

## RESOLUTION 2023-042

### **RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ATASCADERO, CALIFORNIA, ESTABLISHING THE COMPENSATION AND BENEFIT PLAN FOR NON-REPRESENTED PROFESSIONAL AND MANAGEMENT WORKERS AND CONFIDENTIAL EMPLOYEES, EFFECTIVE JULY 1, 2023 – JUNE 30, 2024**

**WHEREAS**, the Government Code of the State of California prescribes a procedure for discussing and resolving matters regarding wages, hours and other terms and conditions of employment; and

**WHEREAS**, the City Personnel System Rules provided for a Compensation Plan; and

**WHEREAS**, the City desires to set forth salaries and benefits for Non-Represented Professional and Management workers and Confidential employees; and

**WHEREAS**, the City Council adopted Resolution 2021-067 on September 28, 2021, establishing the compensation and benefit plan for Non-Represented Professional and Management workers and Confidential employees.

**NOW, THEREFORE BE IT RESOLVED**, by the City Council of the City of Atascadero that all prior Resolutions for Non-Represented employees are repealed; and the Professional and Management Workers and Confidential Employees Compensation and Benefit Plan is hereby established as follows:

#### **Positions**

The following positions are included in this Resolution. The City Manager and Department Heads have individual employment agreements defining other terms and conditions of employment not described herein.

#### Executive Management Positions

Administrative Services Director

Deputy City Manager

City Manager

Community Development Director

Fire Chief

Police Chief

Public Works Director

## Management Positions

Battalion Chief

Deputy Administrative Services Director

Deputy Community Development Director

Deputy Community Development Director/Building Official/Economic Development Director

Deputy Public Works Director

Human Resources Manager

Police Commander

Public Works Analyst

Zoo Director

## Confidential (Includes only designated positions within the classifications)

Accounting Specialist

Administrative Assistant

Finance Technician

## **Salaries**

This one (1) year agreement shall provide salary increases according to the following formula and schedule:

Effective July 1, 2023, employees covered under this MOU shall receive a 6.5% (six point five percent) COLA salary increase. The following monthly salaries are effective July 1, 2023:

### **MONTHLY SALARY**

**Effective July 1, 2023**

CLASSIFICATION	RANGE	STEP A	STEP B	STEP C	STEP D	STEP E
Accounting Specialist-Confidential	26	—5,515.80	—5,791.59	—6,081.17	—6,385.23	—6,704.49
Administrative Assistant-Confidential	22	—5,002.99	—5,253.14	—5,515.80	—5,791.59	—6,081.17
Administrative Services Director	M57	—11,937.38	—12,534.25	—13,160.96	—13,819.01	—14,509.96
Battalion Chief	M50	—10,066.43	—10,569.75	—11,098.24	—11,653.15	—12,235.81
City Manager	M69	—15,997.23	—16,797.09	—17,636.94	—18,518.79	—19,444.73
Community Development Director	M57	—11,937.38	—12,534.25	—13,160.96	—13,819.01	—14,509.96
Deputy Administrative Services Director	M46	—9,130.55	—9,587.08	—10,066.43	—10,569.75	—11,098.24
Deputy City Manager	M48	—9,587.08	—10,066.43	—10,569.75	—11,098.24	—11,653.15
Deputy Community Development Director	M46	—9,130.55	—9,587.08	—10,066.43	—10,569.75	—11,098.24
Deputy Community Development —Director / Building Official / Economic- —Development Director	M51	—10,311.95	—10,827.55	—11,368.93	—11,937.38	—12,534.25
Deputy Public Works Director	M46	—9,130.55	—9,587.08	—10,066.43	—10,569.75	—11,098.24
Finance Technician-Confidential	22	—5,002.99	—5,253.14	—5,515.80	—5,791.59	—6,081.17
Fire Chief	M60	—12,847.60	—13,489.98	—14,164.48	—14,872.70	—15,616.34
Information Technology Manager	M43	—8,483.67	—8,907.85	—9,353.24	—9,820.90	—10,311.95
Personnel Specialist-Confidential	28	—5,791.59	—6,081.17	—6,385.23	—6,704.49	—7,039.71
Police Chief	M60	—12,847.60	—13,489.98	—14,164.48	—14,872.70	—15,616.34
Police Commander	M50	—10,066.43	—10,569.75	—11,098.24	—11,653.15	—12,235.81
Public Works Analyst	M39	—7,694.94	—8,079.69	—8,483.67	—8,907.85	—9,353.24
Public Works Director	M57	—11,937.38	—12,534.25	—13,160.96	—13,819.01	—14,509.96
Zoo Director	M39	—7,694.94	—8,079.69	—8,483.67	—8,907.85	—9,353.24

