



BOARD OF SUPERVISORS
COUNTY OF BUTTE, STATE OF CALIFORNIA

Resolution No. 17-061

**RESOLUTION OF THE COUNTY OF BUTTE REGARDING SALARY AND BENEFITS OF
NON-REPRESENTED CLASSIFICATIONS**

WHEREAS, the Board of Supervisors is empowered to establish compensation for Non-Represented employees; and

WHEREAS, the Government Code Sections 3500-3511, known as the Meyers-Milias-Brown Act allows for full communication between public employees; and

WHEREAS, the Meyers-Milias-Brown Act provides for a reasonable method of resolving disputes regarding wages, hours and other terms and conditions of employment; and

WHEREAS, pursuant to Government Code Section 3502, the classifications outlined in the Salary Ordinance as non-represented are not represented by a recognized bargaining unit; and

WHEREAS, Resolution Number 17-012 has specified the salary and benefits entitled to appointed non-represented employees.

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 17-012; and

BE IT FURTHER RESOLVED that the salaries, benefits, and terms and conditions of employment for Non-Represented Classifications listed in the Butte County Salary Ordinance are hereby established as follows:

1. COMPENSATION

The Board of Supervisors shall establish the salary ranges or flat step salaries for non-represented classifications. The salary ranges for non-represented employees in classifications which are not represented by a recognized employee organization are listed in the Salary Ordinance as adopted and amended by Board action.

1.1 Initial Step Placement

Except as specified in 1.3 below, the entrance salary for a new employee entering County service shall be the first, second, or third step of the salary range for the classification to which the employee is appointed, depending upon the knowledge, skills, and abilities of the new employee

on the date of hire. Such initial step placement shall be at the sole discretion of the appointing authority.

1.2 Salary Step Plan

Except as specified in 1.3 below, eligibility for salary step movement shall be based upon time in the classification and based upon merit, at the sole discretion of the appointing authority, and with no right to appeal. Non-represented employees shall be eligible for advancement to the next step in the range after completion of twenty-six (26) full pay periods of satisfactory performance in the current step, and upon the approval of the appointing authority.

1.3 Out of Sequence Step Increases

In addition to the provisions of Personnel Rules governing merit advancement within range, the appointing authority may grant out of sequence merit advancements up to twice for an employee in a specific classification.

1.4 Cost of Living/Benefit Adjustments

In no instance shall the Non-Represented unit receive a lesser cumulative benefit package than that agreed to by Butte County Management & Supervisory Unit.

1.5 Wage Increases

All wages in the salary/step schedule for Non-Represented Employees shall be increased by three percent (3%) effective December 2, 2017. Further, all wages in the salary/step scheduled for Non-Represented Employees shall be increased by an additional three percent (3%) effective December 1, 2018.

1.6 Salary – Assistant Director

The top step of assistant department head salary ranges will be set at a range that considers a number of factors, including but not limited to:

- Current compensation of Director;
- Market conditions;
- Compensation increases received via the tie with the Butte County Management and Supervisory Unit (section 1.4).

1.7 Non-Represented Classifications Compensation Structure

All non-represented salaries shall be as indicated in Butte County Salary Ordinance for non-represented classifications and may be adjusted as Department Head salaries change, at which time the Board of Supervisors may consider maintaining the historical salary relationships within the departments.

1.8 Cell Phone Allowance

At the option of the employee and with appointing authority approval, providing appropriate funds have been budgeted, employee 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.

1.9 Safety Footwear Allowance

County shall provide a reimbursement of up to one hundred dollars (\$100.00) per fiscal year to all employees in classifications where the nature of the work warrants it, and the County has pre-approved an individual's eligibility for the safety footwear allowance under this section. This reimbursement shall be for either the purchase or repair of safety footwear bearing the American Society for Testing and Materials (ASTM), but shall not exceed one hundred dollars (\$100.00) per fiscal year.

1.10 Travel Allowance and Mileage Reimbursement

a. Where in-county travel warrants it, appointing authority approves it, and appropriate funding has been budgeted, employee shall be provided a monthly mileage allowance of two hundred fifty dollars (\$250.00) for all within-County travel. Additionally, employees included in this resolution shall be reimbursed at the current IRS allowable rate for all work related travel in his or her private vehicle outside of the County. Employee who has a County assigned emergency vehicle which is available for their use during non-business hours is not eligible for this allowance.

b. Meal Reimbursement

Non-represented employees shall comply with the Travel Policy contained in the Personnel Rules.

