

RESOLUTION NO.

BOARD OF SUPERVISORS, COUNTY OF SAN MATEO,
STATE OF CALIFORNIA

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**RESOLUTION ESTABLISHING THE SALARY AND BENEFITS OF
UNREPRESENTED ATTORNEY EMPLOYEES OF THE COUNTY OF SAN MATEO
FOR THE TERM OCTOBER 12, 2014 THROUGH OCTOBER 6, 2018**

RESOLVED, by the Board of Supervisors of the County of San Mateo, State of California, that

WHEREAS, this Board of Supervisors desires to establish certain salaries and benefits for unrepresented Attorney's unit personnel not covered by a Memorandum of Understanding, and

BE IT RESOLVED that Resolution No. 072883 is rescinded and the following benefits are available to unrepresented Attorney's unit personnel (excluding Court attorneys) not covered by a Memorandum of Understanding:

SECTION 1: SALARIES AND BENEFITS

1. Retirement and Social Security

1.1. The coverage shall be that established by the Board of Supervisors and the Board of Retirement for employees under the County Employees' Retirement Law of 1937, the California Public Employees' Pension Reform Act of 2013 and the Social Security Act. Coverage by the Retirement System is described by plan brochures which are available at the San Mateo County Employees' Retirement Association ("SamCERA").

1.2. Employees Hired before August 7, 2011

Effective March 13, 2005, the County implemented the 2%@55.5 retirement enhancement (Government Code Section 31676.14) for employees in Plans 1, 2 or 4.

The enhancement applies to all future service and all service back to the date of employment pursuant to the Board of Supervisors' authority under Government Code section 31678.2(a). Government Code section 31678.2(b) authorizes the collection, from employees, of all or part of the contributions by a member or employer or both, that would have been required if section 31676.14 had been in effect during the time period specified in the resolution adopting section 31676.14, and that the time period specified in the resolution will be all future and past general service back to the date of employment. Based upon this understanding and agreement, employees will share in the cost of the 31676.14 enhancement through increased retirement contributions by way of payroll deductions and shall contribute 3% of compensation earnable as defined in SamCERA regulations.

Plan 3: Non-contributory plan, Plan 3 is closed to all employees hired on or after December 23, 2012. If an employee is already in Plan 3, the employee has the option to transfer to Plan 2 or 4 after providing the equivalent of five years of consecutive service (10,400 hours) to the County. These employees may elect to transfer by entering into an agreement with the San Mateo County Employees' Retirement Association (SamCERA) to pay all of the incremental employee and employer contributions that would have been required if the employee had been in Plan 2 or Plan 4 since the date of employment, plus interest.

1.3. Employees hired Between August 7, 2011 and December 31, 2012

The retirement benefit options shall be:

Plan 5: 1.725% @ 58 (pre-enhancement tier) with no 3% cost share. Current **Plan 4:** 2% @ 55.5 (as described in 1.2 above) is closed to new employees hired on or after the effective date of the commencement of Plan 5. However, employees may transfer into Plan 4 after providing the equivalent of ten years (20,800 hours) of service in Plan 5, and entering into an agreement with the San Mateo County Employees' Retirement Association to pay all of the employee and employer contributions that would have been required if the employee had been in Plan 4 since the date of employment, plus interest.

Plan 3: Plan 3 is closed to all employees hired on or after December 23, 2012. If an employee is already in Plan 3 with the option to transfer to Plan 5 after providing the equivalent of five years of service (10,400 hours) to the County that option is for future Plan 5 service only. After providing the equivalent of ten years of service (20,800 hours) to the County, employees may elect to transfer to Plan 4 by entering into an agreement with the San Mateo County Employees' Retirement Association (SamCERA) to pay all of the incremental employee and employer contributions that would have been required if the employee had been in Plan 4 since the date of employment, plus interest.

1.4. Employees hired on or after January 1, 2013

Employees hired on or after January 1, 2013 will be placed by SamCERA into Plan 5 or Plan 7 (2%@62) depending upon their eligibility.

Plan 5: Employees who are placed in Plan 5 by SamCERA will only be subject to the applicable provisions of sections 1.1, 1.3 and 1.5.

Plan 7: Employees who are placed in Plan 7 by SamCERA will not be subject any provisions in sections 1.1-1.3 and 1.5. The County will not make any contributions toward the employees' required contribution to the Retirement System for Plan 7 members.

1.5. Retirement COLA

All employees hired or rehired on or after August 7, 2011 will pay 50% of the Retirement COLA cost as determined by SamCERA.

