



PAY & BENEFITS PLAN FOR  
NON-REPRESENTED EMPLOYEES  
OF THE CITY OF HERCULES

**Effective July 1, 2019 through June 30, 2021  
City Council Resolution 2019-048**

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*\* NOTE: ARTICLE II, SECTION 1 (Pay Plan- Exhibit A – Pg. 18)*

## **ARTICLE I. TERMS**

### **SECTION 1 - DEFINITION OF TERMS**

- 1.1 The following terms, whenever used in the Plan, shall have the meaning set forth in this Section:
- A. CITY: Shall mean the City of Hercules
  - B. CITY MANAGER: Shall mean the City Manager or his/her designee.
  - C. DAYS: Shall mean calendar days except where working days are expressly specified.
  - D. EMPLOYEE: Shall mean an individual who serves full-time and who is appointed to a full-time Management or Confidential position.
  - E. EMPLOYEE: Shall mean the City Manager, individual appointed to Employee level positions by the City Manager, and elected officials.
  - F. FISCAL YEAR: Shall mean the 12 month period from July 1 through June 30.
  - G. PUBLIC EMPLOYEES' PENSION REFORM ACT (PEPRA): Shall mean the California Public Employees' Pension Reform Act of 2013, including AB 340 (Furutani, Chapter 296, Statutes of 2012) and AB 197 (Buchanan, Chapter 297, Statutes of 2012) and all subsequent amendments.
  - H. PERS: Shall mean the California Public Employees' Retirement System.
  - I. PUBLIC AGENCY EXPERIENCE: shall mean full-time service in an agency that participates in a public retirement plan.
  - J. RETIREE: Shall mean a former employee of the City who has been granted and is receiving a regular service or disability retirement from PERS.
  - K. SERIOUS INJURY OR ILLNESS: Shall mean, for the purposes of benefits provided by Article V, Section 1.04 herein, an injury or illness certified by the City to require a recuperation period of 30 days or more.
  - L. WORK PERIOD: Shall mean seven consecutive, regular recurring 24 hour periods equal to 168 hours, designated by the City Manager.
  - M. YEAR: Shall mean fiscal year, except where calendar year is expressly specified.

## **ARTICLE II. COMPENSATION**

### **SECTION 1 - PAY PLAN**

- 1.1 Effective July 1, 2019 through June 30, 2021, the pay plan for Non-Represented Employees is set forth on Exhibit "A", attached hereto.

### **SECTION 2 - PAY RATE ADVANCEMENT WITHIN SALARY RANGE**

- 2.1 On the basis of the evaluation of an employee's performance, an employee shall be eligible for a pay rate advancement added to his/her base pay of an amount between zero and 10 percent, not to exceed the top of the salary range, effective at the beginning of the pay period following an employee's anniversary date.

### **SECTION 3 - OTHER PAY ADJUSTMENTS**

- 3.1 Retention Payment – In recognition of the financial sacrifices made by Employees who have stayed with the City and participated in the wage concessions that enabled the City to successfully navigate times of extreme economic distress, the City will pay a one-time non-PERSable retention payment of 2.0% of the employee's salary earned in FY 2018-19 payable with the first pay period in August, 2019 and a one-time non-PERSable retention payment of 3.0% of the employees salary earned in FY 2019-20 payable with the 1<sup>st</sup> pay period in August 2020. Employees can elect to direct retention payment to Deferred Compensation Plan if desired.
- 3.2 Bonus Pay – As recognition of a specific, non-permanent work effort or in recognition of ongoing job performance which has consistently exceeded the highest standards, Bonus Pay may be awarded to an Employee by the City Manager. The range of this Bonus Pay may be from 2% to 10% of the Employee's annual salary and be paid in one lump sum payment. Employees have the option of depositing any such bonus payment into their 457 Deferred Compensation Plan or 401A Plan, subject to plan limits.

