



BOARD OF SUPERVISORS

COUNTY OF BUTTE, STATE OF CALIFORNIA

Resolution No. 19-025

RESOLUTION OF THE COUNTY OF BUTTE REGARDING SALARY AND BENEFITS OF CONFIDENTIAL CLASSIFICATIONS

WHEREAS, the Board of Supervisors is empowered to establish compensation for Confidential 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 Confidential are not represented by a recognized bargaining unit; and

WHEREAS, Resolution No. 18-127 has specified the salary and benefits entitled to Confidential employees.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Butte, State of California, that this resolution supersedes and replaces Resolution No. 18-127; and

BE IT FURTHER RESOLVED that the salaries, benefits, and terms and conditions of employment for Confidential Classifications listed in the Butte County Salary Ordinance are hereby established as follows (and in no instance shall the Confidential unit receive a lesser cumulative benefit package than that agreed to by Butte County Management & Supervisory Unit):

1.00 COMPENSATION

The Board of Supervisors shall establish the salary ranges for Confidential classifications. The salary ranges for Confidential employees are listed in the Salary Ordinance, Section 28F, as adopted and amended by Board action.

1.01 COMPENSATION INCREASES

All wages in the salary/step schedule for Confidential employees shall be increased by an additional three percent (3%) (from the wages identified on the January 2, 2016 Salary Ordinance) effective December 3, 2016. Further, all wages shall be adjusted on the *applicable wage* schedule to normalize a 5% differential between steps and 2.5% between ranges.

All wages in the salary/step schedule for Confidential employees shall be increased by an additional one percent (1%) (from the wages identified on the January 2, 2016 Salary Ordinance) effective January 14, 2017. *This increase is in exchange to a reduction in health contributions of \$81/month, also effective January 14, 2017.*

All wages in the salary/step schedule for Confidential employees shall be increased by an additional three percent (3%) effective December 2, 2017.

All wages in the salary/step schedule for Confidential employees shall be increased by an additional three percent (3%) effective December 1, 2018.

1.02 Cell Phone Allowance

At the option of the employee and with appointing authority approval, employees may opt to receive a monthly cell phone allowance of seventy dollars (\$70.00) for use of a private owned cell phone to conduct County business.

1.03 Travel Allowance and Mileage Reimbursement

Refer to the Travel Policy in the Personnel Rules for provisions other than set forth below.

1.03.1 Mileage Allowance

- a) An employee who has received authorization to use a privately owned vehicle for County business shall be reimbursed at the current IRS rate for each mile driven on County business during the month.
- b) Effective with the adoption of this resolution an employee who, during any month, is required to and provides a privately owned vehicle for County use in seven of ten days of their regular work schedule days during the month shall receive a flat taxable payment of Fifty Dollars (\$50.00) per month. This amount is pro-rated for less than full time employees, i.e., Twenty-Five Dollars (\$25.00) per month for a fifty percent (50%) employee. Employees shall receive, in addition, the current IRS rate per mile for all miles traveled on County business during the month.

Providing the vehicle shall be defined as having the vehicle available at the employee's work site during the employee's assigned working hours. Authorized time off of less than two (2) consecutive pay periods shall not affect calculation of vehicle availability. The department head shall be responsible for initial certification and decertification of an employee's eligibility for a vehicle under this section.

- c) Pursuant to the Travel Policy contained in the Personnel Rules, an Affidavit of Insurance is required to be on file for the Vehicle Allowance and for mileage reimbursement.

The County shall pay deductible expenses to a maximum of Five Hundred Dollars (\$500.00) when employees, using their own vehicles, are involved in an accident on County business. This provision shall not apply, however, in cases where the accident was caused by the gross negligence of the employee.

1.04 Tuition Reimbursement

Upon written request of the employee and recommendation of the Department Head and with prior written approval of the Chief Administrative Officer, 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 \$500 per fiscal year. This program is subject to available funds and not to be used in lieu of other programs.

In lieu of the 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 (including at least one (1) year in the department) of receiving this tuition reimbursement pursuant to this paragraph shall reimburse the County for the 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 resolution as provided by law.

1.05 Bilingual Premium

Refer to the Personnel Rules.

1.06 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, (or eight (8) cumulative working days) 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 (1) 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).

1.07 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 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 (2) consecutive pay periods.

1.08 Precinct Officers

Nonexempt employees who volunteer for reassignment as an Inspector or Clerk or other designated titles and serve on Election Day will receive their normal day's pay, plus the Board approved poll worker stipend for the assigned title.