Effective July 5, 2015, all employees, regardless of plan or hire date, will pay 50% of the Retirement COLA costs as determined by SamCERA.

2. Health Insurance

Employee contributions for health insurance will be 15% of the Health Maintenance Organization (HMO) premium and 25% of the Point of Service (POS) premium. Employees who elect a High Deductible Health Plan (HDHP) will contribute 15% of the premiums and will receive an amount equal to 50% of the deductible placed into a Health Spending Account.

For employees occupying permanent part-time positions, who work a minimum of forty (40), but less than sixty (60) hours in a biweekly pay period, the County will pay one-half (1/2) of the hospital and medical care premiums described above.

For employees occupying permanent part-time positions, who work a minimum of sixty (60), but less than eighty (80) hours in a biweekly pay period, or otherwise qualify as a “full time employee” under the provisions of the Affordable Care Act), the County will pay 85% of the Kaiser High Deductible Health Plan (HDHP) or three-fourths (3/4) of the hospital and medical care premiums described above.

Effective January 1, 2015, all employees shall be provided with a Flexible Spending Account “debit card” with a value of Two Hundred Dollars (\$200.00).

3. Dental Insurance

The County shall contribute 90% of the premium for the County’s dental plans. All employees must participate in one of these plans.

4. Vision Care

The County shall contribute the full premium for vision coverage. All employees must participate in this plan.

5. Life Insurance

The County shall provide \$50,000 life insurance for employees. The coverage includes death benefits for a spouse and children in the amount of \$2,000.

Employees, depending on pre-qualification, may purchase additional term life insurance to a maximum of \$500,000 for employee, \$250,000 for spouse, and \$10,000 for dependents.

6. Accidental Death and Dismemberment Insurance

The County shall pay the premium for \$110,000 coverage.

7. Long Term Disability Insurance

After three years of service employees are eligible for long-term disability benefits. The benefit is two-thirds of the salary after a waiting period of 120 days, with the maximum benefit being \$2400 per month.

Benefits for psychiatric disabilities that result from stress, depression or other life events are restricted to 2 years, payable per the terms and conditions of the plan.

8. Deferred Compensation

Effective January 1, 2016, each new employee will be automatically enrolled in the County's Deferred Compensation program, at the rate of one percent (1%) of their pre-tax wages, unless he or she chooses to opt out or to voluntarily change deferrals to greater than or less than the default one percent (1%) as allowed in the plan or as allowed by law. The pre-tax deduction will be invested in the target fund associated with the employees' date of birth.

9. Health, Dental, and Vision Insurance After Retirement from County Service

The following will be in effect for those who retire during the term of this agreement

For employees hired on or prior to April 1, 2008: The County will pay to employees who retire concurrently with separation from County service one month's health, dental and vision premium for the employee and eligible dependents for each 8 hours of unused sick leave. Employees who separate from County service and enter into deferred retirement or otherwise separate without retiring are not eligible for this benefit.

For employees commencing employment between April 1, 2008 and December 31, 2010: Employees who retire concurrently with separation from County service, for every 8 hours of unused sick leave, the County will pay \$700 toward the premium for one month of the retiree health plan and the full cost of one month of the dental and vision coverage. Employees who separate from County service and enter into deferred retirement or otherwise separate without retiring are not eligible for this benefit. For active employees, the County will contribute \$100 per month during employment to a post-employment health reimbursement account on a pre-tax basis. This account may only be used to pay for eligible premiums or medical expenses upon retirement or termination.

For employees commencing employment after January 1, 2011: For employees who retire concurrently with separation from County service, for every 8 hours of unused sick leave, the County will pay \$400 toward the premium for one month of the retiree health plan. For elective officers who retire concurrently with separation from County service, for each month of County service, the County will pay \$400 toward the premium for one month of the retiree health plan and the full cost of one month of the dental and vision coverage. Attorneys who separate from County service and enter into deferred retirement or otherwise separate without retiring are not eligible for this benefit.

Attorneys who retire receiving \$400 per 8 hours of sick leave, will, upon exhaustion of accrued sick leave, be credited with additional hours of sick leave as follows:

- With at least 10 but less than 15 years of service with the County of San Mateo – 96 hours

- With at least 15 but less than 20 years of service with the County of San Mateo – 192 hours
- With 20 years or more of service with the County of San Mateo – 288 hours

On the death of an employee or elective officer (active or retired), coverage for the spouse and dependents will continue until the sick leave credits have expired. Retirees or surviving spouses may continue the insurance, at their own expense, by premium deductions from their retirement warrants after sick leave credits have expired, in accordance with the rules of the respective carriers.

