

RESOLUTION NO. 2014-22

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO ESTABLISHING SALARIES, BENEFITS AND CONDITIONS OF EMPLOYMENT FOR MANAGEMENT AND CONFIDENTIAL EMPLOYEES EFFECTIVE JULY 1, 2014; AND RESCINDING RESOLUTIONS 2005-84 AND 2006-52 AND ALL RESOLUTIONS AMENDATORY

WHEREAS, it is in the City's best interest to recruit and retain high quality employees for the City; and

WHEREAS, an effective means for achieving this objective is to provide competitive salaries, benefits, and conditions of employment for said employees.

NOW, THEREFORE, BE IT RESOLVED that the El Cerrito City Council hereby establishes the salaries, benefits, and conditions of employment for the City's management and confidential employees, as follows:

**CHAPTER 1  
EMPLOYEES**

1.1 Management employees are, for purposes of this section, those actively involved in the following classifications:

Accounting Supervisor  
Administrative Analyst I,II,III  
Assistant City Manager  
Assistant to the City Manager  
Building Official  
City Clerk  
Community Development Director  
Development Services Manager  
Environmental Services Manager  
Finance Director  
Human Resources Manager  
Information Systems Manager  
Maintenance Services Superintendent  
Program Manager  
Public Works Director/City Engineer  
Recreation Director  
Recycling Operations Supervisor  
Recreation Supervisor  
Senior Engineer  
Senior Planner  
Senior Program Manager

- 1.2 Confidential employees are, for the purposes of this section, those actively involved in the following classifications:

Accountant II  
 Fire Secretary  
 Human Resources Technician

**CHAPTER 2  
 SALARIES AND BENEFITS**

2.1 Salary Control Points and Ranges

- A. The following control points shall apply and serve as the midpoint of approved monthly salary ranges for management employees:

Accounting Supervisor	7,593
Administrative Analyst I	5,827
Administrative Analyst II	6,411
Administrative Analyst III	7,051
Asst. to the City Manager	7,533
Assistant City Manager	11,158
Building Official	9,578
City Clerk	11,247
Community Development Director	11,856
Development Services Manager	9,033
Environmental Services Manager	8,563
Finance Director	11,840
Human Resources Manager	10,711
Information Systems Manager	10,711
Maintenance Services Superintendent	7,051
Program Manager	7,051
Public Works Director/City Engineer	11,985
Recreation Director	11,750
Recycling Operations Supervisor	6,373
Recreation Supervisor	7,051
Senior Engineer	9,555
Senior Planner	7,332
Senior Program Manager	7,911

- B. A salary range of 25% above and below the control point shall be created, within which a Department Head or the City Manager may approve salary adjustments of up to 5% or 10% per calendar year, respectively.

2.2 The following base monthly salaries for confidential employees are as follows:

Accountant II	5,006	5,256	5,519	5,795	6,084
Fire Secretary	4,131	4,317	4,512	4,718	4,933
Human Resources Technician	4,264	4,470	4,701	4,937	5,269

2.3 Pension Plan Benefits and Reimbursement

- A. Employees are members of the California Public Employees Retirement System (PERS) plan, with a 2.7% at 55 retirement formula integrated with Social Security, which has an eight percent (8%) employee contribution, the PERS single highest year option and service credit for unused sick leave option.
- B. Effective January 1, 2013, newly hired employees that are considered "new members" in accordance with the Public Employees' Pension Reform Act (PEPRA), will be enrolled under the PERS Miscellaneous Employee 2% at 62 retirement formula integrated with Social Security, average of highest three (3) years compensation earnable, in accordance with applicable law and PEPRA.
- C. Effective July 1, 2014, the City shall no longer contribute toward the PERS employee contribution rate.

2.4 Flexible Benefits Plan

The City has a Flexible Benefits Plan that provides for the following:

- A. The City will contribute the equivalent of the cost of the lowest cost medical plan rate, according to dependent status, regardless of which medical plan is chosen. "*According to dependent status*" means that if an employee is single he or she shall receive the lowest cost single premium in his or her flexible spending account. If an employee and a dependent are enrolled in a City medical plan, the employee shall receive the lowest cost two party premium in his or her flexible spending account. If an employee and more than one dependent are enrolled in a City medical plan, the employee shall receive the lowest cost family premium in his or her flexible spending account.

Effective July 2014, the lowest cost medical plan rate is Kaiser HMO.