**MONTHLY SALARY**  
**Effective July 1, 2023**

CLASSIFICATION	STEP A	STEP B	STEP C	STEP D	STEP E
Accounting Specialist- Confidential	5,675.66	5,959.44	6,257.41	6,570.28	6,898.79
Administrative Assistant- Confidential	5,147.99	5,405.39	5,675.66	5,959.44	6,257.41
Administrative Services Director	12,290.67	12,905.20	13,550.46	14,227.98	14,939.38
Battalion Chief	10,358.19	10,876.10	11,419.91	11,990.91	12,590.46
City Manager	18,030.35	18,931.87	19,878.46	20,872.38	21,916.00
Community Development Director	12,290.67	12,905.20	13,550.46	14,227.98	14,939.38
Deputy Administrative Services Director	9,395.18	9,864.94	10,358.19	10,876.10	11,419.91
Deputy City Manager	9,864.94	10,358.19	10,876.10	11,419.91	11,990.91
Deputy Community Development Director	9,395.18	9,864.94	10,358.19	10,876.10	11,419.91
Deputy Community Development Director / Building Official / Economic Development Director	10,617.14	11,148.00	11,705.40	12,290.67	12,905.20
Deputy Public Works Director	9,395.18	9,864.94	10,358.19	10,876.10	11,419.91
Finance Technician- Confidential	5,147.99	5,405.39	5,675.66	5,959.44	6,257.41
Fire Chief	13,219.98	13,880.98	14,575.03	15,303.78	16,068.97
Human Resources Manager	7,010.83	7,361.37	7,729.44	8,115.91	8,521.71
Police Chief	13,219.98	13,880.98	14,575.03	15,303.78	16,068.97
Police Commander	10,358.19	10,876.10	11,419.91	11,990.91	12,590.46
Public Works Analyst	7,922.68	8,318.81	8,734.75	9,171.49	9,630.06
Public Works Director	12,290.67	12,905.20	13,550.46	14,227.98	14,939.38
Zoo Director	7,922.68	8,318.81	8,734.75	9,171.49	9,630.06

### Work Period

The normal work period for non-exempt employees shall be seven (7) days with a maximum non-overtime of forty (40) hours.

### Overtime Rate

Overtime for non-exempt employees, shall be compensated at the rate of time and one-half the regular rate of pay. All overtime shall be recorded and paid in the following manner:

- 1 to 15 minutes, overtime compensation –  $\frac{1}{4}$  hour
- 16 to 30 minutes, overtime compensation –  $\frac{1}{2}$  hour
- 31 to 45 minutes, overtime compensation –  $\frac{3}{4}$  hour
- 46 to 60 minutes, overtime compensation – 1 hour

### Overtime Hours Paid

Overtime for non-exempt employees shall be paid after forty (40) hours worked in a work period. Paid time off shall be considered time worked for overtime purposes.



## **Schools/Training/Conferences**

Hours traveling, studying, or evening classes, etc., when a non-exempt employee is attending an out-of-town school shall be paid in accordance with all FLSA provisions.

## **Compensatory Time (CT)**

Notwithstanding the provisions of this section, non-exempt employees may be granted CT for overtime credit computed at time and one-half at the mutual convenience of the City and the employee. Non-exempt employees may accumulate a maximum of one hundred and twenty (120) hours in their CT account.

## **Scheduling Compensatory Time**

Requests to use CT shall be granted with due regard for operational necessity such as staffing levels.

## **Deferred Compensation**

The City will match an eligible employee's contribution to a deferred compensation program. The match will be up to a maximum of \$1,000 annually for executive management employees and \$500 annually for management employees. All deferred compensation contributions are fully vested in the employee and shall not be available to the City.

