



Staff Report Item 9

TO: East Bay Community Energy Board of Directors

FROM: Nick Chaset, CEO
Inder Khalsa, EBCE Interim General Counsel

SUBJECT: **Designation of the CEO as Personnel Officer and Authorization to Approve and Adopt Employee Handbook**

DATE: January 17, 2018

Recommendation

Adopt a Resolution designating the Chief Executive Officer as Personnel Officer for EBCE and authorizing him to approve and adopt the EBCE Employee Handbook.

Background

Section 2.5.2 of the EBCE Joint Powers Agreement authorizes the EBCE to hire employees and agents. EBCE currently has 10 employees and continues to actively recruit. The adoption of an employee handbook and other personnel policies is necessary to ensure fairness and equity to employees and attract the best candidates. A draft employee handbook has been prepared for the EBCE and is currently undergoing internal review. The handbook is expected to be finalized by the end of January.

Analysis & Discussion

This resolution establishes a personnel system and designates the Chief Executive Officer as Personnel Officer for the EBCE. The resolution provides that he or she will hire all employees of the EBCE with the exception of the General Counsel, prepare and implement personnel rules and regulations (including the employee handbook), position classifications, and compensation schedule, in compliance with applicable laws. The CEO would also oversee selection and administration of benefits programs. Some of these functions may be performed by contractors/consultants or delegated to EBCE staff at the discretion and under the oversight of the CEO.

Attachments:

- A. Resolution Designating the CEO as Personnel Officer and Appointing Authority to Approve and Adopt the Employee Handbook

Attachment 9A

RESOLUTION EBCE R-2018 _

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE EAST BAY
COMMUNITY ENERGY AUTHORITY DESIGNATING THE CHIEF
EXECUTIVE OFFICER NICOLAS CHASET AS PERSONNEL OFFICER AND
APPOINTING AUTHORITY TO APPROVE AND ADOPT THE EMPLOYEE
HANDBOOK**

RECITALS

WHEREAS, the East Bay Community Energy Authority (“EBCE”) was formed on December 1, 2016 pursuant to a Joint Powers Agreement (“Agreement”) to study, promote, develop, conduct, operate, and manage energy programs in Alameda County; and

WHEREAS, under Section 2.5.2 of the Agreement the EBCE has the power to employ agents and employees; and

WHEREAS, in exercising its powers, the EBCE wishes to establish a uniform and equitable system of personnel administration to ensure effective service to and on behalf of the EBCE, and to establish procedures for administering personnel matters in compliance with applicable laws; and

WHEREAS, in adopting a personnel system, the EBCE desires to promote fairness and equity to employees; to attract the best and most competent persons available; to ensure that appointment and promotions of employees will be based on merit; and to implement best practices in the administration of its system; and

WHEREAS, the personnel system as set forth below meets all of the requirements of applicable Government Code provisions and the Agreement;

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE EAST BAY COMMUNITY ENERGY AUTHORITY DOES HEREBY RESOLVE, DETERMINE, AND ORDER AS FOLLOWS:

Section 1. A personnel system for the recruitment, selection, employment, conduct, classification, compensation, advancement, performance review, discipline, discharge and retirement of employees is hereby established.

Section 2. The Chief Executive Officer shall be designated as the Personnel Officer and is authorized and directed to administer the personnel system. The Chief Executive Officer may delegate powers conferred upon him or her by this Resolution as he or she deems appropriate.

Section 3. The Personnel Officer shall:

(a) Act as the appointing authority for all employees of the EBCE with the exception of the EBCE's General Counsel;

(b) Prepare and implement personnel rules and regulations for the administration of this personnel system, including an employee handbook;

(c) Prepare position classifications, including the establishment of minimum standards of employment and qualifications for the various positions;

(d) Prepare a plan of compensation including salary and other benefits covering all employees;

(e) Provide for the publishing, posting or other methods of notices of recruitments for positions, when applicable, and develop and administer procedures of the selection process;

(f) Prepare and present to the EBCE Board of Directors a budget for implementation of the personnel system, including employee salary and benefit costs;

(g) Prepare policies and procedures regarding ethics and the conduct of business including, without limitation, policies relating to the conflict of interest, fair and equitable treatment of employees, use and safeguarding of EBCE property and resources, and standards of ethical conduct by employees; and

(h) Perform such other functions as necessary to administer the personnel system as directed from time to time by the EBCE Board of Directors.

Section 4. Right to Contract for Special Services. The Personnel Officer may contract for the performance of technical or special services necessary for the establishment or operation of the personnel system including, without limitation, services for the preparation of personnel rules and subsequent revisions and amendments thereof; preparation of classification and pay plans and subsequent revisions and amendments thereof; the conduct of employee training programs; the conduct of recruitment and hiring processes; and other special and technical services of an advisory or informational character on matters related to the administration of the personnel system.

Section 5. This Resolution shall take effect immediately.

ADOPTED AND APPROVED this __ day of January, 2018.

Scott Haggerty, Chair

ATTEST:

Stephanie Cabrera, Clerk of the Board