



# BOARD OF SUPERVISORS

## COUNTY OF BUTTE, STATE OF CALIFORNIA

Resolution No. 19-006

### RESOLUTION OF THE COUNTY OF BUTTE REGARDING SALARY AND BENEFITS OF BUTTE COUNTY APPOINTED DEPARTMENT HEADS

**WHEREAS**, Butte County Appointed Department Heads are exempt from the Merit System and some employee benefits provisions of the Personnel Rules; and

**WHEREAS**, the Butte County Board of Supervisors grants benefits to Appointed Department Heads that are the same as or similar to those provided to classified employees; and

**WHEREAS**, it is the intent of the Board of Supervisors that Appointed Department Heads' benefits be standardized where allowed by law or this policy, unless otherwise provided for by individual contract; and

**WHEREAS**, Resolution Number 18-124 formerly specified the salary and benefits entitled to Appointed Department Heads.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Supervisors of the County of Butte, State of California, that this resolution will supersede and replace Resolution Number 18-124 except where Resolution Number 18-124 applies to an Appointed Department Head by incorporation into his or her contract, in which case the terms of the contract control; and

**BE IT FURTHER RESOLVED** that Appointed Department Head benefits shall be as follows unless otherwise specifically provided for differently in an individual's contract:

**1. Vacation Leave Accrual and Use**

Amount of Continuous County Service

Up to 5 years of service

Beginning of 6<sup>th</sup> year through end of 10<sup>th</sup> year of service

Beginning of 11<sup>th</sup> year through end of 20<sup>th</sup> year of service

21 years and over

Earned at the Rate of:

15 days per year (120 hours)

20 days per year (160 hours)

25 days per year (200 hours)

27 days per year (216 hours)

- a. Appointed Department Heads shall accrue vacation leave at the rates set forth above and shall be allowed to accumulate years of service from any position of employment held in the County of Butte. Appointed Department Head vacation accruals may not exceed twice the annual accrual at the start of the first pay period in a calendar year. If the Appointed Department Head is unable to take the scheduled vacation during a calendar year due to unusual circumstances which result in his/her accumulation limit being exceeded, or in the three month grace period following the beginning of the calendar year because of emergency needs of the County, the Appointed Department Head shall be paid for the excess vacation accrual upon the Board of Supervisor's approval.
- b. All accumulated vacation on record shall be paid at the time of separation from employment.
- c. **Vacation Buy Back**  
Appointed Department Heads shall have the option of requesting pay in lieu of time off for up to a maximum of 144 hours of vacation time each calendar year in increments of eight (8) hours. Such requests are subject to the approval of the Chief Administrative Officer and availability of funds.

- d. If an employee of the County promotes from classified service to an Appointed Department Head position, and there is no break in service by so doing, the employee may opt to have their accrued vacation leave balance on record transfer with the employee into the Appointed Department Head position. Under this provision, the hours that are in excess of the maximum allowable may not be transferred, but instead shall be paid out. Vacation hours shall continue to accrue from the initial, continuous, date of hire.

**2. Sick Leave Accrual and Use**

- a. Appointed Department Heads shall be credited with sick leave at the rate of one day per month without limit and may use it in case of sickness or disability or for critical illness of an immediate family member (3.6923 hours per biweekly pay period).
- b. On retirement or separation in good standing from County employment, the Appointed Department Head may be paid for any sick leave over 30 days at one-half the normal rate up to a maximum of \$3,000, or may apply the leave time to service credit for retirement purposes.

**3. Holiday Leave**

Appointed Department Heads who are on compensated status both before and after a designated holiday shall receive compensation for the holiday.

**4. Family Care & Medical Leave**

Appointed Department Heads are eligible for Family Medical Leave, California Family Rights Leave, and/or Pregnancy Disability Leave as provided for by law and as described in the Medical Leave Policy contained in the Personnel Rules.

**5. Administrative Leave**

Appointed Department Heads accrue paid administrative leave at the rate of 10 days per year (3.0769 hours per biweekly pay period) to a maximum of 44 days.