1.09 Professional Development and Training

The County Director of Human Resources will provide a training program for Confidential employees to improve skills and knowledge in such areas as employee supervision, performance evaluation, non-discriminatory selection, worker's compensation and unemployment insurance processes, discipline and employee relations. The Director of Human Resources shall survey all employees regarding training needs prior to scheduling any training programs. The Director of Human Resources shall make a reasonable effort to schedule training in accordance with expressed employee desires. Employees in the following grouping (upon approval of the appointing

authority) shall be eligible to be reimbursed for, or have paid on their behalf by the County, one hundred percent (100%) of the professional license or certificate fees required as a prerequisite to their position:

–Attorneys

Other classifications/positions may be added to the grouping upon written agreement of the parties.

1.10 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.

BE IT FURTHER RESOLVED, that Confidential 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:

2.00 TERMS AND CONDITIONS

2.01 Work Schedules

Except as provided below, the normal work schedule shall be 8:00 a.m. to 5:00 p.m. each day of the year except Saturdays, Sundays and holidays. The normal work schedule shall be eighty (80) hours per biweekly pay period for a full-time employee. Except for overtime, callback and standby assignments, departments that necessitate a different operational schedule shall maintain and post an employee assignment schedule. No employee, except in case of emergency, shall be required to work a different work schedule than assigned unless the employee has been notified at least ten (10) days in advance of the change in work schedule.

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.

2.02 Alternate Work Schedules

Upon the recommendation of a department head, flex-time, job-sharing and voluntary reduced work hour's programs may be established, after consultation with the Director of 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.

2.03 Work Locations

If an employee is being assigned to work in a different work location in excess of ten (10) miles and for a period of time that will exceed two consecutive biweekly pay periods, said employee must be provided notice of at least ten (10) working days in advance of the change in work location. For temporary reassignments of less than two (2) consecutive pay periods, mileage shall be paid pursuant to the County's travel policy.

2.04 Overtime

a) Eligible Positions

All positions in classifications designated by the Director of Human Resources as subject to the overtime provisions of the FLSA shall be eligible for overtime. Exceptions may be made for individual positions within a classification. When the appointing authority, using the exemption definitions in the FLSA, certifies in writing the specific position is exempt, copies of the appointing authority's decision shall be delivered to the Director of Human Resources and the employee.

b) Overtime Defined

Overtime is any work rounded to the nearest fifteen (15) minutes in excess of the normal assigned workday or eight (8) hours per day or forty (40) hours per week. For employees whose normal assigned work day is in excess of eight (8) hours, overtime shall be work rounded to the nearest fifteen (15) minutes in excess of the normally assigned hours. For the purpose of calculating overtime, all paid time off with the exception of sick leave, shall be considered time worked.

Employees required to work overtime shall be permitted a one-half hour paid meal break for each four (4) hour segment, of such overtime worked. For example, an employee who works eight (8) hours shall be entitled to one-half hour paid meal break during the first four (4) hours worked and a second one-half hour paid meal break during the second four (4) hours worked. This Section shall not apply to employees on call, or employees attending or traveling to meetings or training sessions.

c) Overtime Authorization

Employees shall be required to work overtime when assigned by the appointing authority or designated representative. No employee shall work overtime without prior approval of the appointing authority or designated representative.

d) Overtime Compensation

Employees shall be compensated for overtime at one and one-half (1- 1/2) times their regular rate of pay. Overtime compensation may, at the discretion of the employee, be paid with regular wages in the pay period in which it was earned or be credited as Compensatory Time Off (CTO) to a maximum of 80 hours.

e) Use of Accumulated Compensatory Time Off (CTO)

1. An employee who has requested use of accumulated CTO shall be permitted by the appointing authority to use such time within a reasonable period unless the request unduly disrupts departmental operations.

2. Once the employee has reached the cap of 80 hours of CTO, the appointing authority may require the employee to take off any excess hours during the workweek in which it is earned. Any CTO accumulation in excess of the 80-hour cap that is not taken in the workweek in which it is earned, shall be paid with regular wages in the pay period in which it is earned.
3. An employee who has accumulated CTO shall, upon termination from County employment, be paid for the CTO with the termination pay settlement.

f) Fringe Benefits Not Affected By Overtime

Overtime work shall not be a basis of increasing vacation, sick leave, or other benefits, nor shall it be the basis for advancing completion of the required period for probation or salary step advancement.

g) Call Back

A non-exempt employee who is required to physically return to work shall receive either a minimum of two (2) hours straight time pay or time off for time actually worked, or time and one-half pay for time actually worked, or CTO for the time actually worked, whichever is greater and be entitled to receive mileage reimbursement pursuant to the County Travel Policy. A non-exempt employee handling a phone call not requiring that he/she physically return to work shall be entitled to the minimum overtime payment. The employee receiving a call during normal sleeping hours shall be entitled to a one (1) hour straight pay minimum or time and one-half (1-1/2) pay or CTO for the time actually spent on a call, whichever is greater.

h) Prior Administrative Leave Accrual

Any employee covered by the overtime provisions of this Section, shall not be eligible to receive administrative leave credit.

i) Overtime Exempt Employees

Overtime exempt employees receive Administrative Leave in lieu of overtime. Section 2.05.02 provides for provision of additional Administrative Leave for employees working extraordinary hours on an extended basis.

