

Programs & Administration Committee

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Jerry Pentin, Vice Chair  
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Rochelle Nason, City of Albany  
Keith Carson, County of Alameda  
Susan Wengraf, City of Berkeley  
Melissa Hernandez, City of Dublin  
Dianne Martinez, City of Emeryville  
Jenny Kassan, City of Fremont  
Mike Hannon, City of Newark  
Dan Kalb, City of Oakland  
Tim Rood, City of Piedmont  
Emily Duncan, City of Union City  
Wendy Sommer, Executive Director

**AGENDA**  
**ALAMEDA COUNTY WASTE**  
**MANAGEMENT AUTHORITY MEETING**  
**OF THE**  
**PROGRAMS AND ADMINISTRATION COMMITTEE**

**Thursday, September 12, 2019**

**9:00 A.M.**

**StopWaste Offices**  
**1537 Webster Street**  
**Oakland, CA 94612**  
**510-891-6500**

**Teleconference**  
**Tim Rood**  
**San Jose City Hall**  
**3rd Floor Tower**  
**200 East Santa Clara St**  
**San Jose CA 95113**  
**408-535-8122**

**1. Convene Meeting**

**2. Public Comments**

Open public discussion from the floor is provided for any member of the public wishing to speak on any matter within the jurisdiction of the Programs & Administration Committee, but not listed on the agenda. Each speaker is limited to three minutes unless a shorter period of time is set by the Chair.

**Page**

**1 3. Approval of the Draft Minutes of July 11, 2019 (Pat Cabrera)**

**5 4. Proposed Benefit Changes (Pat Cabrera)**

That the P&A Committee discuss this item and recommend that the WMA adopt the requested changes as outlined in the staff report.

**11 5. Employment Status Change for Board Members (Pat Cabrera)**

This item is for information only.

**13 6. National Sword Update and Local Impacts (Meghan Starkey)**

This item is for information only.

**7. Member Comments**

**8. Adjournment**

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The Programs & Administration Committee is a Committee that contains more than a quorum of the Board. However, all items considered by the Committee requiring approval of the Board will be forwarded to the Board for consideration at a regularly noticed board meeting.

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**DRAFT**

**MINUTES OF THE ALAMEDA COUNTY WASTE  
MANAGEMENT AUTHORITY MEETING  
OF THE  
PROGRAMS AND ADMINISTRATION COMMITTEE**

**Thursday, July 11, 2019**

**9:00 A.M.**

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San Jose CA 95113**

**Members Present:**

|                            |                           |
|----------------------------|---------------------------|
| County of Alameda          | Scott Haggerty            |
| City of Albany             | Rochelle Nason            |
| City of Berkeley           | Susan Wengraf             |
| City of Fremont            | Jenny Kassin              |
| City of Livermore          | Bob Carling               |
| City of Oakland            | Dan Kalb                  |
| City of Newark             | Mike Hannon               |
| Oro Loma Sanitary District | Shelia Young              |
| City of Piedmont           | Tim Rood (teleconference) |
| City of Pleasanton         | Jerry Pentin              |

**Absent:**

|                    |                   |
|--------------------|-------------------|
| City of Dublin     | Melissa Hernandez |
| City of Union City | Emily Duncan      |

**Staff Present:**

Wendy Sommer, Executive Director  
Pat Cabrera, Administrative Services Director  
Justin Lehrer, Senior Management Analyst  
Jeff Becerra, Communications Manager  
Chris Ross, Web Developer/Graphic Designer  
Robin Plutchok, Program Manager  
Arliss Dunn, Clerk of the Board

## DRAFT

### 1. Convene Meeting

Chair Shelia Young called the meeting to order at 9:01 a.m.

### 2. Public Comments

There were none.

### 3. Approval of the Draft Minutes of June 13, 2019 (Pat Cabrera)

There were no public comments on this item. Board member Carling made the motion to approve the draft minutes of June 13, 2019. Board member Pentin seconded and the motion carried 7-0 (Ayes: Carling, Hannon, Kassan, Pentin, Rood, Young, Wengraf. Nays: None. Abstain: None. Absent: Duncan, Haggerty, Hernandez, Kalb, Nason).