**6. Bereavement Leave**

Whenever a Appointed Department Head believes it necessary to be absent from duty because of the death of a member of the individual's "immediate family" as defined in the Personnel Rules, the Appointed Department Head may be absent for five working days with pay for each occasion. Any time used in this manner shall not be charged to sick leave or vacation, but shall be documented and recorded as bereavement leave. In the case of the deaths of individuals other than those defined as immediate family who were living in the Appointed Department Head's household as family members, approval for the use of bereavement leave shall be on a case-by-case basis at the sole discretion of the Chief Administrative Officer.

**7. Retirement Plan**

Participation in the retirement plan shall be consistent with the requirements of the California Public Employees' Pension Reform Act of 2013 as it is currently enacted and as it is amended in the future, and its implementing regulations, referred to hereinafter collectively as "PEPRA". To the extent PEPRA conflicts with any provision of this Resolution, PEPRA will govern.

- a. "New Members" - For purposes of this section "New Member" is defined by PEPRA to be any of the following (statutory reference is to the California Government Code):

- (1) An individual who becomes a member of any public retirement system for the first time on or after January 1, 2013, and who was not a member of any other public retirement system prior to that date.
- (2) An individual who becomes a member of a public retirement system for the first time on or after January 1, 2013, and who was a member of another public retirement system prior to that date, but who was not subject to reciprocity under subdivision (c) of Section 7522.02.
- (3) An individual who was an active member in a retirement system and who, after a break in service of more than six months, returned to active membership in that system with a new employer. For purposes of this subdivision, a change in employment between state entities or from one school employer to another shall not be considered as service with a new employer.

Appointed Department Heads who are "New Members", as defined above, are eligible to participate in the County retirement program as contracted through the California Public Employees' Retirement System ("CalPERS"). The retirement program is integrated with Social Security and the retirement benefit is based on the highest average annual compensation over a three-year period and the 2% @ 62 formula (2.7% @ 57 safety formula for the Chief Probation Officer)

b. "Classic Members" - For purposes of this section "Classic Member" is defined as a member who does not meet the definition of a "New Member" as defined by PEPPRA. Appointed Department Heads who are "Classic Members", as defined above, are eligible to participate in the County retirement program as contracted through the California Public Employees' Retirement System ("CalPERS"). The retirement program is integrated with Social Security and the retirement benefit is based on the highest single year of salary and on the 2% @ 55 formula (2% @ 50 safety formula for the Chief Probation Officer).

c. Retirement Contribution

**Non-Safety Classifications:**

**"Classic Members"**: Effective the first full pay period including January 1, 2013, Appointed Department Heads will pay on a pre-tax basis seven percent (7%) of salary for the employee share of his/her CalPERS pension.

**"New Members"**: Effective the pay period including January 1, 2013, Appointed Department Heads shall pay an amount that is equal to one half (1/2) the normal cost of his/hers CalPERS pension, or the current contribution rate of similarly situated employees, whichever is greater.

**Safety Classifications:**

**"Classic Members"**: Effective the pay period including January 1, 2013, the Chief Probation Officer will pay on a pre-tax basis nine percent (9%) of salary for the employee share of his/her CalPERS pension.

**"New Members"**: Effective the pay period including January 1, 2013, the Chief Probation Officer shall pay an amount that is equal to one half (1/2) the normal cost of his/hers CalPERS pension, or the current contribution rate of similarly situated employees, whichever is greater.

8. **Unemployment Insurance**

Unemployment insurance is provided according to State law. The Chief Administrative Officer is not covered by unemployment insurance.

**9. Health, Dental, Vision and Life Insurance**

**a. Participation.**

Appointed Department Heads are entitled to participate in a County sponsored Health Plan including dental, vision, and life insurance elements. All Appointed Department Heads assigned to a (1/2) one-half time or more position and the Appointed Department Heads' dependents shall be entitled to participate in the county-sponsored group health plan. Within the first thirty (30) days of employment, eligible Appointed Department Heads must elect or decline health coverage. If an election is not made, the Appointed Department Head will be presumed to have declined coverage and will be eligible at the next open enrollment or in conjunction with a qualifying event. The effective date of coverage will be the first of the month following thirty (30) days of regular help employment. Coverage will terminate on the last day of the month following the employment termination month. The County must be notified of a Qualifying Event within thirty (30) days of the date of the event, or otherwise, as required by law. All documentation/verification must accompany the request for coverage.