- B. In the event that an employee has alternate comprehensive group medical coverage through a spouse's medical plan or some other group medical plan, the employee may select a "no medical plan" option. In this event, the City shall contribute the equivalent to the lowest cost medical premium to the Flexible Benefits Plan and the employee may receive this amount in cash. In that case, the amount is treated as taxable income, or may be reallocated toward the purchase of other benefits in the Plan, or a combination of both.

- C. Employees may contribute salary of up to the maximum by law on a pre-tax basis in order to purchase the following benefits:

Medical premiums, co-payments, and deductibles  
Dental premiums, co-payments, and deductibles  
Unreimbursed medical and dental expenses  
Dependent care Mental health counseling services

Rules governing the allocation and distribution of such funds shall conform to applicable sections of State and Federal tax codes and the City of El Cerrito's Flexible Benefits Plan.

- D. Health plans will become effective the first of the month following the date of hire.
- E. Health benefit programs recognize the participation of domestic partners of eligible employees. Please refer to the City's Citiflex document for details.
- F. The City may establish a Citywide task force for the purpose of exploring alternate health plans, including PERS Health, for both active and retired employees. The City will include members of the unrepresented management.

2.5 Dental Plan

The City will pay the full cost of family coverage under the Delta Dental Plan.

2.6 Life Insurance

The City will provide a term life insurance policy for management and confidential employees. The principal sum shall be equal to the annual salary rounded to the nearest \$1,000 (up to a maximum of \$100,000), effective the first day of the month following City Council adoption of any changes in the Pay Plan.

2.7 Auto Allowance

The City will supply an automobile to management employees who, in the opinion of the City Manager, require a City vehicle as an integral part of their work. Alternately, the City will provide a cash allowance of up to \$325 per month in lieu of use of a City automobile. Confidential employees required to use their own automobiles for City business shall be reimbursed at the Internal Revenue Service allowable rate.

2.8 Short-term/Long term Disability Insurance

The City shall provide employees with short-term/long term disability insurance with coverage of two-thirds salary up to the maximum monthly salary limit of \$10,000 and a thirty-day elimination period. Like regular wages, this benefit is taxable.

2.9 Benefit Status

- A. The salary and benefits contained within this Resolution are granted only to employees who are in a current pay status. The City shall incur no cost, nor shall benefits accrue, for retirees, survivors, or employees in a non-pay status, unless the employee is granted medical leave of absence or military leave of absence.
- B. In the event an employee is in a non-pay status because of a disputed workers' compensation claim, benefits under this article shall be continued upon written agreement of the affected employee to repay to the City the amount of any premiums paid by the City during the non-pay status period if the employee's claim is denied by the Workers Compensation Appeals Board or withdrawn by the employee prior to a decision by the Board.

**CHAPTER 3  
HOLIDAYS**

3.1 Holidays

- A. The following holidays are recognized as municipal holidays for pay purposes:

New Year's Day	Veteran's Day
Dr. M.L. King Jr. Birthday	Thanksgiving Day
President's Day	Day after Thanksgiving
Memorial Day	Christmas Eve Day
Independence Day (July 4)	Christmas Day
Labor Day	½ Day New Year's Eve

- B. In the event that any of the aforementioned days falls on a Sunday, the following Monday shall be considered a holiday for pay purposes. In the event that any of the aforementioned days fall on a Saturday, the preceding Friday shall be considered a holiday for pay purposes. (Department Heads may make changes in the above schedule in accordance with the needs of their departments.) The afternoon of New Year's Eve, commencing at 12 noon, shall be considered a holiday for pay purposes. In the event New Year's Eve falls on a Sunday or a Monday, the preceding Friday afternoon shall be considered a holiday for pay purposes. Some adjustments may be made if necessitated by an alternative work schedule.

3.2 Birthday and Floating Holidays

- A. In addition to the recognized municipal holidays, employees shall receive annually three (3) floating holidays, subject to the same requirements for scheduling vacation under Section 5.2 of this agreement. For new employees, the floating holidays are pro-rated quarterly based on date-of-hire. Floating holidays

must be taken during the fiscal year they are received and may not be carried over and accumulated.

- B. Employees are allowed an additional holiday in recognition of their birthday. This birthday holiday shall be posted upon appointment to City service and at the beginning of each fiscal year thereafter.