*This benefit is suspended for the term of this Pay Plan.*

- 3.3 Emergency Premium Pay – In an emergency preparedness situation, as designated by the City Manager or designee, all non-exempt employees required to work in excess of their regular assigned shift shall receive regular overtime pay as stated in Article 1.2. All exempt employees required to work in excess of their regular assigned shift shall receive premium pay at the rate of two (2) times the employee's regular base rate of pay for all hours worked in excess of assigned shift.

### **SECTION 4 - VEHICLE ASSIGNMENT**

- 4.1 The City shall provide an unmarked vehicle to the Police Department Command staff.

The Commanders shall adhere to all city policy and procedures when utilizing a city owned vehicle. The Chief of Police or the City Manager may at any time revoke the vehicle privilege if a violation is identified.

## **SECTION 5 - UNIFORM ALLOWANCE**

- 5.1 Sworn personnel shall be entitled to an annual clothing allowance equal to the highest amount that is received by members of any Public Safety bargaining unit within the City.

## **SECTION 6 – WORKING IN A HIGHER CLASSIFICATION**

- 6.1 Eligible employees who are authorized in writing by the department head to work in a higher classification and salary range than their own and who are required to temporarily perform substantial duties and assume the responsibilities of the position will receive out of class pay. To be eligible for out of class pay, employees assigned to work in a higher classification must meet the minimum qualifications of the assigned position. Employees will be eligible for work in a higher classification on the first workday in a higher classification.
- 6.2 Compensation for work in a higher class shall be at either five percent (5%) above said employees' existing salary rate or the hourly rate equal to the minimum rate as provided in the salary range for the designated position, whichever is higher. Any out of class work for which premium compensation is provided requires advance written approval by the City Manager or designee.
- 6.3 Unrepresented Employees who are working in a higher classification that is outside the scope of this Agreement shall be covered by the general terms and conditions of employment of the higher classification. All wages, including sick, vacation, comp time and holiday shall be paid at the out of class pay rate.
- 6.4 Additional Duties pay of 5% for when an employee assumes limited duties of a higher classification as approved by the City Manager.

## **SECTION 7 - EDUCATION REIMBURSEMENT**

- 7.1 Employees shall be eligible to receive up to \$4,000 per fiscal year reimbursement of expenditures by the Employee on tuition, books, travel and any other costs associated with their successful completion of any professional or educational program approved by the City Manager. This benefit shall be funded at the rate of \$30,000 per year and is available to Employees on a first come, first served basis. Once the total annual benefit amount of \$30,000 is reached, the benefit is no longer available to any Employee until the next fiscal year.

## **SECTION 8 - LONGEVITY PAY**

- 8.1 Non-sworn employees are eligible to receive Longevity Pay based on number of years of service. In addition to an employee's base salary, exclusive of all premium and other pays, each employee shall receive a Longevity Pay added to the employee's base salary after the completion of:

10 years of service:	\$125 per month
14 years of service:	\$175 per month
16 years of service:	\$225 per month
25 years of service:	\$275 per month

Sworn employees are eligible to receive Longevity Pay calculated as a percentage of their salary and the City will make the payments in 26 bi-weekly installments. The calculations, based on total sworn public service time, will be as follows:

At 5 years of service:	2% of salary
At 10 years of service:	4% of salary
At 15 years of service:	6% of salary
At 20 years of service:	8% of salary
At 25 years of service:	10% of salary

- 8.2 The effective date of a Longevity Pay increase shall be the beginning of the pay period following the date of eligibility. The computation of Longevity Pay increases shall not be cumulative.

## **SECTION 9 - CONVERSION OF ACCRUED LEAVE UPON SEPARATION**

- 9.1 Upon retirement or separation from City employment, Employees shall receive cash out equivalent for any eligible unused leave balances. Separating Employees shall have the option of receiving cash out or depositing the unused leave balance into their 457 Deferred Compensation Plan, subject to Federal law plan limits.

## **SECTION 10 - COMPENSATORY TIME OFF**

- 10.1 Compensatory Time Off (CTO) is normally not accrued for exempt employees, however should CTO be on the employer's books for reasons such as change in position or a carryover from other terms and conditions with the employer, after April 1, 2016, it will qualify as eligible for conversion to either the Employee's 401A or 457 Plan. Any such conversion must occur within 30 days of appointment.

