



2950 PERALTA OAKS COURT P.O. BOX 5381 OAKLAND CALIFORNIA 94605-0381
 T. 1 888 EBPARKS F. 510 569 4319 TDD. 510 633 0460 WWW.EBPARKS.ORG



BOARD EXECUTIVE COMMITTEE

Thursday, September 23, 2010

12:45 p.m., Board Room

The following agenda items are listed for Committee consideration. In accordance with the Board Operating Guidelines, no official action of the Board will be taken at this meeting; rather, the Committee's purpose shall be to review the listed items and to consider developing recommendations to the Board of Directors.

A copy of the background materials concerning these agenda items, including any material that may have been submitted less than 72 hours before the meeting, is available for inspection on the District's website (www.ebparks.org), the Headquarters reception desk, and at the meeting.

AGENDA

<u>STATUS</u>	<u>TIME</u>	<u>ITEM</u>	<u>STAFF</u>
R	12:45 pm	1. Proposed Amendments/Updates to the Personnel Administrative Manual	Gonzales
I	1:15 pm	2. Update on Albany Beach Habitat Restoration and Public Access Feasibility Study	Barton
R	1:45 pm	3. Request for Board Contingency Funding for Native American Archaeological Research-Academic Intern	O'Brien
		4. Public Comments	

- (R) Recommendation for Future Board Consideration
- (I) Information
- (D) Discussion

Future Meetings:

- October 28
- November 23

Executive Committee Members:

Doug Siden, Chair; Ted Radke; Beverly Lane
 Carol Severin, Alternate
 Pat O'Brien, Staff Coordinator

Distribution/Agenda

District Staff:

Ayn Wieskamp
 John Sutter
 Whitney Dotson
 Mike Anderson
 Tim Anderson
 Susan Gonzales
 Bob Doyle
 Ted Radosevich
 Carol Victor
 Erich Pfuehler
 Yolande Barial
 Bob Stagnaro
 Rosemary Cameron

Public:

Bruce Beyaert
 Afton Crooks
 Ralph Kanz
 Michael Kelley
 Judi Bank
 Barry Weiss
 Sylvia Falcon
 Rich Guarienti
 Daniel Levy (via e-mail)
 Glen Kirby (via e-mail)
 Tom Gandesbery (via e-mail)
 Bill Roberson (via e-mail)
 Jim McGrath (via e-mail)

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 Director Beverly Lane
 Pat O'Brien
 John Escobar
 Dave Collins
 Allen Pulido
 Tyrone Davis – POA
 Dave Kalahela – Local 2428
 Kristin Vorderbrueggen – Local 2428
 Lobby/Receptionist

Public:

Norman LaForce

Project Manager(s):

Chris Barton
 Susan Gonzales
 Sonja Stanchina



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East Bay
 Regional Park District

DATE: September 16, 2010

TO: Board Executive Committee

FROM: Pat O'Brien, General Manager

SUBJECT: Background Information for the September 23, 2010
 Board Executive Committee Meeting

ITEM I: Proposed Amendments/Updates to the Personnel Administrative Manual

Susan Gonzales, Human Resources Manager, will make a presentation on this agenda item.

BACKGROUND

In an effort to maintain the District's Personnel Administrative Manual, and to assure compliance with State and Federal laws, governing policies, and agreements between the District and its bargaining units, staff is recommending these changes to accomplish this goal. Below is a brief description of the proposed changes.

SECTION 6: Salary and Compensation

6.04 E – Work in a Higher Classification

Staff determined that clarification was needed regarding how an employee may be paid for vacation and other leaves during an acting assignment and proposes to make these aspects explicit.

SECTION 7: Health and Welfare Benefits

7.01 B.2- Benefit Eligibility

Staff determined that, for 6 month employees, the option to drop coverage during their off-work period is not the only option – they may continue coverage during their furlough if they pay the full applicable employee share during their work period. Staff proposes to make this option explicit.