### 3.3 Compensation for Municipal Holidays

- A. An employee on leave of absence without pay shall not receive any compensation for holidays occurring during such leave.
- B. Regular employees must be in a pay status on the workday preceding a holiday to be eligible to be compensated for the holiday.

## CHAPTER 4

### SICK LEAVE, WORKERS' COMPENSATION, FAMILY SICK LEAVE, AND OTHER LEAVES

#### 4.1 Accrual of Sick Leave Rate

- A. Sick leave shall accrue at the rate of eight hours and 45 minutes per calendar month worked, providing the employee has worked or been authorized leave with pay for at least ten working days in the month.
- B. Employees with 20 or more years of service shall accrue sick leave at the rate of 11 hours and 25 minutes per calendar month worked, provided the employee has worked or been authorized leave with pay for at least ten working days in the month.

#### 4.2 Sick Leave Maximum Accrual Accumulation of sick leave is unlimited.

#### 4.3 Activity During Sick Leave No employee who is absent from work on sick leave shall engage in any work or other activity that would interfere with the employee's ability to return to work to perform regular duties.

#### 4.4 Retirement Benefit Upon retirement from City service, an employee shall be entitled to compensation for one fourth of the accumulated sick leave on the books at the time of such retirement, with a maximum payment equivalent to twenty-five (25) days pay, at the employee's option. Actual sick leave remaining on the books will be reported to PERS in accordance with PERS regulations governing the sick leave credit contract option. In no case will

unearned sick leave be reported for the purpose of increasing the member's retirement as prohibited by PERS.

4.5 On the Job Injury

When an employee is off work as a result of an on the job injury, the City shall continue to pay full salary for up to 90 calendar days.

4.6 Workers' Compensation Disability Payments

An employee receiving disability payments under the Workers' Compensation laws may use accumulated sick leave and vacation leave in order to maintain regular income. Under these circumstances, the employee shall be paid the difference between full salary and the disability payments received. Such sick leave and vacation leave shall be drawn in proportion to the salary payments required to provide the employee with his/her regular income.

4.7 Family Sick Leave

Under Labor Code Section 233, employees may utilize accrued sick leave to care for an ill or injured child, spouse or parent. The City has extended this provision to include domestic partners and their dependent children. There is no requirement that the illness or injury reach the level of seriousness provided for under the Family and Medical Leave Acts. However, if the illness or injury qualifies under the Family and Medical Leave Act, it also satisfies the "family sick leave" criteria. The maximum "family sick leave" allowed each calendar year that is subject to this provision is one-half (1/2) of the employee's annual accrual of sick leave. Additional family sick leave may be taken subject to departmental regulations and approval of the Department Head and City Manager.

4.8 Bereavement Leave

- A. Employees are entitled to time off with pay when there is a death or anticipated death in the immediate family. Bereavement leave shall not exceed five (5) consecutive days when death is anticipated. Bereavement leave after death shall not exceed that period of time between death and the day of the funeral, providing the funeral is held within five days following death. Additional time may be granted and charged as sick leave when, in the opinion of the Department Head, unusual circumstances identify the need for additional time off.
- B. Immediate family is defined as spouse, domestic partner, child, parent, parent-in-law, sister, brother, sister-in-law, brother-in-law, grandparent, spouse's grandparent, grandchild, son-in-law, daughter-in-law, or any other relative of the employee or employee's spouse residing in the same household, or who has resided with the employee in the same household for three or more years. In cases where death has occurred involving someone other than the immediate family, the Department Head shall make the decision as to qualification for bereavement leave.

4.9 Administrative Leave

Management employees shall receive administrative leave in recognition of extraordinary working hours and conditions. The City Manager will annually approve the number of leave days by individual employee based on the amount of overtime performed and the quality of work produced. The annual amount of time assigned shall not exceed ten days. Unused administrative leave cannot be carried over from year to year or cashed out at year end or upon separation.

4.10 Family and Medical Leave

Pursuant to State and Federal law, the City will provide family and medical care leave for eligible employees. The City Family Care and Medical Leave policy sets forth employees' rights and obligations with respect to such leave. Rights and obligations which are not specifically set forth in the City's policy are set forth in the Department of Labor regulations implementing the Federal Family and Medical Leave Act of 1993 ("FMLA") and the regulations of the California State Pregnancy Disability Act and the California Fair Employment and Housing Commission implementing the California Family Rights Act ("CFRA") (Government Code Section 12945.2). Unless otherwise provided by the City's policy or this resolution, "Leave" under this article shall mean leave pursuant to the FMLA.