## **Longevity Exclusively as Section 457 Contribution**

- a. For those active employees that have attained 10 years of continuous full time employment, the City, consistent with sections (b) through (f) below, shall deposit funds into a separate deferred compensation plan Section 457 account for each employee in the following amounts:
  - i. Fiscal Year 2021-2022: \$50 for each whole year of continuous full-time employment with the City
  - ii. After July 1, 2022: \$100 per year for each whole year of continuous full-time employment with the City
- b. Only employees who have received an overall rating of "satisfactory" or better on their last evaluation on file will be eligible for the longevity 457 contribution.
- c. Whole years of full time employment shall be determined on September 1<sup>st</sup> of each year for each active employee.
- d. Fractions of a year will be rounded down to the nearest whole year.
- e. For Fiscal Year 2021-2022, deposit into the deferred compensation account shall be made in one lump sum no later than 60 days after execution of this MOU. Thereafter, deposit into the deferred compensation account shall be made in one lump sum annually no later than the second pay period in September.
- f. Based on title 2 of the California Code of Regulations Section 571, the annual City deferred contribution for longevity into the separate deferred compensation plan, will not be considered special compensation, will not be reported to CalPERS as compensation and will not be considered as compensation when calculating an employee's retirement benefits. In

the event that CalPERS at some time in the future determines that the longevity Section 457 Contribution meets the definition of "Special Compensation", both parties agree to reopen negotiations related to the financial impacts and implementation of this issue.

## Health Benefits

1. Effective January 1, 2023~~+~~, for unit members who elect to have "Family" coverage, the City shall pay an amount not to exceed ~~\$2,035.57~~\$2,156.19 per month for employees electing Family coverage. The City contribution shall go toward the cost of all medical, dental, vision and life insurance benefit premiums for the unit member employee and dependents. City shall pay for increased costs to medical, dental, vision and life insurance premiums for the employee and fifty percent (50%) of increased costs for dependents based upon HMO plan costs.
2. Effective January 1, 2023~~+~~, for unit members who elect to have "Employee +1" coverage, the City shall pay an amount not to exceed ~~\$1,513.88~~\$1,607.23 per month for employees electing Employee +1 coverage. The City contribution shall go toward the cost of all medical, dental, vision and life insurance benefit premiums for the unit member employee and dependent. City shall pay for increased costs to medical, dental, vision and life insurance premiums for the employee and fifty percent (50%) of increased costs for the dependent based upon HMO plan costs.
3. Effective January 1, 2023~~+~~, for unit members who elect to have "Employee Only" coverage, the City shall pay amount not to exceed ~~\$1,076.83~~\$1,216.16 per month for employees electing Employee Only coverage. The City contribution shall go toward the cost of all medical, dental, vision and life insurance benefit premiums for the unit member employee for the term of this agreement. City shall pay for increased costs to medical, dental, vision and life insurance premiums for the employee based upon the HMO plan costs.

For unit members who elect to have "Employee Only" coverage, available funds remaining from the City's contribution toward insurance coverage shall be paid to an employee hired on or before September 1, 2000 as additional compensation. This amount shall not exceed \$240.56 per month.

4. The City of Atascadero has established a Post Retirement Health Benefit for Executive Management and Council. The City agrees to reimburse the retiree for retiree and/or retiree's dependent health (medical/dental/vision) insurance premiums, disability insurance, long-term health care or life insurance premiums in a method determined by the Administrative Services Director following retirement.

The program parameters are:

- ☐ The benefit is available upon retirement from PERS or other similar retirement program after age 50; and
- ☐ The employee must have served for a minimum of 8 years with the City of Atascadero. (Council serving consecutive full terms totaling 8 consecutive years shall be eligible regardless of swear in dates); and
- ☐ For employees hired after July 1, 2016 the employee must begin drawing retirement within 6 months of separating from the City of Atascadero; and
- ☐ The benefit extends between the date of retirement and age 65; and

- The current benefit is \$200.00 monthly.

### **Life Insurance**

The City shall provide a term life insurance policy on each employee (Executive Management, Management, Confidential and Council) in the amount of Fifty-Thousand Dollars (\$50,000).

