

SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY

Board Members

C. April Boling
Chairman

Catherine Blakespear
Greg Cox
Mark Kersey
Robert T. Lloyd
Paul McNamara
Paul Robinson
Johanna S. Schiavoni
Mark B. West

SPECIAL EXECUTIVE PERSONNEL AND COMPENSATION COMMITTEE MEETING and SPECIAL BOARD MEETING *

AGENDA

Monday, October 5, 2020
10:00 A.M.

San Diego International Airport
SDCRAA Administration Building
Board Room
3225 N. Harbor Drive
San Diego, CA 92101

Ex-Officio Board Members

Gustavo Dallarda
Col. Charles B. Dockery
Gayle Miller

President / CEO

Kimberly J. Becker

This meeting of the Executive Personnel and Compensation Committee will be conducted pursuant to the provisions of California Executive Order N-29-20 which suspends certain requirements of the Ralph M. Brown Act. During the current State of Emergency and in the interest of public health, all Board members will be participating in the meeting electronically. In accordance with the Executive Order, there will be no members of the public in attendance at the Board Meeting. We are providing alternatives to in-person attendance for viewing and participating in the meeting. In lieu of in-person attendance, members of the public may submit their comments in the following manner.

Comment on Non-Agenda Items

Public comments on non-agenda items must be submitted to the Authority Clerk at clerk@san.org, no later than 4:00 p.m. the day prior to the posted meeting in order to be eligible to be read into the record. The Authority Clerk will read the first 30 comments received by 4:00 p.m. the day prior to the meeting into the record; each of these comments will be read for up to three minutes or for the time determined by the Chair. The maximum number of comments to be read into the record on a single issue will be 16. All other comments submitted, including those received after 4:00 p.m. the day prior and before 8:00 a.m. the day of the meeting, will be provided to the Authority Board and submitted into the written record for the meeting.

Comment on Agenda Items

Public comment on agenda items may be submitted to the Authority clerk at clerk@san.org. Comments received no later than 8:00 a.m. on the day of the meeting will be distributed to the Board and included in the record.

If you'd like to speak to the Board live during the meeting, please follow these steps to request to speak:

- **Step 1:** Fill out the online [Request to Speak Form](#) to speak during the meeting via teleconference. The form must be submitted by 4 p.m. the day before the meeting or by 4:00 p.m. the Friday before a Monday meeting.

After completing the form, you'll get instructions on how to call in to the meeting.

- **Step 2:** Watch the meeting via the Webcast located at the following link, <https://www.san.org/Airport-Authority/Meetings-Agendas/Executive-Personnel-Compensation?EntryId=13752>
- **Step 3:** When the Board begins to discuss the agenda item you want to comment on, call in to the conference line, you will be placed in a waiting area. ***Please do not call until the item you want to comment on is being discussed.***
- **Step 4:** When it is time for public comments on the item you want to comment on, Authority Clerk staff will invite you into the meeting and unmute your phone. Staff will then ask you to state your name and begin your comments.

How to Watch the Meeting

You may also view the meeting online at the following link:

<https://www.san.org/Airport-Authority/Meetings-Agendas/Executive-Personnel-Compensation?EntryId=13752>

REQUESTS FOR ACCESSIBILITY MODIFICATIONS OR ACCOMMODATIONS

As required by the Americans with Disabilities Act (ADA), requests for agenda information to be made available in alternative formats, and any requests for disability-related modifications or accommodations required to facilitate meeting participation, including requests for alternatives to observing meetings and offering public comment as noted above, may be made by contacting the Authority Clerk at (619) 400-2550 or <mailto:clerk@san.org>. The Authority is committed to resolving accessibility requests swiftly in order to maximize accessibility

CALL TO ORDER

ROLL CALL

Committee Members: Boling, Cox, Robinson Schiavoni (Chair)

NON-AGENDA PUBLIC COMMENT

Non-Agenda Public Comment is reserved for members of the public wishing to address the Committee on matters for which another opportunity to speak **is not provided on the Agenda**, and which is within the jurisdiction of the Committee. Please submit a completed speaker slip to the Authority Clerk. ***Each individual speaker is limited to three (3) minutes. Applicants, groups and jurisdictions referring items to the Board for action are limited to five (5) minutes.***

Note: Persons wishing to speak on specific items should reserve their comments until the specific item is taken up by the Committee.

