

BOARD MEETING DATE: July 10, 2015

AGENDA NO. 19

PROPOSAL: Approve Methodology for Maximum Support Level Expenditure and Amendments to Board Member Assistant and Board Member Consultant Policy

SYNOPSIS: The Board Member Assistant and Board Member Consultant Policy (Policy) is proposed to be amended to adjust the maximum support level expenditure the District may make per Board Member, per fiscal year, based on an assignment-of-points methodology. The points are calculated based on the level of complexity, number of meetings, role (Chair/Vice-Chair), etc. This item also incorporates the Policy into the SCAQMD Administrative Code.

COMMITTEE: Personnel, June 5, 2015; Recommended for Approval

RECOMMENDED ACTIONS:

1. Receive and file minutes of the May 1, 2015, May 8, 2015, and June 5, 2015 Personnel Committee meetings (Attachment A).
2. Approve a Resolution of the South Coast Air Quality Management District (SCAQMD) Board amending the SCAQMD Board Member Assistant and Board Member Consultant Policy and incorporating the Policy into the SCAQMD Administrative Code (Attachment B).
3. Approve the Board Member Committee/Advisory/Other Group Assignment Points Methodology (Attachment C).
4. Amend the Board Member Assistant and Board Member Consultant Policy to reflect the adjusted maximum support level expenditure the SCAQMD may make per Board Member and incorporate the amended policy into the SCAQMD Administrative Code as new section 112 (Attachment D).
5. Approve Board Member Committee/Advisory/Other Group Assignment Points Calculation for Fiscal Year 2015-16 (Attachment E).

Barry R. Wallerstein, D.Env.
Executive Officer

Background

Board members must address an ever-increasing range of complex issues related to performance of their duties, requiring increased assistance, and it is appropriate to make adjustments to the maximum support level expenditure the SCAQMD may make per Board Member, per fiscal year, based on an assignment-of-points methodology. The current maximum support level of expenditures allowed by the Board Member Assistant and Board Member Consultant Policy (Policy) was discussed at the April 2015 Board meeting and was referred to the Personnel Committee for further review. The Personnel Committee reviewed the issue on May 1, 2015, May 8, 2015 and June 5, 2015.

Proposal

The proposed methodology and amendments adjust the maximum support level expenditure the SCAQMD may make per Board Member, per fiscal year. Existing contracts with Board Member Assistants and Consultants will be amended as necessary to comply with the amended Policy.

Resource Impacts

There is sufficient funding available in the FY 2015-16 Budget to accommodate the recommended adjustments.

Attachments

- A. Minutes of the May 1, 2015, May 8, 2015, and June 5, 2015 Personnel Committee
- B. Board Resolution amending SCAQMD Board Member Assistant and Board Member Consultant Policy and incorporating the Policy into the SCAQMD Administrative Code
- C. Board Member Committee/Advisory/Other Group Assignment Points Methodology
- D. Proposed Amendments to Board Member Assistant and Board Member Consultant Policy
- E. Approve Board Member Committee/Advisory/Other Group Assignment Points Calculation for Fiscal Year 2015-16



South Coast Air Quality Management District

21865 Copley Drive, Diamond Bar, CA 91765-4178
(909) 396-2000 • www.aqmd.gov

MINUTES OF THE SPECIAL MEETING OF THE PERSONNEL COMMITTEE May 1, 2015

21865 Copley Drive, Diamond Bar, CA 91765

Attendees: Dr. William A. Burke, Chair
Dr. Clark E. Parker, Sr.
Councilmember Judith Mitchell
Barry Wallerstein
Kurt Wiese
Bayron Gilchrist
Michael O'Kelly
Bill Johnson
John Olvera

Absent: Mayor Dennis Yates

1. **Call to Order:** Dr. Burke called the meeting to order at 11:20 a.m.
2. **Consider Adjustments to Compensation for Board Member Assistants/Consultants Whose Board Member Serves on Multiple Committees:** Dr. Burke advised that this item is being considered based on comments made by Board Member Shawn Nelson who suggested that work performed by Board Assistants/Consultants should be examined to determine their compensation and how their workload is distributed. He mentioned that SCAQMD has evolved and the amount of time Board Members used to spend on air quality-related issues compared to the time they now spend is significantly different.