## **SECTION 11 - SUPPLEMENTAL OPTIONAL MONIES ALLOWANCE FOR RETIREES**

## (SOMAR)

11.1 The City will provide an optional monetary allowance currently in the amount of \$344.74 per month for safety employees and \$259.37 for non-safety employees with an annual three percent adjustment on January 1<sup>st</sup> of each year to employees who retire as regulated by the Public Employee's Retirement System. To be eligible for the optional monies, an employee must retire as follows:

1. Service Retirement: Employees who have served the City for at least ten (10) consecutive years immediately prior to retirement and are at least fifty (50) years old when they separate service from the City.
2. Disability Retirement: Employees who retire with a disability retirement are not required to be a certain age, but must have at least twenty (20) years of service with the City.

11.2 To be eligible for the optional money allowance, employees must also have the minimum amount of sick leave on the books, as outlined in the chart below. If an employee has below the amount of sick leave required for their years of service, then they will only be eligible for the percentage paid equivalent to the amount of sick leave they do have on the books.

Years of Service	Amount of sick leave hours on the books on the day employee separates service	Percentage of Optional Money Available
10	480	50
11	528	55
12	576	60
13	624	65
14	672	70
15	720	75
16	768	80
17	846	85
18	864	90
19	912	95
20	960	100
21	960	100
22	960	100
23	960	100
24	960	100
25	No minimum amount required	100

11.3 Employees must retire within one hundred twenty (120) days of separation from City employment to be eligible to receive the optional money allowance. In addition, employees who separate service from the City of Hercules, but do not retire as a PERS annuitant, shall not be eligible for medical retirement under this program.

11.4 Retiree Reaches Age 65 – The City will pay a portion of the optional money to a retiree until the retiree reaches age 65, upon which they are required to enroll in Medicare. At

that time, the optional money will drop to an amount equivalent to the Kaiser Supplemental to Medicare rate through PERS. The retiree will be eligible for the same percentage of the Supplemental Optional Monies as they were eligible for under the Basic Optional Monies plan. Employees who are not eligible for Medicare must provide the City proof that they are not eligible for Medicare, either through their own employment history or their spouse's and after providing such proof, the city will continue to pay the percentage of the Basic Optional Monies Plan. If proof is not provided, the City will automatically begin paying the Supplemental Optional Monies Plan percentages.

This benefit, which is effective January 1, 2001, is expected to last into perpetuity. The funds being established for this program may not be used by the City or Employees for any purpose other than what is expressly stated in this section of the Pay Plan. If in the future the City and Employees mutually agree to end or modify this benefit, they can do so only for active employees. Any retiree who is currently receiving this benefit will continue to receive the benefit as stated in the Pay Plan that was in effect at the time of their retirement. Conversely, if the City and Employees increase this benefit, they can do so only for active employees and retiree benefits will remain the same as it was when they retired.

The City shall provide to the Employees an annual statement of prior year balances in the medical retirement fund no later than December 31<sup>st</sup> of each year.

- 11.5 Payment will be made on a bi-annual basis. The optional money allowance for the months of January through June will be made the third week in July; July through December will be paid the third week in January of each year. Checks will be mailed to the address on file. Supplemental Optional Money payments are subject to applicable Federal and State Income Tax regulations.

## **SECTION 12 - COMPUTER LOAN PROGRAM**

- 12.1 To be eligible Employees must have completed their initial one year probation period with the City and must maintain a balance of up to 40 hours of vacation and/or compensatory time until the loan is paid in full. The hours employee must maintain will vary depending on the amount borrowed.
- 12.2 Each employee is eligible to participate in the City of Hercules Loan Program for Employee Purchase of a Personal Computer, tablet, software or hardware. Maximum loan amount is \$2,500 and may not be more than one loan outstanding at any time. No interest will be charged by the City on loans under this program.