**b. Premium.**

Unless provided otherwise by an Appointed Department Head's contract, Appointed Department Heads shall pay their share (as established annually) of the total monthly premium for employee and dependent coverage to be paid through a payroll deduction, unless otherwise specified in this section. To be eligible for premium sharing, an employee must have no less than the total of (10) ten days of compensated employment occurring within the (2) two regular pay periods immediately preceding the pay period from which the premium deduction is made. Appointed Department Heads with less than the required compensated days of employment may continue coverage by advancing to the Director-Human Resources the total premium amount for the month. For the purpose of this section only, an Appointed Department Head on an approved industrial disability leave of absence, who is receiving temporary disability payments from the compensation insurance fund, shall be considered in full-compensated employment status. A covered Appointed Department Head granted an approved non-compensated leave of absence may continue health insurance coverage by advising the Director-Human Resources and advancing to the Director-Human Resources each month the total monthly premium cost.

**c. Description.**

The Butte County Flexible Benefits Plan (hereafter "Cafeteria Plan") is available to all Appointed Department Heads. There will be two (2) participation levels, identified as Option "A" and Option "B" as per Section 9.d. below. Once the selection is made, it will remain in force until the following plan year, unless a qualifying event, as defined by the IRS, occurs. The fee for a third party administrator will be paid by the County.

**d. Participation Levels.**

**Option A - CORE PLAN**

Appointed Department Heads who elect Option A to participate in the County sponsored medical plan will receive the County health benefits flex contribution (as specified below) to be utilized to purchase their selected medical plan and cannot be cashed out. In the event that an Appointed Department Head selects a medical plan that results in an excess County contribution, that excess contribution will be deemed a non-health flex contribution that may be taken as taxable income or applied to pre-tax dental, vision or other alternative approved benefits. Should an Appointed Department Head decline County sponsored medical coverage, such Appointed Department Head will receive a cash-in-lieu payment if the Appointed Department Head complies with the requirements outlined in Option B below.

The County will pay to Employee's Flexible Benefit Account the following amounts for employees who election Option A:

Employee only	\$624.78
Employee plus one	\$1,083.30
Family	\$1,369.41

The above amounts include the PEMHCA minimum which is paid outside of the County's Section 125 plan.

Appointed Department Heads, regardless of medical plan participation status, are eligible to enroll in the County's dental and/or vision programs. Appointed Department Heads contributions for dental and vision will be deducted from employee's regular payroll on a pre-tax basis. Appointed Department Heads that have elected Option A can also elect to participate in optional benefits. If the Appointed Department Head has any surplus Flexible Benefit Account credits after making all elections required to participate in the health insurance, the Appointed Department Head can use that surplus toward the Flexible Benefit Options. Appointed Department Heads that wish to participate in the optional benefits in the plan, with the exception of the cash back option, but do not have any surplus credits, can elect to have pre-tax payroll deductions in an amount to cover the cost of their elections.

Premium Holiday: In the event that a "premium holiday" is declared by the County's health plan administrator or provider in which health plan premiums are not required to be paid for a period of time, the following shall occur:

- a. the County shall retain ownership and sole rights to the County's monthly contributions, as stated above, for this period;
- b. employees shall not be required to contribute their portion of monthly premiums for this same period.

#### Option B - FLEXIBLE BENEFIT OPTIONS

Appointed Department Heads who decline County sponsored medical coverage and elect Option B must provide the following in order to receive the cash-in-lieu:

(1) proof that the Appointed Department Head and all individuals for whom the Appointed Department Head intends to claim a personal exemption deduction ("tax family"), have or will have minimum essential coverage through another source of group health insurance (coverage not obtained in the individual market or through Covered California) for the plan year to which the opt out arrangement applies ("opt out period"); and

(2) the Appointed Department Head sign an attestation that the Appointed Department Head and his/her tax family have or will have such minimum essential coverage for the opt out period. An Appointed Department Head must provide the attestation every plan year at open enrollment or within 30 days after the start of the plan year. The opt-out payment cannot be made and the County will not in fact make payment if the County knows that the Appointed Department Head or tax family member doesn't have such alternative coverage, or if the conditions in this paragraph are not otherwise satisfied.