### 4. Revisions to the Agency's Human Resources (HR) Manual (Justin Lehrer)

That the P&A Committee discuss this item and recommend that the WMA adopt the Agency's newly revised HR Manual and to authorize the Executive Director to make minor changes as needed and incorporate any additions or revisions resulting from new or amended federal, state or local labor laws.

Pat Cabrera provided an overview of the staff report. Ms. Cabrera informed the Board that all staff has had ample opportunity to review the updated manual and with the exception of a few typos were pleased with the updated document. The proposed manual has also undergone legal review by the Agency's labor law firm, Liebert Cassidy Whitmore. Justin Lehrer provided an overview of the revised Human Resources Manual and presented a PowerPoint presentation: [HR-Manual-Update-07-11-19.pdf](#)

Board member Carling inquired how the agency ensures that adequate and appropriate training is provided for staff who are acting in the capacity of a coach. Mr. Lehrer stated that employees are encouraged but not required to have a coach. The coaching program is in its second year and staff is continuing to seek opportunities for increased staff development in coaching as well as in other areas. Board member Carling inquired about the team feedback approach with respect to evaluating performance. Ms. Cabrera stated that the employee evaluation team developed a matrix for providing employee feedback. The process provides an opportunity to obtain different angles for feedback by having a multi-rater approach. The teams are balanced to ensure that there is feedback from senior level, mid-level and peer level colleagues. Board member Carling stated that providing frequent feedback in real time is challenging and strongly recommended that staff provide both verbal and written feedback. Mr. Lehrer agreed that it is challenging and stated that staff is continuing to develop skills in this area. Ms. Sommer added that we have moved away from a scoring system that is tied to a paid for performance system, and instead utilize a yes/no response as well as incorporating verbal and written feedback. Employees receiving multiple no's will trigger HR involvement. Board member Haggerty suggested that the HR manual include a timeline for reconsideration if an employee decides to voluntarily leave the agency. Board member Haggerty stated that the County has a three day timeline for consideration. Ms. Cabrera stated that there is no legal requirement to include this provision. Chair Young stated that the manual should include language that solidifies whether there is a timeline to rescind the resignation or no timeline. Board member Kalb inquired if there was an ad hoc committee that reviewed the draft manual prior to presenting to all staff. Ms. Cabrera stated that a draft of the manual was presented to all staff as well as the Review Panel. The Review Panel is comprised of several management level staff and also includes representation from all classifications. The panel rotates every eighteen months. Board member Hannon stated that the HR Manual should include a description of the Review Panel. Board member Hannon recommended that the HR

## DRAFT

acknowledgement form should indicate that the employee has read the manual. He also inquired about the duration of time that an employee could be on a performance improvement plan. Ms. Cabrera stated that the timeline is six months to a year. Board member Hannon inquired if the law requires that employees that are rehired are provided reinstatement of sick leave. Ms. Cabrera stated that this is old language from the existing policy and she will confirm if it is required. He recommended to include a timeline for reporting any complaints of discrimination. Board member Hannon suggested providing written feedback at six months of hire. Ms. Cabrera stated that it was a previous policy that we were not following through so we are now providing continuous feedback. Board member Hannon recommended defining a dollar amount for gratuities. Chair Young inquired about the Workforce Committee. Mr. Lehrer stated that the Workforce Committee is an internal management committee responsible for ensuring that labor hours are balanced with project needs and aligning employee's interests and skills with the needs of the agency. The committee is most active during the budgeting process when assessing proposed projects and roles. Mr. Lehrer added there is a link in the manual that directs to all agency groups and roles. Chair Young inquired other than the Board who provides oversight of the Executive Director. Ms. Cabrera stated that if an issue arose pertaining to the Executive Director, the Administrative Services Director would be the first point of contact and if necessary Agency Counsel and the Board. Chair Young inquired if the agency conducts safety and disaster plans and if staff is prepared in case of a natural disaster. Mr. Lehrer stated yes the agency conducts disaster drills and is stocked with food and water, and staff is encouraged to maintain emergency kits at their work spaces.