## **SECTION 13 – DEFERRED COMPENSATION**

- 13.1 401A Deferred Compensation Plan: Police Command staff shall receive an employer contribution equivalent to 4% of their salary from the City, deposited into the City sponsored 401A Deferred Compensation Plan, consistent with the limits, policies and



conditions established by the ICMA-RC and Federal Tax Laws.

- 13.2 457 Deferred Compensation Plan: All Employees may make voluntary contributions to the ICMA 457 Deferred Compensation Plan through payroll deduction subject to the limits, policies and conditions established by the ICMA and Federal Tax laws. In addition, exempt classifications under the Non-Represented/Confidential Pay and Benefit Plan shall receive 2.5% of their salary on a one-to-one match deposited into the City sponsored 401A Deferred Compensation Plan, and non-exempt classifications under the Non-Represented/Confidential Pay and Benefit Plan shall receive 1% of their annual salary on a one-to-one match deposited into the City sponsored 401A Deferred Compensation Plan, consistent with the limits, policies and conditions established by the ICMA-RC and Federal Tax Laws.

### **ARTICLE III. RETIREMENT BENEFITS**

#### **SECTION 1 - PUBLIC EMPLOYEES' RETIREMENT SYSTEM (PERS) PLAN**

- 1.1 The City agrees to provide all Employees with retirement benefits under the terms of its current Retirement Plan with CalPERS.
- 1.2 All sworn personnel members hired on or prior to December 11, 2011 shall receive PERS retirement benefits computed at the highest formula, to include final year benefit formula, received by any public safety bargaining unit within the City. Those sworn personnel hired after December 11, 2011 and prior to January 1, 2014 shall receive the PERS benefit formula of 3%@55.
- 1.3 Unrepresented non-public safety employees hired prior to January 1, 2013 will pay the 7% employee percentage PERS contributions. The total employee percentage is 7%. Effective October 21, 2018, employee to pay an additional 3% to be applied to the Employer CalPERS Contribution Rate. Unrepresented public safety employees hired prior to January 1, 2013 will pay the 9% employee percentage of PERS contributions. The current employee percentage is 9%. Effective October 21, 2018, employee to pay an additional 3% to be applied to the Employer CalPERS Contribution Rate.
- 1.4 Non-public safety Employees hired prior to January 1, 2014 will pay the 7% employee percentage of PERS contributions. The current total employee percentage is 7%. Effective October 21, 2018, employee to pay an additional 3% to be applied to the Employer CalPERS Contribution Rate. Public safety Employees hired prior to January 1, 2014 will pay the 9% employee percentage of PERS contributions. The current total employee percentage is 9%. Effective October 21, 2018, employee to pay an additional 3% to be applied to the Employer CalPERS Contribution Rate.
- 1.5 The PERS benefit formula and percentages paid by any Employee will change for all newly hired Employees on or after January 1, 2014 who are not already in a PERS

recognized retirement system, in accordance with AB 340, signed into law on September 12, 2012.

- 1.6 Sworn personnel hired on or after January 1, 2014 shall receive the PERS benefit formula of 2.7%@57, shall contribute 50% of the total annual normal cost of their pension benefit to the pension plan as determined by the City's actuary and shall have their final compensation based on the employee's highest annual compensation earnable averaged over a consecutive 36-month period. The employee contribution rate for new sworn members is 11.50%. Effective October 21, 2018, employee to pay an additional 3% to be applied to the Employer CalPERS Contribution Rate.
- 1.7 Non-public safety personnel hired on or after January 1, 2014 shall receive the PERS benefit formula of 2%@62, shall contribute 50% of the total annual normal cost of their pension benefit to the pension plan as determined by the City's actuary and shall have their final compensation based on the employee's highest annual compensation earnable averaged over a consecutive 36-month period. The employee contribution rate for new non-sworn members is 6.25%. Effective October 21, 2018, employee to pay an additional 3% to be applied to the Employer CalPERS Contribution Rate.

