

October 27, 1998

To: Board of Directors (Executive Committee-Action)
From: General Counsel _____
Subject: Administrative Code Revisions

RECOMMENDATION

It is recommended that sections 5113, 6201, 6226, 6231, 6232, 6249, 6266 and 8121 of the Metropolitan Water District Administrative Code be amended to read as set forth in Attachment A.

EXECUTIVE SUMMARY

From time to time the Administrative Code is revised to reflect changes in District practice, conform with pertinent laws, correct minor errors or provide consistency with previously enacted Administrative Code sections. This letter proposes certain amendments as set forth in Attachment B, where overstrikes reflect deletions and underlining reflects additions. Attachment A sets forth the sections as they would now appear in the Administrative Code. The proposed modifications include:

- Amend Administrative Code section 5113, on the transfer on unclaimed funds to the District's general fund, to be consistent with the more streamlined procedure authorized for local agencies in Government Code section 50050 et seq. Under the Government Code, the time period for transferring amounts over \$15 has been reduced from 5 years to 3 years, and unclaimed funds less than \$15 per individual item may be transferred after one year without published notice.
- Amend Administrative Code section 6201 to make three grammatical changes.
- Amend Administrative Code section 6226(c), on the calculation of excess annual leave, so that it is consistent with the procedure required by Metropolitan's PeopleSoft software program. Under the PeopleSoft program, excess annual leave will be calculated by a special program run once a year, instead of once a pay period.
- Amend Administrative Code section 6231 to make two grammatical changes and to identify the four circumstances under which an employee may apply for Family and Medical Leave under federal and California law.
- Amend Administrative Code section 6232 to clarify that a combined maximum of 12 weeks of accrued sick leave may be used by the parents of a newly born or adopted child.

- ❑ Amend Administrative Code section 6249 to clarify that only regular full-time employees are eligible for paid jury duty leave.
- ❑ Amend Administrative Code section 6266(d), concerning group life insurance for employees, to refer to and incorporate the limits contained in the applicable memorandums of understanding with the various employee organizations.
- ❑ Amend Administrative Code section 8121 on the purchase of materials and supplies to conform this section with Metropolitan's practices with regard to these purchases. This section now requires contracts for the purchase of both operating equipment and materials and supplies to be limited to no more than 110 percent of the amount identified in the budget. While this limitation is appropriate for the purchase of operating equipment, which is identified in the budget, it is not appropriate for the purchase of materials and supplies, which are usually not identified in the budget specifically enough to set a baseline budgeted cost. Materials and supplies are usually grouped into general supply categories, and the purchase orders for them often are for an unspecified quantity with a maximum amount payable. In addition, it is sometimes more practical to lease operating equipment, such as photocopy machines or computer equipment, rather than purchasing it.

SES:5706

Attachment 7-9A

Attachment 7-9A**§ 5113. Escheat to District of Unclaimed Funds.**

Subject to prior approval by the Board, the Treasurer is authorized from time to time to cause a notice to be published, pursuant to Government Code Sections 50050 et seq., whereby money unclaimed in the District treasury for three years prior to such publication, including unredeemed bonds and coupons, shall become the property of the District. Such money shall then be transferred to the District's general fund. Unclaimed funds in an amount less than \$15 per individual item which remain unclaimed for one year may be transferred to the general fund, subject to prior approval by the Board, as provided in Government Code Section 50055.

§ 6201. Benefits Paid Temporary Employees.

(a) Temporary employees shall be entitled only to be paid an hourly rate determined in accordance with this Code.

(b) An eligible temporary employee shall be entitled to personal leave. A temporary full-time employee employed by the District for more than 1,044 hours of current full-time service is eligible for forty-eight (48) hours of personal leave per calendar year. A temporary part-time employee employed by the District for more than 1,044 hours of current service is eligible for twenty-four (24) hours of personal leave per calendar year. Personal leave must be used in the calendar year in which it is received. Personal leave shall not be carried over into the year following year in which it is received nor will it be paid upon separation from District employment. The District shall be responsible for scheduling personal leave periods of temporary employees in such a manner as to achieve the most efficient functioning of the District. The District shall determine whether or not a request for personal leave will be granted, however, an employee's timely request for personal leave shall only be denied for good and sufficient business reasons.