Employees hired on or before December 31, 2015, will receive an employer flex credit contribution of one hundred eighty-six dollars and sixteen cents (\$186.16) per pay period for "employees" who elect and satisfy the requirements outlined above for Option B. Employees hired on or after January 1, 2016, will receive an employer flex credit contribution of ninety-two dollars and thirty-one cents (\$92.31) per pay period for employees who elect and satisfy the requirements outlined above for Option B.

Appointed Department Heads may elect a pre-tax deduction (through regular payroll or cash-in-lieu) to purchase any of the Flexible Benefit Options listed in the Flexible Benefits Options Exhibit. Should an Appointed Department Head receive cash-in-lieu that is not utilized for Flexible Benefit Options, the amount will be included as taxable income.

e. Administration.

- a. No benefits will be paid to employees in Option B until all requirements outlined in the Flexible Benefits – Option B section have been met.
  - i.
- b. All Appointed Department Heads and the Appointed Department Head's dependents including registered domestic partner pursuant to Family Code Section 297.5 shall be entitled to participate in the County's Flexible Benefits Plan. If Appointed Department Head assumes a part-time schedule, such Appointed Department Head will receive proportional benefits. For purposes of benefit plan eligibility, any Appointed Department Head assigned to a one-half (1/2) time or more position, and the Appointed Department Head's dependents, shall be entitled to participate in the County's Flexible Benefits Plan. Appointed Department Heads working less than full-time, shall receive prorated flex benefit contributions rounding to the nearest one-quarter time; i.e., either fifty percent (50%), for Appointed Department Heads working thirty-six (36) hours to forty-five (45) hours; seventy-five percent (75%), for Appointed Department Heads working forty-six (46) to sixty-four (64) hours; or one hundred percent (100%), for Appointed Department Heads working sixty-five (65) hours or more.
- c. Any money deposited in the Flexible Spending Account of an Appointed Department Head must be used during the plan year (with the exception of \$500 which may be carried over to the following plan year); otherwise, the remaining balance reverts to the County.

f. Retired Employee Options.

Appointed Department Heads initially appointed prior to December 8, 2009, retiring in good standing before age 65 from the County of Butte, who are eligible under PEMHCA and who enroll in health care, may continue to cover themselves and eligible dependents under the health plan as provided in Personnel Rules section labeled Health Plan. The county shall pay the full premium for such coverage until the retiree becomes 65 years of age or is covered by another governmental or employer-paid health plan. The contribution shall include the PEMHCA statutory minimum contribution. Application for post-retirement health coverage shall be made to the Director-Human Resources, prior to the official termination date of county service, in a manner and form prescribed by the Director.

Appointed Department Heads who are initially appointed December 8, 2009 or later, with five (5) years or more of cumulative service with Butte County, retiring in good standing before age 65 from the County of Butte, who are eligible under PEMHCA and who enroll in health care, may continue to cover themselves and eligible dependents under the health plan. The county shall pay a premium contribution at the rate of the HMO, Delta DPO, and Vision Service Plan premiums for such coverage until the retiree becomes 65 years of age or is covered by another governmental or employer-paid health plan. The contribution shall include the PEMHCA statutory minimum contribution. Department Heads appointed on or after December 8, 2009, who have less than five (5) years of service, and who are eligible under PEMHCA and who enroll in health care, shall receive the PEMHCA statutory minimum contribution. Application for post-retirement health coverage shall be made to the Director-Human Resources, prior to the official termination date of county service, in a manner and form prescribed by the Director.

g. Life Insurance.

Life Insurance is provided for Appointed Department Heads in the amount of \$25,000. Purchase of supplemental life insurance is also available at group rates.

**10. Deferred Income Plan**

Appointed Department Heads may participate in an IRS Section 457 Deferred Compensation Plan up to the maximum allowed by the law.

**11. Travel Allowance and Mileage Reimbursement**

- a. Monthly Mileage Allowance. Appointed Department Heads shall be provided a monthly mileage allowance of six-hundred and twenty dollars (\$620.00) per month for all within-County travel. Additionally, all Appointed Department Heads shall be reimbursed at the current IRS allowable rate for all work related travel in his or her private vehicle outside of the County. Appointed Department Heads who have County assigned emergency vehicles which are available for their use during non-business hours are not eligible for this allowance.

