/17/2022	1/30-2/12			4.50
3/3/2022	2/13-2/26			4.50
3/17/2022	2/27-3/12			4.50
3/31/2022	3/13-3/26			4.50
4/14/2022	3/27-4/9			4.50
4/28/2022	4/10-4/23			4.50
5/12/2022	4/24-5/7			4.50
5/26/2022	5/8-5/21			4.50
		352.00	192.00	283.50

Total Hours 827.50

Total Days 103.44