



Council Meeting: June 25, 2013

SUBJECT: Amendment to the Salary Resolution to Clarify Language Related to Salary and Benefits for Unrepresented Classified Confidential Employees; Revise Language Related to Retirement Benefits; and Revise Language Related to Merit Increase Timing for Management Employees.

BACKGROUND

The Salary Resolution is the primary document that governs the salary and benefits for each class of City employee. As items related to employee salary and benefits are modified through contract negotiations with the City's bargaining units, or due to changes in law, City practice, or for clarification purposes, the Salary Resolution must be amended accordingly. The Salary Resolution was last amended in 2010.

EXISTING POLICY

City Charter Article XI, Civil Service, Sections 1103 and 1104.

DISCUSSION

Below is a general summary of the clarifications and revisions proposed to the Salary Resolution:

1. Section 1.000 Pay Plan Category G – This Pay Plan Category applies to Unrepresented Classified Confidential employees. This section was amended to reflect the City's current practice that for purposes of wage increases/decreases, as well as benefits and leaves (except for Paid Time Off and Floating Holiday), Pay Plan Category G employees will receive the same treatment as what has already been negotiated for Pay Plan Category B employees (Sunnyvale Employees Association – SEA).
2. Various sections under Section 5.700 Retirement Systems were revised and/or added to include the necessary language regarding the three Safety retirement tiers, the three Miscellaneous retirement tiers, and the corresponding benefit formulas for City employees which have already been negotiated. Additionally, Section 5.740 CalPERS Contribution, was revised to reflect the various changes made to the percentage of member contribution paid by the City and employees, dependent upon the applicable retirement plan and tier. It should also be noted that in an effort to reduce redundancy, Section 5.740 was further revised to only apply to Pay Plan Category D (Unrepresented Classified Management), F (Department Directors), K (Unrepresented Unclassified Management

employees appointed by the City Attorney), and City Council. All other Pay Plan Categories have Memoranda of Understanding that govern their applicable retirement benefits.

3. Section 7.130 Merit Increases Management – This section has been revised to change the timing of management merit increases to be based on the employee’s anniversary date. This change in timing will eliminate the need for retroactive increases caused by the current practice of basing management merit increases on the fiscal year. This change is only applicable to management employees hired or appointed on or after June 1, 2013. It should also be noted that in an effort to reduce redundancy, Section 7.130 was also revised to only apply to Pay Plan Category D (Unrepresented Classified Management), F (Department Directors), and K (Unrepresented Unclassified Management employees appointed by the City Attorney). Pay Plan Category E (Sunnyvale Managers Association -SMA), the only other management category, has a Memorandum of Understanding that governs the timing of merit increases and was recently revised by side letter to include the abovementioned changes in merit increase timing.

FISCAL IMPACT

There is no fiscal impact.

PUBLIC CONTACT

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall, at the Sunnyvale Senior Center, Community Center and Department of Public Safety; and by making the agenda and report available at the Sunnyvale Public Library, the Office of the City Clerk and on the City's Web site.

RECOMMENDATION

Adopt the amended Salary Resolution.

Reviewed by:

Teri Silva, Director of Human Resources
Prepared by: Doug Baker, Human Resources Manager

Approved by:

Gary M. Luebbers
City Manager

Attachments

1. City Charter Article XI, Civil Service, Sections 1103 and 1104
2. Amendment to Salary Resolution
3. CalPERS EPMC Resolution

Sunnyvale Municipal Code

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CHARTER OF THE CITY OF SUNNYVALE

Article XI Civil Service

Section 1103. Classification.

The City Manager, with the advice of the Personnel Board, shall prepare and submit to the City Council a plan of classification and grading of all positions in the City Service according to similarity of authority, duties and responsibilities. Such classification plan shall take effect when adopted by the City Council. Additions or changes in the classification plan may be adopted from time to time by the City Council upon the recommendation of the City Manager.

Sunnyvale Municipal Code

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CHARTER OF THE CITY OF SUNNYVALE
Article XI Civil Service

Section 1104. Pay Plan.

The City Manager shall prepare and submit to the City Council a standard schedule of pay for each position in the Classified Service. Such pay plan thus adopted shall include a minimum and maximum and such intermediate rates as may be deemed desirable for each class of positions. Amendments to the pay schedule may be adopted from time to time upon the recommendation of the City Manager.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE AMENDING RESOLUTION NO. 190-05, THE CITY'S SALARY RESOLUTION RELATED TO RETIREMENT FORMULAS AND CALPERS CONTRIBUTIONS

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SUNNYVALE THAT Resolution No. 190-05 is hereby amended to read as set forth in Exhibit A, attached and incorporated by reference.

All other provisions of Resolution No. 190-05, as amended, shall remain in full force and effect.

Adopted by the City Council of the City of Sunnyvale at a regular meeting held on _____, 2013, by the following vote:

- AYES:
- NOES:
- ABSTAIN:
- ABSENT:

ATTEST:

APPROVED:

City Clerk
(SEAL)

Mayor

APPROVED AS TO FORM:

City Attorney

**CITY OF SUNNYVALE
SALARY RESOLUTION**

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**CITY OF SUNNYVALE
SALARY RESOLUTION**

1.000. PAY PLAN SCHEDULES. The schedule of pay for each classification in the Classified Service and in the Unclassified Service enumerated by pay category in Sections 2.000, 2.100, 2.200, 2.450, 2.500, 2.600, 2.700, and 2.900 consists of hourly pay rates for each available step in each classification. The schedule of pay for Unclassified and Classified Management classifications enumerated by pay category in Sections 2.300, 2.400, and 2.800 consists of the annual control point for each classification. Pay Plan Schedules A through L apply to employee categories as follows:

The section in which each classification is assigned to a pay range is indicated in parentheses () following the definition of the category.

Pay Plan Category A applies to employees represented by the Communications Officers Association (COA) (Section 2.000).

Pay Plan Category B applies to employees represented by the Sunnyvale Employees Association (SEA) (Section 2.100).

Pay Plan Category C applies to employees represented by the Public Safety Officers Association (PSOA) (Section 2.200).

Pay Plan Category D/E applies to unrepresented **Classified Management** employees, and employees represented by the Sunnyvale Managers Association (SMA). This category represents first-line supervisors, mid-management, and staff level employees who plan and implement established City programs, budgets, and policy (Section 2.300).

Pay Plan Category F applies to employees in Unclassified **Department Director** positions who report directly to the City Manager. These classes are the highest level management positions at the department level. Employees in these positions are responsible for overall direction of their respective department operations within the context of City policy (Section 2.400).

Pay Plan Category G applies to unrepresented **Classified Confidential** employees (Section 2.450). [Note: For purposes of wage increases/decreases, benefits and leaves, Category G employees receive the same treatment as Category B employees, except as provided in Section 3.110 and Section 3.310.].

Pay Plan Category H applies to **Unclassified recreation employees** (Section 2.500).

Pay Plan Category I applies to **Unclassified casual, seasonal, and special project** employees other than recreation employees (Section 2.600).