#### **ARTICLE IV. INSURANCE BENEFITS**

##### **SECTION 1 - INSURANCE**

- 1.1 Active employees shall commence cost sharing starting in calendar year 2020 based on a dollar amount equal to the premium of the Kaiser Region 1 plan as follows:

###### 2020 Calendar Year

The City contribution shall be the 2019 Kaiser Region 1 plan rate plus the first 3% rate increase. The employee shall pay up to the next 3% of the rate increase, with the City responsible for anything above a total of 6%.

###### 2021 Calendar Year

The City contribution shall be its share of the 2020 Kaiser Region 1 plan rate plus the first 3% rate increase. The employee shall pay up to the next 3% of the rate increase, with the City responsible for anything above a total of 6%.

- 1.2 If an Employee elects no health coverage, and can demonstrate to the City, on an annual basis or any other time upon request, that the Employee has alternative health care coverage, the Employee shall be entitled to any one of the following options:
  - A. The City will pay 50% of the eligible contribution into the Employee's 457 Plan account; or
  - B. The City will pay to the Employee directly 50% of the eligible contribution in cash; or
  - C. At the Employee's option, the City will pay a portion of the eligible contribution to

increase the Employee's supplemental life insurance coverage and the Employee will receive the remainder of the eligible contribution under either option one or two above.

If an Employee's alternative health coverage is lost due to unforeseen circumstances, the Employee will upon request be covered by the City's health plan, subject to carrier approval.

- 1.3 Dental Insurance - For dental coverage the City shall pay 100 percent of the monthly premium through Delta Dental Plan of California for each Employee and qualified dependents as current practice dictates per fiscal year for each member. The City shall provide orthodontia coverage 50 percent with a lifetime maximum of \$4,000 for each eligible family member.
- 1.4 Life Insurance and AD&D - The City agrees to provide sworn personnel \$50,000 and non-sworn employees \$40,000 term life insurance and accidental death and dismemberment insurance at no cost to the Employee. Additional coverage on the same policy may be purchased by individual Employees through approved payroll deduction.
- 1.5 Short Term and Long Term Disability Insurance - Employees shall receive long-term disability insurance consistent with the highest level of similar coverage received by any bargaining unit in the City, at no cost to the Employee.
- 1.6 Employee Assistance Plan - The City agrees to continue an Employee Assistance Counseling Program for all Employees. Individuals eligible for coverage include Employees and their household members. The term household members encompasses anyone living in the Employee's household and can include, as examples, spouse, domestic partners, grandparents, sister or grandchildren, and eligible dependents.

## **ARTICLE V. SICK LEAVE BENEFITS**

### **SECTION 1 - SICK LEAVE ACCRUAL PLAN**

- 1.1 The City shall provide paid sick leave benefits to all Employees which accrues at the rate of eight (8) hours per month. The maximum sick leave accrual for Employees is 2080 hours. If an Employee has 2080 hours (one year) of accrued unused sick leave, the Employee shall cease earning sick leave until such time as their unused balance falls below 2080 hours.
- 1.2 Sick leave is to be used primarily for illness, injury or medical appointments for the employee or an immediate family member which requires an employee to be absent from work. The immediate family of an employee is defined as: parents, step-parents, parents-in-law, spouse, domestic partner, child, step-child, brother, sister, grandparents, grandchildren, brother/sister-in-law, son/daughter-in-law, or legal guardian.

- 1.3 After three consecutive sick days the City may require an employee to submit a doctor's statement and/or other reasonable verification for the sick leave request.
- 1.4 Exempt employees are not subject to sick leave accrual deduction for absences of less than one (1) day for sickness or personal medical appointments. This section does not preclude the City Manager from requiring Employees to report absences due to sickness of less than one (1) day.

## **ARTICLE VI. HOLIDAYS, VACATION AND OTHER LEAVE BENEFITS**

### **SECTION 1 - HOLIDAYS**

- 1.1 Employees shall receive 13 designated holidays per year to be observed during each Fiscal Year (July 1-June 30). Employees normally scheduled to work on those days will be given nine and one half (9.5) hours off with pay provided they are eligible as set forth below. Floating Holidays may not be carried forward from one fiscal year to the next and are not compensable at the time of separation from City service.

