

RESOLUTION NO. 2021-34

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, 2021; AND RESCINDING RESOLUTION 2020-27

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:
- Assistant City Manager
 - Assistant to the City Manager
 - Associate Engineer
 - Building Official
 - City Clerk
 - Community Development Director
 - Finance Director/City Treasurer
 - Finance Supervisor
 - Human Resources Manager
 - Information Technology Manager
 - Maintenance Services Superintendent
 - Management Analyst I,II,III
 - Network Security Engineer
 - Operations and Environmental Services Manager
 - Planning Manager
 - Program Manager
 - Public Works Director/City Engineer
 - Recreation Director
 - Recreation Supervisor
 - Recycling Operations Supervisor
 - Senior Accountant
 - Senior Engineer
 - Senior Human Resources Analyst
 - 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
- Human Resources Specialist
- Information Technology Specialist
- Public Safety Executive Assistant

**CHAPTER 2
SALARIES AND BENEFITS**

2.1 Effective the first full pay period in July 2021, the following control points shall apply for management employees:

| | |
|---|--------|
| Assistant City Manager | 17,364 |
| Assistant to the City Manager | 9,628 |
| Associate Engineer | 9,848 |
| Building Official | 12,242 |
| City Clerk | 14,376 |
| Community Development Director | 15,155 |
| Finance Director/City Treasurer | 15,133 |
| Finance Supervisor | 9,705 |
| Human Resources Manager | 13,691 |
| Information Technology Manager | 13,691 |
| Maintenance Services Superintendent | 9,013 |
| Management Analyst I | 7,450 |
| Management Analyst II | 8,194 |
| Management Analyst III | 9,013 |
| Network Security Engineer | 9,372 |
| Operations and Environmental Services Manager | 10,947 |
| Planning Manager | 12,855 |
| Program Manager | 9,013 |
| Public Works Director/City Engineer | 15,319 |
| Recreation Director | 15,019 |
| Recreation Supervisor | 9,013 |
| Recycling Operations Supervisor | 8,145 |
| Senior Accountant | 9,013 |
| Senior Engineer | 12,214 |
| Senior Human Resources Analyst | 10,011 |
| Senior Planner | 9,372 |
| Senior Program Manager | 10,011 |

2.2 Effective the first full pay period in July 2021, control points shall apply for confidential employees as follows:

| | |
|-----------------------------------|-------|
| Accountant II | 7,552 |
| Human Resources Specialist | 7,074 |
| Information Technology Specialist | 7,450 |
| Public Safety Executive Assistant | 6,801 |

- A. For Fiscal Year 2021-22, no cost of living adjustments (COLA) will be implemented for the salaries of management and confidential employees.
- B. Effective July 1, 2021, no salary adjustments or merit increases shall be implemented unless approved by the City Manager.
- C. Only those employees whose performance, over time, far exceeds expectations will achieve and maintain a salary that is above control point.

2.3 Pension Plan Benefits

- A. Employees are members of the California Public Employees Retirement System (CalPERS) 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 CalPERS 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. In accordance with City Council Resolution 2020-32, effective the first full pay period in July 2020, all Management and Confidential employees will pay an additional one percent (1%) into the required employer CalPERS contribution.
- D. Effective the first full pay period in July 2021, all Management and Confidential employees will pay an additional two percent (2%) into the required employer CalPERS contribution.

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 2021, 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 elect to receive "cash in-lieu" of medical coverage after they provide proof of such medical coverage to Human Resources. In this event, the City shall contribute Seven Hundred and Ninety Three dollars and eighteen cents (\$793.18) to the employee's Flexible Benefits Plan and the employee may receive this amount in cash, in which case the amount is treated as taxable income; or the employee may reallocate it toward the purchase of other benefits in the Plan; or a combination of both. The "cash in-lieu" benefit amount shall be \$350 per month for: a) Employees hired after December 31, 2020 or b) existing employees who discontinue the City's medical coverage and opt for "cash in lieu" of medical coverage at a later date as long as they meet the requirements as described above.
- 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 group.

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. Management and 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. Family and Medical Leave Act (FMLA), California Family Rights Act (CFRA), and Military Leave, however, shall be granted in accordance with the applicable provisions of state and federal law.

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

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 |

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

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.

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

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.

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 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

The vacation cap shall be two (2) times the employee's annual vacation accrual rate. Any time an employee reaches the maximum accrual, the employee will cease accruing vacation hours until such time the balance falls below the cap. No employee will be allowed to accrue vacation hours above the cap.

5.7 Vacation Cash-Out

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).

All irrevocable vacation cash-out requests must be in writing and submitted to Human Resources no later than June 30 of the fiscal year before the fiscal year in which the employee wishes to cash-out vacation leave. The notice shall indicate how many vacation leave hours the employee wishes to cash-out the following year. The amount requested cannot exceed the amount stated above. An employee can cash-out during the months of July and December. The Human Resources Manager has final approval.

5.8 Accrual

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

VACATION ACCRUAL – MANAGEMENT AND CONFIDENTIAL

| Years of Service | Days | Hrs Earned/Yr (37.5 hrs/wk) |
|-------------------------|-------------|--|
| 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.

Effective July 1, 2021, a minimum of 15 furlough days for all classifications subject to this resolution are in effect for Fiscal Year 2021-22 and are required to be taken by June 30, 2022. Should additional furlough days become necessary due to budget constraints, the affected employees shall be notified in writing with a minimum of two weeks notice.

**CHAPTER 7
EDUCATION BENEFITS**

7.1 Tuition Refund Plan

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.

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 is discouraged due to budgetary restraints.

**CHAPTER 9
MISCELLANEOUS POLICIES FOR CONFIDENTIAL EMPLOYEES**

9.1 Overtime

A. Policy – Definition

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.

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 and 28.125 hours for the confidential Personnel Technician – 75%. 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 commence 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 2020-27 is hereby rescinded and this resolution shall become effective immediately upon passage and adoption.

I CERTIFY that at a special meeting on June 22, 2021 the City Council of the City of El Cerrito passed this Resolution by the following vote:

AYES: Mayor Fadelli; Mayor Pro Tem Quinto; Councilmembers Abelson, Motoyama, and Rudnick
NOES: None
ABSTAIN: None
ABSENT: None

IN WITNESS of this action, I sign this document and affix the corporate seal of the City of El Cerrito on June 24, 2021.



Holly M. Charléty, City Clerk

APPROVED:



Paul Fadelli, Mayor