Dr. Parker commented that he serves as a Chair and a member of multiple Board Committees as well as the SCAQMD representative on several other advisory groups, including the California Fuel Cell Partnership, all of which are technical in nature. He mentioned his need to fully understand the issues involved with these groups and be prepared to discuss them. In order to do that, Dr. Parker expressed his need for an assistant with experience who can understand and discuss with him the technicalities of an issue, similar to what Board Member Mitchell has in her assistant for CARB-related issues.

Dr. Wallerstein emphasized the importance for staff to meet with each Board Member and have the Board Member express the level of detail and expectations that they require in terms of the materials and briefing they would like to receive. Board Members get

various assignments and those assignments entail different types of expertise. It would be difficult to find a Board Consultant who has the broad expertise to provide the technical information, background and strategic planning necessary to discuss the issues involved in a broad array of assignments. When hiring a Board Consultant, it depends on what the Board Member wants. If someone is needed that has the air quality expertise and planning background required, the individual must be willing to also divorce himself/herself from accepting any other work related to SCAQMD, which at times becomes an issue. Currently, Board Consultants for many of the Board Members follow the issues and are the eyes and ears for the Board Member when they are not available to attend meetings, particularly with stakeholder groups, where they would like someone independent from staff to listen to the concerns of stakeholder groups as well as staff's response and offer their independent opinion.

Dr. Burke recommended that all the committees and advisory groups be examined and a point system be assigned to them whereby the Board Assistants/Consultants are compensated by the amount of points that each Board Member has when accumulated. Board Member Mitchell commented that if the Board Assistants/Consultants are working more hours because their Board Member serves on more committees, they should make more money. Dr. Burke concurred that if they are working more hours, their compensation should be increased.

Board Member Mitchell suggested that staff research the proposed point system and report back with the results in dollars and cents. Dr. Wallerstein responded that staff had drafted a report, but it would benefit from further refining, and he would appreciate an opportunity to work with Dr. Burke to finalize the report and then bring it to the Committee. Dr. Burke directed staff to schedule a Personnel Committee meeting on May 8 following the Board Retreat in Newport Beach.

Moved by Parker; seconded by Mitchell; unanimously approved.

3. **Public Comment:** Board Consultant Earl Elrod commented that it is very difficult to find a Board Consultant who is available to attend the various committee meetings that are scheduled at different times on different days. The compensation is not enough to hire someone who has the mentioned expertise. Mr. Elrod added that he would like the proposal to include consideration for the level of participation required for the various committees. Board Member Mitchell suggested that staff examine the kind of committee and what the demands of that committee are that may involve state-related travel.
4. **Adjournment:** Meeting adjourned at 12:05 p.m.

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MINUTES OF THE SPECIAL MEETING OF THE PERSONNEL COMMITTEE Island Hotel Newport Beach 690 Newport Center Drive, Newport Beach, CA May 8, 2015

Attendees: Dr. William A. Burke, Chair
Mayor Dennis Yates
Dr. Clark E. Parker, Sr.
Councilmember Judith Mitchell
Barry Wallerstein
Kurt Wiese
Barbara Baird
Michael O'Kelly
Bill Johnson
John Olvera

1. **Call to Order:** Dr. Burke called the meeting to order at 8:30 a.m.
2. **Consider Adjustments to Compensation for Board Member Assistants/Consultants Whose Board Member Serves on Multiple Committees:** Dr. Wallerstein reported that the Committee met on May 1, 2015 and directed staff to develop a point system for Board Members serving on multiple committees. The Committee was provided with an illustrative mock proposal detailing the methodology used for developing the point system. Dr. Wallerstein asked Chief Financial Officer Michael O'Kelly to explain the process by which he created the proposal and emphasized that this was not a formal staff proposal, but one to illustrate how a point system might work.

Mr. O'Kelly advised that he tried to create a point system that examined the level of effort based on the assignments, whether it was a Board meeting, Committee meeting, or a Working Group, and assigned points based on the agenda size, whether the items were routine or non-routine. He then considered the actual role the specific Board Member has on that committee, whether they are the Chair or Vice Chair, and how many times the committee meets.