Pay Plan Category J applies to the **Unclassified** classifications listed under the **Job Training Partnership Act (JTPA)** (Section 2.700).

Pay Plan Category K applies to employees in unrepresented **Unclassified Management** classifications appointed directly by the City Attorney (Section 2.800).

Pay Plan Category L applies to **Classified Regular Part-time** employees represented by the Service Employee International Union (SEIU) (Section 2.900).

The Pay Ranges and Rates for each Subclass of a classification for which subclasses have been established shall be as set forth for the applicable classification.

The effective dates for each Pay Plan are indicated on the respective Pay Plan Schedules as set forth in Exhibit "A" (posted Salary Tables).

1.050. RETROACTIVE PAYMENT. SEPARATED/RETIRED EMPLOYEES. Retroactive salary adjustments which occur as a result of a collective bargaining settlement will be provided to those employees who are actively employed by the City at the time of the Memorandum of Understanding adoption by the City Council, and to those employees who have retired between the effective date for retroactivity and date of adoption by the City Council. Any employees who have separated or have been terminated prior to this adoption will not be eligible for any retroactive adjustments. Retroactivity will be provided for salary adjustment only. To be eligible for any other salary adjustment as a result of MOU provisions, the employee must be employed as of the established effective date of such action.

1.100. MANDATED DEDUCTIONS. Any state or federally mandated deductions are made in accordance with applicable law.

All employees hired after April 1986 shall be covered by Medicare. The employee and the City will each contribute the mandated percentage of the employee's wage toward the cost of Medicare.

Unemployment insurance is provided to employees at no cost to the employee.

2.000 THROUGH 2.900. ASSIGNMENT OF PAY RANGES AND RATES TO PAY PLAN. All Pay Ranges and Rates are contained in Exhibit "A" (posted Salary Tables) and incorporated by this reference.

3.000. LEAVE BENEFITS. The enumerated leave benefits are part of the Pay Plan or applicable Memoranda of Understanding.

3.010. LEAVE AUTHORIZATION. All leaves, with the exception of those of Category K members, must be approved in advance by the City Manager or designated Management representative under established procedure. Leaves of Category K members must be approved in advance by the City Attorney.

3.020. LEAVE BENEFITS. TO WHOM APPLICABLE. Except as otherwise provided for herein, leave benefits are applicable to employees in Pay Plan Categories A, B, C, D/E, F, G, K and L.

3.030. LEAVE PAYMENT. All leave time shall be paid at the hourly straight time rate. Only one type of paid leave shall be paid at any given time and when paid shall be to the exclusion of any other paid time.

3.040. LEAVE SUBSTITUTION. No leave may be substituted for the authorized leave once the employee is on leave except as provided in the Administrative Policy; nor may any leave be authorized in addition to another leave for the same period.

3.100. PAID TIME OFF LEAVE (PTO). MANAGEMENT.

(a) Employees in Categories D/E, F, and K are eligible to accrue and use Paid Time Off Leave (PTO). Such leave shall be used for vacation, medical appointment, disability/illness, family emergency, and may also be used for personal business, care of sick children or other family members, school visits, etc. Leaves not included in PTO which remain separate leaves are bereavement, jury duty, military duty, management administrative leave, workers' compensation, floating holiday, and holiday.

Except for illness or emergency, all PTO shall be pre-planned and pre-approved. The minimum advance notice is 1 week. The City may at any time require written verification from a physician for a non-pre-planned absence for illness, family emergency or visits to a doctor, dentist or licensed mental health practitioner.

(b) PTO begins accruing on the first day of employment and is prorated on an hourly basis for each paid hour. PTO shall not accrue during any unpaid leave. Time off is paid provided there is adequate PTO accrued to cover the absence. Time off in excess of PTO accruals and other available leave shall be leave without pay. As employees use PTO, the time used shall be deducted from the employee's current PTO balance.

- (c) The accrual rates are listed below:

TABLE A

Service Period Pay Periods	Years	Hrs/pp	Accrual Rate Hrs/yr	Days/yr
1-26	0 to 1	6.5	169	21
27-130	1+ to 5	7.5	195	24
131-260	5+ to 10	9.0	234	29
261-650	10+ to 25	10.5	273	34
651+	25+	12.0	312	39

- (d) Eligible employees will accrue at the rates shown in Table A for the first 870 hours (21.75 weeks, 108.75 work days). After 870 hours are accrued, the employee will start accruing at the reduced rate levels of Table B.

TABLE B

Service Period Pay Periods	Years	Hrs/pp	Accrual Rate Hrs/Yr	Work Days/Yr
1-130	0 to 5	5.0	130	16
131-650	5+ to 25	6.5	169	21
651+	25+	8.0	208	27

Accruals at this level will stop at 1040 hours (maximum cap) until total accrual is reduced below 1040.

- (e) If at any time the total accrual falls below 870 hours, the accrual rate will revert to the rates in Table A.

(f) No minimum usage per year is required. Accruals carry over from one payroll calendar year to the next.

(g) For a newly-hired Category F employee, the City Manager may authorize an initial accrual rate higher than that provided in the above and/or an initial credit of hours. Such provision will be documented in the offer letter to the employee.

(h) For a newly-hired Category K employee, the City Attorney may authorize an initial accrual rate higher than that provided in the above and/or an initial credit of hours. Such provision will be documented in the offer letter to the employee.

(i) PTO and Separation/Retirement. PTO accrues and is prorated on an hourly basis for each paid hour during the last pay period of service. PTO shall be paid off to the employee on the employee's last day of work (pay included in final paycheck). The City Manager may, however, approve the utilization of available accrued PTO to extend the date of retirement, and in special circumstances, the date of separation.

(j) PTO and Disability. After 26 consecutive pay periods of service, the City shall provide full pay for a medically certified (same occurrence) disability, beginning with work hour 81 through 90 calendar days of disability. At this time, the City will require a doctor's note and medical information in accordance with current Administrative Policy provisions. No disability leave will be provided until this requirement is satisfied.

To access the Disability Leave Benefit (full pay from 10-90 calendar days), an employee must provide acceptable written medical documentation showing that the disability is a single disability, whether continuous time off has been taken or not for that disability. The first 80 hours of a single disability are charged to the employee's PTO bank. Hours 81 up through the maximum of calendar day 90 are eligible for coverage under the Disability Leave Benefit.

After 90 calendar days of (same occurrence) disability, the disabled employee shall be eligible to apply for Long Term Disability coverage as outlined in Section 3.630. In addition, if, after having been off work for 80 hours on a same disability and becoming eligible for disability leave pay, the disabled employee continues to be unable to return to work full-time, but is able to work partial days, the employee remains eligible for disability pay for the part of the day that the employee is unable to work.

(k) PTO and Workers' Compensation. During the first 26 pay periods of service, the employee will be eligible for Workers' Compensation benefits as provided by state law. The employee, at this time, will have the option to use PTO or any other leave balance available to him/her, have it paid off, or keep it in his/her leave bank for future use upon his/her return.