1.11 Tuition Reimbursement

Upon written request of the employee and recommendation of the department head, employees enrolled in accredited classes or courses which are directly job related to the employees' position shall be entitled to reimbursement of one-half (1/2) of the cost of required instructional materials or tuition, upon proof of successful completion of the class or course, up to a maximum of five hundred dollars (\$500.00) per fiscal year. This program is subject to available funds and not to be used in lieu of other programs.

1.11.1 Alternate Reimbursement for Tuition

Effective July 1, 2006, in lieu of 1.11 above, an employee who is enrolled in an accredited college course or courses in the pursuit of a formal degree that the appointing authority has approved in advance and in writing and verifying the course or courses directly apply to the position and department of employment, may be provided up to half the cost of the college units completed per semester upon proof of completion of the semester with a GPA of 3.0 or better. In return, employee agrees that if he/she voluntarily leaves the employ of the County within three (3) years of receiving this tuition reimbursement pursuant to this paragraph shall reimburse the County for the tuition reimbursement received.

Some or all of that repayment may be accomplished through a deduction from the employee's final paycheck assuming that check is for an amount equal to or greater than the amount that is the subject of this resolution.

The County of Butte reserves the right to recover any outstanding amounts that may be due under this agreement as provided by law.

1.12 Standby Pay

a. Status

Employee shall be entitled to receive fifty dollars (\$50.00) for each eight-hour standby shift, or portion thereof, as ordered and authorized by an appointing authority. A standby shift is defined as any eight (8) hour shift following the employee's normally assigned shift.

b. Response Time

Employees placed on standby status shall keep the appointing authority or designee advised of their location during the standby shift and shall respond to duty within two (2) hours from the time of notification. When an appointing authority determines it is in the interest of the County to provide electronic paging devices for standby workers, the appointing authority shall provide and maintain such devices and instruct workers in proper use.

1.13 Bilingual Pay Differential (Bilingual Premium)

When it has been determined that an employee's use of bilingual language skills or specialized communications skills are essential and critical for the successful performance of the functions of a County department, the employee shall receive a pay differential of five dollars (\$5.00) per day (\$50.00 per pay period) of compensated service. Authorized time off of less than four consecutive weeks shall not affect the calculation of bilingual pay (approved vacation exceeding four weeks shall be excluded).

1.14 Moving expenses

At the discretion of the appointing authority, and concurrence by the Chief Administrative Officer, and providing there are sufficient funds within the hiring department's budget to do so, the appointing authority may provide moving expenses to a newly hired employee where the individual is moving from a distance of no less than 200 miles as follows:

- a. As an incentive to accept the position, the appointing authority may offer an amount not to exceed five thousand dollars (\$5,000.00) toward direct expenses incurred by the new appointment in his/her relocation to Butte County.
- b. In return, employee must agree in writing to repay that amount to the County of Butte should he/she voluntarily leave the employ of County of Butte within three (3) years of his/her appointment to the position.
- c. Some or all of that repayment may be accomplished through a deduction from the employee's final paycheck assuming that check is for an amount equal to or greater than that amount the subject of this agreement

The County of Butte reserves the right to recover any outstanding amounts that may be due under this agreement as provided by law.

1.15 Temporary Assignment to a Higher Paid Classification (Temporary Upgrade)

Whenever an employee is assigned in writing by the department head to work in a higher classification and, therefore, performs substantially all of the duties of the higher classification for a period of more than ten (10) cumulative working days or eighty (80) cumulative working hours in a fiscal year, the employee shall be entitled to be compensated with an additional

five percent (5%) over his/her current rate of pay, beginning with the eleventh (11th) day or the eighty-first (81st) hour of the assignment. A continuous out-of-classification assignment bridging two (2) fiscal years shall be treated as if it occurred during the prior fiscal year. For example, an employee receiving the compensation for an assignment, which commences on June 15 of one fiscal year and ended on July 5 of the succeeding fiscal year, would receive compensation for the entire assignment. Similarly, an employee whose 11th day or eighty-first (81st) hour of out-of-classification assignment occurred during the prior fiscal year would commence receiving compensation as of the 11th day or eighty-first (81st) hour. This provision shall only be reported to PERS as pensionable compensation for Classic Members as defined by the Public Employees' Pension Reform Act (PEPRA).