There were no public comments on this item. Board member Haggerty made the motion to approve the staff recommendation. Board member Pentin seconded and the motion carried 10-0: (Ayes: Carling, Haggerty, Hannon, Kalb, Kassan, Nason, Pentin, Rood, Young, Wengraf. Nays: None. Abstain: None. Absent: Duncan, Hernandez.)

### **5. Recycling App Working Demo (Jeff Becerra)**

This item is for information only.

Jeff Becerra and Chris Ross provided an overview of the staff report and presented a working demo of the proposed Recycling App. A pdf of the report and the presentation is available here: [Recycling-App-Demo.pdf](#)

Board member Pentin suggested that we label batteries as Household Hazardous Waste aligned with the HHW program instead of hazardous waste. Board member Kalb asked about how the app will work with overlapping zip codes. Mr. Ross stated that the app will show the information and locations for all of the zip codes, e.g. 94608 will list all cities covered under that zip code.

Chair Young commended staff on an outstanding job and stated that she is anxious to have it up and running. Board member Pentin expressed his appreciation for the excellent work and added it will be an ongoing project and will be extremely useful for the residents of Alameda County. Board member Wengraf inquired about VHS tapes and asked if there is no information on where or how to recycle a particular item is the assumption that it should go to the landfill. Ms. Plutchok stated that VHS tapes are currently one of the most difficult items to recycle and at this time, we know of no local places that are accepting them. Board member Nason inquired if there is a protocol that will provide consistent updating of the information and will there be a signal to the user that they are getting current information. Mr. Becerra stated that the app provides a tool for vendors to "submit a correction" and staff is in constant communication with the Technical Advisory Committee (TAC) to ensure that we have

## **DRAFT**

current information from their jurisdictions. Mr. Becerra stated that he is confident that we are keeping up in the area of technology.

Chair Young thanked staff for the presentation.

### **6. Member Comments**

There were none.

### **7. Adjournment**

The meeting adjourned at 10:07 a.m.



**DATE:** September 12, 2019  
**TO:** Programs and Administration Committee  
**FROM:** Pat Cabrera, Administrative Services Director  
**SUBJECT:** Proposed Benefit Changes

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**SUMMARY**

At the September 12, 2019 Programs and Administration Committee meeting, staff will present proposed changes to employee benefits and request that the P&A Committee recommend to the WMA Board adoption of these changes.

**DISCUSSION**

While the Agency’s Human Resources manual establishes the administrative rules that govern the Agency, the employee benefit handbook outlines the fringe benefits that employees receive including vacation, sick leave, retirement and health benefits. As part of the classification and compensation study conducted by Reward Strategy Group (RSG) in FY 17-2018, the consultant concluded that Agency benefits were comparable to the comparison agencies. However, comparable does not mean exactly the same, as each agency offers different perks and incentives for recruitment and retention. Examples of those differences would be longevity and merit pay and various allowances (technology, car, gym membership) which are commonly offered to department heads and upper management or public safety staff.

The Agency does not offer these benefits. Instead, our proposal is focused on changes that were most important to staff, would be cost neutral or minimal in cost and would be applicable to all employees (with the exception of the vacation accrual discussed below) irrespective of job classification. The changes to the Agency’s tuition benefits would be a reduction in benefit, while the change in vacation accruals for newer employees, the additional floating holiday and the bike allowance, would be an increase in benefits. These changes were discussed with and supported by employees at our monthly all staff meeting. The proposed changes are as follows:

**Educational Assistance**

Current Benefit

Tuition reimbursement will be no greater than the California State semester or quarter tuition and fees. Books and required materials will be reimbursed as well. Employees must submit proof of a passing grade

("C" or better or "pass" in the event of a pass/no pass grade) and all applicable receipts to receive reimbursement.

At the time this limit was adopted, annual tuition and fees were approximately \$1,700 per year (undergraduate). They have increased to approximately \$8,500 for full-time undergraduate coursework and \$9,917 for graduate programs.

With respect to the Agency's comparison agencies (see attached), this benefit varies widely from \$250 per year up to the state college tuition costs.