(c) Temporary employees shall not be entitled to any benefits or rights of any nature whatsoever provided for under this Code, except as provided by subsections (a) and (b) above and as specifically required by applicable law.

§ 6226. Annual Leave.

(a) Subject to any applicable memorandum of understanding, employees shall accumulate annual leave with full pay at the following rates for each hour of total service:

From	Range of Hours Through	Accumulation Factor For Each Hour Within Range	Maximum Accumulation
1	8,352	.0386250	161.28
8,353	18,792	.0574720	240
18,793	20,880	.0616100	257.28
20,881	22,968	.0652880	272.64
22,969	25,056	.0689660	288
25,057	27,144	.0731040	305.28
27,145	Last hour of total service	.0767817	320.64

Notwithstanding the above, the maximum accumulation of an in those classifications listed in Section 6500, shall be 1.25 times the maximum accumulation that would otherwise be applicable.

(b) Subject to the restrictions contained in subsection (d) and any applicable memorandum of understanding, annual leave usage will be authorized as it is earned up to the maximum permitted by subsection (a). The District shall be responsible for scheduling annual leave periods of employees in such a manner as to achieve the most efficient functioning of the District. The District shall determine whether or not a request for annual leave will be granted. However, an employee’s timely request for annual leave shall only be denied for good and sufficient business reasons.

(c) Subject to any applicable memorandum of understanding, if on the last day of the payroll cycle that includes November 15 of any year, the total of accumulated annual leave exceeds the limitation on accumulation applicable to the hours of total service, the excess accumulated annual leave may not be used but shall, as soon as practicable after the end of the twenty-fourth pay period of the annual payroll cycle, be paid to the employee entitled thereto at the employee's hourly pay rate in effect at the end of said twenty-fourth pay period for one hundred percent of the excess accumulated hours of such annual leave.

(d) No vacation may be granted, or paid for, unless the employee has completed 1,044 hours current service, including military leave. No vacation may be extended past an employee’s date of termination.

(e) Employees returning from leave for military service shall earn vacation at the rate appropriate to the total time of District employment plus military service.

(f) Notwithstanding any provision of this Section 6226 to the contrary, a Department Head may approve the accumulation of annual leave at a rate of .0574720 hours for each hour of service for the first through the fourth year of service for an employee recruited by that Department Head.

§ 6231. Family and Medical Leave.

(a) The District will provide family and medical leave for an employee as required by state and federal law.

(b) For purposes of this section, employee shall mean an employee who has at least one year of service with the District and at least 1,250 hours active service during the one year period immediately preceding the commencement of the family and medical leave.

(c) The following provisions set forth certain of the rights and obligations with respect to family and medical leave. Rights and obligations which are not specifically set forth or defined below are contained in the U.S. Department of Labor regulations implementing the federal Family and Medical Leave Act of 1993 ("FMLA") and the California Fair Employment and Housing Commission regulations implementing the California Family Rights Act ("CFRA")(Government Code 12945.2).

(d) Unless otherwise provided by this section, "Family and Medical Leave" and "Leave" shall mean leave pursuant to the FMLA and CFRA.

(e) An employee is entitled to a total of 12 weeks of Leave during any 12-month period to care for a newborn child, due to the placement of an adopted or foster child, to care for a child, parent, spouse or domestic partner who has a serious health condition, or because of the employee's own serious health condition that prevents the employee from performing any one or more of the essential functions of the employee's position. The 12-month period for calculating Leave entitlement will be the 12-month period measured backward from the date an employee uses any Leave.

(f) An employee's entitlement to Leave for the birth or placement of a child for adoption or foster care expires 12 months after the birth or placement.

(g) An employee shall provide at least 30 calendar days written advance notice for foreseeable events. For events which are not foreseeable, the employee shall notify the District as soon as the employee learns of the need for the Leave, but no later than five working days from learning of the event.

