



RESOLUTION NO. 2014-46

**MEMORANDUM OF UNDERSTANDING
CITY OF WINTERS
MANAGEMENT (DEPARTMENT HEAD) EMPLOYEES**

**Effective
July 2014**

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**ARTICLE I
GENERAL PROVISIONS**

1.1 Application

1.1.1 This Resolution applies to the following management employees:

Chief of Police
Director of Administrative Services
Director of Financial Management
Housing Manager

1.2 Term

1.2.1 Except where the context otherwise determines or otherwise provides, the provisions of this Resolution shall apply from July 2014 through September 2015.

ARTICLE II COMPENSATION

2.1 Salary

2.1.1 The salary schedule for employees covered by this Resolution are set forth in Exhibit A.

2.1.1.1 Effective July 2013, salary ranges will be established based on Cost of Living and merit based raises.

2.2 Administrative Leave

2.2.1 All employees covered by this Resolution shall receive 12 days administrative leave per fiscal year beginning July 1st. Actual accrual occurs in the same manner as sick leave (one (1) nine (9) hour day each month). This administrative leave shall be in addition to accrued vacation leave and other leaves provided by the City. Administrative leave shall be subject to the same rules for usage and accounting as vacation leave except as provided below:

2.2.2 Each employee may request in advance of accrual and receive Administrative time off which has not been accrued, and if the employee separates from employment before the time is accrued, the amount will be deducted from vacation time on the books or in cash.

2.2.3 If employee would like to cash in his or her administrative leave time, they may cash in up to twenty-seven hours (27) must be accrued and on the books at the time the request is made.

2.2.4 No employee may carry over any administrative leave balance past June 30 each year. (Carry over is accepted while cash out is limited to anything under 63 hours.)

2.3 **Cellular Phones.**

2.3.1 Cellular Phones. Employees covered by this Resolution are entitled to use a cellular telephone to conduct City business and emergencies.

2.4 **Deferred Compensation.**

2.4.1 The City of Winters contributes 7% of employee individual salary in to a deferred compensation contribution plan. Only plans approved by the City in its deferred compensation program will be eligible for City contribution. At the time of this contract ratification, the City offers four deferred compensation providers from which employees may select. An employee who has increased their personal contribution into a Deferred Compensation plan the City will contribute \$500 annually. (Employer paid deferred compensation is frozen at this time.)

2.5 **CALGOVEBA**

All employees covered under this Memorandum of Understanding agree to participate in the California Government VEBA (CALGOVEBA), a Individual health reimbursement account, pursuant to IRS Tax-exempt code 501 (c)(9). All employees agree to the contributions based on each pay period:

Salary reduction: Contribution:

Employee Category	Mandatory Contribution
0-10 Years of Service	\$150 per pay period
11-25 Years of Service	\$200 per pay period
25+ Years of Service	\$250 per pay period

Terminal/Annual Leave Contribution:

Employee Category	Mandatory Contribution
0-5 Years of Service	50% value of leaves
6-10 Years of Service	75% value of leaves
11-20 Years of Service	75% value of leaves
20+ Years of Service	75% value of leaves

2.6 **Social Security.**

Employees are required to participate in Social Security. The City shall pay the employer costs as determined by the applicable rules and regulations. The employee shall pay their portion of Social Security as determined by the rules and regulations.

2.7 **State Unemployment Insurance (SUI).**

2.7.1 The City shall pay all State Unemployment Insurance costs.

2.8 **Longevity Incentive.**

2.8.1 An employee who has completed five (5) consecutive years employment is eligible to receive a lump sum amount equal to one-half (1/2) month's base wage payable at the beginning of the sixth (6th) year and each year thereafter until the employee leaves City employment.

ARTICLE III MEDICAL AND RELATED BENEFITS

3.1 **Medical Insurance**

3.1.1 The City shall make available to all covered employees, the CalPERS medical insurance program. Employees shall have the option of enrolling in any of the plans provided by CalPERS.