#### Proposed Change

Reduce the reimbursement to \$2,000 per year per employee up to a lifetime maximum of \$10,000 which can be applied to various certification programs. Employees will still need to submit proof of passing the course or program as indicated above. The Agency will budget \$20,000 annually for this purpose; however, the allotment can be adjusted (through a line item transfer) in extraordinary cases, such as a course or program that is particularly timely or might not be offered later. Employees are expected to use personal time while pursuing the coursework.

In line with our commitment to employee development, we want to encourage employees to take advantage of this benefit, while remaining fiscally prudent.

#### Fiscal Impact

Since 2018 and including one outstanding reimbursement, the Agency will have spent approximately \$10,000 in educational reimbursement for two employees. Under the proposed change the employees would have only been eligible for \$4,000 in reimbursement. Additionally, under our proposed change and with an annual appropriation of \$20,000, 10 employees per year could participate in the benefit compared to two to three employees (depending on the program and units).

#### **Vacation Accruals and Holidays**

##### Current Benefit:

Vacation accruals per years of service

|           |         |
|-----------|---------|
| 0-5 yrs.  | 10 days |
| 6-10 yrs. | 15 days |
| 11+ yrs.  | 20 days |

Compared to most member and regional agencies the Agency is less generous in terms of the time that it takes an employee to accrue 15 days of vacation. The average is about 3-4 years to reach this threshold. However, some agencies also provide for higher accruals (25 days or more after 20 years). A couple of agencies provide general leave (combining sick leave and vacation together with a sick leave bank for accruals over the maximum allotment).



### Proposed Change:

Vacation accruals per years of service

|           |         |
|-----------|---------|
| 0-3 yrs.  | 10 days |
| 4-10 yrs. | 15 days |
| 11+ yrs.  | 20 days |

The purpose of this change is to allow newer employees to accrue 15 days of vacation sooner than five years. We are not proposing changing the other accrual time frame or additional vacation time. However, in lieu of asking for more vacation or a shorter time frame to get to the four-week vacation level, staff is requesting an extra floating holiday.

### **Holidays**

#### Current Benefit

Twelve paid holidays and two floating holidays, which is within the average range compared to other agencies. Of the comparison agencies, seven provide more paid holidays.

#### Proposed Change

Add one additional floating holiday. Staff would prefer this change over increasing vacation accruals beyond the four weeks since it would benefit everyone regardless of seniority. If approved, the Agency would have the same amount of paid holidays as Pleasanton, Zone 7 and EBMUD, but less than Oro Loma and Berkeley (each have 16 paid holidays).

#### Fiscal Impact

There isn't a dollar value associated with these two benefits unless an employee separates from employment with accrued vacation hours (which for newer employees is generally very little if any). Floating holidays must be used within the fiscal year and cannot be cashed out upon separation. Therefore, these benefits would constitute a productivity cost rather than a monetary one. With respect to the additional floating holiday, the productivity cost would be less than 0.4%. The productivity cost associated with the newer employees reaching the three-week vacation threshold after three years instead of five is more difficult to quantify. That is because there is an offsetting "wellness" benefit associated with the extra vacation that aids in work-life balance and minimizes employee "burn out." However, based on the number of eligible employees that would benefit, the productivity cost would be less than 1%.

### **Mass Transit Policy**

The Agency provides commuter checks to encourage employees to use mass transit. This benefit helped the Agency to achieve its LEED Platinum status. However, the program did not include a bike allowance, which is an even stronger environmental practice in addition to promoting a healthier lifestyle. Approximately ten employees bike to work on a regular basis. Staff is requesting a bike reimbursement benefit of \$25 per month for employees that bike to work at least 50% of the time. The Agency can use the current voucher program to implement this benefit. Between January 1, 2009 and December 31, 2017, a

bike allowance was covered under the IRS 132 tax code as a qualified transportation fringe benefit but had been eliminated effective January 1, 2018.

#### Fiscal Impact

Minimal cost to the Agency. Based on current usage the cost would be approximately \$3,000 per year.