If a non-represented employee covered by the provisions of this resolution, is appointed to a position of interim department head, said employee's salary shall be set by Board of Supervisors minute order.

1.16 Information Systems Assignment (Computer Operations Premium)

A regular employee assigned to perform the principle information systems function in the department or division and who is not classified as an information systems position shall receive an additional five percent (5%) compensation calculated on base pay. The assignment must be made in writing and approved by the department head. The additional compensation shall commence the first day of written assignment, providing said assignment is for a minimum of two consecutive pay periods.

BE IT FURTHER RESOLVED that non-represented employee benefits and/or conditions of employment that are not defined in the Butte County Personnel Rules shall be as follows and that where there is a conflict between the Personnel Rules and this Resolution, this Resolution shall supersede and take precedence:

2. TERMS AND CONDITIONS

2.1 Probationary Appointments

In addition to the provisions found in the Personnel Rules under Sections 7.2, 7.2.1, 7.3 and 7.4 employees reporting directly to a department head who receive an unsatisfactory Performance Evaluation (which they dispute) resulting in denial of a step increase, may request that the matter be reviewed by the Director-Human Resources, or in the case of the Human Resources Department, by the Chief Administrative Officer. The Director-Human Resources, or the Chief Administrative Officer, shall have the authority to review and attempt to mediate the dispute; but the department head shall retain final authority to decide the matter.

2.2 Alternate Schedules

Upon the recommendation of a department head, flex-time, job-sharing and voluntary reduced work hours programs may be established, after consultation with the Director-Human Resources. Any job-sharing program will require that the benefits be pro-rated or as otherwise mutually agreed upon by both parties in writing.

Alternate work schedules may include 9/80 schedules, 4/10 schedules, and/or other alternative scheduling patterns. Individuals assigned to such schedules shall accrue leaves and holidays on the same basis as employees working the standard 5/8 work schedule; that is, eight (8) hours per day.

2.3 Layoff

An appointing authority may initiate a layoff for a regular help position(s) due to administrative reorganization, lack of work or appropriation by advising the Director-Human Resources of the number of positions, classifications, department involved and the effective layoff date. The Director-Human Resources shall establish a seniority list and shall consider employee status, length of service and efficiency in determining which employee or employees are to be laid off and shall, in writing, inform the appointing authority and affected employees.

Seniority List Score Computation

- a. Regular help employees appointed to a position with Butte County shall receive credit for compensated regular help employment that has not been broken by a permanent separation. Employees who resign to take extra help positions as a method of promotion shall receive credit for all time worked, even in the extra help position. When there has been permanent separation, credit shall be given only for regular help employment following such break in service. The seniority status accrued by those incumbent employees in the Welfare, Health and Civil Disaster Departments under the Local Agency Personnel Standards prior to August 7, 1976, shall remain on accrual.
- b. One point seniority credit shall be given for each calendar month of regular help employment, unless specified elsewhere herein, or any portion thereof excluding extended leaves of absence. Regular employees working part-time schedules will be given fractional point credit for each month of service on a prorated basis.
- c. Twelve points shall be subtracted from the seniority score of an employee who was the subject of a disciplinary action that was appealable (under Section 7.1 of this Resolution, Appeal of Disciplinary Action) and was not appealed or the disciplinary action was sustained.
- d. When two or more employees have the same total seniority score the tie shall be broken and preference given in the following sequence:
 1. Employees with the greatest seniority in the department and the class in which layoff is being made and in related higher classes.
 2. Employees with the greatest seniority in the class in which the layoff is being made and in related higher classes.
 3. Employees with the greatest seniority in the department.
 4. Employees whose names are drawn by lot by the Director-Human Resources.

Order of Separation in Reduction-in-Force

- a. Employees in the same class within a department of layoff shall be separated during a reduction-in-force in the following appointment type sequence:
 1. Extra Help and Emergency
 2. Provisional and Probationary
 3. Permanent
- b. Separation of employees shall be in the order in which their names appear on the seniority list for the affected class, with those persons having the least seniority credit being the first separated.