NEW BUSINESS

1. **APPROVAL OF MINUTES:**
RECOMMENDATION: Approve the minutes of the August 27, 2020 regular meeting.
2. **SDCERS AMENDMENT NO. 7 TO THE AMENDED AND RESTATED RETIREMENT PLAN AND TRUST OF 2013:**
RECOMMENDATION Staff recommends forwarding to the Board for approval SDCERS Amendment No. 7 to the Amended and Restated Retirement Plan and Trust of 2013, to include Emergency Paid Sick Leave (EPSL)/Emergency Family, Medical Leave Expansion Act (EFMLA), and the Organ and Bone Marrow Donor Leave as pensionable earnings.
Presented by: Monty Bell, Director, Talent, Culture & Capability

CLOSED SESSION

3. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION:**
Cal. Gov. Code §54957
Title: President/Chief Executive Officer
4. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION:**
Cal. Gov. Code §54957
Title: General Counsel
5. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION:**
Cal. Gov. Code §54957
Title: Chief Auditor

REPORT ON CLOSED SESSION

COMMITTEE MEMBER COMMENTS

ADJOURNMENT

**Policy for Public Participation in Board, Airport Land Use Commission (ALUC),
and Committee Meetings (Public Comment)**

- 1) Persons wishing to address the Board, ALUC, and Committees shall complete a "Request to Speak" form prior to the initiation of the portion of the agenda containing the item to be addressed (e.g., Public Comment and General Items). Failure to complete a form shall not preclude testimony, if permission to address the Board is granted by the Chair.
- 2) The Public Comment Section of the agenda is reserved for persons wishing to address the Board, ALUC, and Committees on any matter for which another opportunity to speak is not provided on the Agenda, and on matters that are within the jurisdiction of the Board.
- 3) Persons wishing to speak on specific items listed on the agenda will be afforded an opportunity to speak during the presentation of individual items. Persons wishing to speak on specific items should reserve their comments until the specific item is taken up by the Board, ALUC and Committees.
- 4) If many persons have indicated a desire to address the Board, ALUC and Committees on the same issue, then the Chair may suggest that these persons consolidate their respective testimonies. Testimony by members of the public on any item shall be limited to **three (3) minutes per individual speaker and five (5) minutes for applicants, groups and referring jurisdictions.**
- 5) Pursuant to Authority Policy 1.33 (8), recognized groups must register with the Authority Clerk prior to the meeting.
- 6) After a public hearing or the public comment portion of the meeting has been closed, no person shall address the Board, ALUC, and Committees without first obtaining permission to do so.

Additional Meeting Information

NOTE: This information is available in alternative formats upon request. To request an Agenda in an alternative format, or to request a sign language or oral interpreter, or an Assistive Listening Device (ALD) for the meeting, please telephone the Authority Clerk's Office at (619) 400-2400 at least three (3) working days prior to the meeting to ensure availability.

For your convenience, the agenda is also available to you on our website at www.san.org.

For those planning to attend the Board meeting, parking is available in the public parking lot located directly in front of the Administration Building. Bring your ticket to the third floor receptionist for validation.

You may also reach the Administration Building by using public transit via the San Diego Metropolitan Transit System, Route 992. The MTS bus stop at Terminal 1 is a very short walking distance from the Administration Building. ADA paratransit operations will continue to serve the Administration Building as required by Federal regulation. For MTS route, fare and paratransit information, please call the San Diego MTS at (619) 233-3004 or 511. For other Airport related ground transportation questions, please call (619) 400- 2685.

RECOMMENDATION: Forward this item to the Board with a recommendation for approval.

ACTION: Moved by Board Member Boling and seconded by Board Member Robinson to approve staff's recommendation. Motion carried unanimously.

3. SDCERS AMENDMENT NO. 7 TO THE AMENDED AND RESTATED RETIREMENT PLAN AND TRUST OF 2013:

This item was removed from the agenda and not heard.

COMMITTEE MEMBER COMMENTS: None.

ADJOURNMENT: The meeting was adjourned at 9:45 a.m.

APPROVED BY A MOTION OF THE SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY EXECUTIVE PERSONNEL AND COMPENSATION COMMITTEE THIS 5TH DAY OF OCTOBER, 2020.