#### Executive Director Authority

Based on past practice, staff has taken any change in benefits other than those mandated by law to the WMA Board for approval. While changes to benefits are rare (it has been over ten years since the Agency initiated benefit changes), it would be expedient to both staff and the Agency to authorize the Executive Director to make changes under very specific and limited circumstances. We are recommending that the Executive Director be granted authority to make changes to employee benefits that 1) result in savings to the Agency, 2) are cost neutral or 3) are de minimis in cost (no more than \$15,000 per year). The Executive Director will discuss any proposed changes with and obtain input and support from employees prior to making any changes. The exclusions to this authority would be any vested benefit such as PERS retirement or any changes to the employee compensation plan outlined in the Human Resources Manual, which would still require WMA approval.

#### **RECOMMENDATION**

That the P&A Committee discuss this item and recommend that the WMA adopt the requested changes as follows:

1. Reduce the Educational Assistance benefit to \$2,000 per year per employee for a maximum lifetime reimbursement of \$10,000.
2. Change the vacation accrual to 15 days per year (prorated accordingly for less than full-time employees) beginning after three years of service. All other accruals remain the same.
3. Add one additional floating holiday (hours prorated accordingly for less than full-time employees).
4. Add a bike reimbursement benefit to the Agency's mass transit policy allowing for a \$25 per month reimbursement for employees who use their bicycle to commute to and from work at least 50% of the time.
5. Allow the Executive Director to make changes to the benefit manual that 1) result in savings to the Agency, 2) are cost neutral or 3) are de minimis in cost (no more than \$15,000 per year). The Executive Director will discuss any proposed changes with and obtain input and support from employees prior to making any changes. The exclusions to this authority would be any vested benefit such as PERS retirement or any changes to the employee compensation plan outlined in the Human Resources Manual, which will still require WMA approval.
6. Implement the changes effective October 6 to coincide with the beginning of the payroll cycle with the exception of any outstanding education assistance requests that have already been approved.

Attachment: Survey of vacation allotment, paid holidays and educational reimbursement