Dr. Wallerstein added that the proposal is consistent with the discussion at the May 1 meeting when Dr. Parker described some of his responsibilities on behalf of the Board and the agency, such as the California Fuel Cell Partnership. He mentioned that

Dr. Parker might have a couple of different ways to approach the situation. One is to increase the stipend that Dr. Parker is allowed for his Board Consultant and he then would search outside the agency for additional assistance. The other option would be for Dr. Wallerstein to identify two or three staff persons within the agency who could assist Dr. Parker with reviewing materials and be present with him at meetings. He could then interview those candidates and select the person he prefers out of those candidates.

Mayor Yates commented that he likes the point system based on the criteria presented to accumulate the points. He concurs with the recommendation to increase the Board Consultant compensation for Board Member Mitchell and Board Member Parker and allow each of them to decide how they would prefer to assign it.

Dr. Burke concurs with Mayor Yates and thought the proposal was an excellent first draft. He indicated that he would like to study it further. Dr. Burke recommended that the proposal be brought back to the Committee in a slightly modified form and directed staff to schedule another Personnel Committee meeting in a couple of weeks to finalize the proposal and present it to the full Board.

3. **Public Comment:** None.
4. **Adjournment:** Meeting adjourned at 8:50 a.m.

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MINUTES OF THE SPECIAL MEETING OF THE PERSONNEL COMMITTEE 21865 Copley Drive, Diamond Bar, CA 91765 June 5, 2015

Attendees: Dr. William A. Burke, Chair
Mayor Dennis Yates
Dr. Clark E. Parker, Sr.
Councilmember Judith Mitchell
Barry Wallerstein
Kurt Wiese
Bayron Gilchrist
Michael O'Kelly
Bill Johnson
Saundra McDaniel

1. **Call to Order:** Dr. Burke called the meeting to order at 10:45 a.m.
2. **Consider Adjustments to Compensation for Board Member Assistants/Consultants Whose Board Member Serves on Multiple Committees:** Chief Financial Officer Michael O'Kelly provided the Committee with an updated proposal of the Governing Board Committee/Advisory/Other Group Assignment Points Methodology and Calculation. He explained that the calculations had been revised to reflect an increase in Board Member Lyou's points due to the Home Rule Advisory Group being properly categorized as a monthly meeting instead of one that meets once a year. Mr. O'Kelly also mentioned that Board Member Mitchell's points had increased due to her representation on the CARB Board. The points for the Chair and Vice Chair were capped and set at their current level of support. Dr. Burke commented that he has reviewed the proposal and approves of it. Committee Members Yates, Parker and Mitchell concurred. Councilmember Mitchell inquired as to how the adjustments will be made. Dr. Wallerstein responded that the Board letter containing the adjustments will come before the Board in July at which time the Board will direct staff to amend the contracts.

Moved by Yates; seconded by Parker; unanimously approved.

3. **Public Comment:** None
4. **Adjournment:** Meeting adjourned at 10:50 a.m.

ATTACHMENT B
RESOLUTION NO. 15-_____

A Resolution of the South Coast Air Quality Management District Board amending the SCAQMD Board Member Assistant and Board Member Consultant Policy and incorporating the Policy into the SCAQMD Administrative Code.

WHEREAS, the SCAQMD Board has adopted a policy regarding Board Member Assistants and Board Member Consultants that establishes scope of duties and compensation rates;

WHEREAS, the SCAQMD Board finds that due to the ever-increasing range of complex issues related to the performance of the duties performed by Board Member Assistants and Board Member Consultants, it is appropriate to make an adjustment to the maximum support level expenditure the SCAQMD may make per Board Member, per fiscal year, based on an assignment-of-points methodology.

NOW, THEREFORE BE IT RESOLVED that the SCAQMD Board hereby amends the Board Member Assistant and Board Member Consultant Policy, as shown in Attachment B, and incorporates this policy into section 112 of the Administrative Code, as set forth in Attachment C, and adjust current Board Member maximum support level expenditure as set forth in Attachment E consistent with current assignments.