**CHAPTER 5  
VACATION**

5.1 Eligibility

Employees shall be eligible to take a paid vacation at the end of the first year of continuous service, and annually thereafter, unless otherwise provided by the City Manager.

5.2 Scheduling

The scheduling of annual vacation leave and the amount to be taken at any one time shall be determined by the Department Head in accordance with departmental regulations and with regard for the needs of the City and the preference of the employee.

5.3 Vacation at Termination

Employees leaving the municipal service with accrued vacation leave shall be paid the amount of accrued vacation to the date of termination. Payment for accrued vacation shall be at the employee's current rate of pay.

5.4 Effect of Extended Military Leave

A management employee who interrupts his/her City service because of extended military leave shall be compensated for accrued vacation at the time the military leave becomes effective.



5.5 Sick Leave During Vacation

Vacation leave may be converted to sick leave subject to the review and approval of the Department Head and the City Manager if an employee is injured or sick during the vacation for a period in excess of 24 hours.

5.6 Vacation Cap and Implementation

A. Vacation Cap through December 31, 2014

Employees are encouraged to utilize vacation time annually. Carryover of more than 25 days of vacation to the following calendar year shall be authorized by the employee's department head and the City Manager. Employees may annually cash-out up to 10 days (75 hours) of vacation leave provided that they have taken a minimum of 10 vacation days (or administrative leave for management employees) in the previous 12 month period and maintain a vacation balance of 20 hours of vacation at the time of the cash-out. Employees seeking to cash out vacation shall provide a request to the City Manager by the end of the final pay period of November and cash-out payments shall be paid during the month of December.

B. Vacation Cap Effective January 1, 2015

Effective January 1, 2015, the vacation cap shall be two (2) times the employee's annual vacation accrual rate. Thereafter, at any time an employee reaches the maximum accrual, the employee will cease accruing vacation hours until such time as the balance falls below the cap. After January 1, 2015, no employee will be allowed to accrue vacation hours above the cap.

C. Implementation

Effective January 1, 2015, any employee who has vacation hours in excess of two (2) times the annual accrual rate, the excess hours will be placed in a separate vacation bank.

5.7 Separate Vacation Bank

Effective January 1, 2015, any accrued vacation in excess of two (2) times the annual vacation accrual rate will be placed in a separate Vacation Bank for each affected employee. This will be a single, one time process. Employees shall be entitled to use or sell the hours in the Bank for vacation in the same manner as regular vacation hours. The hours shall be paid out at the employee's current rate of pay.

5.8 Vacation Cash-Out

Effective August 1, 2014, employees may annually cash-out up to 16 days (120 hours) of vacation provided that they have taken a minimum of 16 vacation days (or administrative leave for management employees) in the previous fiscal year and maintain a vacation balance of 37.5 hours at the time of vacation cash out. Employees may elect to cash-out a maximum of two (2) times annually and each cash-out request must be a minimum of 8 days (60 hours). Employees must reduce their separate vacation bank first when cashing

out vacation. All requests must be in writing to the Human Resources Manager for initial review with final approval by the City Manager.

5.9 Accrual

Unless otherwise provided by the City Manager, vacation leave will be accrued from the first day of employment when a management or confidential employee is in a pay status and will be credited on a monthly basis. Municipal holidays shall not be counted during vacation. The vacation accrual schedule is based on the years of service with the City.

## VACATION ACCRUAL – MANAGEMENT AND CONFIDENTIAL

<u>Years of Service</u>	<u>Days</u>	<u>Hrs Earned/Yr (37.5 hrs/wk)</u>
During 1st Year	11	82.50
2-3	12	90.00
4	13	97.50
5	15	112.50
6-7	16	120.00
8-9	17	127.50
10-11	18	135.00
12-13	19	142.50
14-15	20	150.00
16-17	21	157.50
18-19	22	165.00
20-21	23	172.50
22-23	24	180.00
24-25	25	187.50
26-27	26	195.00
28-29	27	202.50
30-31	28	210.00
32-33	29	217.50
34-35	30	225.00
36-37	31	232.50
38-39	32	240.00
40	33	247.50

### CHAPTER 6 WORK SCHEDULE

#### 6.1 Workweek

The number of hours worked in the workweek for management and confidential employees is as required by the City. The normal workday varies by department depending upon the standard or designated alternative work schedule. The workweek for those assigned to the nine-day schedule in a two week period begins at noon on Friday and concludes immediately before noon the following Friday.