After 26 consecutive pay periods of service, the City shall provide full pay for a medically certified work-related (same occurrence) disability, beginning with workday 1 through 90 calendar days of disability. After 90 calendar days of (same occurrence) work-related disability, the disabled employee shall be eligible to apply for Long Term Disability coverage as outlined in Section 3.630.

(l) If an employee has no available leave hours, pay may be deducted for any hours short of 40 worked in a week. This policy is established pursuant to principles of public accountability.

(m) Employees in Categories D/E, F and K will have the option to cash-out up to 80 hours of PTO once at the end of each payroll calendar year. This cash-out will be allowed as long as the employee maintains a balance of 80 hours in his/her bank. If the employee elects this option, the minimum number of hours that may be cashed-out is 8.

3.110. PAID TIME OFF LEAVE (PTO). CONFIDENTIAL EMPLOYEES.

(a) Employees in Category G are eligible to accrue and use Paid Time Off Leave (PTO). Such leave shall be used for vacation, medical appointment, disability/illness, family emergency, and may also be used for personal business, care of sick children or other family members, school visits, etc. Leaves not included in PTO which remain separate leaves are bereavement, jury duty, military duty, floating holiday, holiday, and workers' compensation leave. Except for illness or emergency, all PTO shall be pre-planned and pre-approved. The minimum advance notice is 1 week. The City may at any time require written verification from a physician for a non-preplanned absence for illness, family emergency or visits to a doctor, dentist or licensed mental health practitioner.

(b) PTO begins accruing on the first day of employment and is prorated on an hourly basis for each paid hour. PTO shall not accrue during any unpaid leave. Time off is paid provided there is adequate PTO accrual to cover the absence. Time off in excess of PTO accruals and other available leave shall be leave without pay. As employees use PTO, the time used shall be deducted from the employee's current PTO balance.

(c) The accrual rates are listed below:

Service Period Pay Periods	Years	Hrs/pp	Accrual Rate Hrs/Yr	Days/Yr*
1-26	0 to 1	5.5	143	17.875
27-130	1+ to 5	6.5	169	21.125
131-260	5+ to 10	8.0	208	26.000
261-650	10+ to 25	9.5	247	30.875
651+	25+	11.0	286	35.750

*Based on an eight hour/day schedule.

(d) Accruals will stop at 700 hours (maximum cap) until total accrual is reduced below 700.

(e) No minimum usage per year is required. Accruals carry over from one payroll calendar year to the next.

(f) PTO and Separation/Retirement. PTO accrues and is prorated on an hourly basis for each paid hour during the last pay period of service. PTO shall be paid off to the employee on the employee's last day of work (pay included in final paycheck). The City Manager may, however, approve the utilization of available accrued PTO to extend the date of retirement, and in special circumstances, the date of separation.

(g) PTO and Disability. After 26 consecutive pay periods of service, the City shall provide full pay for medically certified same disability, beginning with work hour 81 through 90 calendar days of same disability. At this time, the City will require a doctor's note and medical information in accordance with current Administrative Policy provisions. No disability leave will be provided until this requirement is satisfied.

To access the Disability Leave Benefit (full pay from 10-90 calendar days), an employee must provide acceptable written medical documentation showing that the disability is a single disability, whether continuous time off has been taken or not for that disability. The first 80 hours of a single disability are charged to the employee's PTO bank. Hours 81 up through the maximum of calendar day 90 are eligible for coverage under the Disability Leave Benefit.

After 90 calendar days of disability, the disabled employee shall be eligible to apply for Long-Term Disability coverage as outlined in Section 3.630. In addition, if, after having been off work for 80 hours on a same disability and becoming eligible for disability leave pay, the disabled employee continues to be unable to return to work full-time, but is able to work partial days, the employee remains eligible for disability pay for the part of the day that the employee is unable to work.

(h) PTO and Workers' Compensation. During the first 26 pay periods of service, the employee will be eligible for Workers' Compensation benefits as provided by state law. The employee, at this time, will have the option to use PTO or any other leave balance available to him/her, have it paid off, or keep it in his/her leave bank for future use upon his/her return.

After 26 consecutive pay periods of service, the City shall provide full pay for a medically certified work-related same disability, beginning with workday 1 through 90 calendar days of disability. After 90 calendar days of a work-related same disability, the disabled employee shall be eligible to apply for Long-Term Disability coverage as outlined in Section 3.630.

(i) Employees in Category G will have the option to cash-out up to 80 hours of PTO once at the end of each payroll calendar year. This cash-out will be allowed as long as the employee maintains a balance of 80 hours in his/her bank. If the employee elects this option, the minimum number of hours that may be cashed-out is 8.

3.200. BEREAVEMENT LEAVE. Employees in Categories D/E, F, and K are entitled to bereavement leave where death has occurred to an employee's spouse or registered domestic partner, father, mother, son, daughter, brother, sister, grandparents or grandchildren, or to the father, mother, son, daughter, brother, sister, grandparents or grandchildren of an employee's spouse or registered domestic partner. Employees in Categories D/E, F, and K shall be entitled to bereavement leave in an amount not to exceed 40 work hours per eligible incident immediately upon employment.

3.300. HOLIDAY LEAVE. Employees in Categories B, C (except those scheduled to work holidays), D/E, F, and K who were on pay status both before and after each holiday shall be entitled to take leave on each of the following holidays and be paid at the straight time rate, except as provided in Section 3.320.

CITY OBSERVED HOLIDAYS

Independence Day	Christmas Eve	Martin Luther King, Jr. Birthday
Labor Day	Christmas Day	President's Holiday
Thanksgiving Day	New Year's Eve	Memorial Day
Day After Thanksgiving	New Year's Day	

When a City holiday falls on a Saturday the holiday will be observed on the Friday; when a holiday falls on a Sunday, the holiday will be observed on Monday; or as designated by the City Council.

3.310. FLOATING HOLIDAY LEAVE. Employees in Categories D/E, F, G and K shall be credited with 20 hours of floating holiday leave at the beginning of each payroll calendar year. New employees shall be credited with a pro-rata share based upon the proportion of the payroll calendar year remaining after their date of hire. Use of floating holiday leave shall be subject to the approval of the employee's supervisor.

Employees terminating City employment shall have their allotment of floating holiday leave for that year pro-rated based upon their date of separation. Employees who have used less than their pro-rated allotment for the portion of the payroll calendar year worked shall have the balance paid to them on their final paycheck. Employees who have used more than their pro-rated allotment for the portion of the payroll calendar year worked, shall have the overage deducted from their final paycheck.

Further, employees in Categories D/E, F, G, and K who have unused floating holiday hours at the end of the payroll calendar year have the option of having all of the unused hours either paid in cash or added to their PTO balance if such addition does not exceed the maximum accrual allowed for PTO.

3.320. SPECIAL SCHEDULE. HOLIDAY LEAVE. Holiday leave for employees on a Special Schedule is paid in accordance with policies set forth in the Special Schedule Agreement, applicable MOU, or in the Administrative Policy Manual as the same exists or is amended hereafter.