When employee or spouse reaches age 65 he/she must, if eligible, enroll in Medicare, which also will be reimbursed by the County if sick leave credits are available.

For employees who receive a disability retirement from County service, the County will provide additional hours of sick leave to the employee's sick leave balance for a total balance of 288.6 hours of sick leave (three years of retiree health coverage). For example, if an employee who receives a disability retirement has 100 hours of sick leave at the time of retirement, the County will add another 188.6 hours of sick leave credits to his/her balance.

10. Administrative/Management Leave Time

Employees who have management overtime (MOT) hours available may use such time balances as time off. Any time balance not taken as time off prior to retirement or termination will be cashed out at that time.

Employees not including elected employees shall receive 5 hours of administrative leave each pay period. No more than 260 hours of such administrative leave time may be accumulated at any one time. Except as provided below, time accruals may only be compensated by being allowed time off.

Part-time employees shall be entitled to Administrative Leave hours in proportion to the designation of the position as either half or three-quarters time, not the specific hours worked. (Half-time will equal 2.5 hours per pay period and three-quarters time will equal 3.75 hours)

In April of each year, employees will have the opportunity to convert 50% of their then current Administrative Leave hours balance for a cash payment. Time balances remaining at separation from County employment shall be cashed out post separation.

11. Bereavement Leave

Employees will be provided two days of paid bereavement leave upon the death of the employee's parent, spouse, domestic partner, child or step-child, sibling, mother-in-law, father-in-law, grandparents or grandchildren.

12. Advanced Leave Provisions

The Department head shall have the authority to credit an attorney in his/her department with up to 40 hours of vacation and 48 hours of sick leave in addition to normal vacation and sick leave accrual, provided such credit must be made within 180 days of employment. The Department head shall have the authority to provide to an attorney in his/her department advanced levels of vacation accrual as if the attorney had otherwise been working for the County the required number of years for the higher accrual rate, provided such credit must be made within 180 days of employment.

13. Bar Dues

In January of each year, the County shall pay actual cost of membership in the California State Bar Association on behalf of each employee on the first payroll in January.

In July of each year, the County shall pay the actual cost of membership in the San Mateo County Bar Association on behalf of each employee of the County Counsel's Office on the first Payroll in July.

14. Holiday

Regular full-time employees in established positions shall be entitled to take all authorized holidays at full pay, not to exceed eight (8) hours for any one (1) day, provided they are in a pay status on both their regularly scheduled workdays immediately preceding and following the holiday. Part-time employees shall be entitled to holiday pay in proportion to the average percentage of full-time hours worked during the two (2) pay periods immediately preceding the pay period, which includes the holiday. If two or more holidays fall on succeeding or alternate pay periods, then the average full-time hours worked in the two (2) pay periods immediately preceding the first holiday shall be used in determining the holiday pay entitlement for the subsequent holiday.

15. Salaries

The salary ranges are set forth in Exhibit A which is attached hereto and made a part hereof. Effective October 12, 2014 there shall be a four percent (4%) increase. In addition, effective October 12, 2014, all employees shall receive one percent (1%) increase in order to offset the requirement that all employees, regardless of plan or hire date, shall pay 50% of the Retirement COLA cost commencing July 5, 2015. Effective October 11, 2015, there shall be a three percent (3%) increase. Effective October 9, 2016, there shall be a three percent (3%) increase. Effective October 8, 2017, there shall be an increase of a minimum two percent (2%) and maximum three percent (3%) based on CPI.

In addition, there shall be an increase of four percent (4%) for all employees, regardless of retirement plan or hire date, effective the first full pay period after adoption of this resolution to offset the elimination of the employer paid member contribution to retirement.

16. Special Compensation

Attorneys assigned by the District Attorney to work as a Deputy-in-Charge of the following work units shall receive a differential of 5.74% in addition to all other compensation. Only one employee at a time may receive payment in each area:

- Each Court Branch
- Juvenile Court Division
- Consumer Fraud
- Training and Education

Deputy County Counsel – Unclassified assigned to lead a specific work unit or function or assigned to perform lead work over other attorneys, shall receive a 5.74% differential, in addition to all other compensation. The number of lead designations is at the discretion of County Counsel.

Bi-lingual Pay: Attorney positions are not eligible for bi-lingual pay.

SECTION 2. This resolution is effective on October 12, 2014 unless otherwise specified.