MONTY BELL
DIRECTOR,
TALENT, CULTURE AND CAPABILITY

ATTEST:

TONY R. RUSSELL
DIRECTOR, BOARD SERVICES/
AUTHORITY CLERK

EXECUTIVE PERSONNEL AND COMPENSATION COMMITTEE

Meeting Date: **OCTOBER 5, 2020**

Subject:

SDCERS Amendment No. 7 to the Amended and Restated Retirement Plan and Trust of 2013

Recommendation:

Staff recommends forwarding to the Board for approval SDCERS Amendment No. 7 to the Amended and Restated Retirement Plan and Trust of 2013, to include Emergency Paid Sick Leave (EPSL)/Emergency Family, Medical Leave Expansion Act (EFMLA), and the Organ and Bone Marrow Donor Leave as pensionable earnings.

Background/Justification:

The Authority and the San Diego City Employees' Retirement Systems ("SDCERS") are obligated to comply with the applicable provisions of the California Public Employees' Pension Reform Act of 2013 ("PEPRA") as adopted by the California legislature in 2012. SDCERS administers the retirement plans of the Authority, the City of San Diego, and the San Diego Unified Port District ("Port District").

PEPRA limits the pay items that may be included in Pensionable Compensation for individuals hired by the Authority on or after January 1, 2013. [under Cal. Gov. Code § 7522.04, subdiv. (f)]. Pensionable Compensation for new members is defined in Cal. Gov. Code § 7522.34(a) as "the normal monthly rate of pay or base pay of the member paid in cash to similarly situated members of the same group or class of employment for services rendered on a full-time basis during normal working hours, pursuant to publicly available pay schedules . . ." Additionally, California Government Code § 7522.34(c) identifies 13 categories of payments that cannot be considered in calculating Pensionable Compensation, including such payments as one-time ad hoc payments, severance payments in anticipation of separation, unused vacation or leave, employer-provided allowances and reimbursements for housing or vehicles, employer contributions for deferred Compensation, and bonuses.

On March 18, 2020, the Family First Coronavirus Response Act (the "Family First Act" or the "Act") was signed into the law. The Family First Act is a package of provisions to provide emergency relief and support during the Coronavirus pandemic by requiring all public employers to provide employees with up to two weeks (80 hrs) of Emergency Paid Sick Leave (EPSL) for employees unable to work or telecommute for specified reasons related to COVID-19. The Family First Act also provides up to 10 weeks (400 hrs) of Paid Family Medical Leave (PFML) for employees unable to work or telecommute due to bona fide need for leave to care for a child whose school or childcare is unavailable because of reasons related to COVID-19. The amount of paid leave available under EPSL is capped at either \$511/day or \$200/per day, depending on the reason for the

leave. The amount of PFML is capped at \$200/day. These provisions will apply from April 1, 2020, through December 31, 2020.

The Organ and Bone Marrow Donor Leave has been in effect since 2011, which allows eligible employees up to 30 days in a 12-month period of paid leave to donate an organ to another person, and up to five days in a 12-month period of paid leave to donate bone marrow to another person.

The recommended Amendment would align the Family First Act, and the Organ and Bone Marrow Donor Leave with all other pensionable earnings in that similar category (See SDCERS Exhibit A).

August 2020 – Proposed Amendment No. 7 to plan. The proposed Amendment directs SDCERS to include Emergency Paid Sick Leave (EPSL)/Paid Family, Medical Leave Expansion Act (PFMLA), and the Organ and Bone Marrow Donor Leave as pensionable earnings for both Classic and PEPRA members.

Fiscal Impact:

The proposed Amendment will have a financial impact on long-term Authority pension costs. The anticipated costs are not expected to exceed \$5k through the end of the calendar year.

Authority Strategies/Focus Areas:

This item supports one or more of the following (*select at least one under each area*):

Strategies

- Community Strategy
- Customer Strategy
- Employee Strategy
- Financial Strategy
- Operations Strategy

Focus Areas

- Advance the Airport Development Plan
- Transform the Customer Journey
- Optimize Ongoing Business

Environmental Review:

- A. CEQA: This Board action is not a project that would have a significant effect on the environment as defined by the California Environmental Quality Act ("CEQA"), as amended. 14 Cal. Code Regs. §15378. This Board action is not a "project" subject to CEQA. Cal. Pub. Res. Code §21065.
- B. California Coastal Act Review: This Board action is not a "development" as defined by the California Coastal Act. Cal. Pub. Res. Code §30106.
- C. NEPA: This Board action is not a project that involves additional approvals or actions by the Federal Aviation Administration ("FAA") and, therefore, no formal review under the National Environmental Policy Act ("NEPA") is required.