3.400. JURY LEAVE. An employee is entitled to jury leave subject to conditions and limitations contained in the applicable MOU, or in the Administrative Policy Manual, as the same exists or is amended hereafter.

3.500. MILITARY LEAVE. Employees assigned to active military duty are entitled to military leave in accordance with the provisions of applicable State and Federal laws and the Administrative Policy Manual as the same exists or is amended hereafter. This leave is granted on a fiscal year basis.

3.550. MILITARY RESERVISTS. EXTENSION OF BENEFITS AND SUPPLEMENTAL SALARY.

(a) A person is eligible for the benefits established in this section if he or she meets all of the following qualifications:

- (1) Is an active probationary or regular part-time or full-time employee of the City in Pay Plan Categories A, B, C, D/E, F, G, K or L.
- (2) Is a member of the Armed Forces, Naval Militia or National Guard.
- (3) Is called to active duty per Executive Order 13223 issued on September 14, 2001;
- (4) Returns to City employment within 60 days after the end of active duty status; and
- (5) Remains as an employee of the City for at least six months following his or her return to City employment.

Eligible employees will be required to sign an agreement with the City which details their rights and obligations with respect to these benefits and supplemental salary prior to their initial receipt of benefits beyond the mandatory 30 days of benefits otherwise provided by law. Employees who elect not to return to City service shall be required to repay the City for the cost of the supplementary salary and benefits plus interest at the 26-week T-bill rate at the time that the final supplementary compensation was provided and for the period that exceeded the mandatory 30 days of benefits otherwise provided by law.

(b) The City will continue to pay a bi-weekly check to eligible employees equal to base salary, plus any other compensation the employee would have received had he/she been actually working. The employee then will reimburse the City the amounts paid for military service plus allowances, including Basic Allowance for Housing.

(c) Eligible employees will be required to send copies of their military pay stubs to the Department of Human Resources for purposes of reconciliation. The payments will be reconciled by the Payroll unit of the Accounting Division of the Department of Finance. If the Payroll unit has not received the copies within three weeks after the end of the month, future checks will be withheld until the information is provided.

(d) All employees who receive the benefits and supplemental salary under this section will be eligible to remain covered under their current retirement, medical, dental, employee assistance, and vision plans while Executive Order 13223 remains active or until such time as Council takes action to amend or discontinue such benefits and supplemental salary. The City will provide eligible employees, along with the supplemental salary, the amount that the City currently contributes toward the benefits plans. If the employee is currently paying a deduction toward these plans, the employee will continue to make those payments.

3.600. DISABILITY LEAVE. NONMANAGEMENT ENTITLEMENT. Employees in Categories A, B, and C qualify for disability leave after completion of twenty-six (26) consecutive pay periods from the date of original appointment; provided, however, that employees may be authorized up to 40 hours of interim disability leave from the date of employment for the first 26 pay periods; provided, however, that at the conclusion of the 26th pay period the interim disability leave shall terminate, including any unused amount. The total allowable paid interim disability leave for employees in Categories A, B, and C for work-related and non-work related disability combined is 40 hours.

3.610. **DISABILITY LEAVE. NONMANAGEMENT PROVISIONS.** For employees in Categories A, B, and C upon completion of the 26th consecutive pay periods of service, the City shall provide regular salary for disability leave, less any coverage provided by any other insurance program for the first 90 calendar days of disability.

3.620. **DISABILITY LEAVE. AUTHORIZATION.** Disability leave may be authorized by Management staff in accordance with procedures set forth in the applicable MOU or Administrative Policy Manual as the same now exists or is hereafter amended.

3.625. **STATE DISABILITY INSURANCE (SDI), INCLUDING PAID FAMILY LEAVE INSURANCE (PFLI).** Category L employees are eligible for SDI benefits in accordance with the applicable MOU. Benefits are provided due to non-work related disability. The cost is paid by employee. SDI includes Paid Family Leave Insurance. These programs are administered by the State of California.

3.630. **LONG TERM DISABILITY.** For employees in Categories A, B, D/E, and K, the City shall provide, after completion of 26 consecutive pay periods of service, income protection insurance which will take effect after 90 calendar days from the original date of disability and which, subject to standard policy provisions, exclusions and limitations, will pay 2/3 of the employee's salary while the employee is disabled and unable to work. For employees in Category F, income protection insurance is provided as of the first of the month after date of hire. Eligibility and procedural limitations are set forth in the Administrative Policy Manual and the current Long Term Disability contract as the same now exists or is hereafter amended. For employees in Category C, the Public Safety Officers Association shall contract with a long-term disability insurance provider and make long-term disability insurance available to represented employees in accordance with provisions of the MOU.

3.640. **DISABILITY LEAVE REQUIREMENT WAIVER.** For employees in Categories D/E, F and K, the requirement of 26 pay periods of service for eligibility for City-provided short-term paid disability leave, i.e., full pay for a medically certified (same occurrence disability beginning with work hour 81 through 90 calendar days of disability) may be waived by the City Manager in the case of catastrophic and/or life-threatening illness or disability.

3.700. **MEDICAL APPOINTMENT LEAVE.** For employees in Categories A and C, medical appointment leave for employee appointments with medical doctors and dentists may be authorized after the employee has completed 26 consecutive pay periods of service. This leave will not exceed 2 hours during a standard daily work schedule.

3.800. VACATION LEAVE. Employees hired prior to August 30, 1992 in Categories H and I with 2,500 hours of City employment which is continuous or separated by no more than 26 pay periods of service are entitled to .1 hour of vacation leave for each hour of work. Employees hired after August 30, 1992 in Categories H and I are not entitled to vacation leave accrual.

3.810. VACATION LEAVE. ACCUMULATION. USE. For employees in Categories H and I, hired prior to August 30, 1992, vacation leave may be accumulated up to 50 hours. Accumulated leave time unused at the end of the payroll calendar year will be paid at the employee's current pay rate on one of the last paychecks of the payroll calendar year. Employees in these categories who have accumulated 50 hours of vacation leave at any time shall not accrue additional vacation leave or be compensated for any unused vacation leave in excess of 50 hours.

Accrued vacation leave for all categories of employees shall be paid off to the employee on the employee's last day of work and will be included in the employee's final paycheck. The City Manager may, however, approve the utilization of available accrued vacation to extend the date of retirement, and in special circumstances, the date of separation.

3.900. MANAGEMENT. ADMINISTRATIVE LEAVE FOR MANAGEMENT. Employees in Categories D/E, and K shall be credited with 40 hours of Administrative Leave at the beginning of the first pay period of the payroll calendar year. Employees in Category F shall be credited with 60 hours. All employee categories must complete 6 months of employment to meet eligibility. Use of Administrative Leave for Category F is subject to the City Manager's approval, Categories D/E to Department Director's approval and to the additional provisions in the Administrative Policy. Provisionally appointed managers not previously holding a regular management position are ineligible for Administrative Leave.