AYES:

NOES:

ABSTAIN:

ABSENT:

DATED: _____

Saundra McDaniel, Clerk of the Boards

ATTACHMENT C

Committee/Advisory/Other Group Assignment Points Methodology

- 1.) Utilizes the Board Committee/Advisory Group/Other Group Assignment spreadsheet as maintained by the Executive Officer or his designee.
- 2.) Assumes various levels of effort per assignment, based on agenda size and routine/non-routine nature of agenda items (Board Meetings/CARB/CACFP - 3 points, Admin/Leg/etc. - 2 points, LGSBA/IOC/BLTAP - 1 point)
- 3.) Assumes the following points based on assignment/role:
 - a. Governing Board Meetings (12 mtgs/Yr): 4 points per meeting for Chair, 2 points for Vice-Chair, 1 point per meeting for all other Governing Board Members
 - b. Committee/Advisory Group/Other Group Meetings (1-12 mtgs/Yr, depending on Comm/Advisory/Other): 2 points per meeting for Chair, 1.5 points per meeting for Vice Chair, 1 point for all other Governing Board Members
 - c. CARB Meetings (12 mtgs/Yr): 2 points per meeting for CARB representative
 - d. CA Fuel Cell partnership (2 mtgs/Yr): 2 points per meeting for CAFCP representative
- 4.) For Committee/Advisory Group/Other Group assignments that may not have any actual meetings scheduled, it is assumed they will meet one time per year to reflect the possibility of a meeting (Refinery, Marine Port Committees, etc.)

ATTACHMENT D – PROPOSED AMENDMENTS TO

BOARD MEMBER ASSISTANT AND BOARD MEMBER CONSULTANT POLICY

NEW § 112 OF SCAQMD ADMINISTRATIVE CODE

1. That an employee classification of Board Member Assistant be established, with the following scope of duties, minimum requirements, and compensation rates:

Scope of Duties: performs for Board Member a variety of tasks ranging from liaison with constituent public entities, other Board Members, the public, and District staff related to clerical functions. Typical functions may include preparing narrative and statistical reports, preparing correspondence, filing and maintaining records, arranging meetings and other group functions; monitoring various programs and projects; responding to inquiries from constituent public entities, District Board Members, the public, and District staff.

Minimum requirements: evidence of the required training and experience shall be demonstrated by coursework in business administration or a related field, and/or sufficient experience performing data analysis and adjunct clerical functions for which familiarity with personal computers is desirable.

Maximum compensation rate: up to \$31.05 per hour effective January 1, 2015, \$31.51 per hour effective January 1, 2016, and \$31.99 per hour effective January 1, 2017, and as revised by the Governing Board.

2. That an employee classification of Board Member Consultant be established, with the following scope of duties, minimum requirements, and compensation rates:

Scope of Duties: performs for Board Member a variety of professional-level assignments in the development and formulation of policy, data analysis, reports, plans, assessments, and strategies for District programs; provides advice and recommendations to the Board Member regarding matters subject to the Board Member's decision-making authority; may provide liaison with the public on behalf of the Board Member. Typical functions may include planning, organizing, and developing a wide variety of programs on the Board Member's behalf and evaluating the effectiveness of various approaches.

Minimum requirements: evidence of the required training and experience shall be demonstrated by graduation from an accredited college or university preferably with a major in an academic discipline related to the assignment and/or sufficient experience involving technical or analytical work at a professional level which would demonstrate the required knowledge, skills, and abilities related to the assignment.

Maximum compensation rate: up to \$55.90 per hour effective January 1, 2015, \$56.73 per hour effective January 1, 2016, and \$57.59 per hour effective January 1, 2017, and as revised by the Governing Board, except for the Board Chair's Assistant/Consultant.