The City shall provide a term life insurance policy for each eligible dependent of Executive Management, Management and Confidential employees enrolled in health coverage in the amount of One Thousand Dollars (\$1,000) per dependent.

### **Long-Term Disability Insurance**

The City shall provide a City-paid program to provide Long-Term Disability Insurance for Executive Management and Management employees.

### **State Disability Insurance**

The City provides State Disability Insurance as a payroll deduction for each employee in the Confidential classification only. State Disability Insurance shall be integrated with sick leave with the objective of providing full compensation.

### **Leave**

#### Administrative Leave

Executive Management Employees, and Management Employees will receive Administrative Leave, which will vest as of July 1 annually. Except as provided below, Administrative Leave will not be carried over or accrue from one fiscal year to the next. If an employee is unable to use his/her Administrative Leave prior to the end of the fiscal year for work related reasons beyond his/her control, said leave will be carried over into the next fiscal year for a period not to exceed three (3) months. Said time will be available to the employee for use during that period, but will not be accrued for the purpose of payoff in the event of termination. In the event an employee covered by this Agreement is employed after January 1 of the fiscal year, the employee shall be eligible for one half of their annual allotment of Administrative Leave. Employees shall receive Administrative Leave at the following annual rates:

- Executive Management shall receive 80 hours.
- Management Employees shall receive 48 hours.

#### Vacation Leave

- a. Employees shall receive vacation leave consistent with the Personnel System Rules.
- b. In addition to the vacation leave accrued as outlined in Section 15.2 B of the City of Atascadero Personnel System Rules, employees shall receive:
  - An additional two days of vacation annually upon completing 15 years of service

- for a total accrual of 22 days per year or 6.77 hours per pay period; and
- Two more days of vacation annually upon completing 20 years of service for a total accrual of 24 days per year or 7.385 per pay period.

### Holidays

The City shall recognize the following days as official City holidays:

<u>Holiday</u>	<u>Day Observed</u>
New Year's Day	January 1
Martin Luther King, Jr. Birthday	3rd Monday in January
Presidents' Day	3rd Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4th
Labor Day	1st Monday in September
Veteran's Day	November 11
Thanksgiving Day	4th Thursday in November
Day After Thanksgiving	Friday after Thanksgiving
Christmas Eve Day	December 24
Christmas Day	December 25
"Floating" Holiday	Off As Scheduled; Accrues January 1

Each unit member employed by the City as of January 1st of each year shall be eligible for one floating holiday (8 hours). Floating holidays must have prior department approval and shall be consistent with the efficient operation of the department. The floating holiday may be used between January 1 and December 31 of each year.

### Sick Leave

1. Sick leave accumulates at a rate of 3.69 hours per pay period. There is no limit to the accumulation.
2. Stay Well Bonus. Employees with 384 or more hours of accumulated sick leave shall be eligible for the Stay Well Bonus. The Stay Well Bonus will be implemented as follows:
  - a. The sick leave pay-off will occur during the twelve- (12) month period beginning the first day after the second pay period in October and ending on the last day of the second pay period in October of the following year after an employee has accumulated and maintained 384 hours of sick leave.
  - b. Once the eligibility requirements have been met, an employee may opt to receive a pay-off equal to one-third (1/3) of the unused annual allotment of sick leave. (The annual allotment is 95.94 hours).
  - c. Checks will be prepared by December 15 of each year.



3. Sick Leave Payback. When an executive management employee, a management employee or confidential employee terminates employment in good standing, after five (5) years of continuous service with the City of Atascadero in an executive management, management, or confidential position, as defined in this Resolution, he/she shall be paid one-half of his/her accumulated Sick Leave.
4. In any calendar year, up to two days (16 hours) of sick leave may be used for personal reasons without explanation. These days are not intended as vacation days and may not be used to extend vacations or holidays.

#### Bereavement Leave

Employees shall be granted bereavement leave pursuant to the City of Atascadero Personnel System Rules.

The City shall provide up to twenty-four (24) hours of paid bereavement leave for bereavement purposes. Bereavement purposes include (1) the death of a member of the employee's immediate family, and (2) the critical illness of a member of the employee's immediate family where death appears to be imminent. The amount of bereavement leave provided under this section is twenty four (24) hours per family member.