3.950. EMPLOYEE EMERGENCY LEAVE RELIEF FUND. The Employee Emergency Leave Relief Fund is a program that allows any City employee who has leave hours accrued, the opportunity to donate a portion of his/her accrued leave to benefit another employee needing paid emergency leave. To benefit from this fund, the receiving employee must be eligible to accrue City paid leave time, must have used all available accrued leave and must have a personal emergency that requires the employee to be on leave from work responsibilities to attend to the emergency. The employee must request in writing to the City Manager that this Employee Relief Fund be enacted. The City Manager will have administrative authority to accept or reject the employee's request. The City Manager will also have the administrative

authority in defining all procedures to be followed in setting up and utilizing this fund.

4.000. OVERTIME PAY. WHO IS ENTITLED. All employees of the City shall be entitled to overtime pay, except those in Management positions in Categories D/E, F, and K which are hereby designated as exempt from the provisions of the Fair Labor Standards Act.

4.010. OVERTIME AUTHORIZATION. All overtime must be approved in advance by the City Manager or designated Management representative under established procedure.

4.020. OVERTIME COMPUTATION. Overtime, when applicable, shall be paid at the rate of 1½ times the straight-time rate, except as otherwise provided for in an applicable MOU or herein.

4.030. OVERTIME PAY. WHEN APPLICABLE. An employee in Category A who has worked more than 8 hours in a standard work schedule day of 8 hours or has worked more than 40 hours in a standard week of 7 days, or an employee in Category C on tour of fire duty has worked more than 24 hours of fire tour duty shall be entitled to overtime pay.

Employees in Categories C (other than those assigned to a tour of fire duty), only for hours worked in excess of 80 hours in a biweekly pay period. Temporary employees in categories H, I and J; and regular part-time employees in Category L shall be entitled to overtime pay in accordance with the Fair Labor Standards Act (FLSA). Temporary employees in Category I (Management and Executive) who meet the FLSA exempt requirements are designated as such.

Employees assigned to a special schedule shall be entitled to overtime only for hours worked in excess of 40 hours in a work week as defined in the applicable MOU and Administrative Policy Manual, or as provided in the written special schedule agreement. See also Section 6.150 regarding flex time for designated Category B employees.

4.100. COMPENSATORY TIME. Employees in Category G shall have the same accumulation and use options as employees in Category B.

4.200. CALL-BACK PAY. OVERTIME. WHEN APPLICABLE. For full-time employees and for Category C employees the call-back provisions apply when an employee has gone off duty and left the job site. Overtime pay for call-back duty shall not continue into the next work schedule nor shall it be counted toward fulfillment of a work period.

4.300. CONFIDENTIAL PREMIUM PAY. The City shall provide a 3.5% premium on all paid hours for employees in Category G, and for Classified Confidential Management employees in Category D/E and for Unclassified Confidential Management employees in Category K appointed by the City Attorney.

5.000. WAGE SUPPLEMENTS. Wage supplements shall consist of payments to the employee outside the standard pay schedule for paid work time, and which are paid by the City either in part or in total as provided for herein or in applicable Memoranda of Understanding.

5.010. INTERIM/ACTING PAY. MANAGEMENT. Employees who are appointed by the City Manager in an acting/interim status to a vacant position in Pay Plan Categories D/E or F may receive placement within the control point of the vacant position; or a percentage over his/her current pay as designated by the City Manager.

5.020. Y-RATING PAY. Y-rating may be authorized by the City Manager or his/her designee when an employee is allocated to a classification with a lower salary range. If the current salary of the employee is more than the maximum of the revised allocated classification, the employee may be Y-rated and he/she will continue to receive the former rate of pay until the maximum salary of the new classification is raised to an amount higher than the rate of pay received in the former classification.

5.100. UNIFORMS. The City shall provide uniforms for Category B employees assigned to meter reading, public facility maintenance, public safety records, and others as designated by the City Manager.

5.200. WORK EQUIPMENT. The City shall provide mattresses, sheets, pillows, pillow cases and blankets at the fire stations and safety gear in all departments as required by law.

5.210. SAFETY GLASSES. The City shall provide employees in Categories A, B, C, D/E, and L prescription safety glasses, provided (a) that safety glasses are required on the job; (b) the employee provides the prescription at no cost to the City; and (c) the glasses are provided by an optical firm approved by the City.

5.220. SAFETY FOOTWEAR. Employees in Category L in classifications required by the City to wear safety footwear shall be eligible to receive an annual allowance in accordance with the provisions of the applicable MOU. Employees hired after the start of the fiscal year shall be eligible for a pro-rated allowance.

The Human Resources Risk Manager may authorize additional classifications to receive the safety footwear allowance if it is determined that safety footwear is required for the work being performed.

5.300. TRAINING ASSISTANCE. The City shall reimburse employees in Categories A, B, C, D/E, F, K, and L, those in the Public Safety Cadet program, and employees in the classification of Crime Prevention Assistant for all or part of the cost of tuition and books for

courses approved in advance by the City, provided the course is completed successfully and documentation of costs and certificates of completion are presented according to Administrative Policy or applicable MOU. The amount of reimbursement based on relatedness to the employee's present position may be taxable in accordance with state and federal law.

5.500. HEALTH INSURANCE. ELIGIBILITY AND EFFECTIVE DATES.

(a) Medical. Participation in the medical insurance plan is available to employees in all full-time and regular part-time Categories and to members of the City Council at the time of appointment in accordance with the provisions of the plan selected, with the effective date the first day of the month following enrollment.

(b) Dental. Employees in Categories D/E, F, K, and members of the City Council are eligible for dental coverage at the time of appointment, with an effective date of the first day of the month following enrollment. Employees in Categories B and L shall become eligible for dental coverage, in accordance with the provisions of the plan selected, upon completion of 13 pay periods of service with the effective date on the first of the month following enrollment. For employees in Categories A and C, the Communication Officers Association and the Public Safety Officers Associations shall contract with a dental provider and make dental insurance available to represented employees in accordance with the provisions of the respective MOU. Effective January 1, 2010, employees and members of the City Council may elect to enroll in an enhanced "voluntary buy-up" dental plan. The cost of the voluntary buy-up plan is solely funded by employee / City Council member contributions.

(c) Vision. Employees in all full-time and regular part-time Categories and members of the City Council are eligible for vision coverage at the time of appointment, with an effective date of the first day of the month following enrollment. Effective January 1, 2010, employees and members of the City Council may elect to enroll in an enhanced "voluntary buy-up" vision plan. The cost of the voluntary buy-up plan is solely funded by employee / City Council member contributions.

(d) Employee Assistance Plan (EAP). Employees in all full-time and regular part-time Categories are covered by the employee assistance program at the time of appointment in accordance with the provisions of the plan.

5.501. CASH IN-LIEU. MEDICAL COVERAGE.

(a) Employees in Categories D/E, F, and K, and members of the City Council have the option of reducing their medical coverage and receiving payment of a portion of the City contribution. However, if the employee is currently a dependent of a City employee

and covered by a CalPERS Health Plan, the employee is not eligible for reimbursement.