| Member Agency benefit info         | Floats | Holidays | Vacation  | Educational Reimbursement   |
|------------------------------------|--------|----------|---|---|
| WMA                                | 2      | 12       | Years of Service Days Per Year<br>0-5 10<br>6-10 15<br>11+ 20   | Tuition reimbursement will be no greater than the California State semester or quarter tuition and fees.  |
| AC Transit                         | 2      | 8        | 1-5 yrs 80 hours, 5-10 yrs 120 hours, 10-15 yrs 160 hours, 15-25 yrs 200 hours, 25+ yrs 240 hours   | To the extent funding is available, which shall be determined solely by the District, the District agrees to maintain the tuition reimbursement program during the term of this agreement                             |
| Ala Co Water District              |        | 11       | 10 days first year, increasing to 25 days after 20 years. Maximum Accrual: 400 hours per year. 1-24 mos.: 80hrs; 25- 48 mos:104hrs, 49-120: mos.: 136hrs, 160hrs: 121-180 mos., 176hrs: 181-240 mos., 241+:mos.: 200hrs   | 100% tuition reimbursement for courses related to District up to a max of \$5250 per calendar year  |
| Alameda County                     | 4      | 12       | 1-4 yrs: 2 wks, 5-11 yrs: 3 wks, 12-20 yrs: 4 wks, 20+ yrs: 5 wks   | Depends on MOU bargaining unit.   |
| Alameda                            | 3.5    | 10       | Department heads can start with up to 4 weeks vacation; normally 2 weeks up to 4 years then a half a day each consecutive year up to 25 days @ 25yrs  | \$750 per FY  |
| Albany                             | 3      | 11       | 11 days 1st-3rd yrs., 16 days 4th-8th yrs, 18 days 9th-13th yrs, 20 days 14-18 yrs, 22 days after 19 years  | \$2000 per FY   |
| Berkeley                           | 3      | 13       | 2 weeks to start, 3 weeks after 4 years, 4 weeks after 12 years, 5 weeks after 18 years, and 6 weeks after 25 years   | 60 hours off with pay   |
| Castro Valley                      | 0      | 12       | 11.75 days to start, increases in year 4 to 17 days, in year 11 to 19.25 days and after 15 years to 21.5 days   | Self Funded. (Annual pooled amount at General Manager discretion)   |
| Dublin                             | 1      | 12       | For regular employees: 22 days per year through 5th yr; 27 days per year for 5th year through 10th year; 29 days per yr for 10th year through 15th year; 31 days per yr. following the 15th yr. Designated Management employees accrue 24 days through 5th year, the same as regular after that. This is general leave which combines sick leave. However sick leave does accrue once an employee reaches the max general leave accrual for a max s/l accrual of 360 hrs. | 75% not to exceed \$1400 per fiscal year, prorated for employees working 20 -39 hours per week  |
| Dublin San Ramon Services District | 5      | 9        | 15 days vacation first year, one additional day each year for a max of 25 days (in year 11)   | Tuition, registration, and lab fees connected to course. (100% reimbursement for instruction related to current job, 50% for instruction indirectly related. Must maintain grade of "C" or higher for reimbursement.) |
| East Bay MUD                       |        | 15       | 12 days per year (not sure when/if it increases)  | Educational benefit offered to all employees with a cap of \$3,500 per FY. No difference between bargaining unit.   |
| Emeryville                         | 2 to 3 | 11       | 0-4 yrs 10 days, 5-10 yrs 15 days, 11-20 yrs 20 days, 20+ yrs 25 days   | Employees may be eligible for reimbursement for courses taken and completed with 'C' grade or better. Requires department head approval prior to taking course  |
| Fremont                            | 1      | 12       | 0-5 yrs 26.25 days, 6-10 days 29.25 days, 11-15 yrs 32.25 days, 16+ yrs 35.25 days general leave with sick leave accrual bank   | Max \$2K reimbursement per FY; lifetime max \$20K   |
| Hayward                            | 0      | 14.5     | 0-5 yrs - 10 days; 5-9 yrs - 15 days; 10-19 yrs - 20 days; 20+yrs - 25 days   | Per management MOU: \$1,000 per fiscal year for educational reimbursement. For professional development up to \$500 per fy. This includes various fees for certifications, books, attendance at conferences, etc.     |
| Livermore                          | 0      | 12       | Accrual per year: 1st year* 80.6 hours<br>2nd through 5th 120.12 hours<br>6th through 10th 135.98 hours<br>11th through 15th 160.94 hours<br>16th through 19th 180.18 hours<br>20th or more 192.4 hours   | 75% tuition and books. \$4,000 FY for undergrad (cap \$16,000) and \$5,000 FY for graduate level (cap \$10,000)   |
| MTC                                | 3*     | 11       | One day per month paid vacation leave; for each year of service, an additional day per year is granted to a maximum of 25 days per year.  |   |