3.1.2 The City shall contribute up to the following amounts towards employee cafeteria plan to include cost coverage of health, dental and any other optional insurance plan that is offered by the City of Winters. The City agrees to pick up the increase in dental and health premiums when they go into effect throughout the duration of this MOU. The City of Winters will pay for the vision plan with MES Vision for all employees. Dependent cost must be paid for by employee.

Employee plus family up to \$2,111/mo

3.1.3 Employees providing proof of dual coverage under PERS or other medical insurance programs may decline to accept medical coverage. These employees shall be eligible for a payment of \$735 per month.

3.2 **Dental Insurance**

3.2.1 For all employees covered by this Resolution the City shall provide coverage in the City's dental insurance program for the employee and any eligible dependents. The benefit shall be paid by the cafeteria amount and the employee to pay a deductible or co-pay.

3.3 **Long Term Disability Insurance**

3.3.1 The City shall provide to all employees covered by this Resolution coverage in the long term disability insurance plan. Employer paid.

3.4 **Life Insurance**

3.4.1 The City shall maintain in effect life insurance for all employees covered by this Resolution in the amount of two-times employee's annual salary. Employer paid.

ARTICLE IV LEAVES

4.1 **Holidays**

4.1.1 Employees shall receive the following holidays:

New Year's Day	Labor Day
Martin Luther King's Birthday	Veteran's Day
Presidents Day	Thanksgiving Day
Half Day Good Friday	The Day after Thanksgiving Day
Memorial Day	December 24 th (Christmas Eve)
Independence Day	December 25 th (Christmas Day)
Cesar Chavez Day (Recognized Only – Monday through Friday)	

4.1.2 In addition, each management employee shall receive two (2) floating holidays per year. If an employee fails to take their floating holidays of, one between January 1st – June 30th and the other between July 1st – December 31st, the employee will forfeit their floating holiday credit.

4.1.3 If any holiday falls on a Sunday, the Monday following will be observed as the holiday. If it falls on a Saturday, the Friday preceding will be observed.

4.2 **Vacation Leave**

4.2.1 Each employee shall earn paid vacation leave on a monthly basis at each pay period during the month. Vacation time shall be prorated in any partially worked month and the accrual rate shall be effective on the first day beginning the new benchmark year.

Years of Service	Vacation Leave Earned Annually
0 through 3 years	12 days
4 through 6 years	15 days
7 through 9 years	17 days
10 through 12 years	20 days
13 through 16 years	22 days
17 through 22 years	25 days

23 through plus years 27 days

- 4.2.2 Upon approval of the City Manager, employees may, at his/her request cash in their unused vacation leave hours paid directly to him/her at their regular hourly rate of pay, but must leave one weeks vacation time on the books.
- 4.2.3 An employee separated from City service shall be compensated for vacation hours on the books.

Side Letter of Agreement for re-opener on capping accrued leave

4.3 Sick Leave

- 4.3.1 Represented full-time employees in this Association earn and accumulate sick leave at the rate of one (1) day (8 hours/9 hours for employees working a 9/80 alternative work schedule) per month for each calendar month of service. An employee continues to earn sick leave while on any paid leave. There shall be no limit to the amount of sick leave credit and employee may accrue. Each employee has one (1) hour deducted from the employee's accrued sick leave time for each hour of sick leave taken. Employees in service 20 or more years will receive ½ cash out, up to 500 hours. Remaining hours after the 500 hours cashed out will go toward PERS Service Credit for eligible employees. (Safety employees are not eligible)
- 4.3.2 If an employee is absent from work for more than three (3) consecutive days, evidence, in the form of a physician's certificate or otherwise, may be required to determine the adequacy of reasons for an employee's sick leave absence.
- 4.3.3 An employee may take five (5) days off of Sick Leave for bereavement which shall not be counted as part of the fifty-four (54) hours Incentive Sick Leave Bonus, but will be subtracted from accrued sick leave. Bereavement may be granted for death involving members of the immediate family (for this purpose, members of the immediate family shall be defined as: spouse, mother, father, sister, brother, children, grandparents, mother-in-law, or father-in-law).
- 4.3.4 The City has implemented a Sick Leave Incentive Program for all employees. The Sick Leave Incentive shall be one percent (1%) of an employee's base annual salary. The Sick Leave Incentive shall be paid during the first week of December.