Layoff Notice

The Director-Human Resources shall send written notice to the last known address of each employee affected by a layoff at least thirty (30) days prior to the effective date of the action, except for employees who are impacted by "bumping," in which case notice shall be sent fourteen (14) days prior to the effective date of the action. The notice shall include the:

1. reason for layoff
2. classes to which the employee may demote within the department, if any
3. effective date of the action
4. seniority score of the employee
5. formula by which the seniority score is computed
6. appeal rights of the employee
7. conditions governing retention on and reinstatement from reemployment lists, and
8. rules regarding waiver of reinstatement and voluntary withdrawal from the reemployment list.

Demotion in Lieu of Layoff

In lieu of being laid off, a regular employee may elect demotion to:

- a. any position held by an employee with a lower seniority score in a class with substantially the same or lower maximum salary in which the layoff employee held permanent status;
or
- b. any vacant position in a class in the same line of work as the class of layoff, but of lesser responsibility if such classes are designated by the Director of Human Resources.

Demotion rights to specified classes shall be applicable only within the department of layoff. To be considered for demotion in lieu of layoff, an employee must notify the Director of Human Resources in writing of this election no later than five (5) days after receiving the notice of layoff.

Layoff Reinstatement

Permanent employees laid off who are reinstated to a regular County position within twenty-four (24) months from the effective date of layoff, shall be reinstated with seniority rights including time served towards annual merit increase. Such employee shall be credited with one hundred percent (100%) of unused sick leave on accrual at the time of layoff and shall accrue vacation benefits at the same rate established by prior seniority. An employee reinstated to the same classification or lower classification in the same class series in which permanent status was held at the time of layoff shall not be required to serve a new probationary period. A former employee reinstated in a classification with an equal or lower pay range than that held by the employee at the time of layoff, pursuant to the provisions of these rules, shall remain on the valid reinstatement list. Should an employee on a layoff list be employed by the County in a classification with a higher pay range than that held at the time of layoff, the employee's name shall automatically be removed from the layoff reinstatement list upon completion of the probationary period.

Layoff – Probationary Employees

Probationary employees laid off shall have their names placed back on the eligible list from which they were appointed providing it is still in existence. Should such employees be later appointed from the eligible list, the appointment will be the same as for others appointed from the list for the first time. A new probationary period and other terms and conditions of a new appointment shall apply.

3. LEAVES OF ABSENCE

3.1 Vacation Leave Accrual and Use

Employees shall be entitled to earn vacation according to the following schedule:

<u>Amount of Continuous County Service</u>	<u>Earned at the Rate of:</u>
Up to 5 years of service	15 days/year (120 hours)
Beginning of 6 th year through end of 10 th year of service	20 days/year (160 hours)
Beginning of 11 th year through end of 20 th year of service	25 days/year (200 hours)
21 years and over	27 days/year (216 hours)

Vacation will be credited biweekly on a prorated portion of full-time compensated service. Employees with less than six (6) months of uninterrupted service shall not be entitled to a vacation. Vacation time off may be requested by the employee subject to the approval of the appointing authority. Effective the beginning of the first pay period commencing the calendar year, an employee's vacation accrual shall not exceed twice the annual earnings.

3.1.1 Vacation Carryover

Refer to Personnel Rules.

3.1.2 Vacation Payout

Upon termination an employee shall be compensated for all unused vacation accrual and entitlement.

3.1.3 Vacation Leave and New Hire Transfer From Public Sector Employer

In addition to the vacation leave policy outlined in the Personnel Rules, an appointing authority may authorize the instatement of up to twenty hours of vacation leave within sixty (60) calendar days of hire for a newly hired non-represented employee who is transferring from a California public sector employer (i.e. state, county, city, school, or special district) to work for Butte County by completing a personnel action form and submitting it to the Chief Administrative Officer or designee for approval and final processing.

3.1.4 Vacation Buy Back

Employees 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 department head and availability of funds.

3.2 Accrued Administrative Leave

Employee shall receive administrative leave in lieu of paid overtime. Administrative leave in lieu of paid overtime shall be accumulated at a rate of 10 days per year (3.0769 hours per biweekly pay period) to a maximum of 44 (forty-four) days (352 hours). If employee terminates from the county in good standing, he/she shall be compensated for any administrative leave accrued under this section, up to the maximum accrued amount.