3. That class specifications of Board Member Assistant and Board Member Consultant be added to the District's Classification Plan at that maximum compensation rate and with the scope of duties and minimum requirements specified above.
4. That Board Member Consultants may be engaged as either independent contractors or exempt SCAQMD contract employees and that Board Member Assistants may only be employed as SCAQMD contract employees.
5. That the Contracts for Board Member Consultants engaged as independent contractors shall specify that they shall not, during the term of their employment, engage in any performance of work that is in direct or indirect conflict with duties and responsibilities for the District, and that their contracts shall contain a provision so stating. Contracts for Board Consultants and Assistants engaged as contract employees shall be subject to Section 40 of the District's Administrative Code—Code of Ethics, except that they shall adhere to the work rules and performance standards established by the Board Member to whom they report.
6. That a Board Member wishing to engage the services of a person to provide assistance shall submit to the Administrative Committee a Proposal identifying the person and setting forth his or her qualifications, scope of duties, and proposed compensation. The proposal shall include a listing of other employment and/or clients sufficient to determine whether the person has existing work that conflicts directly or indirectly with his or her duties and responsibilities for the District. The Administrative Committee shall review the Proposal and determine if the proposed compensation rate is consistent with the required qualifications described above and shall, with advice of District Counsel, make a case-by-case determination of whether a person proposed to provide assistance complies with the conflict-of-interest requirements of this Policy and is a Board Member Assistant or a Board Member Consultant. If the determination is made that the person is a Board Member Consultant, the Administrative Committee also shall determine whether the Board Member consultant be classified as an employee or an independent contractor. All Board Member Assistants shall be contract employees. Board Member Assistants, and Board Member Consultants who are District employees, are exempt from the District's Salary Resolution, Personnel Rules, and Administrative Code, except as specifically referenced in the said documents, this policy, or in his/her contract with the District.

7. That the position of Board Member Consultant (whether District employee or independent contractor) and Board Member Assistant be noticed for designation in the District's Conflict of Interest Code listing classifications subject to the Code and the incumbent must disclose economic interests and comply with the Conflict of Interest provisions of the Political Reform Act.
8. That Board Member Assistants and Board Member Consultants serve at the pleasure of the Board Member to whom support services are provided and pursuant to the provisions of the contract executed between the Board Member Assistant or Board Member Consultant and the District. The Board Member served may determine whether his/her Board Member Consultant is to be paid on an hourly or a monthly basis. Board Member Assistants must be paid on an hourly basis. Board Member Assistants and Board Member Consultants who are contract SCAQMD employees and who are paid on an hourly basis shall receive overtime pay at the rate of 1.5 times the hourly rate specified in his or her contract for hours worked in excess of ten per day or forty per week provided the Board Member approves in advance in writing the working of any overtime by the Board Member Assistant or Board Member Consultant. Board Member Consultants paid on a monthly basis will be paid a prorata share of their annual contract amount each month, provided the Board Member approves in writing, which will also cover all expense reimbursements authorized under the contract.
9. That the maximum support service-related expenditure the District may make for the Chair and Vice-Chair per Board Member (except the Chair, Vice Chair, and the CARB representative) is \$38,084 for fiscal year 2014-15, \$38,750/116,250 for fiscal year 2015-16, \$39,331/117,993 for fiscal year 2016-17, and \$39,624/118,872 for fiscal year 2017-18, and as revised by the Governing Board, not including business-related expenses. That the maximum support service-related expenditure the District may make for all other Board Members, not including business-related expenses shall be calculated prior to the beginning of each fiscal year based upon the Committee/Advisory/Other Group Assignment Points Methodology, as described in Exhibit I. That the minimum support service-related expenditure the District may make for all other Board Members, is \$38,750 for fiscal year 2015-16, \$39,331 for fiscal year 2016-17 and \$39,624 for fiscal year 2017-18, and as revised by the Governing Board, not including business-related expenses. -Effective May 1, 2009, expenses approved in advance that are associated with Board Member-approved attendance at mobile Board meetings and Board retreats will be reimbursed by SCAQMD upon presentation of expense receipts. -That the Board's CARB representative shall have an amount equal to two times the fiscal year maximum applicable to the Board Members, for assistance with CARB related matters. That the Board Chair's and Vice Chair's administrative support shall be, at the Chair's and Vice Chair's option, either: (1) a regular, non-contract District employee at the Executive Secretary level; or (2) a Board Member Assistant, or Board Member Consultant, or combination, at a total fiscal year cost, not including

business related expenses, of an amount equal to three times the fiscal year maximum applicable to the Board Members. Effective May 1, 2009, expenses approved in advance that are associated with Board Chair-approved attendance at mobile Board meetings and Board retreats will be reimbursed by SCAQMD upon presentation of expense receipts.