(h) When the Leave is due to the health condition of the employee, the employee shall utilize Leave in the following order:

- (1) All sick leave.
- (2) Forty hours of annual leave. If annual leave is exhausted, the employee must choose to use other paid or unpaid leave to complete the 40 hour.
- (3) The employee has the option of using additional paid leave at full pay. If the employee chooses to use additional paid leave at full pay, it must be used in the following order:
 - (i) The balance of the employee's annual leave;
 - (ii) Other paid leave;
- (4) If the employee elects to not use additional paid leave at full pay, then the employee shall utilize leave in the following order:
 - (i) 75% disability;
 - (ii) 50% disability;
 - (iii) Annual leave;
 - (iv) Other paid leave at the employee's option;
 - (v) Unpaid leave.
- (5) The exhaustion of the paid leave shall run concurrently with the Leave.

(i) When the Leave is taken for the birth of a child of the employee, for the placement of a child with the employee for adoption or foster care, or to care for the employee's spouse, domestic partner, child or parent who has a serious health condition, the employee shall utilize Leave in the following order:

- (1) Special leave.
- (2) Annual leave.
- (3) After exhausting special and annual leave, the employee has the option of using any additional paid leave for which the employee is qualified.
- (4) Unpaid leave.
- (5) The exhaustion of the paid leave shall run concurrently with the Leave.

(j) If an employee takes sick leave or partial pay disability leave without requesting Family and Medical Leave, within two days of the employee's return to work and advisement of the District concerning the purpose of the sick leave, the District shall make a determination as to whether the sick leave shall be considered Family and Medical Leave.

(k) The District shall maintain coverage under any group health plan for the duration of the Leave at the level and under conditions that would have been provided had the employee been working. However, the District shall only maintain such group health plan coverage for such employee for up to 12 weeks within a 12-month period commencing with the start of the Leave.

(l) An employee has the right to reinstatement to the same or a comparable position unless the employee is exempted from such right under the provisions of the FMLA or CFRA.

(m) Any leave taken by an employee under the Fair Employment and Housing Act's provisions applicable to pregnancy-related disabilities cannot be counted against the 12-week limitation on family and medical leaves authorized under the CFRA.

§ 6232. Paid Leave While Caring For A Newly Born Or Newly Adopted Child.

(a) A regular employee who is on family and medical leave pursuant to the Family and Medical Leave Act and/or California Family Rights Act to care for a newly born or newly adopted child may use up to 160 hours of accumulated sick leave subject to the restrictions listed below.

(b) The employee who desires to use sick leave while on family and medical leave to care for a newly born or newly adopted child shall exhaust his or her leave credits in the following order:

- (1) Special leave.
- (2) Annual leave.
- (3) Personal leave.
- (4) Compensatory time off.
- (5) Section 6225(b) holiday leave.

(c) The employee, at his or her option, may use up to 160 hours of accumulated sick leave while on family and medical leave to care for a newly born or newly adopted child after the exhaustion of the leave credits listed in subdivision (b). A request to use sick leave for this purpose shall be accompanied by a medical certification substantiating the need for caring for the

newly born or newly adopted child. This provision does not affect the use of sick leave pursuant to section 6227.

(d) If both parents are District employees, the total amount of paid leave available under this section to both parents is limited to 12-workweeks for caring for a newly born or newly adopted child.

§ 6249. Jury Duty Leave.

(a) All regular full-time employees are eligible for jury duty leave with pay when required by any legally constituted court to appear for examination or jury service.

(b) In order to qualify for paid jury duty leave, employees are required to furnish proof of attendance in a manner prescribed by the General Manager.

(c) An amount equal to the per diem or fees paid by the court to the employee will be deducted from the employee's pay. No deduction will be made for the value of mileage allowances, meals or lodging furnished by the court.

(d) In the absence of proof of attendance, an employee will be required to use such other leave as is prescribed by his Department Head.

§ 6266. Insurance Pertaining to Employees.

(a) The General Manager is authorized to provide for payroll deductions of premiums payable by employees under group insurance contracts in effect with the District and to provide for the transmittal of such deductions to the appropriate carriers.

(b) The General Manager is authorized to provide for payroll deductions of premiums payable by employees under individual insurance contracts arranged through the District and to provide for the transmittal of such deductions to the appropriate carrier or carriers.

(c) The General Manager of the District is authorized to register the District as an employer for unemployment insurance coverage pursuant to the provisions of Chapter 2, Statutes of 1978 and P.L. 94-566 and to elect the option deemed most advantageous to the District from among the various payment methods available.