7.02 A and BI – Health Plans

Current language states that employees who are state-registered domestic partners may enroll domestic partners. However, the District offers another option for those who are ineligible to

or do not want to state-register; the District domestic partnership affidavit. Staff recommends updating these two sections to make employees aware of this option.

7.02 B2(c) – Health Plans

Plan contracts require that notification to the District of loss of other coverage (to enroll in the District's plans) be timely. Staff proposes including this information in this section so as to be explicit in this regard.

7.08 B2– Miscellaneous Benefits Procedures

Staff proposes updating this section to reflect recent revisions to the AFSCME contract, effective 1/1/2010, making coverage effective the first of the month following date of hire.

SECTION 17: Administrative Procedures

17.01S – Waiver of Appointment (Regular and Seasonal)

Staff proposes to amend the language to clarify the past and current policy application for candidates who refuse a job offer and who decline a job interview.

SECTION 18.03: Health Benefit on Termination (note: section title should be changed to state “Benefits” not “Benefit”)

A. – Timing

Staff discovered that the language in this section was erroneous in stating that coverage ends on the date of termination. Actual termination of coverage is based on agreements/contracts between the District and plan carriers; staff recommends revision to clarify this.

B. – COBRA

Because COBRA regulations change frequently, staff recommends change simply to state that the District will be in compliance with all regulations and will process COBRA materials in a timely fashion.

RECOMMENDATION

Staff recommends that the Board Executive Committee approve the proposed amendments to the Personnel Administrative Manual.

ATTACHMENT6.04 WORK IN A HIGHER CLASSIFICATION

- E. An Employee designated by the GM, a Division or Department Head, or his/her designated representative, on a temporary basis to a position in a higher classification and who, pursuant to such an assignment, does perform all the significant duties and responsibilities of such position of thirty (30) consecutive days shall be paid at the first step of the higher classification or five percent (5%), whichever is greater, effective the thirty-first (31) days of acting employment and this will continue until the assignment is concluded or as noted below. The acting pay can never exceed the maximum authorized pay range of the classification.

An employee who serves in a long-term acting assignment and then subsequently takes paid leave (e.g. vacation, sick leave, administrative leave) during the acting assignment, may remain at the higher acting range, if the employee has not concluded the acting assignment, provided the time off does not exceed two work weeks (eight to ten consecutive work days, depending on the work schedule).

Vacation pay outs shall be made at the employee's regular rate of pay, not at the acting rate of pay.

SECTION 7: HEALTH AND WELFARE BENEFITS7.01 BENEFIT ELIGIBILITY

- B. Employees not covered by benefits who move into Regular status or become eligible for benefits in other ways, will be treated as follows:
2. Six month employees must pay the cost of their twelve month coverage during their six month work period. Alternatively, upon their written request sSix month employees may opt who do not continue medical coverage at the end of their six month work period, by paying their own premiums, are dropped from coverage at the end of the six month work period. Such employees become eligible for coverage effective on first of the month following their next regular return to work date the following year. For additional information, reference sections 7.08 A and D.

7.02 HEALTH PLANS

- A. Dental Plan: The District provides group coverage for permanent employees as well as their dependents and/or domestic partner, providing that their domestic partner is registered as their domestic partner with the State of California or by affidavit filed with the Benefits Department, as appropriate. The value of domestic partner these benefits will be reported to the I.R.S. as taxable income. The coverage is described in the Plan booklet.
- B. Major Medical/Hospital Insurance Plan
1. Coverage: The District provides group coverage for permanent employees as well as their dependents and/or domestic partner, providing that their domestic partner is registered as their domestic partner with the State of California or by affidavit filed with the Benefits Department, as appropriate. The value of domestic partner these

benefits will be reported to the I.R.S. as taxable income. Benefits are described in the Plan booklets.