Travel Policy and Meal reimbursement. Appointed Department Heads shall comply with the Travel Policy contained in the Personnel Rules.

**12. Cell Phone Allowance**

- a. Appointed Department Heads may opt to be provided a County-owned cell phone for business purposes. Any personal charges incurred while using the County-provided cell phone must be reimbursed to the County Auditor-Controller on a monthly basis; or
- b. Appointed Department Heads may opt to receive a monthly cell phone allowance of seventy dollars (\$70.00) for use of a privately owned cell phone to conduct County business.

**13. Reimbursement for Professional Designations**

- a. Appointed Department Heads who are in one of the following groupings shall be eligible to have paid on their behalf or be reimbursed for 100% of the professional license and certification fees required as a prerequisite to their position:
- Attorneys
  - Physicians
  - Psychiatrists
  - Registered Engineers
  - Registered Nurses
  - Microbiologists
  - Certified Public Accountant
- b. Dues for all Appointed Department Heads to a local service club may be reimbursed 100% for said dues.

**14. Employee Assistance Program**

Appointed Department Heads and eligible family members are entitled to participate in County's Employee Assistance Program in accordance with the terms of the agreement between the County and the vendor. Services available to employees and eligible family members include but are not included to the following:

- Marital and family problems
- Alcohol Abuse
- Financial and credit concerns
- Child care
- Pre-retirement planning
- Legal issues and questions
- Relationship issues
- Drug dependency
- Emotional problems and stress
- Elder care
- Federal taxpayer problems
- Interpersonal conflicts

15. **Long Term Disability Insurance**

Appointed Department Heads are covered by Long Term Disability Insurance, which provides for disability income protection with a guarantee replacement of 60% of the monthly earning up to a maximum of five thousand dollars (\$5,000) per month, beginning on the 91<sup>st</sup> day of disability with benefits payable for illness or accident to age 65. This policy provides for a ninety (90) day waiting period.

16. **Severance Pay**

The Board of Supervisors may unilaterally elect to terminate an Appointed Department Head's employment without cause and without reason at any time during the period of the individual's contract, unless otherwise provided for by statute or contract. Upon such election of the Board, the actual employment termination date shall not be effective for at least one hundred eighty (180) days after the date of written notice (unless a different provision exists in an individual contract in which case the contract's provisions take precedence).

17. **Pay, Renewal and Evaluation**

- a. All Appointed Department Heads except the Chief Administrative Officer and the County Counsel may receive an annual performance evaluation by the Chief Administrative Officer, subject to ratification by the Board of Supervisors. The Chief Administrative Officer and County Counsel may receive annual performance evaluations directly from the Board of Supervisors.
- b. Six months prior to the renewal or extension of an Appointed Department Head's contract, the Board of Supervisors shall meet with the Appointed Department Head to initiate discussions regarding the new contract.
- c. Upon renewal of an Appointed Department Head's contract, any change in salary shall be determined through negotiations between the Appointed Department Head and the Chief Administrative Officer, with concurrence of the Board of Supervisors. Such negotiations will take into consideration past performance and other factors which may include a market salary survey, the economic condition of the County, and the Western Cities Consumer Price Index (CPI).
- d. Upon the renewal of the Chief Administrative Officer's contract, and/or County Counsel's contract, any change in salary shall be determined through negotiations with the Board of Supervisors. Such negotiations will take into consideration past performance and other factors which may include a market salary survey, the economic condition of the County, and the Western Cities Consumer Price Index (CPI).

**PASSED AND ADOPTED** by the Butte County Board of Supervisors this 29<sup>th</sup> day of January, 2019, by the following vote:

**AYES:** Supervisors Connelly, Ritter, and Chair Lambert

**NOES:** None

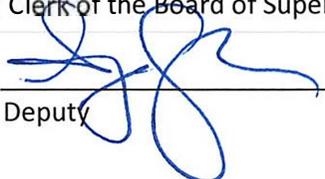
**ABSENT:** Supervisor Teeter

**NOT VOTING:** Supervisor Lucero

  
\_\_\_\_\_  
Steve Lambert, Chair  
Butte County Board of Supervisors

**ATTEST:**

**Shari McCracken**, Chief Administrative Officer  
and Clerk of the Board of Supervisors

By:   
\_\_\_\_\_  
Deputy