

RESOLUTION NO. 2023-145

**RESOLUTION OF THE BOARD OF SUPERVISORS OF THE
COUNTY OF SAN BENITO REGARDING COMPENSATION AND
BENEFITS FOR APPOINTED DEPARTMENT HEADS**

WHEREAS, the County of San Benito's Appointed Department Heads are not represented by any employee organization or bargaining group under the Meyers-Milias Brown Act; and,

WHEREAS, the San Benito County Board of Supervisors is desirous of providing the employees in these job classes with equitable compensation and benefits with regard to other County employees.

NOW, THEREFORE, BE IT FURTHER RESOLVED AND ORDERED that the San Benito County Board of Supervisors hereby enacts the following:

1. Approves those compensation and benefit adjustments to those classifications as set forth in Attachment "A."; and
2. Authorizes the County Administrative Officer to implement the terms and conditions as outlined in Attachment "A"; and
3. Authorizes the County Administrative Officer or his/her designee to make any technical edits as later identified; and
4. Directs the County Administrative Officer to take such further action as may be necessary to immediately finalize and implement the benefit adjustments and terms of compensation outlined in Attachment "A."

PASSED AND ADOPTED by the San Benito County Board of Supervisors, State of California, at the meeting of said Board held on the 21st day of November 2023 by the following vote:

AYES: 4 - Sotelo, Curro, Kosmicki, Gonzales

NOES: 1 - Zanger

ABSENT OR NOT VOTING: 0 - None

COUNTY OF SAN BENITO

DocuSigned by:

By Mindy Sotelo

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Mindy Sotelo

Chair, Board of Supervisors

ATTEST:

Vanessa Delgado

Clerk of the Board

By: Vanessa Delgado

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APPROVED AS TO LEGAL FORM:

San Benito County Counsel's Office

DocuSigned by:

By Ekam Brar

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Ekam Brar

Deputy County Counsel

ATTACHMENT "A" Appointed Department Heads

For the period of October 1, 2023, through September 30, 2025, or future action by the Board of Supervisors

1. GENERAL SALARY INCREASES:

A. Salary Increases:

1. Effective October 1, 2023, each step of the salary range for classifications in this unit shall be increased by seven percent (7.0%).
2. Effective the first full pay period after October 1, 2024, each step of the salary range for classifications in this unit shall be increased by six percent (6.0%).

2. RETENTION/LONGEVITY PAY:

Existing employees that have the following tenure in regular, full-time positions with the County of San Benito shall receive additional compensation as follows:

- Effective the first day of the pay period following the completion of the 10th year of service, two and one-half (2.5%) percent added to base salary. Employees with continuous full-time service to San Benito County are eligible for this differential
- Effective the first day of the pay period following the completion of the 15th year of service, an additional 2.5% will be added to base salary for a total of five (5%) percent added to base salary. Employees with continuous full-time service to San Benito County are eligible for this differential.
- Effective the first day of the pay period following the completion of the 20th year of service, an additional 2.5% will be added to base salary for a total of seven and one-half (7.5%) percent added to base salary. Employees with continuous full-time service to San Benito County are eligible for this differential.

3. G STEP

Employees will be eligible to move from Steps A through G. Following the effective date of this agreement, employees who are not already at Step G are eligible to Step G after completing twelve (12) months at F step. This provision is not retroactive.

4. FROZEN VACATION AND VACATION ACCURAL LIMITS.

Previous Board action establishing a frozen vacation bank and vacation accrual limits remains unchanged.

5. RESERVED.

6. BEREAVEMENT LEAVE

A. Individuals attending to a death in the immediate family shall be allowed up to five (5) days of bereavement leave. An immediate family member is defined as a spouse, registered domestic partner, mother, father, grandmother, grandfather, daughter, son, granddaughter, grandson, sister, or brother and step-relatives and in-laws of the same categories. Bereavement leave is in addition to an employee's accrued sick leave and vacation leave.

B. Department Heads have discretion to allow more than five (5) days when exceptional circumstances warrant additional leave. If approved, employees must use other accrued leave or take the additional days unpaid.

7. PERS RETIREMENT BENEFIT

A. "Classic" Employees. For employees hired prior to January 1, 2013, or were members of CalPERS or a retirement system that has reciprocity with CalPERS, the County shall continue to provide the 2% at 55 PERS retirement program for Miscellaneous Employee or the 3% at 55 PERS retirement program for Safety Employees. These employees shall contribute the full 7% towards the employee CalPERS miscellaneous contribution or the full 9% towards the employee CalPERS safety contribution.

B. "New" Employees. For employees hired on or after January 1, 2013, and prior to that date were not members of CalPERS or a retirement system that has reciprocity with CalPERS, the County shall provide the retirement program in conformance with the requirements of California Public Employees' Pension Reform Act of 2013 ("PEPRA"), Gov. Code § 7522 et seq., as may be amended (hereinafter "PEPRA Retirement Tier"). Employees will receive the 2% at 62 retirement benefit for miscellaneous employees and the 2.7% at 57 retirement benefit for safety employees.

