

BOARD MEETING DATE: April 3, 2015

AGENDA NO. 12

PROPOSAL: Approve Compensation Adjustments for Board Member Assistants/Consultants and Revisions to Board Member Assistant and Board Member Consultant Policy

SYNOPSIS: The Executive Officer recommends the Board Member Assistants/Consultants receive the same compensation adjustments as those recently provided to date to Teamsters Local 911 and unrepresented employees. Funds for these increases are available in the FY 2014-15 Budget.

COMMITTEE: Administrative, March 13, 2015; Recommended for Approval

RECOMMENDED ACTIONS:

1. Approve adjustments to compensation for Board Member Assistants/Consultants effective on January 1, 2015, 2016, and 2017 and authorize the Executive Officer to amend their contracts to reflect these compensation increases.
2. Amend Board Member Assistant and Board Member Consultant Policy to reflect these compensation increases.

Barry R. Wallerstein, D.Env.
Executive Officer

MBO:lg

Background

Board members must address an ever-increasing range of complex issues related to performance of their duties, requiring increased assistance and it is appropriate to make an adjustment to compensation for the Board Member Assistants/Consultants at this time. Consistent with the salary adjustments approved by the Board on December 5, 2014 for most SCAQMD employees, it is recommended that the Board approve compensation increases of 2% effective January 1, 2015, 1.5% effective January 1, 2016, and 1.5% effective January 1, 2017.

Proposal

The Board Assistants/Consultants' compensation will be increased annually by 2% effective January 1, 2015, 1.5% effective January 1, 2016, and 1.5% effective January 1, 2017. Existing Board Member Assistants/Consultants' contracts will be amended to incorporate this increase and future contracts will also incorporate these increases.

Resource Impacts

There is sufficient funding available in the FY 2014-15 Budget.

Attachment

A – Proposed Amendments to Board Member Assistant and Board Member Consultant Policy

ATTACHMENT A – PROPOSED REVISED

BOARD MEMBER ASSISTANT AND BOARD MEMBER CONSULTANT POLICY

1. That an employee classification of Board Member Assistant be established, with the following scope of duties, minimum requirements, and compensation rates:

Scope of Duties: performs for Board Member a variety of tasks ranging from liaison with constituent public entities, other Board Members, the public, and District staff related to clerical functions. Typical functions may include preparing narrative and statistical reports, preparing correspondence, filing and maintaining records, arranging meetings and other group functions; monitoring various programs and projects; responding to inquiries from constituent public entities, District Board Members, the public, and District staff.

Minimum requirements: evidence of the required training and experience shall be demonstrated by coursework in business administration or a related field, and/or sufficient experience performing data analysis and adjunct clerical functions for which familiarity with personal computers is desirable.

Maximum compensation rate: up to ~~\$30.44~~31.05 per hour effective January 1, 2015, \$31.51 per hour effective January 1, 2016, and \$31.99 per hour effective January 1, 2017, and as revised by the Governing Board.

2. That an employee classification of Board Member Consultant be established, with the following scope of duties, minimum requirements, and compensation rates:

Scope of Duties: performs for Board Member a variety of professional-level assignments in the development and formulation of policy, data analysis, reports, plans, assessments, and strategies for District programs; provides advice and recommendations to the Board Member regarding matters subject to the Board Member's decision-making authority; may provide liaison with the public on behalf of the Board Member. Typical functions may include planning, organizing, and developing a wide variety of programs on the Board Member's behalf and evaluating the effectiveness of various approaches.

Minimum requirements: evidence of the required training and experience shall be demonstrated by graduation from an accredited college or university preferably with a major in an academic discipline related to the assignment and/or sufficient experience involving technical or analytical work at a professional level which would demonstrate the required knowledge, skills, and abilities related to the assignment.

Maximum compensation rate: up to ~~\$54.80~~55.90 per hour effective January 1, 2015, \$56.73 per hour effective January 1, 2016, and \$57.59 per hour effective January 1, 2017, and as revised by the Governing Board, except for the Board Chair's Assistant/Consultant.

