

RESOLUTION NO. 980

**RESOLUTION OF THE WATER BOARD OF THE CITY OF
SAN BERNARDINO, CALIFORNIA, APPROVING THE
FIFTH AMENDMENT TO THE MEMORANDUM OF
UNDERSTANDING WITH THE SAN BERNADINO WATER
DEPARTMENT EMPLOYEES’ ASSOCIATION DATED
JULY 1, 2016, AMENDING ARTICLE VI – BENEFITS,
ADDING 6.17 TEMPORARY TELECOMMUTING
ASSIGNMENT EXPENSE REIMBURSEMENT.**

WHEREAS, in accordance with Section 603 of the City Charter, the Water Board is responsible for oversight and management of the City’s water supply, recycled water, wastewater collection and treatment functions; and

WHEREAS, the Department required some employees to work from home (telecommute) beginning on March 16, 2020 as a result of the COVID-19 health crisis in order to accomplish effective social distancing in the workplace; and

WHEREAS, California Labor Code 2802 requires employers to reimburse employees for “all necessary expenditures or losses incurred by the employee in direct consequence of the discharge of his/her duties, or his/her obedience to the directions of the employer”. Therefore, the Department is obligated to reimburse employees who are required to work from home for necessary and reasonable business-related expenses; and

WHEREAS, an employee required to telecommute who does not have a Department issued cellphone, and use of a cellphone is necessary in order to complete assigned duties, would be expected to use a personal cellphone; and

WHEREAS, an employee required to telecommute and use of the internet is necessary in order to complete assigned duties would be using a personal internet service; and

WHEREAS, the Department calculated the average monthly cost of major cellphone and internet providers; and

WHEREAS, the negotiation team has met and conferred with the Water Department Employees’ Association regarding proposed reimbursement amounts for cellphone and internet expenses for employees required to telecommute beginning on March 16, 2020; and

WHEREAS, the Department was notified on September 22, 2020 that the proposed monthly telecommuting expense reimbursement of \$15 for personal internet use and \$10 for personal cellphone use necessary for the performance of assigned duties while required to telecommute has been accepted by a majority vote of the Association members.

BE IT RESOLVED BY THE WATER BOARD OF THE CITY OF SAN BERNARDINO AS FOLLOWS:

SECTION 1. The above recitals are true and correct and are incorporated herein by this reference.

SECTION 2. The Water Board of the San Bernardino Municipal Water Department hereby amends Article VI – Benefits, adding 6.17 to the Memorandum of Understanding with the San Bernardino Water Department Employees’ Association dated July 1, 2016, a copy of which is attached hereto and incorporated as though set forth at length herein. The following is added to the Memorandum of Understanding:

6.17 Temporary Telecommuting Assignment Expense Reimbursement

This applies to unit members who are required by the Department to temporarily work from home (telecommute) in accordance with Policy 32.110 Temporary Telecommuting Assignment. Employees temporarily telecommuting for any portion of a month using personal internet and/or personal cellphone to perform assigned duties will be reimbursed as follows:

Personal internet – flat monthly reimbursement of \$15

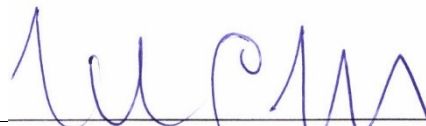
Personal cellphone – flat monthly reimbursement of \$10

SECTION 3. CEQA. The Water Board finds this Resolution is not subject to the California Environmental Quality Act (CEQA) in that the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty, as in this case, that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

SECTION 4. Severability. If any provision of this Resolution or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications, and to this end the provisions of this Resolution are declared to be severable.

SECTION 5. Effective Date. This Resolution shall become effective immediately.

APPROVED and **ADOPTED** by the Water Board and signed by the President of the Water Board and attested by the Deputy City Clerk & Ex Officio Secretary of the Water Board this 13th day of October, 2020.



Toni Callicott, President
City of San Bernardino Water Board

Attest: Robin Ohama
Robin Ohama (Oct 13, 2020 11:07 PDT)

Robin Ohama
Deputy City Clerk & Ex Officio Secretary of the Water Board

CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO) ss
CITY OF SAN BERNARDINO)

I, Robin Ohama, Deputy City Clerk & Ex Officio Secretary of the Water Board, hereby certify that the attached is a true copy of Resolution No. adopted at a regular meeting held on the 13th day of October, 2020 by the following vote:

<u>Council Members:</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
CALLICOTT	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
HENDRIX	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
MLYNARSKI	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
BRICKLEY	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
JOHNSON	<u> X </u>	<u> </u>	<u> </u>	<u> </u>

WITNESS my hand and official seal of the City of San Bernardino this 13th day of October, 2020.