| Member Agency benefit info | Floats  | Holidays  | Vacation   | Educational Reimbursement   |
|----------------------------|---------|---|--|---|
| Newark                     | 1       | 11  | 1 through 9 - 184 hours, 10 through 14- 224 hours, 15 through 19 - 240 hours, 20 or more - 264 hours   | Management and Professionals: 100% for work related courses & up to \$10,000 for tuition and books (repayment caveat)   |
| Oakland                    | 1       | 12  | Date of hire to 4 years: Ten (10) days per year; 4th anniversary to 13 years: Fifteen (15) days per year; 13th anniversary to 16 years: Eighteen (18) days per year; 16th anniversary to 20 years: Nineteen (19) days per year 20th anniversary to 26 years: Twenty (20) days per year 26th anniversary to 30 years: Twenty-five (25) days per year; 30th anniversary: Thirty (30) days per year | Confidential Management MOU: Educational reimbursement for tuition and books as follows: Grade A or B: 100% or \$820 whichever is less; Grade C: 50% or \$410 whichever is less. If Pass fail grade 75% of the tuition fee or \$615 which ever is less. Also Professional development reimbursements (up to \$1200 for certain represented employees with some carryover provisions). Educational reimbursement slightly lower, professional development reimbursement for books, subscriptions , examination fees, etc., in specific classifications can receive \$150 per year) |
| Oro Loma                   | 7       | 9   | 1-5 yrs: 11 days; 6-15 yrs: 15 days; 16-20 yrs: 20 days; 21years-21 days (one additional day per yr up to 25 days)   |   |
| Piedmont                   | 1       | 12 (including birthday) and any day proclaimed by the City Council as a holiday | 1-4 yrs - 11 days; 5-8 yrs - 15 days; 9-11 yrs - 17 days; 12-14 yrs - 19 days; 15-18 yrs - 20 days; 19-22 yrs - 22 days; 23+ yrs - 25 days   | \$250 per FY  |
| Pleasanton                 | 4       | 11  | Accrual Schedule: 1-4 years = 10 days/year; 5-9 years = 15 days/year; 10-14 years = 20 days/year; 15 years = 21 days/year; 16 years = 22 days/year; 17 years = 23 days/year; 18 years = 24 days/year; 19+ years = 25 days/year   | Annual maximum tuition reimbursement is the total tuition levied by CA State East Bay for the year, beginning Fall Quarter. Book reimbursement \$300 per fiscal year.   |
| San Leandro                | 2       | 12  | 12 days/yr up to a max. 25 days/yr after 18 years of service. Max accrual: 2 yrs. of entitlement. Employees may sell up to 100 hours of vacation annually in June and Dec.   | \$1,500 per year for reimbursement of job-related college classes or training courses with prior approval   |
| SFMTA                      | 2       | 11  | **could not find**   | \$5,000 per FY  |
| Union City                 | 3.375** | 10  | 0-3 yrs - 80 hours; 4-9 yrs - 120 hours; 10-12 yrs - 136 hours; 13-15 yrs - 160 hours; 16+ yrs 200 hours   | depending on bargaining unit \$1,500 - \$3,000 per year to cover the cost of the course upon successful completion.   |
| Zone 7 Water Agency        | 4       | 11  | 2 to 5 weeks depending upon years of service and the union bargaining unit   | Under management benefits: up to \$7,500 per fiscal year for tuition and related materials for job related education expenses, job-related conference fees, or job-related seminar fees to maintain or upgrade the employee's skills or prepare the employee for promotional opportunities  |

\* Personal business days

\*\* for most bargaining units



**DATE:** September 12, 2019

**TO:** Programs and Administration Committee  
Planning Committee/Recycling Board

**FROM:** Pat Cabrera, Administrative Services Director

**SUBJECT:** Employment Status Change for Board Members

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## **SUMMARY**

At both the September 12, 2019 Programs and Administration Committee and the Planning Committee/Recycling Board meetings, staff will advise board members of the recent Internal Revenue Service (IRS) finding. Based on this finding, board members will be classified as employees instead of independent contractors for IRS reporting purposes beginning in calendar year 2020.

## **DISCUSSION**

An IRS audit was recently conducted at the Agency with a focus on whether a person working for or on behalf of the Agency was an employee or an independent contractor. Coincidentally, a few weeks prior to our notice of the audit we reviewed an article from Best, Best and Krieger attorneys at law, regarding this issue as it pertained to public sector board members. Essentially the article stated since public sector board members are public officials, the IRS considers them employees. We subsequently confirmed with our labor attorneys at Liebert Cassidy Whitmore that the IRS' position is that board members are typically employees. Therefore, we have agreed to make the necessary changes effective January 1, 2020. In the meantime, staff will send board members and alternates a form W-4 to gather withholding information. Since the stipends will be processed through payroll beginning in 2020, board members will now receive payment through direct deposit. Staff will include direct deposit instructions along with the W-4 form to board members and alternates.

While income reported by us on either a W-2 (employees) or 1099 (contractors) is normally taxable, the information provided by each board member's W-4 will determine the amount of federal and/or state withholding per payment. Additionally, 7.65% will be deducted from the payment for Medicare and Social Security (FICA) payroll taxes.

While Board members will be considered employees for payroll purposes they will not be eligible for benefits such as medical, retirement, etc., and will not be counted in the budget in terms of authorized positions.

## **RECOMMENDATION**

This item is for information only.