(d) For regular full-time employees represented by a District Employee Association, the District shall provide group life insurance pursuant to the applicable Memorandum of Understanding, with the employees having the option at their own expense to obtain additional coverage.

(e) Blanket Employee Dishonesty Coverage. - The District shall purchase blanket employee dishonesty insurance coverage which would protect the District against losses resulting from the dishonest acts of each and every employee.

§ 8121. Contracts for Equipment, Materials, and Supplies.

(a) The General Manager may execute contracts for the purchase or lease of operating equipment, regardless of dollar value, which is specifically identified in the budget provided that the amount of any contract does not exceed 110 percent of the amount identified in the budget for that operating equipment and that sufficient funds are available within the annual budget.

(b) The General Manager may execute contracts for the purchase of materials, supplies, and other consumable items such as fuels, water treatment chemicals, materials for construction projects, and other bulk items, which are generally identified in the budget, regardless of dollar value, provided that sufficient funds are available within the annual budget for such materials, supplies and other items.

(c) All contracts under this section shall be awarded after competitive bidding unless otherwise exempted by this Code.

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From	Range of Hours Through	Accumulation Factor For Each Hour Within Range	Maximum Accumulation
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Notwithstanding the above, the maximum accumulation of an in those classifications listed in Section 6500, shall be 1.25 times the maximum accumulation that would otherwise be applicable.

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(c) Subject to any applicable memorandum of understanding, ~~if at the end of any pay period of any annual payroll cycle~~ if on the last day of the payroll cycle that includes November 15 of any year, the total of accumulated annual leave exceeds the limitation on accumulation applicable to the hours of total service, the excess accumulated annual leave may not be used but shall, as soon as practicable after the end of the twenty-fourth pay period of the annual payroll cycle, be paid to the employee entitled thereto at the employee's hourly pay rate in effect at the end of said twenty-fourth pay period for one hundred percent of the excess accumulated hours of such annual leave. ~~The excess accumulated hours shall be canceled.~~

(d) No vacation may be granted, or paid for, unless the employee has completed 1,044 hours current service, including military leave. No vacation may be extended past an employee’s date of termination.

(e) Employees returning from leave for military service shall earn vacation at the rate appropriate to the total time of District employment plus military service.

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(f) An employee’s entitlement to Leave for the birth or placement of a child for adoption or foster care expires 12 months after the birth or placement.

(g) An employee shall provide at least 30 calendar days written advance notice for foreseeable events. For events which are not foreseeable, the employee shall notify the District as soon as the employee learns of the need for the Leave, but no later than five working days from learning of the event.

(h) When the Leave is due to the health condition of the employee, the employee shall utilize Leave in the following order:

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- (4) If the employee elects to not use additional paid leave at full pay, then the employee shall utilize leave in the following order:
 - (i) 75% disability;

- (ii) 50% disability;
 - (iii) Annual leave;
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(b) In order to qualify for paid jury duty leave, employees are required to furnish proof of attendance in a manner prescribed by the General Manager.

(c) An amount equal to the per diem or fees paid by the court to the employee will be deducted from the employee's pay. No deduction will be made for the value of mileage allowances, meals or lodging furnished by the court.

(d) In the absence of proof of attendance, an employee will be required to use such other leave as is prescribed by his Department Head.

§ 6266. Insurance Pertaining to Employees.

(a) The General Manager is authorized to provide for payroll deductions of premiums payable by employees under group insurance contracts in effect with the District and to provide for the transmittal of such deductions to the appropriate carriers.

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(c) The General Manager of the District is authorized to register the District as an employer for unemployment insurance coverage pursuant to the provisions of Chapter 2, Statutes of 1978 and P.L. 94-566 and to elect the option deemed most advantageous to the District from among the various payment methods available.

(d) For ~~other than employee classifications listed in Section 6500,~~ regular full-time employees represented by a District Employee Association, the District shall provide ~~\$5,000 of~~

group life insurance ~~for each full-time employee~~ pursuant to the applicable Memorandum of Understanding, with the employees having the option at their own expense to obtain additional coverage.

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