The following days shall be recognized as holidays:

1. New Year's Day
2. Martin Luther King, Jr. Day
3. Presidents Day
4. Memorial Day
5. Independence Day
6. Labor Day
7. Veteran's Day
8. Thanksgiving
9. The day after Thanksgiving
10. Christmas Eve
11. Christmas Day
12. Two Floating Holidays

Employees on approved vacation or sick leave shall not be charged vacation or sick leave for the Holiday.

- 1.2 Additional Christmas Holidays - Employees shall receive paid leave during the Christmas week consistent with the highest amount received by any bargaining unit in the City and as specifically designated by the City Manager. To be eligible for the Additional Christmas Holidays, Employees must have either worked or have been in approved paid leave status the equivalent of 15 or more full workdays during the previous thirty (30) days, exclusive of overtime. An Employee on approved vacation or sick leave shall not be charged vacation or sick leave if these Holidays fall during their

approved leave.

## **SECTION 2 - VACATION**

- 2.1 Except as otherwise provided in this Section, employees shall accrue vacation as follows:

<b>YEARS OF SERVICE COMPLETED</b>	<b>ANNUAL ACCRUAL RATE</b>
1 through 4	96 hours
5 through 9	120 hours
10 through 15	144 hours
16 through 19	160 hours
Beginning at 20 years	176 hours

- 2.2 Employees who reach 280 hours of accrued unused vacation shall cease earning any vacation until their vacation accrual falls below 280 hours.
- 2.3 On June 30 of each year the City shall automatically convert to cash all Employees' vacation leave accrual hours in excess of 240 and deposit the cash balance into the individual Employee's VantageCare Retiree Health Savings Program or into a member's previously established City-sponsored investment account.
- 2.4 Consistent with City policy employees may sell back up to 40 hours of their accrued vacation annually, one time during the fiscal year.

## **SECTION 3 - RETIREMENT HEALTH SAVINGS PLAN**

- 3.1 VantageCare Retiree Health Savings (RHS) Program allows employees to accumulate assets to pay for health insurance and out-of-pocket expenses in retirement. The RHS Plan has a number of advantages including tax-deferred contributions, tax-deferred investment earnings, and tax-free withdrawals for eligible medical expenses for participants, their spouses and dependents.
- 3.2 The City shall automatically deposit the following percentage of the employee's salary into the individual Employee's VantageCare Retiree Health Savings program. This benefit is paid from the Employee's salary and not by the City.
- Non-Exempt to contribute 1%

- Exempt Unrepresented hired prior to July 1, 2013 will contribute 20%
- Exempt Employees hired on or after July 1, 2013 will contribute 2%

3.3 Employees will be permitted to cash out and deposit unused leave accruals in their Retiree Healthcare Savings Plan as described below.

On June 30 of each year the City shall automatically convert to cash up to 40 hours of each Employee's vacation leave accrual hours in excess of 240 and deposit the cash balance into the individual's VantageCare Retiree Health Savings Program.

On June 30 of each year the City shall automatically convert to cash all up to 40 hours of employee's unused Executive Leave and deposit the cash balance into the individual's VantageCare Retiree Health Savings program.

## **SECTION 4 - BEREAVEMENT LEAVE**

- 4.1 Each employee shall receive 24 hours of bereavement leave per qualifying incident. A qualifying incident is defined as the death of an employee's parent, step-parent, parents-in-law, grandparent, child, step-child, grandchild, spouse, domestic partner, legal dependent, sister or brother, brother/sister-in-law, legal guardian or with approval by Human Resources, a substitute family member for a person defined above.
- 4.2 In addition to the 24 hours of bereavement leave, Employees may use accrued unused vacation or sick leave to extend their bereavement leave up to a total of forty hours.
- 4.3 At the discretion of the City Manager, or designee, additional time may be taken by the Employee using their accrued leave. City paid bereavement leave shall be limited to a maximum of 24 hours per incident. In special cases, the City Manager or designee may approve additional bereavement leave or a leave of absence for bereavement in other circumstances.