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**DATE:** September 12, 2019

**TO:** Programs & Administration Committee  
Planning Committee/Recycling Board

**FROM:** Meghan Starkey, Senior Management Analyst

**SUBJECT:** National Sword Update and Local Impacts

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### **SUMMARY**

StopWaste convenes a quarterly National Sword Task Force for member agencies and local service providers to share information. The primary purpose of the task force is to create a unified front and consistent talking points, and a common understanding regarding current market challenges created by China's import policies and subsequent international developments.

The purpose of this item is to share an update on the National Sword topic generally, as well as share results from a recent survey of member agencies about steps they have taken or plan to take in response to the market disruption caused by National Sword.

### **DISCUSSION**

The United States has relied on China as an export destination for mixed paper and plastics for many years. As part of the China's Blue Sky policy, aimed at shutting down old polluting mills and decreasing trash and litter, China instituted strict new guidelines for commodity imports.

The market impacts were both sudden and very disruptive. Inspections of material became extremely rigorous. Simultaneously, the prices for these commodities plummeted. Other markets, primarily in Southeast Asia, have taken up the slack in volume, but are prone to disruption.

The finances of local recycling programs in Alameda County were designed both around readily available markets and revenue from commodities to offset costs of collection and processing. At the meeting, staff will present the results of a survey of member agencies summarizing their responses in the areas of messaging, processing, acceptable materials, and service provider compensation.

### **RECOMMENDATION**

This item is for information only.

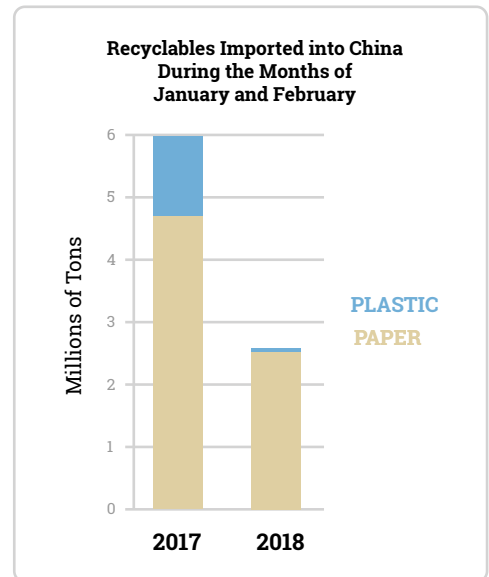
Attachment: National Sword Topic Brief

## A New Era for Recycling

After your recycling cart or bin is picked up by a hauler, the materials are sorted, processed and sold to end users, some domestically and others overseas.

The United States, Europe, Australia and other parts of the world have increasingly relied on China as an export destination for mixed paper (junk mail, newsprint, office paper, etc.) and mixed plastic. Due to concerns about contamination of the material they have been receiving, and to shut down older polluting mills, China has instituted policies (Blue Sky and National Sword) that have effectively closed the doors on most imported mixed recyclables. Global changes are affecting our local programs, and quite abruptly.

As a result, StopWaste is re-emphasizing what residents and businesses can do to keep recycling streams clean, and how to reduce waste in the first place—especially paper—so that there is less of it to manage.



Data from Resource-Recycling.com (4/17/2018)

### Here's how to take action:



#### 1. Continue Recycling

- Although recycling haulers are being challenged to find a way to market mixed paper and some plastics, residents and businesses should continue to recycle as work is done to find a long-term solution for recycling these items.
- Other materials that go in the recycling cart continue to have reliable venues for processing and remanufacturing.



#### 2. Keep It Clean

- Make sure you're only putting what's allowed in your recycling and green carts (check [www.StopWaste.org/Recycle](http://www.StopWaste.org/Recycle) to see what's accepted in your city).
- Items going in the recycling cart should be empty, clean and dry, free of food and liquids.
- No plastic, glass, or metal should ever go in the green cart—quality compost starts with yard trimmings and food scraps.



#### 3. Minimize Paper Use

- Think twice before printing and print double-sided when possible.
- Go paperless with bank and utility statements.
- Visit [www.StopWaste.org/Recycle](http://www.StopWaste.org/Recycle) for links to stop junk mail and unwanted catalogs and phone books.

Additional information on how to recycle is available at [www.StopWaste.org/Recycle](http://www.StopWaste.org/Recycle)