



The following questions have been posed by Commissioners prior to the scheduled Board Meeting on June 7, 2022. Staff responses are included below and are sorted by Agenda topic.

Consent Calendar

CONTRACTS

Pape Machinery (John Deere dealer) – for a cooperative contract for the Purchase of a Hydraulic Excavator. (KELLEY) Why were we previously able to use steel tracks but now need only rubber tracks?

RESPONSE: *This excavator will be used primarily on paved surfaces for main replacement projects within the city limits. Our permit under the City's Right of Way manual contains provisions for damage to City property and facilities; as such rubber tracked equipment was selected over steel tracked to avoid damage to roadways which EWEB could be held responsible for repairing or paying for damages. EWEB has older excavators in its fleet which can be used in other locations with soft surfaces such as our upriver project.*

CORRESPONDENCE

Proposed Policy to Replace Current Board Policy EL-4 – Compensation and Benefits - (KOSTOPULOS) I am interested if the states Equal pay law will have an impact on the proposed change. I am aware that for the time being hiring and retention bonuses are exempt from the law. However, that is due to sunset on September 28, 2022. SB 1514 was implemented to help offset some of the effects of COVID. It seems that the new policy if used as described may have unintended consequences. The law states "Your employer must pay you the same amount as other people doing comparable work (including wages, bonuses, benefits, and more)". I hope that HR and or legal has reached out to BOLI to see if this policy would trigger OAR 839-008

RESPONSE: *The proposed EL-4 Compensation and Benefits Policy and current EWEB practices comport with BOLI and federal laws and standards and will continue to be in compliance following the September expiration of the BOLI provision regarding the temporary exemption for signing or retention bonuses. Pay equity requirements do not prohibit an employer's ability to offer signing bonuses, retention compensation, or other extraordinary benefits and compensation tactics. Rather the employer is restricted from applying these practices if doing so creates an inequity. To that end, the law includes exceptions for particular bona fide factors: a seniority system, a merit system, a system that measures earnings by quantity or quality of production (such as piece rate), workplace location, travel (if regular and necessary for the employee), education, training, and/or experience. The entire compensation differential must be based on one or more of these factors.*

All EWEB compensation decisions are evaluated against this and other pay equity criteria, beginning with whether a subject position is comparable to others within EWEB. If comparability to other positions exists, extraordinary tactics cannot be used, unless applied to all comparable positions. In this case, tools other than signing or retention compensation may be more appropriate to ensure an EWEB job remains market competitive. For example, a pay rate adjustment or premium rate might be applied to an entire group of positions. This was the case when EWEB implemented an out-of-cycle increase for all electric workers. Different, but equivalent tactics, may also be used to address hard-to-fill positions. For example, a signing bonus may be offered to a newly hired employee as long as an equivalent retention bonus is/has been offered to existing employees. This approach was used to attract meter tech candidates when the associated apprentice program was in jeopardy of being suspended because the ratio of journey-level workers to apprentices could not be met.

Extraordinary practices may be applied without restriction with respect to unique, single-incumbent jobs, those having distinct individual requirements, and to employees who are assigned specific objectives or to perform a unique function within a job classification for which others do not possess the required skill, knowledge, or experience. In these instances, the justification for applying these measures is clearly articulated and documented in either the historical compensation management record for the subject position or in a compensation agreement.