2. Medical Plan Option

- a. Employees who can demonstrate that they are covered by a group medical plan (e.g. as a dependent on a spouse's plan) may choose not to be covered by the District medical benefit. Such employees will receive \$175 per month from the District in lieu of participation in the District plan. This option is applicable if coverage is by a District Plan or any other group medical plan.
- b. This option is available at any time. Once the option is selected, the employee may resume District coverage only at the open enrollment period, which is in September of each year, with the new coverage taking effect the following January 1st.
- c. In the event of an unexpected loss of coverage (e.g. death, divorce, spouse loss of coverage etc.) the employee may resume coverage on the first of the month following such event, provided that proof of loss of coverage is provided within 30 days of the loss of coverage.
- d. District employees who are married to other District employees may retain full medical coverage if desired (each employee covered as if the spouse were not an employee).

7.08 MISCELLANEOUS BENEFITS PROCEDURES

B. Effect of Probation on Benefits: In the case of six month employees being promoted to 9 month or 12 month positions:

1. Six month employees who have been employed for more than one season will receive medical and dental benefits with no waiting period.
2. Six-month employees with less than six months employment will be eligible to receive medical benefits when their total work time reaches six one months and dental benefits when their total work time reaches three months.

SECTION 17: ADMINISTRATIVE PROCEDURES

17.01 HIRING

- S. Waiver of Appointment (Regular and Seasonal): A regular status candidate occupying a position in a first hiring pool or on a list who is offered an interview or a position and declines, it either shall have the eligibility for further job offers altered in this fashion: The candidate will have used up the one-time right of first refusal and will no longer have to be favored over other candidates who have not been offered a position. Effectively, a candidate in the First Pool who refuses a job offer may be treated as though the candidate had dropped to the Second Pool. The candidate on a seasonal list who refuses a job offer will not be re-considered until others have been referred be moved to the second pool. Regular status candidates occupying a position in a second hiring pool who are offered an interview or a position and declines either, shall be removed from that hiring eligibility list. Seasonal candidates occupying a position on a list who are offered an interview or a position and declines either, shall not be considered until others on the hiring list have been referred.

SECTION 18: EMPLOYEE DISCHARGE

18.03 HEALTH BENEFITS ON TERMINATION

- A. Timing: Medical Health, dental, vision and employee assistance program plan benefits cease for all employees on the date of termination, except as modified by extended coverage under the Consolidated Omnibus Budget Reconciliation Act (COBRA) as per contractual agreements with plan carriers. For specific information, contact the Benefits Department.
- B. COBRA: The Act provides that all covered members of the District medical, and dental, vision and employee assistance program plans are entitled to elect to remain in the plan at their own expense, after coverage would otherwise terminate. The In order to accomplish this coverage the District will proceed with administer COBRA benefits and notify all eligible persons of their COBRA rightsration as required by prevailing federal regulations, follows:
1. ~~If you are a covered member who is a member of one of the following groups, you may elect to continue coverage for up to 36 months:~~
 - a. ~~Surviving spouse or dependent child of a deceased employee;~~
 - b. ~~The separated or divorced spouse or child of a current employee;~~
 - c. ~~A dependent (of current employee) who would otherwise lose coverage under applicable requirements of the plan (such as reaching the limiting age).~~
 2. ~~If you are a covered employee who would otherwise lose coverage for one of the following reasons, you may elect to continue coverage for yourself and your covered dependents for up to 18 months:~~
 - a. ~~Reduction in work hours;~~

- b. ~~Voluntarily quit or retirement;~~
- c. ~~Lay-off for economic reasons;~~
- d. ~~Discharge for misconduct (other than gross misconduct).~~

C. ~~Termination of COBRA Coverage: Coverage will terminate under the following conditions:~~

- 1. ~~Expiration of 36 month or 18 month coverage period.~~
- 2. ~~Termination of the medical or dental plans.~~
- 3. ~~Failure to pay the required contribution by the required date.~~
- 4. ~~Coverage by another health plan or remarriage.~~