Usage of administrative leave for paid leave shall be subject to the same limitations as the use of vacation leave, except that no minimum period of employment shall be required before administrative leave may be utilized or cash payment made following the end of each calendar year.

3.3 Bereavement Leave

If the employee 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 employee may be absent for forty hours (40) 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 death of individuals other than those defined as immediate family who were living in employee'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 Director-Human Resources.

3.4 Salaried Employee Leave

Employees covered by this resolution shall be provided "salaried employee leave" for authorized absences of less than a full day if they have no paid time available. No deduction shall be made from employee's pay for absences of less than one day.

3.5 Paid Administrative Leave

The department head in his/her sole discretion, may, when extraordinary circumstances exist and necessary for the operation of the department, place an employee on paid administrative leave, subject to call. In the event an employee is placed on Paid Administrative Leave the following workday the employee's schedule shall be changed to Monday through Friday

8:00am to 5:00pm. The employee shall remain available through his/her home telephone or cell phone during regular working hours, and is expected to respond to calls within one (1) hour of notification. Failure of an employee to respond to a call will result in either his/her accrued leave being utilized for the period of time that he/she did not respond, or he/she will be placed in a non-compensated status. In addition, a failure to respond when called will constitute a violation of the directive that the employee remains available during regular working hours, and may result in the employee being subjected to disciplinary action, up to and including termination from employment.

3.6 Sick Leave

Covered employees shall earn sick leave with pay at a rate of 3.6923 hours per biweekly pay period (ninety-six [96] hours per year). Sick leave may be accumulated without limit during a period of continuous employment.

3.6.1 Sick Leave Buy-Back Option

On retirement or termination in good standing, an employee who has on accrual more than two hundred and forty (240) hours of sick leave may be compensated for that portion over two hundred and forty (240) hours at one-half (1/2) the normal rate of pay for the employee up to a maximum of three thousand dollars (\$3,000.00).

3.7 Holiday Leave

Designated holidays are as follows:

- | | |
|---|---------------------------------|
| 1) New Year's Day | January 1 |
| 2) Martin Luther King | Third Monday in January |
| 3) Washington's Birthday | Third Monday in February |
| 4) Cesar Chavez Day | March 31 |
| 5) Memorial Day | Last Monday in May |
| 6) Independence Day | July 4 |
| 7) Labor Day | First Monday in September |
| 8) Veterans Day | November 11 |
| 9) Thanksgiving Day | Designated Thursday in November |
| 10) Post-Thanksgiving Day | Friday following Thanksgiving |
| 11) Christmas Day | December 25 |
| 12) Every day appointed by the President, Governor, and the Board of Supervisors for a public fast, thanksgiving, or holiday, when the day is celebrated as a State or Federal holiday. Days declared as Federal holidays shall be observed as County holidays. | |

When a designated holiday falls on Sunday, the following Monday shall be observed. When a designated holiday falls on Saturday, the preceding Friday shall be observed. A regular employee required to work on a designated holiday, or whose regular scheduled day off falls on a designated holiday, shall at the discretion of the appointing authority be entitled to either equivalent compensated time off scheduled the day preceding the designated holiday, or within sixty (60) days following the designated holiday, or equivalent compensation to be paid within sixty (60) days following the designated holiday.

Eligibility for Holiday Pay. Each covered employee in a compensated employment status on the assigned workday immediately preceding and the assigned workday immediately following a designated holiday shall be entitled to compensation for the designated holiday.

Holiday Compensation. Regular employees required to work on a designated holiday or whose regular scheduled day off falls on a designated holiday shall, at the discretion of the appointing authority, be entitled to equivalent compensated time off scheduled either the day preceding the designated holiday or within one hundred eighty (180) days following the designated holiday.

4. RETIREMENT

4.1 CalPERS Retirement Plan

Employee is 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.

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.

Non-represented employees 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).

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 PEPRA. Non-represented

employees 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 (3% @ 50 or 2% @ 50 safety formula, depending on the job classification).

4.1.1 Retirement Contribution

Non-Safety Classifications

"Classic Members": Non-safety employees will pay on a pre-tax basis seven percent (7%) of salary for the employee share of his/her CalPERS pension.