The employee may be required to submit proof of a relative's death or critical illness before final approval of leave is granted.

For purposes of this section, "immediate family" means: spouse or domestic partner, parent (including biological, foster, or adoptive parent, a stepparent, or a legal guardian), grandparent, grandchild, child (including biological, foster, or adopted child, a stepchild, a legal ward, a child of a domestic partner, or a child of a person standing in loco parentis), brother, sister, aunt, uncle, son-in-law, daughter-in-law, mother-in-law, father-in-law, brother-in-law, sister-in-law or significant other.

Twenty-four (24) hours of the paid absence shall be considered "bereavement leave", and any remaining time shall be from other paid time off available to the employee.

When an employee has exhausted the bereavement leave provided in this section, the employee may submit a request to his/her Department Head and request additional time off work. If approved, the employee must use their other accrued paid leave. The employee may elect which accrued paid leave he/she shall use during the additional leave. However, the employee may not use more than forty (40) hours of accrued sick leave for bereavement purposes. If the additional leave approved by the Department Head is longer than forty (40) hours, the employee is required to use accrued paid leave other than sick leave.

#### **Retirement**

##### CalPERS Non-Sworn Miscellaneous Members (as defined by CalPERS)

- a. Non-Sworn Miscellaneous Member employees (as defined by CalPERS) are provided retirement benefits through the California Public Employees Retirement System (CalPERS).



#### TIER 1

Non-sworn Miscellaneous Member employees hired on or before July 14, 2012 are provided benefits pursuant to the 2.5% @ 55 Benefit Formula (Government Code Section 21354.4), Final Compensation 1 Year (G.C. Section 20042) and Unused Sick Leave Credit (G.C. Section 20965). The City will pay 3.3% (three point three percent) of the Non-sworn Miscellaneous Member employee contribution of 8% (eight percent). Non-sworn Miscellaneous Member employees will pay the remaining 4.7% (four point seven percent) of the employee contribution.

#### TIER 2

Non-sworn Miscellaneous Member employees hired between July 14, 2012 and December 31, 2012, and Non-sworn Miscellaneous Member employees hired on or after January 1, 2013 who meet the definition of a Classic Member under CalPERS, are provided benefits pursuant to the 2% @ 55 Benefit Formula (G.C. Section 21354), Final Compensation 3 Year (G.C. Section 20037) and Unused Sick Leave Credit (G.C. Section 20965). The City will pay 2.3% (two point three percent) of the Non-sworn Miscellaneous Member employee contribution of 7% (seven percent). Non-sworn Miscellaneous Member employees will pay the remaining 4.7% (four point seven percent) of the employee contribution.

#### TIER 3

Pursuant to the California Public Employees' Pension Reform Act of 2013 (PEPRA), Non-sworn Miscellaneous Member employees hired on or after January 1, 2013 who meet the definition of a CalPERS new member under PEPRA are provided benefits pursuant to 2% @ 62 Benefit Formula (G.C. Section 7522.20) with Final Compensation 3 Year (G.C. Section 20037). The Non-sworn Miscellaneous Member employee will pay a member contribution rate of 50% (fifty percent) of the expected normal cost rate.

- b. The City shall provide CalPERS the Post Retirement Survivor benefit for Miscellaneous Members.
- c. Employee contributions shall be contributed to CalPERS on a pre-tax basis.

#### CalPERS Sworn Safety Members (as defined by CalPERS)

- a. Sworn Safety Member employees (as defined by CalPERS) are provided retirement benefits through the California Public Employees Retirement System (CalPERS).

#### TIER 1

Sworn Safety Member employees hired on or before July 14, 2012 are provided benefits pursuant to the 3% @ 50 Benefit Formula (Government Code Section 21362.2), Final Compensation 1 Year (G.C. Section 20042) and Unused Sick Leave Credit (G.C. Section 20965). The City will pay 0% (zero percent) of the Sworn Safety Member employee contribution of 9% (nine percent). Sworn Safety Member employees will pay the employee contribution of 9% (nine percent).