D. ~~General Administrative Conditions~~

- 1. ~~Premium for each plan is 102% of the applicable employee premium. The additional 2% is to cover District administrative costs.~~
- 2. ~~Original notification of the availability of coverage for the employee or a beneficiary, including any rate change, will be the responsibility of the District's Benefits Manager. Following this notification, responsibility rests with the employee or dependent to meet all conditions of this policy.~~
- 3. ~~Qualified employees or beneficiaries will be notified of their rights within 14 days after receiving notice of a qualifying event providing for continuation of coverage. Notice to the spouse (or employee in the case of job separation or reduction in work hours) constitutes notice to all resident beneficiaries.~~
- 4. ~~Beneficiaries or employees eligible for continuation of coverage shall be provided 60 days within which to submit their retroactive payment. The 60-day period begins running on the date plan coverage otherwise would terminate, or the date on which notice of the right to coverage is received, whichever is later. Except as provided in the election itself, an election of continuation of coverage by the spouse (or employee, in the case of job separation or reduction in work hours) is binding on other dependents.~~
- 5. ~~Premium payment for the subsequent month must be received by the Payroll Department by the 25th day of each month preceding the month being paid for for coverage to continue.~~
- 6. ~~Payroll deductions will be allowed for coverage payments.~~

E. ~~Extension of COBRA for Disabled Persons: Individuals who lose coverage because of an employee's termination or reduction in hours and who are disabled at the time of the qualifying event (as evidenced by a Social Security award) may purchase COBRA coverage for up to 11 additional months after the usual 18 month COBRA eligibility period.~~



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DATE: September 16, 2010

TO: Board Executive Committee

FROM: Pat O'Brien, General Manager

SUBJECT: Background Information for the September 23, 2010
Board Executive Committee Meeting

ITEM 2: **Update on Albany Beach Habitat Restoration and Public Access Feasibility Study**

Chris Barton, Senior Planner, will make a presentation on this agenda item.

BACKGROUND

The *Eastshore State Park General Plan (2002)* identifies potential restoration and public access improvements for the Albany Beach area. These concepts include restoration and protection of Albany Beach and dune habitats, expansion of dune areas behind the beach, enhancement of water access to San Francisco Bay, closing of a key gap in the San Francisco Bay trail, shoreline stabilization, public access improvements and other park facilities such as picnic areas, interpretive signage, and restrooms.

On February 2, 2010, the Board authorized staff to hire LSA Associates to conduct a study to evaluate the feasibility of implementing improvements identified in the Eastshore General Plan. The scope of the feasibility study includes analysis on existing and future conditions, opportunities and constraints, development of concept alternatives and implementation approach. The findings of the existing and future conditions and opportunities and constraints analysis will be presented to the Board Executive Committee for information.

RECOMMENDATION

This is an informational item; therefore, no recommendation is included here.



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East Bay
Regional Park District

DATE: September 16, 2010

TO: Board Executive Committee

FROM: Pat O'Brien, General Manager

SUBJECT: Background Information for the September 23, 2010
Board Executive Committee Meeting

ITEM 3: Request for Board Contingency Funding for Native American Archaeological
Research-Academic Intern

Pat O'Brien, General Manager, will make a presentation on this agenda item.

BACKGROUND

Staff has been working on recording locations and descriptions of historic and pre-historic cultural sites, specifically Native American archaeological sites in order to monitor and protect these resources. An academic intern is currently planned and financed for the Fall semester; however, staff has determined that a second intern will be needed to handle the significant amount of field work required. Board Member Beverly Lane has requested that the Board Executive Committee recommend to the full Board an allocation of \$5,800 from Board Contingency Funds for a second intern to help advance this important project.

RECOMMENDATION

Staff recommends that the Board Executive Committee approve this item. Assuming this item is approved, staff will forward it to the full Board for consideration.