"New Members": Non-safety employees 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": "Safety" members will pay on a pre-tax basis nine percent (9%) of salary for the employee share of his/her CalPERS pension.

"New Members": "Safety" members 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.

4.2 Retirement Credit for Sick Leave

The CalPERS contract allows unused accumulated sick leave to be converted to service time per the applicable provisions of the California Government Code. This option is available to all employees and limited, for those employees who do not use all of their accrued sick leave conversion option for sick leave buy-back or health plan coverage, to that portion of the sick leave not actually used for the selected option.

An employee may, upon retirement from the County under CalPERS, use any sick leave accumulation not used as part of the calculated options for cash out or sick leave conversion as service time, in accordance with the CalPERS formula.

4.3 Deferred Income Plan

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

5. INSURANCE

5.1 Unemployment Insurance

Unemployment insurance is provided according to State law.

5.2 HEALTH AND INSURANCE

5.2.1 Health Plan

Employee Health Plan Eligibility. All regular employees assigned to a one-half (1/2) time or more position and the employee's dependents, including registered domestic partner, shall be entitled to participate in the County-sponsored group Cafeteria Plan. Employees working less than full-time and hired after November 1, 1987, shall receive prorated health contributions rounding to the nearest one quarter time; i.e., either fifty percent (50%), seventy-five percent (75%), or one hundred percent (100%) of the County contribution for full-time employees. Eligible employees enrolling in the program within sixty (60) days following their appointment will be covered subject to the contract limitation with the health plan carriers. Coverage shall commence when the employee is eligible for coverage under PERS rules and the health plan carriers' rules. Employees enrolling after the sixty (60) day enrollment period will be eligible for coverage on the first day of the month following a ninety (90) day waiting period which will begin upon receipt of all necessary enrollment documents by the Human Resources Department, unless the employee can certify a qualifying loss of other coverage.

5.2.2 Description

The Butte County Flexible Benefits Plan consisting of the Tax Deferred Medical Premium option, the Dependent Care Reimbursement option and the un-reimbursed Health Care Cost option, (hereafter "Cafeteria Plan") is available to all employees in regular-help positions (hereafter "employee"). There will be two (2) participation levels, identified as Employee "A" and Employee "B" as per Section 5.2.3. Once the selection is made, it will remain in force until the current calendar year end and when a selection is made during the following year's open enrollment period. The fee for a third party administrator will be paid by the County. The medical premium option (employee enrolled in health plan) will be the default option and remain in effect until and/or unless changed by the employee.

The basic group term life insurance will continue to be provided at County expense and will not be part of the Cafeteria Plan.

5.2.3 Participation Levels

Employee A - CORE PLAN

Employees 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 employee 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 employee decline County sponsored medical coverage, such employee will receive a cash-in-lieu payment if the employee 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	\$543.78
Employee plus one	\$1,002.30
Family	\$1,288.41

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

Employees, regardless of medical plan participation status, are eligible to enroll in the County's dental and/or vision programs. Employee contributions for dental and vision will be deducted from employee's regular payroll on a pre-tax basis. Employees that have elected Option A can also elect to participate in optional benefits. If the employee has any surplus Flexible Benefit Account credits after making all elections required to participate in the health insurance, the employee can use that surplus toward the Flexible Benefit Options. Employees 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

Employees 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 employee and all individuals for whom the employee 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 employee signs an attestation that the employee and his/her tax family have or will have such minimum essential coverage for the opt out period. An employee 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 employee 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, 2013, 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, 2014, will receive an employer flex credit contribution to 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.

Employees 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 employee receive cash-in-lieu that is not utilized for Flexible Benefit Options, the amount will be included as taxable income.

The County will meet and discuss any impacts that the Affordable Card Act Excise Tax may have on either of the parties.

5.2.4 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.

b) Part-time regular help employees will receive proportional benefits as provided in this Resolution. For purposes of benefit plan eligibility, all employees assigned to a one-half (1/2) time or more position, who are in a compensated status or uncompensated status on a qualified leave of absence, and the employee's dependents, including registered domestic partner, effective January 1, 2005 pursuant to Family Code Section 297.5 shall be entitled to participate in the county's Flexible Benefits Plan. Employees working less than full-time, with no qualifying leave or accrued leave usage, shall receive prorated benefits or pro-rated funding of county share, rounding to the nearest one-quarter time; i.e., either fifty percent (50%), for employees working thirty-six (36) hours to forty-five (45) hours per payroll period; seventy-five percent (75%), for employees working forty-six (46) to sixty-four (64) hours per payroll period; or one hundred percent (100%), for employees working sixty-five (65) hours or more per payroll period. This pro-rated amount is in addition to the regular employee share.