2.05 Administrative Leave for Exempt Employees

2.05.01 Regular Administrative Leave

Employees exempt from paid overtime shall earn seven (7) days (56 hours) of administrative leave per year as specified in Section 11.14 of the Personnel Rules accumulated to a maximum of forty-four (44) days. Employees who terminate from the County in good standing shall be compensated for any administrative leave accrued under this section, up to the maximum accrued amount.

2.05.02 Extraordinary Circumstances

In extraordinary circumstances, the Chief Administrative Officer may authorize additional administrative leave be granted to an employee(s). Extraordinary circumstances shall mean circumstances involving extended periods of very long hours. The additional leave shall not be construed to constitute overtime compensation nor shall it be construed to compensate employees on an hour for hour basis.

2.06 Layoff Policy

Refer to the Personnel Rules.

2.07 Performance Evaluation and Denial of Step Increases

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 of Human Resources, or in the case of the Human Resources Department, by the Chief Administrative Officer. The Director of 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.

2.08 Extra Help Work

Regular County employees may work as extra help when:

- 1) The extra help work is voluntary; and
- 2) The work is in a different occupational category

3.00 LEAVES OF ABSENCE

3.01 Vacation Leave Accrual and Use

Refer to the Personnel Rules.

3.02 Vacation Carryover

Refer to Personnel Rules.

3.03 Vacation Payout

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

3.04 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 the availability of funds.

3.05 Sick Leave Accrual, Use and Buy Back

Refer to the Personnel Rules.

3.06 Bereavement Leave

Refer to the Personnel Rules.

3.07 Family Leave

Refer to the Medical Leave Policy as found attached to the Personnel Rules.

3.08 Salaried Employee Leave

Exempt 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 in such situations.

3.09 Paid Administrative Leave

An appointing authority or designated representative, in his/her sole discretion, may, when extraordinary circumstances exist and it is necessary for the operation of the department, place an employee on paid administrative leave, subject to call.

3.10 Industrial Disability Leave with Pay

Refer to the Personnel Rules.

3.11 Industrial Disability Leave Without Pay

Refer to the Personnel Rules.

3.12 Military Leave

Refer to the Personnel Rules.

3.13 Jury and Witness Leave

Refer to the Personnel Rules.

3.14 Holiday Leave

Refer to the Personnel Rules.

3.15 Catastrophic Leave Pool Agreement

The donation of paid time program shall continue.

4.00 RETIREMENT

4.01 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.

Confidential 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.

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 PEPR. Confidential 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.

4.02 Retirement Contribution

"Classic Members": Effective the first full pay period including January 1, 2013, Confidential employees 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, Confidential 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.

4.03 Retirement Credit for Sick Leave

An employee may, upon retirement from the County under PERS, use any sick leave accumulation in accordance with **one of the following** options:

1. Sick leave accumulation reported to PERS for service credit.
2. Sick leave conversion to purchase continued health, dental and vision coverage as outlined in Section 5.05. Any remaining sick leave after conversion to be reported to PERS as service credit.
3. 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).

Employees must make their election when they retire and may not later change their election. Employees may not cash-out sick leave at retirement in combination with any of the first two options.

4.04 Deferred Compensation Plan

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

5.00 HEALTH AND INSURANCE

5.01 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. Within the first thirty (30) days of employment, the regular help employee must elect or decline health coverage. If an election is not made, the employee 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.

5.02 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 5.03. 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.

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

5.03 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.

Effective the January 14, 2017, 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 monthly contribution of Four Hundred Three Dollars and Thirty-Four Cents (\$403.34) per month 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 monthly contribution to Two Hundred Dollars (\$200) per month for employees who elect and satisfy the requirements outlined above for Option B.

Effective January 14, 2017 (February 3, 2017 pay day), 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. 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 Care Act Excise Tax may have on either of the parties.

5.04 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 5.01 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.