Application of Inclusionary Policies:

Not applicable.

Prepared by:

MONTY G. BELL
DIRECTOR, TALENT, CULTURE & CAPABILITY

SDCERS Exhibit A

Definition of "Base Compensation"

The term "Base Compensation" means the compensation identified by the pay codes set forth below. All other compensation is specifically excluded from the definition of "Base Compensation", unless the Airport Authority's Board, in its sole discretion, amends such definition to include any additional items, in which case such additional items shall be included in the definition of "Base Compensation" only on a prospective basis. The Airport Authority's Board, in its sole discretion, may delete any items from the definition of "Base Compensation" at any time.

PDBA Code	Description	Pensionable Earnings – Classic	Pensionable Earnings – PEPRA	Description
1	Regular	Yes	Yes	Pay for regular hours worked
2	Regular	Yes	Yes	Pay for regular hours worked
3	Acting Pay	Yes	No	Additional pay for temporary assignment of additional responsibilities.
20	Paid Time Off (PTO)	Yes	Yes	Paid leave for personal reasons
21	Other Leave	Yes	Yes	Paid leave for personal reasons (for unclassified employees)
32	Administrative Leave	Yes	Yes	Paid leave during an investigation of employee conduct
50	Holiday	Yes	Yes	Paid leave for Authority observed holidays
60	Military Leave	Yes	Yes	Paid leave for military or reserve duties
61	Bereavement	Yes	Yes	Paid for absence due to the death of a family member
62	Catastrophic (PTO)	Yes	Yes	Paid leave from PTO hours gifted by other employees
63	Jury Duty	Yes	Yes	Paid leave for jury duty service
65	Organ Donor/Bone Marrow Transplant	Yes	Yes	Paid leave for employees participating in Organ Donor/Bone Marrow Transplant
93	Injury Leave	Yes	Yes	Paid leave for absence due to a work related injury or illness
100	OT Straight Pay	No	No	Pay for hours in excess of 40 per week for exempt represented employees
105	Holiday Worked	Yes	No	Pay at one and one half times the regular rate for working on a holiday
110	Stand By	Yes	No	Pay for "on-call" duty
115	Call Back (Premium)	No	No	Pay, at "time and a half" for returning to work when on-call
150	Overtime	No	No	Pay for hours in excess of 40 per week for non-exempt employees
300	Family First Coronavirus Response Act - FFCRA- Self	Yes	Yes	Emergency Paid Sick Leave (EPSL) for Self Quarantines reason / up to 80hrs @ full pay
305	Family First Coronavirus Response Act - FFCRA- Caregiver	Yes	Yes	Emergency Paid Sick Leave (EPSL) for Caregiver Quarantine Reason / up to 80hrs @ 2/3 of full pay
310	Family First Coronavirus Response Act-FFCRA- Childcare	Yes	Yes	Emergency Paid Sick Leave (EPSL) for Childcare reason /up to 80hrs @2/3 of full pay
315	Family First Coronavirus Response Act-Extended Leave	Yes	Yes	Emergency Family and Medical Leave (EFMLA) for Expanded Family and Medical Leave - additional 10 weeks @ 2/3 of full pay
500	PTO Cashout	No	No	Mandatory cash out of PTO hours
502	PTO Payout	No	No	Voluntary cash out of PTO hours
505	Retro Pay - Shift	Yes	No	Pay adjustment for back payment of night shift differential
510 & 512	Retro Pay	Yes	Yes	Wage increases or pay adjustment that was effective in a period prior to period in which it is being paid.
511	Retro Pay - DROP	No	No	Retro Pay adjustment for employees in the DROP program
521	Year End Other Leave	Yes	Yes	Paid leave for personal reasons (for unclassified employees) when used at the end of the calendar year.
550	Severance	No	No	Payment to employee upon termination of employment
555	PTO Term	No	No	Payout of accumulated PTO hours upon termination of employment
560	Executive Physical	No	No	Grossed up taxable amount of annual physical examination benefit
565	Relocation	No	No	Gross up taxable amount of relocation benefits
570	Sign on Bonus	Yes	No	Incentive payment to accept employment offer
575	Recognition Award	No	No	Employee of the Quarter or Year or Team of the Year Award
585	Bonus/Performance Pay	Yes	No	Addition pay for outstanding performance. Also, lumpsum payment in recognition of performance when employee has reached the top of their pay range.
590	Business Performance Incentive (BPI)	No	No	Business Performance Incentive award (Authority gain sharing)

SDCERS Exhibit A

Definition of "Base Compensation"

The term "Base Compensation" means the compensation identified by the pay codes set forth below. All other compensation is specifically excluded from the definition of "Base Compensation", unless the Airport Authority's Board, in its sole discretion, amends such definition to include any additional items, in which case such additional items shall be included in the definition of "Base Compensation" only on a prospective basis. The Airport Authority's Board, in its sole discretion, may delete any items from the definition of "Base Compensation" at any time.