Robin Ohama
Robin Ohama (Oct 13, 2020 11:07 PDT)

Robin Ohama
Deputy City Clerk & Ex Officio Secretary of
the Water Board

WB Memo Reso 5th Amend to Gen MOU 2016-2023 Temp Telecommute Exp Reimburse 9-20 as - Executed 10-13-20

Final Audit Report


2020-10-13

Created:	2020-10-13
By:	Amy Smith (amy.smith@sbmwd.org)
Status:	Signed
Transaction ID:	CBJCHBCAABAAoGxhv6x5hCgKerTyOzYB3DvofQ6wsILA


"WB Memo Reso 5th Amend to Gen MOU 2016-2023 Temp Tel ecommutate Exp Reimburse 9-20 as - Executed 10-13-20" History

 Document created by Amy Smith (amy.smith@sbmwd.org)


2020-10-13 - 6:05:51 PM GMT- IP address: 64.60.19.66

 Document emailed to Robin Ohama (robin.ohama@sbmwd.org) for signature

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 Agreement completed.

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FIFTH AMENDMENT TO THE
MEMORANDUM OF UNDERSTANDING
DATED JULY 1, 2016 THROUGH JUNE 30, 2023
BETWEEN
THE WATER BOARD
AND
THE SAN BERNARDINO WATER DEPARTMENT
EMPLOYEES' ASSOCIATION

ARTICLE VI - BENEFITS

Changed to add:

6.17 Temporary Telecommuting Assignment Expense Reimbursement

This applies to unit members who are required by the Department to temporarily work from home (telecommute) in accordance with Policy 32.110 Temporary Telecommuting Assignment. Employees temporarily telecommuting for any portion of a month using personal internet and/or personal cellphone to perform assigned duties will be reimbursed as follows:

- Internet – flat monthly reimbursement of \$15
- Personal Cellphone – flat monthly reimbursement of \$10

CITY OF SAN BERNARDINO
MUNICIPAL WATER DEPARTMENT

THE SAN BERNARDINO WATER
DEPARTMENT EMPLOYEES'
ASSOCIATION

BY: 
Robin Ohama (Oct 7, 2020 14:54 PDT)

BY: 
Carl D. Jones (Sep 30, 2020 14:22 PDT)

BY: 
Steve Miller (Oct 7, 2020 16:57 PDT)

BY: 
Lauron Lujan

BY: 
Jonathan Berg (Oct 1, 2020 07:59 PDT)

BY: 
Jonathan Berg (Oct 1, 2020 07:59 PDT)

BY: 
Cynthia Mouser (Oct 8, 2020 09:42 PDT)

BY: 
Richard Hyle (Oct 2, 2020 21:29 PDT)

BY: 
Jennifer Shepardon

BY: 
Claudia Frias (Oct 5, 2020 07:37 PDT)

BY: 
Janice Reins

BY: 
Michael Mayberry (Oct 6, 2020 07:52 PDT)

BY: 
Dale Green (Oct 7, 2020 11:15 PDT)

BY: 
Jennifer Aguirre (Oct 7, 2020 12:38 PDT)

DATED: October 8, 2020

BY: 
April Emslie (Oct 7, 2020 12:49 PDT)











Gen MOU 2016-2023 5th Amend Temp Telecommute Exp Reimburse 9-20

















Final Audit Report


2020-10-07

Created:	2020-09-30
By:	Janice Reins (janice.reins@sbmwd.org)
Status:	Signed
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"Gen MOU 2016-2023 5th Amend Temp Telecommute Exp Reimburse 9-20" History

-  Document created by Janice Reins (janice.reins@sbmwd.org)
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-  Document emailed to Carl D. Jones (carl.jones@sbmwd.org) for signature
2020-09-30 - 5:09:12 PM GMT
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2020-09-30 - 5:57:32 PM GMT- IP address: 174.195.135.123
-  Document e-signed by Carl D. Jones (carl.jones@sbmwd.org)
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-  Document emailed to Lauren Lujan (lauren.lujan@sbmwd.org) for signature
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-  Email viewed by Lauren Lujan (lauren.lujan@sbmwd.org)
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-  Document e-signed by Lauren Lujan (lauren.lujan@sbmwd.org)
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-  Document emailed to Jonathan Berg (jonathan.berg@sbmwd.org) for signature
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-  Email viewed by Jonathan Berg (jonathan.berg@sbmwd.org)
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-  Document emailed to Richard Hyle (richard.hyle@sbmwd.org) for signature
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-  Document emailed to Claudia Frias (claudia.frias@sbmwd.org) for signature
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-  Document emailed to Dale Green (dale.green@sbmwd.org) for signature
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-  Email viewed by Dale Green (dale.green@sbmwd.org)
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-  Document emailed to Jennifer Aguirre (jennifer.morales@sbmwd.org) for signature
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-  Document emailed to April Emslie (april.emslie@sbmwd.org) for signature
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Gen MOU 2016-2023 5th Amend Temp Telecommute Exp Reimburse 9-20 - signed


Final Audit Report

2020-10-08


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