To be eligible for this plan, an employee must either:

- (1) Change from full family to employee plus one or employee only;
- (2) Change from employee plus one to employee only;
- (3) Change from any level coverage to no coverage; or
- (4) A new employee may choose no coverage.

Payment shall be made based on the following schedule:

<u>Current</u>	<u>New</u>	<u>Monthly</u>
Employee + 2	No coverage	\$213.42
Employee + 2	Employee only	\$131.08
Employee + 2	Employee +1	\$ 48.75
Employee + 1	No coverage	\$164.67
Employee + 1	Employee	\$ 82.33
Employee only	No coverage	\$ 82.33
NEW employee	No coverage	\$ 82.33

Whenever an employee changes to no coverage, the employee shall provide proof of alternate coverage and sign a waiver stating that she or he does have alternative coverage and that he or she understands that he or she will no longer receive coverage through a City-sponsored CalPERS provided medical plan.

If an employee decides to increase his or her level of coverage by either reentering a City sponsored CalPERS provided medical plan or including a dependent in his or her current coverage, he or she must enroll during the annual open enrollment period, unless a qualifying event occurs. See the Department of Human Resources for additional information on what constitutes a qualifying event.

Procedures for exercising this option and for reentering the City sponsored CalPERS provided medical plans shall be established by the City.

5.505. CITY CONTRIBUTION. MEDICAL INSURANCE.

The City will contribute the following amounts toward the cost of premiums for medical insurance under the Public Employees Medical and Hospital Care Act (PEMHCA) for each employee in the respective categories listed below, and his or her eligible dependents, and for each annuitant in CalPERS formerly in the respective categories listed below and his or her eligible dependents:

- (a) Category A. The cost of the premium or \$472.98 per month, whichever is less.
- (b) Categories B and G. The cost of the premium or \$565.60 per month, whichever is less.
- (c) Category C. The cost of the premium or \$467.46 per month, whichever is less.
- (d) Category L. The cost of the premium or \$311.08 per month, whichever is less.
- (e) Categories D/E, F, and K. The cost of the premium or \$565.60 per month, whichever is less. Effective January 1st each year, the City's contribution will be the lesser of the cost of the premium or the lowest cost HMO premium for single coverage of the lowest cost HMO plan available through the CalPERS Bay Area regional medical plans. Additionally, the City's contribution shall be no less than the highest City contribution for any of the employee represented units; including COA, PSOA, SEA, and SEIU.

(f) Members of the City Council. The City's contribution will be the lesser of the cost of the premium or the minimum monthly contribution pursuant to Government Code Section 22892 of the Public Employees Medical and Hospital Care Act (PEMHCA). For calendar year 2010, the amount is \$105.00 and for calendar year 2011, the amount is \$108.00.

5.506. CITY CONTRIBUTION. DENTAL INSURANCE.

- (a) Category A. The City's contribution is up to a maximum of \$140.55 per month, pursuant to the provisions of the COA MOU.
- (b) Category B. The City's contribution is included under Section 5.515 (b) below.
- (c) Category C. The City's contribution is up to a maximum of \$140.55 per month, pursuant to the provisions of the PSOA MOU.
- (d) Category L. The City's contribution is included under Section 5.515 (d) below.
- (e) Categories D/E, F, and K. The City will contribute the premium for employee only, employee plus one dependent, or employee plus family coverage.

(f) Members of the City Council. The City will contribute the premium for council member only coverage. Dependent coverage is available at the council member's cost.

5.507. CITY CONTRIBUTION. VISION INSURANCE.

- (a) Category A. The City's contribution is included under Section 5.515 (a) below.
- (b) Category B. The City will contribute the premium for employee only or employee plus one dependent coverage.
- (c) Category C. The City's contribution is included under Section 5.515 (c) below.
- (d) Category L. The City will contribute the premium for employee only or employee

plus one dependent coverage.

(e) Categories D/E, F, and K. The City will contribute the premium for employee only, employee plus one dependent, or employee plus family coverage.

(f) Members of the City Council. The City will contribute the premium for council member only coverage. Dependent coverage is available at the council member's cost.

5.515. CITY CONTRIBUTION. CAFETERIA BENEFITS PLAN.

(a) Category A. The City will contribute \$42.02 per month, the difference between \$515.00 and the amount stated in 5.505 (a) above.

(b) Category B. The City will contribute a maximum of \$588.69 per month toward a Cafeteria Benefits Plan for employees and dependent medical coverage and a minimum of \$196.21 per month for employees with employee only medical coverage.

(c) Category C. The City will contribute \$47.54 per month, the difference between \$515.00 per month and the amount stated in 5.505 (c) above.

(d) Category L. The amount the City contributes towards the Cafeteria Benefits Plan shall be made based on the number of hours in paid status as provided in the SEIU MOU.

(e) Categories D/E, F, and K. The City will contribute to a Cafeteria Benefits Plan for the cost of medical premiums only. The City's Cafeteria Benefits Plan contribution will be capped at the cost of the premium of the highest priced plan between the CalPERS Bay Area regional HMO plans or the PERS Choice PPO plan, effective January 1 each year, less the City Contribution as stated in Section 5.505 (e) above, and shall be based upon the plan level in which the employee is enrolled (i.e., employee only, employee plus one dependent, or employee plus family).

(f) Members of the City Council. The City will contribute to a Cafeteria Benefits Plan for the cost of medical premiums only. The City's Cafeteria Benefits Plan contribution will be capped at the cost of the premium of the highest priced plan between the CalPERS Bay Area regional HMO plans or the PERS Choice PPO plan, effective January 1 each year, less the City Contribution as stated in Section 5.505 (f) above, and shall be based upon the plan level in which the council member is enrolled (i.e., council member only, council member plus one dependent or council member plus family).

5.520. MAXIMUM CITY CONTRIBUTION. HEALTH INSURANCE.

(a) Category A. Including the amounts specified in Sections 5.505 (a) and 5.515 (a), the City's maximum contribution is \$515.00 per month (\$237.69 per pay period) towards the employee assistance program insurance, employee and dependent medical insurance, employee

and dependent vision insurance, optional life insurance or any combination thereof.

(b) Category B. Including the amounts specified in Sections 5.505(b) and 5.515(b) the City's maximum monthly contribution is \$1154.29 (\$532.75 per pay period). For employees with employee only medical coverage, the City's maximum monthly contribution is \$761.81 (\$351.60 per pay period). The City's health insurance contribution is payable towards the cost of employee and dependent medical insurance, employee and dependent dental insurance, family coverage vision insurance, optional life / AD&D insurance or any combination thereof. In addition, the City pays the full premium for the employee assistance program.

(c) Category C. Including the amounts specified in Sections 5.505 (c) and 5.5150 (c), the City's maximum contribution is \$515.00 per month (\$237.69 per pay period) towards the employee assistance program insurance, employee and dependent medical insurance, employee and dependent vision insurance, optional life insurance or any combination thereof.