This section does not affect part-time employees grandfathered into full-time benefit status under Section 5.2.1 of this resolution.

c) Any money deposited in the Flexible Benefits Account of an employee must be used during the plan year; otherwise, the remaining balance reverts to the County. Upon separation, the money will be disbursed in conformance with the rules and procedures explained to and authorized by the employee at the time of his/her enrollment.

5.2.5 Retired Employee Options (for employees initially hired prior to January 1, 2010)

Employees initially hired prior to January 1, 2010, who retire under the provisions of the County's retirement contract with CalPERS may continue to insure themselves and their eligible dependents for the health benefit portion of the health plan by advising the Director-

Human Resources and advancing the full premium for health only coverage in a manner prescribed by the Director-Human Resources.

Employees with ten (10) years or more of cumulative service with Butte County who, upon termination, immediately retire under the provisions of the County's contract with CalPERS shall be eligible for the health benefit only coverage for themselves (employee only) to Medicare Supplemental Qualifying Age. Under the following conditions, CalPERS members subject to this Resolution shall be entitled to twelve (12) months of reimbursable health premiums immediately following retirement.

In addition, miscellaneous members are permitted as an option to the sick leave buy-back plan specified in paragraph 3.6.1 of this resolution one of the following choices:

- i. To receive one (1) month of reimbursable health only premium for each day (eight hours) of sick leave on accrual at the date of retirement; or
- ii. To receive one (1) month of reimbursable health only premium for each two and one-half (2 1/2) days in excess of thirty (30) days accrued sick leave to cover both employee and spouse to Medicare Supplemental Qualifying Age; or
- iii. One (1) month of reimbursable health plan benefits (employee only) will be granted for each day of accrued sick leave until the sick leave credit is exhausted or the employee reaches Medicare Supplemental Qualifying Age; and one (1) month of reimbursable health plan benefits for each one and one-half days in excess of thirty (30) days accrued sick leave to cover employee's spouse until the sick leave credit is exhausted or spouse reaches Medicare Supplemental Qualifying Age.

Enrollment of employee's spouse will be postponed until (a date to be determined), but only if the spouse is eligible for enrollment to the health plan, effective that date, pursuant to the Health Insurance Portability and Accountability Act (HIPAA). This election is irrevocable and will revert to employee only coverage if employee's spouse is not eligible for enrollment on the effective date cited above pursuant to HIPAA. The sick leave originally allocated for the coverage of the employee's spouse shall be forfeit if the employee's spouse is not enrolled in the health plan on the effective date cited above. Right to continuation of health coverage above is in addition to any rights the employee is entitled to under COBRA.

5.2.6 Retired Employee Options (for employees initially hired January 1, 2010 or later)

Notwithstanding the provisions of 5.2.5, employees initially hired January 1, 2010 or later, who elect to receive one month of reimbursable health-only premium in exchange for sick leave on accrual as outlined in i., ii., and iii. immediately above, shall receive county premium contribution at the rate of the HMO, Delta DPO, and Vision Service Plan premiums for such coverage.

5.3 Disability Insurance

- a. Employee shall be required to participate in the Disability Insurance Plan. Premiums will be paid totally by the employee through payroll deduction.

- b. The Disability Insurance Plan shall be integrated with the County's sick leave plan and the employee shall be allowed to use all accrued time available in addition to sick leave for each disability.

6. EMPLOYEE ASSISTANCE PROGRAM

Employee 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

7. APPEAL & GRIEVANCE PROCESSES

7.1 Appeal of Disciplinary Action

Step (1). Should the appointing authority impose disciplinary action in the form of suspension, demotion, reduction in pay, or dismissal upon employee, employee may appeal said action to the Chief Administrative Officer or designee, or in the case of the Chief Administrator's Office, to the Director-Human Resources. The appeal must be submitted within fifteen (15) days of the occurrence and shall be submitted formally in writing stating the nature of the appeal and the suggested solution. Within ten (10) working days after receiving the written appeal, the Chief Administrative Officer (or Director-Human Resources) shall set a meeting with the employee. Within fifteen (15) working days thereafter a written decision shall be delivered to the employee and the appointing authority.