PDBA Code	Description	Pensionable Earnings – Classic	Pensionable Earnings – PEPR	Description
1160 - 1170	Car Allowance	Yes	No	
Differential Pay types:				
B	Bilingual ATO (2.5%)	Yes	No	Employee qualified and approved for Bilingual compensation.
C	Acting Lead and Bilingual ATO (7.5%)	Yes	No	An individual who is both approved for bilingual compensation and appointed to a lead position (as stated above)
L	Acting Lead (5.0%)	Yes	No	Longer term temporary assignment to a class with a higher pay grade. Or the individual who is appointed as the lead on a night shift team of 2 or more persons.
N	Night Shift (\$1.50/hr)	Yes	No	Additional hourly rate paid when employee works night hours, as defined in the MOAs
O	Out of class assignment (5.0%)	Yes	No	Employee temporarily performing in a class with a higher pay grade.
R	Backflow Repair (5.0%)	Yes	No	Employee performing work requiring special certification (only applied when such work is being performed.)
S	Locksmith (5.0%)	Yes	No	Employee performing work requiring special certification (only applied when such work is being performed.)
T	Fire Extinguisher (5.0%)	Yes	No	Employee performing work requiring special certification (only applied when such work is being performed.)
W	Welder (5.0%)	Yes	No	Employee performing work requiring special certification (only applied when such work is being performed.)
X	Spec Skill and Out of Class (10.0%)	Yes	No	Employee performing work requiring special certification (only applied when such work is being performed.) and employee is temporarily performing out of class or in a lead role.

SDCERS Amended & Restated Retirement Plan and Trust of 2013-Proposed Amendment No. 7



SAN DIEGO
INTERNATIONAL AIRPORT
LET'S **GO.**

Presented by:
Monty G. Bell | Director, Talent, Culture &
Capability

October 5, 2020

Background/Justification

Families First Coronavirus Response Act

Employers to provide paid sick leave and expanded paid family and medical leave for specified reasons related to COVID-19; From April 1, 2020 -December 31, 2020.

Up to 80 hours of paid sick leave paid at:

- 100% regular rate of pay up to \$511/day and \$5,110/total; or
- 66% regular rate of pay up to \$200/day and \$2,000/total

Up to 12 weeks of paid sick leave and expanded family and medical leave for childcare purposes paid at:

- 66% for up to \$200/day and \$12,000/total

Background/Justification

Organ and Bone Marrow Donor Leave

Effective January 1, 2011 requires paid leave of absence to employees who choose to donate an organ or bone marrow.

Organ donation: A leave not exceeding 30 business days to an employee who is an organ donor in any one-year period. For the first 10 days employees must use paid time off or other leave.

Bone marrow donation: A leave not exceeding five business days to an employee who is a bone marrow donor in any one-year period. For the first 5 days employees must use paid time or other leave.

Fiscal impact

The proposed Amendment will have a financial impact on long-term Authority pension costs. The anticipated costs are not expected to exceed \$5k through the end of the calendar year.

Recommended Action

Forward to Board for approval SDCERS Amendment No. 7 to the Amended and Restated Retirement Plan and Trust of 2013 to include Emergency Paid Sick Leave (EPSL)/Emergency Family, Medical Leave Expansion Act (EFMLA), and the Organ and Bone Marrow Donor Leave as pensionable earnings.

Proposed Amendment No. 7

The proposed Amendment directs SDCERS to include Emergency Paid Sick Leave (EPSL)/Paid Family, Medical Leave Expansion Act (PFMLA), and the Organ and Bone Marrow Donor Leave as pensionable earnings for both Classic and PEPRA members.

A row of empty, blue-tinted chairs in a waiting area, with the word "QUESTIONS?" overlaid in white text. The chairs are arranged in a line, receding into the distance. The lighting is dim, creating a somber and quiet atmosphere. The text is centered and prominent.

QUESTIONS?