- a. Board Member Assistants and Board Member Consultants will be provided vehicle mileage reimbursement, at the rate set forth in Administrative Code section 110.4, for travel within the geographical boundaries of the District for travel directly related to their duties as a Board Member Assistant or Board Member Consultant.
- b. A Board Member Assistant or Board Member Consultant to the Board Member(s) serving as the District's CARB representative or as the District's representative to the California Fuel Cell Partnership (CaFCP) will be provided reimbursement for necessary expenses related to attending CARB or CaFCP workshops, hearings, meetings, or related events, subject to advance approval by the Board Chair.
- c. The Board Chairman may also approve other Board Member Assistant/Consultant travel for District-related activities provided such travel is requested by their supervising Board Member and is reported to the Administrative Committee.

10. That Board Member Assistants and Board Member Consultants who are contract SCAQMD employees and who work on average a minimum of 13 hours per week may elect, from among District-sponsored health, dental, and vision insurance plans available to SCAQMD employees, District-paid single-party coverage up to the dollar amount of the benefits cap approved by the Board for professional employees. Board Member Consultants who are independent contracts are not eligible for any SCAQMD benefits.

11. That Board Member Assistants and Board Member Consultants who are contract SCAQMD employees may elect to participate in the deferred compensation plan SCAQMD sponsors for employees, as covered under section 457 of the Federal Internal Revenue Code.

12. The total compensation provided under a contract between the Board Member Assistant or Board Member Consultant and the District for any Board Member shall not exceed the amounts specified in paragraph 9 above. At such time as the compensation for services reaches said amounts, the contract for services shall be terminated at-and the employment relationship between the Board Member Assistant or Board Member Consultant and the District shall be terminated.

13. That all present and future assistants to a Board Member (whether Board Member Assistant or Board Member Consultant and whether or not an independent contractor) shall be subject to this policy.

EXHIBIT I

Committee/Advisory/Other Group Assignment Points Methodology

- 1.) Utilizes the Board Committee/Advisory Group/Other Group Assignment spreadsheet as maintained by the Executive Officer or his designee.
- 2.) Assumes various levels of effort per assignment, based on agenda size and routine/non-routine nature of agenda items (Board Meetings/CARB/CACFP - 3 points, Admin/Leg/etc. - 2 points, LGSBA/IOC/BLTAP - 1 point)
- 3.) Assumes the following points based on assignment/role:
 - a. Governing Board Meetings (12 mtgs/Yr): 4 points per meeting for Chair, 2 points for Vice-Chair, 1 point per meeting for all other Governing Board Members
 - b. Committee/Advisory Group/Other Group Meetings (1-12 mtgs/Yr, depending on Comm/Advisory/Other): 2 points per meeting for Chair, 1.5 points per meeting for Vice Chair, 1 point for all other Governing Board Members
 - c. CARB Meetings (12 mtgs/Yr): 2 points per meeting for CARB representative
 - d. CA Fuel Cell partnership (2 mtgs/Yr): 2 points per meeting for CAFCP representative
- 4.) For Committee/Advisory Group/Other Group assignments that may not have any actual meetings scheduled, it is assumed they will meet one time per year to reflect the possibility of a meeting (Refinery, Marine Port Committees, etc.)

ATTACHMENT E

Board Member Committee/Advisory/Other Group Assignment Points Calculation

Governing Board Member	Committee/Advisory/Other Group Assignment Points*	FY 2015-16 Current Maximum Support Level	FY 2015-16 Calculated Maximum Support Level**
Cacciotti	40.00	\$ 38,750	\$ 38,750
Pulido	68.00	\$ 38,750	\$ 38,750
Benoit, J.	84.00	\$ 38,750	\$ 43,018
Rutherford	85.00	\$ 38,750	\$ 43,530
Buscaino	86.00	\$ 38,750	\$ 44,042
Nelson	88.00	\$ 38,750	\$ 45,066
Antonovich	136.00	\$ 38,750	\$ 69,648
Benoit, B	141.50	\$ 38,750	\$ 72,464
Lyou	149.00	\$ 38,750	\$ 76,305
Parker	156.00	\$ 38,750	\$ 79,890
Mitchell	257.00	\$ 77,500	\$ 116,250
Yates (Vice-Chair)	227.00	\$ 116,250	\$ 116,250
Burke (Chair)	233.00	\$ 116,250	\$ 116,250

* Point calculation does not account for additional responsibilities for Chair and Vice-Chair

**Adjusted Maximum Support Level Based on the Board Member's Total Points as compared to the Vice-Chair's Total Points (not to go below \$38,750 or above \$116,250)