Miscellaneous and Safety Employees shall contribute toward the PEPRA Tier an employee contribution in an amount equal to not less than fifty percent (50%) of the normal cost of the new tier (the amount CalPERS determines as the employee contribution for "new members" as defined by PEPRA during the term of this agreement), as determined by CalPERS on an annual basis or the amount of the contribution determined by the Board of Supervisors by Resolution in the future, whichever is greater.

8. SICK LEAVE

Sick Leave Accrual	
4.62 hours per pay period	2000 hours accrual limit

A. For employees hired on or after December 16, 2015, sick leave is forfeited upon resignation or termination, except that if the employee is retiring under the PERS, the employee can cash out 25% of their sick leave.

B. Employees hired on or before December 15, 2015 still have the option to cash-out 50% of sick leave at retirement, in accordance with the County Personnel Policies and Procedures. All other sick leave shall be as provided for in the County Personnel Policies and Procedures and shall remain unchanged for the term of this agreement.

9. RESERVED

10. MEDICAL INSURANCE. The County currently offers to eligible employees medical plans through CalPERS Health.

A. **Eligibility.** Employees occupying permanent full time positions, who work a minimum of 0.9 FTE or more, and their eligible dependents, shall be entitled to participate in the County-sponsored health plan consistent with plan eligibility requirements. Employees occupying permanent part-time positions, who work a minimum of twenty (20) hours, but less than 0.9 FTE per week, and their eligible dependents, shall be entitled to participate in the County-sponsored medical plans consistent with plan eligibility requirements.

Permanent part-time employees hired on or before January 1, 2002 shall continue to receive the same County contribution to their health insurance premiums as full-time employees as listed below. However, permanent part-time employees hired after January 1, 2002 shall pay a proportionate share of the gross monthly County contribution rounding to the nearest one-quarter time: i.e., either fifty percent (50%) or seventy-five percent (75%) of the gross monthly premium.

B. In either case cited above, the County contribution shall be based on the date-of- hire and full-time equivalent designation of the position on the Schedule of Authorized Positions adopted by the Board of Supervisors, not on the specific number of hours worked.

1. County Contribution

Effective the first full pay period after ratification and approval of the successor contract by the Board of Supervisors on its regular agenda in accordance with the Brown Act but no sooner than the premiums for January 1, 2024 are due, the County's monthly contribution for any medical plan shall be up to the maximum amounts for Full time permanent employees as describe below:

Employee Only	\$750.00
Employee Plus One	\$1,250.00
Family	\$1,515.00

As of January 1, 2024, only the PEMHCA Minimum contribution as determined by CalPERS will be made as the monthly CalPERS health insurance contribution for all employees.

The difference between the PEMHCA Minimum contribution amount and the County's current contribution amounts (under the current MOU's) shall be paid to employees via a Health Reimbursement Account, or other similar Account.

As a result, the amount of total monthly County contribution towards Health for employees will be the sum of the Health Reimbursement Account amount, and PEMHCA Minimum amount as prescribed by Government Code section 22892, the sum of which would total the following amounts for active employees:

Effective no sooner than the premiums due for January 1, 2024 (assuming ratification and BOS Approval by December 2023) for the duration of the contract.

- a. Employee Only: \$750.00, which would include the PEMHCA Minimum
- b. Employee Plus One: \$1,250.00, which would include the PEMHCA Minimum
- c. Family: \$1,515.00, which would include the PEMHCA Minimum

The County's contribution above shall be prorated for positions that are less than .90 FTE rounding to the nearest one-quarter time.

Any premium contributions required above the County's maximum monthly contribution shall be borne entirely by the employee.

To receive this contribution, all employees must maintain health care coverage through a County sponsored plan.

2. Premium Conversion

The County shall make a payroll deduction in the amount of the remainder of the premium required for the CalPERS Health plans, or other approved County offered

medical plan in which the employee and dependents are enrolled.

The County agrees to continue to provide employees with an option to pay their insurance premium contributions on a pre-tax basis, as allowed in the Internal Revenue Code.

Employees in this Unit authorize the County to make a payroll deduction in the amount of the remainder of the premium required for CalPERS Health plans, or other approved County offered medical plan in which the employee and dependents are enrolled.

The County agrees to continue to provide employees with an option to pay their insurance premium contributions on a pre-tax basis, as allowed in the Internal Revenue Code.

C. Employee Opt-Out of Medical Coverage.

Employees who are eligible to receive a "cash in lieu of" enrollment in the County's medical plan shall receive a taxable payment of \$150 monthly (pro-rated into biweekly installments of \$69.23).

To be eligible for the cash incentive, the employee must work a full-time schedule in an authorized full-time position and change from any level of medical plan coverage to no coverage, or if a new employee, choose no coverage.