## **SECTION 5 - ADDITIONAL LEAVES**

### **5.1 Authorized Leaves of Absence without Pay**

Requesting Leave – Upon request, the City Manager may grant a Employee an unpaid leave of absence not to exceed three (3) months. Such leave shall be discretionary and based upon the needs of the City. Whenever possible, such request shall be submitted at least six (6) weeks in advance. Approval of the request may be with specific terms and conditions negotiated by the City Manager and the Employee.

Extension of Leaves – During the period of the Leave of Absence, a Employee may request that the leave be extended by submitting such a request in writing to the City Manager stating the reason for the extension. Such a request may be approved or disapproved by the City Manager as described in the above section. Under normal circumstances, no Leaves of Absence exceeding one (1) year will be granted.

- 5.2 Executive Leave – Exempt Employees shall receive 80 hours of Executive Leave on July 1 of each year as flexible compensation for the irregular duty periods, work in excess of 40 hours per week, and unpredictable demands on Employee's time. Executive Leave must be used prior to June 30 of the fiscal year it was awarded or it is lost.

On June 30 of each year the City shall automatically convert to cash up to 40 hours of Employees unused Executive Leave and deposit the cash balance into the individual Employee's VantageCare Retiree Health Savings program.

New Employees shall receive the following bank of hours of Executive Leave based on hire date as follows:

<b><u>Date of Employment</u></b>	<b><u>Credit for Executive Leave</u></b>
July 1 through September 30	60 hours
Oct 1 through December 31	40 hours
Jan 1 through March 31	20 hours
April 1 through June 30	0 hours

- 5.3 Pregnancy Disability Leave - An Employee disabled due to pregnancy may be entitled to a leave of absence for the period of disability up to three months. Employees on Pregnancy Disability Leave may utilize accrued unused sick leave and vacation during the leave period.
- 5.4 Family and Medical Leave Act of 1993 – The parties acknowledge the applicability of the Family and Medical Leave Act and the California Family Rights Act and intend to apply and implement this Agreement so as to comply with both State and Federal Law.
- 5.5 Voting Leave – Consistent with the provisions of California law, Employees shall be granted sufficient time to vote during municipal, primary and general elections.
- 5.6 Military Leave – The City shall comply with all State and Federal requirements regarding military duty leave.
- 5.7 Sabbatical Leave is provided as a major means by which Exempt Employees may promote their professional competence and so improve the performance of the organization through continued learning through study, research, writing, and travel.

Employees shall receive eighty (80) hours of Sabbatical Leave at the completion of seven years of service, which shall be on the eighth anniversary of their appointment as an Employee. Employees shall also receive eighty (80) hours of Sabbatical Leave upon the completion of fourteen years of service, which shall be on the fifteenth anniversary of their appointment as a Employee.

Employees may request and take Sabbatical Leave at any time after Sabbatical Leave Time has accrued, subject to prior approval by the City Manager. Sabbatical Leaves must be taken within one year of accrual of Sabbatical Leave Time. Sabbatical Leaves must be taken as a single period of ten consecutive business days or two periods of

five consecutive business days each.

- 5.8 Supplemental Leave – The City Manager may award up to 40 hours of Supplemental Leave to any Employee each year, based on extended hours of work, job performance or other circumstances. Supplemental leave must be used within one calendar year of the date awarded or it is lost.

- 5.9 Jury Leave – The City provides jury duty leave with pay for all Employees who are called upon to serve for court jury duty according to the following provisions:

An Employee called for jury duty shall immediately provide the City Manager with a copy of the jury summons. If the Employee is dismissed by the Court and three (3) hours or more remain in the workday, they are expected to report to work.

Employees' compensation for jury duty shall be limited to three months (63 work days). Employees whose jury service is in excess of three months (63 work days) may make a request to the City Manager or designee for continued payment. An Employee serving jury duty in excess of the above limit may use accrued unused vacation or other approved leave to continue pay.