For employees to be eligible for the Sick Leave Incentive, they must not have used more than forty-eight hours of sick leave between December 1

and November 30. Sick Leave used for work related injuries or illnesses shall not be counted as part of the fifty-four (54) hours Incentive Sick Leave Bonus, but will be subtracted from accrued sick leave. The effective date for determination of work related injuries or illnesses shall be based upon a medical report.

4.4 **Catastrophic Illness or Injury**

4.4.1 Full-time employees may donate portions of their vacation or administrative leave balances to other employees who have suffered catastrophic illness or injury. Employees receiving donations of time must first exhaust all available vacation, compensatory time, administrative leave and sick leave.

ARTICLE V RETIREMENT

5.1.1 The City will continue its participation in the Public Employee's Retirement System during the term of this agreement.

5.1.2 The formulas in effect are:

Tier One Retirement Formula

Miscellaneous employees hired before December 31, 2012 will receive a 2% @ 55, with a single highest year, retirement formula.

Safety employees hired before 2012 will receive a 3% @ 55, with a three year average compensation formula.

Tier Two Retirement Formula

Miscellaneous employees hired on or after January 1, 2013 and who are not considered new member as defined by California Government Code Section 7522.04(f) will receive a 2% @ 55.

Safety employees hired in 2012 will receive a 2% @ 50, with a three year average compensation formula

Tier Three Retirement Formula

Miscellaneous employees hired after January 1, 2013 and who qualify as "new members" as defined by California Government Code Section 7522.04(f) will receive a 2% @ 62, with a three year average, retirement formula.

Safety employees hired after January 1, 2013 will receive a 2.7% @ 57, with a three year average compensation formula.

The City shall pay the employer rate and the employee rate for Miscellaneous.

Safety Employees shall pay the employee rate.

5.1.3 The City will continue to pay the employer's share to the retirement system.

5.1.4 The City provides the sick leave conversion benefit as specified in the Government Code, Section 20965 to miscellaneous category of employees who are eligible.

5.1.5 The City shall maintain the PERS single highest year option for miscellaneous category of employees who are eligible.

ARTICLE VI PUBLIC SAFETY DIRECTORS

6.1 Special Provisions for Public Safety Directors.
Public Safety Directors covered by this Resolution shall have separate provisions regarding retirement, vehicle use, uniform allowance and holiday time use.

6.1.1 Police Chief. The Chief of Police shall receive the same safety retirement benefits and uniform allowance as provided to safety personnel. The City of Winters shall provide a City vehicle for use by the Chief of Police.

ARTICLE VII OTHER COMPENSABLE ITEMS NOT SET FORTH HEREIN

7.1 Other Compensable Items Not Set Forth Herein

7.1.1 Other items not set forth herein which are compensable as terms and conditions of employment of the employees covered by this Resolution shall continue to be compensated by the City of Winters at the rate applicable on July 1, 2013 unless determined otherwise by the Winters City Council in accordance with law or required otherwise by law.

Accepted for submittal to the City Council on the ___ day of _____, 2014.

BY: _____
Association Representative

BY: _____
Association Representative

Accepted for submittal to the City Council on the ___ day of _____, 2014.

BY: _____
John W. Donlevy, Jr., City Manager

APPROVED, RATIFIED, AND ORDERED IMPLEMENTED by the Winters City Council
on the ____ day of _____, 2014.

Cecilia Aguiar-Curry, Mayor

ATTEST:

Nanci G. Mills, City Clerk

EXHIBIT A
MONTHLY SALARY RANGES

CITY OF WINTERS
EXEMPT SALARY SCHEDULE
JULY 2014
1.5% COLA

Position	A	B	C	D	E
Police Chief	8,146	8,554	8,981	9,430	9,902
Department Heads	7,416	7,786	8,176	8,584	9,013