3. That class specifications of Board Member Assistant and Board Member Consultant be added to the District's Classification Plan at that maximum compensation rate and with the scope of duties and minimum requirements specified above.
4. That Board Member Consultants may be engaged as either independent contractors or exempt SCAQMD contract employees and that Board Member Assistants may only be employed as SCAQMD contract employees.
5. That the Contracts for Board Member Consultants engaged as independent contractors shall specify that they shall not, during the term of their employment, engage in any performance of work that is in direct or indirect conflict with duties and responsibilities for the District, and that their contracts shall contain a provision so stating. Contracts for Board Consultants and Assistants engaged as contract employees shall be subject to Section 40 of the District's Administrative Code—Code of Ethics, except that they shall adhere to the work rules and performance standards established by the Board Member to whom they report.
6. That a Board Member wishing to engage the services of a person to provide assistance shall submit to the Administrative Committee a Proposal identifying the person and setting forth his or her qualifications, scope of duties, and proposed compensation. The proposal shall include a listing of other employment and/or clients sufficient to determine whether the person has existing work that conflicts directly or indirectly with his or her duties and responsibilities for the District. The Administrative Committee shall review the Proposal and determine if the proposed compensation rate is consistent with the required qualifications described above and shall, with advice of District Counsel, make a case-by-case determination of whether a person proposed to provide assistance complies with the conflict-of-interest requirements of this Policy and is a Board Member Assistant or a Board Member Consultant. If the determination is made that the person is a Board Member Consultant, the Administrative Committee also shall determine whether the Board Member consultant be classified as an employee or an independent contractor. All Board Member Assistants shall be contract employees. Board Member Assistants, and Board Member Consultants who are District employees, are exempt from the District's Salary Resolution, Personnel Rules, and Administrative Code, except as specifically referenced in the said documents, this policy, or in his/her contract with the District.
7. That the position of Board Member Consultant (whether District employee or independent contractor) and Board Member Assistant be noticed for designation in the District's Conflict of Interest Code listing classifications subject to the Code and the incumbent must disclose economic interests and comply with the Conflict of Interest provisions of the Political Reform Act.
8. That Board Member Assistants and Board Member Consultants serve at the pleasure of the Board Member to whom support services are provided and pursuant to the provisions of the contract executed between the Board Member Assistant or Board Member Consultant and the District. The Board Member served may determine whether his/her Board Member Consultant is to be paid on an hourly or a monthly basis. Board Member Assistants must be paid on an hourly basis. Board Member Assistants and Board Member

Consultants who are contract SCAQMD employees and who are paid on an hourly basis shall receive overtime pay at the rate of 1.5 times the hourly rate specified in his or her contract for hours worked in excess of ten per day or forty per week provided the Board Member approves in advance in writing the working of any overtime by the Board Member Assistant or Board Member Consultant. Board Member Consultants paid on a monthly basis will be paid a prorata share of their annual contract amount each month, provided the Board Member approves in writing, which will also cover all expense reimbursements authorized under the contract.

9. That the maximum support service-related expenditure the District may make per Board Member (except the Chair, Vice-Chair, and the CARB representative) is ~~\$37,707~~38,084 ~~per for~~ fiscal year 2014-15, \$38,750 for fiscal year 2015-16, \$39,331 for fiscal year 2016-17, and \$39,624 for fiscal year 2017-18, and as revised by the Governing Board, not including business-related expenses. Effective May 1, 2009, expenses approved in advance that are associated with Board Member-approved attendance at mobile Board meetings and Board retreats will be reimbursed by SCAQMD upon presentation of expense receipts. That the Board's CARB representative shall have, ~~in addition to an amount equal to two times the fiscal-year maximum applicable to the Board Members, an equivalent amount~~ for assistance with CARB-related matters. That the Board Chair's and Vice-Chair's administrative support shall be, at the Chair's and Vice-Chair's option, either: (1) a regular, non-contract District employee at the Executive Secretary level; or (2) a Board Member Assistant, or Board Member Consultant, or combination, at a total fiscal-year cost, not including business-related expenses, ~~at an amount set by the Governing Board of an amount equal to three times the fiscal-year maximum applicable to the Board Members.~~ Effective May 1, 2009, expenses approved in advance that are associated with Board Chair-approved attendance at mobile Board meetings and Board retreats will be reimbursed by SCAQMD upon presentation of expense receipts.
 - a. Board Member Assistants and Board Member Consultants will be provided vehicle mileage reimbursement, at the rate set forth in Administrative Code section 110.4, for travel within the geographical boundaries of the District for travel directly related to their duties as a Board Member Assistant or Board Member Consultant.
 - b. A Board Member Assistant or Board Member Consultant to the Board Member(s) serving as the District's CARB representative or as the District's representative to the California Fuel Cell Partnership (CaFCP) will be provided reimbursement for necessary expenses related to attending CARB or CaFCP workshops, hearings, meetings, or related events, subject to advance approval by the Board Chair.
 - c. The Board Chairman may also approve other Board Member Assistant/Consultant travel for District-related activities provided such travel is requested by their supervising Board Member and is reported to the Administrative Committee.
10. That Board Member Assistants and Board Member Consultants who are contract SCAQMD employees and who work on average a minimum of 13 hours per week may elect, from among District-sponsored health, dental, and vision insurance plans available

to SCAQMD employees, District-paid single-party coverage up to the dollar amount of the benefits cap approved by the Board for professional employees. Board Member Consultants who are independent contractors are not eligible for any SCAQMD benefits.

11. That Board Member Assistants and Board Member Consultants who are contract SCAQMD employees may elect to participate in the deferred compensation plan SCAQMD sponsors for employees, as covered under section 457 of the Federal Internal Revenue Code.
12. The total compensation provided under a contract between the Board Member Assistant or Board Member Consultant and the District for any Board Member shall not exceed the amounts specified in paragraph 9 above. At such time as the compensation for services reaches said amounts, the contract for services shall be terminated at the employment relationship between the Board Member Assistant or Board Member Consultant and the District shall be terminated.
13. That all present and future assistants to a Board Member (whether Board Member Assistant or Board Member Consultant and whether or not an independent contractor) shall be subject to this policy.