5.05 Retired Employee Options

Employees who retire under the provisions of the County's retirement contract with the Public Employees' Retirement System (PERS) may continue to insure themselves and their insured dependents for the health, dental and vision benefit portion of the health plan by advising the Director of Human Resources and advancing the full health insurance premium permitted by law. The retiree's share of premium for the health benefit must be paid monthly and the premiums for vision and/or dental benefits must be paid quarterly for the employee (and dependents, if applicable).

Employees with ten (10) years or more of compensated cumulative service with Butte County who, upon termination, immediately retire under the provisions of the County's contract with the Public Employees' Retirement System shall be eligible for the health benefit only coverage for themselves (employees only) to Medicare Supplemental Qualifying Age.

For up to the first year of retirement, PERS members subject to this Resolution shall be entitled to twelve (12) months of reimbursable health premiums immediately following retirement.

In addition, employees may choose one of the following two options:

- 1) to receive one (1) month of reimbursable health only premium for each day of sick leave on accrual at the date of retirement; or
- 2) 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 of 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 (date), 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 forfeited if the employee's spouse is not enrolled in the

health plan on the effective date cited above. Rights to continuation of health coverage above is in addition to any rights the employee is entitled to under COBRA.

Effective January 1, 2010, the sick leave conversion above, at the time of retirement will be calculated at the Employee A – Core Plan amount, which is the Blue Shield HMO, Delta DPO and Vision Service Plan premiums.

Employees hired after June 30, 2010 are not eligible for the conversion of sick leave to health insurance or one year's paid health coverage as outlined in this Section.

After a retired employee's death, the retiree's spouse may use remaining sick leave, subject to the provisions of this section, to purchase medical benefits if the retiree elected survivor benefits for the retiree's PERS retirement pension and any other applicable requirements. Under this provision, the spouse may purchase one month of medical benefits for one and one-half days of accrued sick leave up to Medicare Supplemental Qualifying Age. Unused sick leave hours remaining upon a retiree's death, a retiree achieving Medicare Supplemental Qualifying Age or a spouse achieving Medicare Supplemental Qualifying Age may not be cashed-out or converted to another benefit.

5.06 Disability Insurance

Parties agree to continue discussions regarding the SDI coordination process.

- a) Each regular employee shall be required to participate in the Disability Insurance Plan ("the Plan"). Premiums will be paid totally by the employees through payroll deduction. Required participation means that the employee must make payroll contributions to the Plan but application to receive disability payments benefits under the Plan is purely discretionary on the part of the employee.
- b) The Disability Insurance Plan shall be integrated with the County's sick leave plan and the employee(s) shall be allowed to use all accrued time available in addition to sick leave for each disability.
- c) An employee receiving disability benefit payments who fails to provide the Human Resources Department within thirty (30) days of the onset of the disability a copy of the approval of disability benefits, shall be deemed in violation of the terms of this resolution and the Human Resources Department shall immediately forward to the disability benefits carrier a report indicating that the employee had received full sick leave, vacation, CTO, and/or administrative leave to the maximum allowed, for the time in question.
- d) The County shall continue to explore possible simplification of Disability and Workers' Compensation salary integration procedures.
- e) The Confidential Unit and County have agreed to contract with SDI for short term disability insurance. The parties implemented State Disability Insurance effective November 1, 2001.

5.07 Employee Assistance Program

Employee and eligible family members are entitled to participate in the 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 limited to the following:

- Marital and family problems
- Alcohol Abuse
- Financial and credit concerns
- Child care
- Relationship issues
- Drug dependency
- Emotional problems and stress
- Elder care

- Pre-retirement planning
- Legal issues and questions
- Federal taxpayer problems
- Interpersonal conflicts

5.08 Life Insurance

The County shall maintain in effect existing twenty-five thousand (\$25,000) dollar life insurance policy. The County shall maintain a program whereby employees may buy additional life insurance at group rates through the County.

6.00 APPEAL AND GRIEVENCE PROCESSES

6.01 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.

6.02 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.

6.02.01 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.
- a. 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.

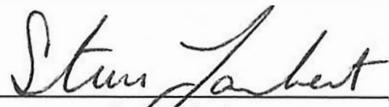
PASSED AND ADOPTED by the Butte County Board of Supervisors this 26th day of February, 2019, by the following vote:

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

NOES: None

ABSENT: None

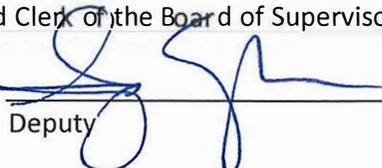
NOT VOTING: Supervisor Lucero



Steve Lambert, Chair
Butte County Board of Supervisors

ATTEST:

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

By: 

Deputy