Step (2). If the appeal is not settled under Step 1 option above, it may be formally submitted to an appeal hearing conducted by a mediator from State Mediation and Conciliation Services. The hearing date will be established by mutual agreement within ten (10) working days of the written decision from Step 1 above. The State Mediator shall hear the appeal and following the hearing render a decision as to whether the appeal is granted, denied, or modified to provide for a lesser level of discipline.

The State Mediator shall not have the power to amend or modify provisions of this resolution, or a law, ordinance, resolution, regulation or rule which is within the authority of the Board of Supervisors or other legislative body or to establish any new terms or conditions of employment. The State Mediator's decision shall be limited only to the applications and interpretation of the matter referred for consideration.

7.2 Resolution of Conflict Not Related to Disciplinary Action - Grievance

It is the intent of this procedure to afford the parties the opportunity to resolve workplace problems at the lowest possible level, and to thereby further the principles of developing harmonious employer/employee relations.

An employee who presents a grievance shall not suffer reprisal or other punitive action by the County because of the exercise of the right to present a grievance. The employee shall be given reasonable time off without loss of pay or benefits to present the grievance to County management pursuant to this procedure.

7.2.1 Definition and Scope of a Grievance

- a. A grievance may be filed by the employee on a management interpretation or application of this resolution or the Personnel Rules.
- b. Specifically excluded from the grievance procedure are subjects involving the amendment of state or federal law; Board of Supervisor's resolution, ordinance or minute order; performance evaluations; denial of merit increases; discriminatory acts; or other matters which have other means of appeal.

7.2.2 Grievance Procedure Steps

The grievance procedure shall consist of the following steps, each of which must be completed prior to any request for further consideration of the matter.

Step (1)

Informal Meeting. Prior to filing the formal grievance pursuant to Step 2 below, the employee is required, within fifteen (15) calendar days of the occurrence or the employee's knowledge of the occurrence which gives rise to the grievance, to informally discuss the matter with the appointing authority to determine if the issue may be resolved.

Step (2)

Formal Written Grievance. If the grievance cannot be resolved at Step 1 above, employee must submit a formal, written grievance on the prescribed form, clearly stating the alleged misinterpretation or application of this resolution or the Personnel Rules including the resolution being sought. As an alternative to proceeding directly to Step 3 below, the grievance may be submitted to mediation conducted by State Mediation & Conciliation Services. This option must be presented in writing to the Director-Human Resources within ten (10) calendar days from the date a decision was rendered at the informal decision. As soon as practicable thereafter, or as otherwise agreed to by the parties, a mediator shall hear the grievance. A request for mediation will automatically suspend the normal processing of a grievance until the mediation process is completed. The mediation process shall be optional, and any opinion expressed by the mediator shall be informal and shall be considered advisory.

Step (3)

If the issue is not settled by the informal discussion or by mediation as outlined above, it may be formally submitted to the Chief Administrative Officer or designee, or in the case of a grievance by an employee of the Chief

Administrative Officer's, to the Director-Human Resources. The grievance shall be submitted within thirty (30) calendar days of the written response to the informal meeting or conclusion of mediation, and shall be submitted formally in writing stating the nature of the grievance and the suggested solution. Within ten (10) calendar days after receiving the written grievance, the Chief Administrative Officer (or Human Resources Director, whichever is appropriate) shall set a meeting with the employee. Within ten (10) calendar days thereafter a written decision shall be delivered to the employee. The decision of the Chief Administrative Officer (or Director-Human Resources whichever is appropriate) shall be final.

PASSED AND ADOPTED by the Board of Supervisors of the County of Butte, State of California, this 11th day of April, 2017 by the following vote:

AYES: Supervisors Wahl, Kirk, Lambert, Teeter, and Chair Connelly

NOES: None

ABSENT: None

NOT VOTING: None

Bill Connelly

Bill Connelly, Chair

Butte County Board of Supervisors

ATTEST:

Paul Hahn, Chief Administrative Officer
and Clerk of the Board of Supervisors

By: _____

Deputy