(d) Category L. Including the amounts specified in Sections 5.505 (d) and 5.515 (d), the City's maximum contribution is up to \$923.42 per month (\$426.19 per pay period) towards employee and dependent medical insurance, employee and dependent dental insurance, family coverage vision insurance, or any combination thereof. The actual City maximum is pro-rated based on the number of hours in paid status as provided in the SEIU MOU. In addition, the City pays the full premium for the employee assistance program.

(e) Categories D/E, F, and K. In addition to the amounts contributed by the City as specified in Sections 5.505 (e), 5.508 (e), 5.510 (e), and 5.515 (e), the City pays the full premium for the employee assistance program.

(f) Members of the City Council. For calendar year 2010, the maximum monthly City contribution, as described in Sections 5.505 (f), 5.506 (f), 5.507 (f) and 5.515(f), ranges from \$630.55 to \$1554.28. The actual amount is based upon the plan level in which the council member is enrolled in medical coverage (e.g.; council member only, council member plus one dependent or council member plus family).

5.525. EMPLOYEE CONTRIBUTION. HEALTH INSURANCE. To the extent that any full or part-time employee or member of the City Council elects health insurance coverage that exceeds the amount stated in Section 5.520, the employee/member of the City Council shall pay the difference.

5.530. PREMIUM CONVERSION. If applicable, pursuant to IRS Code §125, regular full-time and regular part-time employees shall pay their contribution toward health insurance on a pre-tax basis, unless the employee chooses to pay on a post-tax basis and notifies the

Department of Human Resources of this request in writing.

5.540. POST RETIREMENT MEDICAL BENEFITS.

(a) Categories D/E, F, and K. Employees who retire from City service under the provisions of the City's contract with CalPERS (minimum of age 50 and 5 years of service) are eligible for post retirement medical benefits as stated below:

(a.1) Group A - Retirement date prior to January 1, 2008.

The City shall contribute an amount equal to that which is stated in Section 5.505 (e) for the cost of retiree medical premiums. Additionally, the City's Retiree Health Reimbursement Program will provide the retiree a monthly reimbursement amount equal to the difference between the City Contribution, as stated in Section 5.505 (e) and the retiree's premium for his/her selected medical plan.

(a.2) Group B – Retirement date on or after January 1, 2008 with an appointment date prior to July 1, 2007.

The City shall contribute an amount equal to that which is stated in Section 5.505 (e) for the cost of retiree medical premiums. Additionally, the City's Retiree Health Reimbursement Program will provide the retiree a monthly reimbursement amount equal to the difference between the City Contribution, as stated in Section 5.505 (e) and the retiree's premium for his/her selected medical plan, subject to a cap based on the cost of the premium of the highest price plan between the CalPERS Bay Area regional HMO plans or the PERS Choice PPO plan effective January 1 of each year.

(a.3) Group C – Retirement date on or after January 1, 2008 with an appointment date on or after July 1, 2007.

The City shall contribute an amount equal to that which is stated in Section 5.505 (e) for the cost of retiree medical premiums. Additionally, the City's Retiree Health Reimbursement Program (RHR) will provide the retiree a monthly reimbursement amount equal to the difference between the City Contribution, as stated in Section 5.505 (e) and the retiree's premium for his/her selected medical plan, subject to the cap indicated in (a.3) above and according to the following vesting schedule:

Vesting Schedule

City of Sunnyvale Management Years of Service	% of RHR paid to Retiree
5	50%
6	55%
7	60%
8	65%
9	70%
10	75%
11	80%
12	85%
13	90%
14	95%
15+	100%
<u>Combined Years of Service</u> 5 years management service with City of Sunnyvale and 15 years or more of non- management City service	100%

5.550. LIFE INSURANCE. The City shall provide life insurance equal to one times annual base salary for employees in Categories D/E, F, and K. In addition, the employee has the option of buying additional insurance of one times his/her annual base salary up to the maximum allowable coverage. Coverage is subject to the terms and conditions of the insurance policy and to current tax law provisions.

5.560. DEPENDENT CARE REIMBURSEMENT ACCOUNT. Employees in Categories A, B, C, D/E, F, K, and L are provided with an option to pay for dependent care expenses on a pre-tax basis, as provided in the Internal Revenue Code.

5.561. HEALTH CARE REIMBURSEMENT ACCOUNT. Employees in Categories A, B, C, D/E, F, K, and L are provided with an option to pay for health care expenses on a pre-tax basis, as provided in the Internal Revenue Code.

5.600. WORKERS' COMPENSATION BENEFITS. The City self-insures for Workers' Compensation benefits. Workers' Compensation benefits will be provided as required by law. Employees who are injured on the job are to comply with the legal requirements governing the use of Workers' Compensation benefits. Employees in Categories A, B, D/E, F, and K who are eligible for temporary disability payments under Workers' Compensation law, shall receive salary continuation from the City's disability program for the first 90 calendar days of temporary disability. Pursuant to current tax laws, a portion of salary continuation, in lieu of temporary disability payments, is exempt from federal and state withholding taxes. The amount of tax-free salary continuation is up to 2/3 of an employee's average wage, subject to minimums and maximums set by state law. Employees who remain temporarily totally disabled after 90 calendar days shall receive temporary disability payments directly from the City's Workers' Compensation third party administrator.

5.700. RETIREMENT SYSTEMS. The City shall provide a retirement system to eligible employees and to members of the City Council who elect to join the California Public Employees' Retirement System, in accordance with the provisions of the City Charter, and as specifically described herein.

5.710. CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM (CalPERS). The City shall contract with the State of California Public Employees' Retirement System (CalPERS) for retirement plans for qualified Safety and Miscellaneous employees. Both plans shall include the 1959 Survivor Benefits. Miscellaneous and Safety employees, and members of the City Council who have elected CalPERS membership, receive the 1959 Survivor Benefit at the increased benefit level (Third Level). Miscellaneous and Safety

employees are eligible for the optional Military Buy-Back benefit (Military Service Credit as Public Service).

5.711. CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM. QUALIFIED EMPLOYEES. Qualified employees are those in Categories A, B, C, D/E, F, G, K, L, and those employees in any other Category who are required by CalPERS to be covered. In addition, members of the City Council are qualified to participate in the California Public Employees Retirement System and may elect optional membership in CalPERS.

5.715. PUBLIC AGENCY RETIREMENT SYSTEM (PARS). In appropriate situations for employees hired on or after July 1, 1996, who retire in good standing, City agrees to provide a supplemental retirement benefit through the Public Agency Retirement System (PARS) so that the employee's retirement benefit equals what the employee would have received from CalPERS had the employee been hired by the City prior to July 1, 1996 as outlined in the CalPERS Circular Letter No. 200-002 (circular letter available in the Department of Human Resources).

5.720. TIER 1 - 3%-AT-50 SAFETY PLAN. The City shall provide qualified Safety employees with the basic "3%-at-50" plan with the one-half continuance option under the California Public Employees' Retirement System (CalPERS). Final compensation shall be calculated using the single highest year model.

