



● **Board of Directors**
Organization and Personnel Committee

12/14/2010 Board Meeting

5E

Subject

Approve Amendment to Ethics Officer's Terms of Employment

Description

Dr. Deni Elliott has served as Metropolitan's Ethics Officer since June 2004; first, as an independent contractor; subsequently as a recurrent employee since July 31, 2006.

During her tenure at Metropolitan, Dr. Elliott has remained under full contract with the University of South Florida, St. Petersburg (USFSP). As a result, the original terms of her employment agreement with Metropolitan limit her work schedule to no more than 32 hours per month during the academic year, which starts in September and ends in April.

By letter dated September 23, 2010, to Chair Timothy Brick, Dr. Frank Biafora, the Dean of the College of Arts and Sciences at the USFSP, informed Metropolitan that it is permissible for Dr. Elliott to work as many hours as necessary to fulfill her responsibilities as Ethics Officer, so long as her Metropolitan employment does not interfere with the performance of her duties as a professor at the USFSP.

Based on a review of her responsibilities and expectations, Dr. Elliott and Director Robert Wunderlich, Chair, Audit and Ethics Committee, have determined that her work schedule should be adjusted to 76 hours per month during the academic year. This would change the average hours per week from 18.5 hours to 25 hours. In order to implement this adjustment, the work schedule language in Dr. Elliott's employment agreement must be amended.

This recommended change in work schedule will not impact Dr. Elliott's base salary as Ethics Officer, which will remain the same. As a recurrent employee, Dr. Elliott is entitled to those benefits made available to all other recurrent employees. Under CalPERS rules and regulations, any person employed at half-time or more for one year, or who exceeds 1,000 hours in a fiscal year, is eligible for CalPERS retirement and health benefits. Accordingly, Dr. Elliott will become eligible for CalPERS enrollment based on a 25-hour-per-week work schedule.

Policy

Metropolitan Water District Act, Section 126.7

Metropolitan Water District Administrative Code Section 2501(b): Duties and Functions of the Audit and Ethics Special Committee

California Environmental Quality Act (CEQA)

CEQA determination for Option #1:

The proposed action is not defined as a project under CEQA because it involves continuing administrative activities, such as general policy and procedure making (Section 15378(b)(2) of the State CEQA Guidelines). In addition, where it can be seen with certainty that there is no possibility that the proposed action in question may

have a significant effect on the environment, the proposed action is not subject to CEQA (Section 15061(b)(3) of the State CEQA Guidelines).

The CEQA determination is: Determine that the proposed action is not subject to CEQA pursuant to Sections 15378(b)(2) and 15061(b)(3) of the State CEQA Guidelines

CEQA determination for Option #2:

None required

Board Options

Option #1

Adopt the CEQA determination and approve amending the employment agreement with the Ethics Officer to reflect a work schedule averaging 25 hours per week as recommended by this letter.

Fiscal Impact: CalPERS enrollment

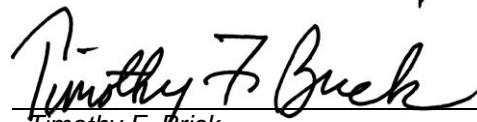
Option #2

Do not approve amending the employment agreement with the Ethics Officer.

Fiscal Impact: None

Recommendation

Option #1



Timothy F. Brick
Chairman of the Board

11/23/2010

Date



Robert Wunderlich
Chair of Audit and Ethics Committee

11/23/2010

Date