As of January 1, 2022, whenever the employee changes to, or opts for, no coverage, the employee shall provide written proof of current alternate group coverage that is not an ACA or Covered California Plan and sign a waiver stating that the employee does have alternative coverage and that the employee understands that the employee will no longer receive coverage through a County-sponsored medical plan. If the employee later decides to re-enter a County-sponsored health plan, the employee must meet such requirements and conditions for approval as may be required by the medical plan provider or enroll during the annual open enrollment period for CalPERS Health provided medical plans.

Procedures for exercising this option and for re-entering the County-sponsored health plans shall be established by the County.

NEW SECTION Health Reimbursement Account Annual County Contribution for PREMIUM COSTS ONLY and excess amounts will not be carried over to the subsequent calendar years.

(Additional Final Language to come pending plan document finalization by the County's broker).

Beginning in January 2024, the County shall provide a Health Reimbursement Account in accordance with IRS regulations for active employees only. For calendar years of January 2024 and January 2025, employees who are enrolled in the County's Medical Plan shall be provided the benefit as described below into a qualified HRA plan:

Employees enrolled in the County's Employee Only Medical Plan: \$1,500 maximum. Benefit provided over 24 pay periods.

Employees enrolled in the County's Employee Plus One Medical Plan: \$3,000 maximum. Benefit provided over 24 pay periods.

Employees enrolled in the County's Employee Plus Family Medical Plan: \$4,000 maximum. Benefit provided over 24 pay periods.

11. DENTAL INSURANCE:

A. The County will maintain in effect the Delta Dental Insurance Program. The County will contribute thirty dollars (\$30.00) per full-time regular employee per month for those employees electing to participate in the dental insurance program. Permanent part-time employees (who work a minimum of twenty hours per week) hired after October 1, 2007 shall pay a proportionate share of the gross monthly premium, rounding to the nearest one-quarter time (same conditions as the medical insurance). The County's plan under Delta D Dental provides the following:

1. The County will provide a dental open enrollment each year; however, eligible enrollees may be able to opt into the plan mid plan year within thirty days (30) of a qualifying event consistent with plan requirements.
2. An annual calendar year maximum benefit of \$1,500 per enrollee.
3. Orthodontia coverage to enrollees.
4. A PPO (network) plan. When using a dentist in the network, the \$50 annual deductible for members is waived. No change if using dentists out-of-network.

12. RETIREE HEALTH INSURANCE:

A. Eligibility and Maximum County Contribution

Employees in the Unit who retire from the County of San Benito and are eligible for a pension through CalPERS may enroll in a CalPERS Health medical plan within ninety (90) calendar days of the date of separation as a retiree from the County if consistent with plan eligibility.

As of January 1, 2022, Employees in the Unit who retire from the County of San Benito and are eligible for a pension through CalPERS may enroll in a CalPERS Health medical plan within ninety (90) calendar days of the date of separation as a retiree from the

County, if consistent with plan eligibility. To receive this contribution, all retirees must maintain medical care coverage through a County sponsored plan and receive CalPERS retirement.

B. County Contribution for employees hired on or before December 15, 2015:

1. For pre-65 retirees or their eligible survivor (spouse and/or dependent) under CALPERS retirement law, who are not eligible for Medicare and not subject to paragraph C below, the amount of total monthly County contribution towards Health for these individuals will be the sum of direct reimbursement/payment from the County and the PEMHCA Minimum amount as prescribed by Government Code section 22892, the sum of which would total the following amounts until modified by a subsequent MOU:
 - i. Retiree Only: \$750.00, which would include the PEMHCA Minimum
 - ii. Retiree Plus One: \$1,250.00, which would include the PEMHCA Minimum
 - iii. Retiree Plus Family: \$1,515.00, which would include the PEMHCA Minimum
2. For Medicare eligible retirees or their eligible survivor (spouse and/or dependent) under CALPERS retirement law, and not subject to paragraph C below, the amount of total monthly County contribution towards Health for these individuals will be the sum of direct reimbursement/payment from the County and the PEMHCA Minimum amount as prescribed by Government Code section 22892, the sum of which would total the following amounts until modified by a subsequent MOU:
 - iv. Retiree Only: \$525.00, which would include the PEMHCA Minimum
 - v. Retiree Plus One: \$875.00, which would include the PEMHCA Minimum
 - vi. Retiree Plus Family: \$1060.50, which would include the PEMHCA Minimum

C. Employees Hired on or after December 16, 2015: PEMHCA Minimum Contributions Only.

Those retirees or their eligible survivor (spouse and/or dependent) under CALPERS retirement law who are limited to receiving the PEMHCA Minimum upon retirement under the existing MOU's, will continue to receive the PEMHCA Minimum amount as prescribed by Government Code section 22892

13. ALL OTHER RIGHTS/BENEFITS:

All other existing rights and benefits afforded the Employees shall remain in full force and effect. The procedures relating to "frozen" vacation for employees remains unchanged.