**CHAPTER 7  
EDUCATION BENEFITS**

7.1 Tuition Refund Plan

- A. Management employees are eligible for educational cost reimbursement up to a maximum of \$1,000 per year for work related studies at a recognized college, university or professional school. Course content should relate to one of the following:

Knowledge or skills needed by an employee in his/her present job.

Preparation for promotional opportunities or advancement in the same or different field within the City organization.

The requirements of a program leading to a degree, at an approved institution, which enhances the employee's job knowledge or on the job skills.

- B. Procedures for obtaining reimbursement and limitations regarding reimbursement may be found in the City of El Cerrito administrative procedure on educational expense reimbursement.

**CHAPTER 8  
MISCELLANEOUS POLICIES FOR MANAGEMENT EMPLOYEES**

8.1 Continuing Education

It is the policy of the City that management employees take part in some educational or training course each year, and the City Council will attempt to provide funds in each budget for such purpose.

8.2 Membership

It is the policy of the City to provide paid membership in approved professional associations for management employees. This policy shall include publications associated with membership and other educational materials as may be approved.

8.3 Conferences

It is the policy of the City that each management employee attend (as a member) a professional conference of his or her peers each year at City expense; however, travel outside the state of California may be discouraged due to budgetary restraints.

**CHAPTER 9  
MISCELLANEOUS POLICIES FOR CONFIDENTIAL EMPLOYEES**

9.1 Overtime

A. Policy – Definition

1. It is the policy of the City that overtime work is to be kept at a minimum consistent with the protection of the lives and property of

El Cerrito citizens and the efficient operation of the departments and activities of the City. Overtime must be authorized by both the supervisor and department manager and is subject to such other rules and procedures as the City Manager may prescribe.

2. Overtime shall be defined as time worked beyond the hours worked in the normal workweek, defined in Section 6.1 herein as 37.5 hours for full-time confidential employees. Hours worked are defined as all time during which an employee is necessarily required to be on the employer's premises, on duty or at a prescribed work place. Sick leave, vacation, holidays and other paid leave are considered to be part of the normal workweek and unpaid leave shall not be included as time worked. Overtime shall cease at the time an employee is released or the work is completed, whichever is earlier.

**B. Overtime Compensation**

1. For hours worked in excess of the normal workweek, but not in excess of forty hours in a workweek, one of the following shall occur at the discretion of the department manager and in consultation with the employee:
  - a. Employee shall accrue compensatory time off on a time-and-one-half basis (this will not count toward the FLSA compensatory time ceiling of 240 hours, but will count toward the City's 40-hour compensatory time cap)
  - b. Overtime shall be paid at time-and-one-half the regular hourly rate of pay.
2. For hours worked in excess of forty in any workweek, one of the following shall occur at the discretion of the employee:
  - a. Employee shall accrue compensatory time off on a time-and-one-half basis (this will count toward the FLSA compensatory time ceiling of 240 hours as well as the City's 40-hour compensatory cap); or
  - b. Overtime shall be paid at time-and-one-half the regular hourly rate of pay.

**C. Maximum Accumulation of Compensatory Time**

Confidential employees may not accrue more than 40.0 hours of compensatory time-off without permission of the department manager. Time off for compensatory time must be approved by the department manager or delegate.

9.2 Uniform Allowance

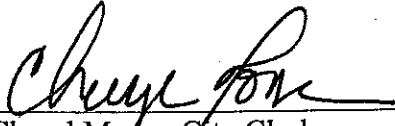
The City shall provide uniforms in accordance with department procedures and subject to approval by the Department Head and City Manager for management and confidential employees required to wear one.

BE IT FURTHER RESOLVED that Resolution 2005-84 and all resolutions amendatory, and Resolution 2006-52 and all resolutions amendatory are hereby rescinded.

I CERTIFY that at a regular meeting on June 9, 2014, the El Cerrito City Council passed this resolution by the following vote:

AYES: Councilmembers Benassini, Bridges, Friedman, Lyman and Mayor Abelson  
NOES: None  
ABSENT: None  
ABSTAIN: None

IN WITNESS of this action, I sign this document and affix the corporate seal of the City of El Cerrito on June 10, 2014.

  
Cheryl Morse, City Clerk

APPROVED:

  
Janet Abelson, Mayor