## **ARTICLE VII. SEPARATION**

### **SECTION 1 – SEPARATION FROM CITY SERVICES**

- 1.1 Separation Notice Payment – Employees who have more than three years of service and voluntarily separate from employment with the City and provide at least thirty (30) calendar days' notice of separation shall receive a Separation Notice Payment. The Separation Notice Payment will be a sum equaling the most recent two weeks' regular compensation received by the Employee, including longevity pay and all other monetary incentive compensation received immediately prior to the date of notice. Employees who separate as a result of medical or other retirement shall not be eligible to receive this benefit.

Exempt Employees who have more than three years of service and are involuntarily separated from their employment with the City shall receive twelve weeks separation pay. Such separation pay shall include longevity pay and all other monetary incentive compensation the Employee received while employed by the City.

Non-Exempt Employees who have more than three years of service and are involuntarily separated from their employment with the City shall receive six week's separation pay. Such separation pay shall include longevity pay and all other monetary incentive compensation the Employee received while employed by the City.

- 1.2 Confidentiality – In the event of termination of employment, the Parties agree that neither the City nor Employee shall, for a period of six months, make any statement, orally, in writing or otherwise, regarding the reasons for or circumstances of termination, to any person or organization other than:



- a) In the case of the City: its legal counsel and/or City Council
  - b) In the case of the Employee: to legal counsel and/or immediate family.
- This provision shall expressly include communication to prospective future employers, unless otherwise required by law.

## **SECTION 2 – SAVINGS CLAUSE**

- 2.1 The provisions of the Resolution are declared to be severable and if any article, section, subsection, sentence, clause or phrase contained herein shall for any reason be held invalid or unenforceable by a court of competent jurisdiction, such decision shall not affect the validity of the remaining articles, sections, subsections, sentences, clauses or phrases of this Resolution, but they shall remain in full force and effect. It is the intent of the City this Resolution stand notwithstanding the invalidity of any part hereof.

## **SECTION 3 - IMPLEMENTATION AND DURATION**

- 3.1 Except as otherwise provided herein, this Pay and Benefits Plan shall be in full force and effect beginning to July 14, 2019 and shall remain in full force and effect until amended, repealed or superseded by action of the City Council through June 30, 2021.

## **EXHIBIT “A”**

The salaries in Table 1 below include a 3.5% Cost of Living Adjustment (COLA), effective July 14, 2019.

**TABLE 1**

**FY 2019-20**  
**3.5 % COLA**

TITLE	GRADE	ANNUAL SALARY	
		STEP 1	STEP 6
Accountant	048	\$79,505.29	\$101,470.90
Accounting Technician II	046	\$68,162.95	\$86,995.31
Administrative Specialist	045	\$63,113.64	\$80,550.79
Human Resources Specialist	046	\$68,162.95	\$86,995.31
Police Commander	055	\$136,257.89	\$173,903.65

**TABLE 2**

The salaries in Table 2 below include a 3.0% Cost of Living Adjustment (COLA), effective July 11, 2020.

**FY 2020-21**  
**3.0% COLA**

TITLE	GRADE	ANNUAL SALARY	
		STEP 1	STEP 6
Accountant	048	\$81,890.45	\$104,515.03
Accounting Technician II	046	\$70,207.84	\$89,605.17
Administrative Specialist	045	\$65,007.05	\$82,967.31
Human Resources Specialist	046	\$70,207.84	\$89,605.17
Police Commander	055	\$140,345.63	\$179,120.76

Note: Non-Represented employees are positions in the Unclassified Service.

\*Rates based on 1976 annual hours worked

Unrepresented employees shall work the number of hours necessary and sufficient to professionally discharge the duties and assignments. Exempt Unrepresented employees shall work a minimum of thirty-eight (38) hours per week, except when vacation, sick or other approved leave is taken. Exempt Unrepresented employees are granted discretion regarding the times they start and finish their work days, as well as the days they work. However, the City may from time to time require specific start or finish work times or both.

*The standard workweek shall be thirty-eight (38) hours per week, worked in units of nine (9-1/2) hours per day Monday through Thursday in a seven (7) day workweek which runs Saturday at midnight through the following Saturday at 11:59 p.m. Overtime for full time non-exempt employees will begin after 38 hours.*