#### TIER 2

Sworn Safety Member employees hired between July 14, 2012 and December 31, 2012, and Sworn Safety Member employees hired on or after January 1, 2013 who meet the

definition of a Classic Member under CalPERS, are provided benefits pursuant to the 3% @ 55 Benefit Formula (G.C. Section 21363.1), Final Compensation 3 Year (G.C. Section 20037) and Unused Sick Leave Credit (G.C. Section 20965). The City will pay 0% (zero percent) of the Sworn Safety Member employee contribution of 9% (nine percent). Sworn Safety Member employees will pay the employee contribution of 9% (nine percent).

### TIER 3

Pursuant to the California Public Employees' Pension Reform Act of 2013 (PEPRA), Sworn Safety Member employees including hired on or after January 1, 2013 who meet the definition of a CalPERS new member under PEPRA are provided benefits pursuant to the 2.7% @ 57 Benefit Formula (G.C. Section 7522.25(d)) with Final Compensation 3 Year (G.C. Section 20037). The Sworn Safety Member employee will pay a member contribution rate of 50% (fifty percent) of the expected normal cost rate.

- b. The CalPERS retirement for Sworn Safety Members (as defined by CalPERS) includes Level Four (4) of the 1959 Survivor's Benefit. The employees shall pay the monthly cost of the benefit.
- c. Employee contributions shall be contributed to CalPERS on a pre-tax basis.

### **Education Incentive Pay**

Employees shall be reimbursed up to \$1,600.00 per fiscal year for books, tuition and related educational expenses for attending college or other professional training, providing the coursework is job-related, and the employee received a passing grade.

### **Uniform/Safety Equipment Allowance**

- a. The City shall provide an annual uniform allowance of eight hundred dollars (\$800) for Police Chief and Commanders, and eight hundred fifty dollars (\$850) for the Fire Chief and Battalion Chiefs. Upon initial hire the employee will receive \$800/\$850. In the second year the amount will be prorated based upon the actual number of months employed in the prior year. When an employee separates from the City the Uniform Allowance will be prorated based upon the number of months worked in the then current fiscal year.
- b. The City will make a lump sum payment of the uniform allowance no later than the second payday in July.
- c. Uniforms damaged on duty shall be replaced as prorated by the Chiefs. Employees are required to seek reimbursement through the courts with all practical diligence.
- d. The City shall make available a bulletproof vest. Employees requesting a vest shall certify that they will wear the vest at all times, except in extreme climatic conditions. Vests shall be replaced or refurbished on an as needed basis as determined by the Chief of Police. Employees already owning a vest shall continue to use them until repair or refurbishment becomes necessary, as determined by the Chief of Police.

- e. Rain boots - The City shall comply with the requirements of CAL/OSHA as it relates to providing rain gear including rain boots.

### **Commitment to Fair and Reasonable Changes to the CalPERS System**

The interests of the City and the employees whose positions are covered under this resolution are generally aligned: both seek fair and reasonable changes to the CalPERS system to ensure long-term sustainability of the system. Needed State-level changes acceptable to both executive management and City labor groups are most likely to be initiated by CalPERS member agencies and labor, working collaboratively.

City and the employees covered under this resolution hereby jointly commit to:

- Request state-level membership organizations (e.g., the League of California Cities, state-wide labor affiliates) to alert and engage members, to make this issue a priority, and encourage committing to a set of collaborative solutions;
- Encourage, educate, and engage peers (e.g., other cities, other labor groups) to make this issue a priority and to lend their voice to our request to state-level membership organizations;
- Jointly analyze options with an open mind as to potential solutions; and
- Other potential collaborative efforts as they arise.

**PASSED AND ADOPTED** at a regular meeting of the City Council held on the 13th day of June, 2023.

On motion by Mayor Moreno and seconded by Council Member Bourbeau, the foregoing Resolution is hereby adopted in its entirety on the following roll call vote:

AYES: Council Members Bourbeau, Dariz, Funk, Newsom and Mayor Moreno  
NOES: None  
ABSENT: None  
ABSTAIN: None

CITY OF ATASCADERO:

  
\_\_\_\_\_  
Heather Moreno, Mayor

ATTEST:

  
\_\_\_\_\_  
Lara K. Christensen, City Clerk