

RESOLUTION NO. 071135

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 NOVEMBER 1, 2010 THROUGH OCTOBER 27, 2012**

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BE IT RESOLVED that Resolution No. 070698 is rescinded and the following benefits are available to unrepresented Attorney's unit personnel (excluding Court attorneys) not covered by a Memorandum of Understanding: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

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 and the Social Security Act. The County will contribute 75% of the employees' required contribution to the Retirement System except as set forth below.

For employees who are employed by the County on or before July 2, 1994 and who are no longer making contributions to the retirement system under the Government Code section 31625.2 the County will make a contribution to the employees deferred compensation account in an amount equal to 50% of what the retirement contribution would otherwise have been at the time of initial calculation. Consistent with state law this additional contribution to deferred compensation will not be offered to employees who reach 30 years of service on or after March 7, 2003.

For employees in the miscellaneous retirement system hired before July 1, 2011

The County implemented the 2%@55.5 retirement enhancement (Government Code Section 31676.14) for employees in the General Retirement Plan for employees who retire on or after March 13, 2005.

The enhancements apply to all future service and all service back to the date of employment pursuant to the Board of Supervisor's 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. Employees will share in the cost of the 31676.14 enhancements through increased retirement contributions by way of payroll deductions as follows:

For employees in the miscellaneous retirement system hired on or after July 1, 2011

Upon the adoption of a resolution making Government Code section 31676.1 effective, the retirement benefit for employees hired on or after July 1, 2011 or the date of the adoption of the resolution, whichever is later, shall be the 1.725% @ 58 benefit. This will be referred to as Plan 5.

Current Plan 4 (as described in 2B, 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 Employee's 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. These contributions will not be reduced by the employer pick-ups described above.

Upon entering employment, employees may alternatively elect the non-contributory plan, 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 with that option being 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. These contributions and interests will not be reduced by the employer pick-ups described in paragraph 2 A above.

Retirement COLA

Employees hired after January 1, 2011 or upon agreement with all bargaining units in the general retirement plan (whichever is later) and as is set forth by resolution, will pay up to 50% of the Retirement COLA cost as determined by SamCERA.

2. Health Insurance

Effective April 1, 2011, employee contributions for health insurance will be 15% of the Health Maintenance Organization (HMO) premium and 25% of the Point of Service (POS) premium.

Effective January 1, 2011, 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.

Effective January 1, 2011, 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, the County will pay three-fourths (3/4) of the hospital and medical care premiums described above.

In either case cited above, the County contribution shall be based on the designation of the position as either half-time or three-quarter time, not on the specific number of hours worked.

Effective January 1, 2011 and January 1, 2012, all management employees and elective officials 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. However, a disability resulting from certain chronic psychotic disorders or a disorder with demonstrable organic brain deficits can qualify for benefits payable up to the age of 65.

8. 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. Management employees 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.

9. 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 in the next section 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.

10. Bereavement Leave

Beginning January 1, 2011, 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.

11. Severance Pay

If the position of an employee other than an elected official is abolished and the employee is unable to displace another employee in accordance with the rules of the Civil Service Commission, the employee shall receive reimbursement as follows:

- One week of pay for each full year (2080 hours) of regular service to the County up to a maximum of ten (10) weeks of pay,
- Fifty percent (50%) of the cash value of the employee's unused sick leave, and,
- The county will continue to pay its share of health premiums for a period not to exceed six (6) months contingent on the employee continuing to pay their share;

Provided, however, that such employee shall be eligible for this reimbursement only if the employee remains in the service of the County until the services are no longer required by the department head. If the County secures comparable employment for the displaced employee in another agency, the employee is not entitled to the severance payment. Employees accepting the payment relinquish the right to have their names placed on reemployment eligible lists.

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 payroll on January 15.

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 Payroll on July 15.

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.

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 Municipal Court Branch
- Juvenile Court Division
- Consumer Fraud
- General Office Support
- Child Support

SECTION 2. This resolution is effective on November 1, 2010 unless otherwise specified.

Attorney
Salaries: 11/01/2010

JobClass Code	Class Title	Range	A	B	C	D	E
B148	CHILD SUPPORT ATTNY III-U	\$67.90	\$4,345.60	\$4,595.20	\$4,858.40	\$5,137.60	\$5,432.00
B147	CHILD SUPPORT ATTNY II-U	\$55.86	\$3,575.20	\$3,780.00	\$3,996.80	\$4,226.40	\$4,468.80
B146	CHILD SUPPORT ATTNY I-U	\$34.29	\$0.00	\$0.00	\$0.00	\$2,594.40	\$2,743.20
B149	CHILD SUPPORT ATTNY IV-U	\$78.60	\$5,030.40	\$5,319.20	\$5,624.00	\$5,947.20	\$6,288.00
B037	DEPUTY CNTY COUNSEL III-U	\$74.90	\$4,793.60	\$5,068.80	\$5,359.20	\$5,667.20	\$5,992.00
B038	DEPUTY CNTY COUNSEL II-U	\$61.61	\$3,943.20	\$4,169.60	\$4,408.80	\$4,661.60	\$4,928.80
B039	DEPUTY CNTY COUNSEL I-U	\$37.82	\$0.00	\$0.00	\$0.00	\$2,861.60	\$3,025.60
B036	DEPUTY CNTY COUNSEL IV-U	\$86.71	\$5,549.60	\$5,868.00	\$6,204.80	\$6,560.80	\$6,936.80
B024	DEPUTY DISTRICT ATY I- U	\$37.82	\$0.00	\$0.00	\$0.00	\$2,861.60	\$3,025.60
B023	DEPUTY DISTRICT ATY II -U	\$61.61	\$3,943.20	\$4,169.60	\$4,408.80	\$4,661.60	\$4,928.80
B022	DEPUTY DISTRICT ATY III-U	\$74.90	\$4,793.60	\$5,068.80	\$5,359.20	\$5,667.20	\$5,992.00
B021	DEPUTY DISTRICT ATY IV-U	\$86.71	\$5,549.60	\$5,868.00	\$6,204.80	\$6,560.80	\$6,936.80
B034	LAW CLERK-U	\$23.20	\$0.00	\$0.00	\$0.00	\$0.00	\$1,856.00

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Regularly passed and adopted this 9th day of November, 2010.

AYES and in favor of said resolution:

Supervisors:

MARK CHURCH

CAROLE GROOM

ROSE JACOBS GIBSON

ADRIENNE J. TISSIER

NOES and against said resolution:

Supervisors:

NONE

Absent Supervisors:

RICHARD S. GORDON

carole groom

*Vice President, Board of Supervisors
County of San Mateo
State of California*

Certificate of Delivery

I certify that a copy of the original resolution filed in the Office of the Clerk of the Board of Supervisors of San Mateo County has been delivered to the President of the Board of Supervisors.

R. Romero

*Rebecca Romero, Deputy
Clerk of the Board of Supervisors*

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