5.721. TIER 2 - 3%-AT-55 SAFETY PLAN. The City shall provide qualified Safety employees with the basic "3%-at-55" plan with the one-half continuance option under the California Public Employees' Retirement System (CalPERS). This benefit will apply to Safety employees hired after February 19, 2012. Final compensation shall be calculated using the single highest year model.

5.722. TIER 3 - 2.7%-AT-57 SAFETY PLAN. The City shall provide qualified safety employees hired beginning January 1, 2013 who are not current CalPERS members or who are not members of a reciprocal retirement system as defined by CalPERS the safety 2.7% at age 57 retirement formula with the one-half continuance option under CalPERS. Final compensation shall be calculated using the average of the three highest years model.

5.730. TIER 1 - 2.7%-AT-55 MISCELLANEOUS PLAN. The City shall provide qualified Miscellaneous employees and members of the City Council with the "2.7%-at-55" plan under the California Public Employees' Retirement System (CalPERS). Final compensation shall be calculated using the single highest year model.

5.731. TIER 2 – 2%-AT-60 MISCELLANEOUS PLAN – The City shall provide qualified Miscellaneous employees and members of the City Council hired/appointed beginning in the last full pay period in December 2012 the Local Miscellaneous 2.0% at age 60 retirement formula. Final compensation shall be calculated using the single highest year model. Employees hired on or after January 1, 2013 who are current CalPERS members or who are members of a reciprocal retirement system, as defined by CalPERS shall also receive the 2% at 60 retirement plan.

5.732. TIER 3 – 2%-AT-62 MISCELLANEOUS PLAN - The City shall provide qualified Miscellaneous employees and members of the City Council hired/appointed beginning January 1, 2013 who are not current CalPERS members or who are not members of a reciprocal retirement system as defined by CalPERS the Local Miscellaneous 2.0% at age 62 retirement formula. Final compensation shall be calculated using the average of the three highest years model.

5.740. CalPERS CONTRIBUTION.

(a) For employees in Categories ~~A, B, D/E, F, (except for the employees holding the positions of Director of Public Safety), Deputy Chief, Public Safety Captain), and K, L, as well as for members of the City Council who elect membership in CalPERS,~~ the City shall contribute 7% of the employees' salary toward the employee's normal contribution to CalPERS. In addition, for Categories ~~A, B, D/E, F (except for the Director of Public Safety), and K, and L~~ employees ~~and members of the City Council~~, the City will report the value of the Employer Paid Member Contribution (EPMC) of 7% as additional compensation. The employee's contribution of 1% towards the "2.7%-at-55" plan shall be paid by the employee on a pre-tax basis, pursuant to IRS Code Sec. 414(h)(2).

(b) Effective the first full pay period of July 2013, employees in categories D, F (except for the Director of Public Safety), and K who are also in Tier 1, shall be responsible for an additional 2% contribution toward the member contribution. The employees' total contribution to CalPERS will be 3%; such payment shall be made pursuant to IRC Section 414(h)(2). The City will report the value of the Employer Paid Member Contribution (EPMC) of 5% as additional compensation.

(c) Employees in categories D, F, and K in Tier 2 shall be responsible for contributing 2% and the City shall contribute 5%. The City will report the value of the Employer Paid Member Contribution (EPMC) of 5% as additional compensation.

(d) Employees in categories D, F, and K in Tier 3 shall be responsible for paying 50% of the normal cost toward their retirement.

(be) For ~~employees in Category C and employees holding the positions of the~~ Director of Public Safety, ~~Deputy Chief, Public Safety Captain, and Safety members in Category B,~~ the City shall pay an amount equal to contribute 9% of the employees' salary toward the employee's normal contribution to CalPERS. In addition, the City shall continue to ~~contribute to pay~~ to CalPERS a total of 2.25% of the employee's salary to fund the cost of the single highest year retirement benefit. Further, for ~~these employees~~ Director of Public Safety, the City will report the value of the Employer Paid Member Contribution (EPMC) of 9% as additional compensation.

(f) Effective the first full pay period of July 2013, the Director of Public Safety shall be responsible for paying 2% of the member contribution. The Director of Public Safety's total contribution to CalPERS will be 2%; such payment shall be made pursuant to IRC Section 414(h)(2). In addition, the City shall continue to pay to CalPERS a total of 2.25% of the employee's salary to fund the cost of the single highest year retirement benefit. The City will report the value of the Employer Paid Member Contribution (EPMC) of 7% as additional compensation.

(g) For employees in other Categories who are required by the CalPERS to be covered, such as City Council members who elect to enroll in CalPERS and eligible casual employees, the employee shall be responsible for the full employee's normal member contribution to CalPERS ~~of 8% for miscellaneous members and 11.25% for safety members.~~

5.750. SOCIAL SECURITY. FICA PORTION. All employees not covered by CalPERS shall be covered by Social Security/FICA. The employee and the City will each contribute the mandated percentage of the employee's wages toward the cost of Social Security/FICA. No Social Security/FICA will be withheld for retired CalPERS members who return to work as a temporary employee.

5.800. PUBLIC SAFETY NONMANAGEMENT. DIFFERENTIAL. When salaries are set for Public Safety Officer II, the following classifications of Public Safety Non Management will be adjusted, since they are tied to differentials established by the Public Safety Officer II, to maintain the appropriate relationships:

Public Safety Officer-in-Training

Step 1 is set at 10% below Step 1 of Public Safety Officer II; Step 2 is 5% above Step 1

Public Safety Officer I

Step 1 is set at 5% above Step 1 of Public Safety Officer-in-Training; Steps 2 through 4 are set at 5% above each previous step

6.000. SPECIAL PROVISIONS. Those provisions which are in a non-pay category, but which confer a benefit on an employee, are provided in accordance with the provisions in the Administrative Policy Manual.

6.100. WORK SCHEDULES. Employees in the Civil Service are to work in accordance with the schedules, shifts, tours of duty and work periods or cycles established by their respective departments in accordance with the provisions of the applicable MOU or the Administrative Policy Manual as the same now exists or is hereafter amended.

6.150. FLEX SCHEDULES. DESIGNATED CATEGORY B EMPLOYEES. Category B employees, designated under the terms of the applicable MOU as exempt under the Fair Labor Standards Act, may have their work schedules adjusted, at the discretion of their managers, in order to minimize the cost of overtime pay. Such adjustments shall be made in accordance with the provisions of the applicable MOU.

6.200. ALTERNATE SCHEDULES. MANAGEMENT EMPLOYEES. Alternate schedules for individual employees in Categories D/E, F, and K may be authorized by the City Manager and the City Attorney in accordance with the Administrative Policy Manual.

6.300. DEFERRED COMPENSATION. Employees in Categories A, B, C, D/E, F, K, and L and members of the City Council shall be entitled to participate in a 457 deferred compensation plan approved by the City. For employees in Categories D/E, F, and K, a 401 (a) plan is available and procedures for contribution to such plan will be established by the City. With respect to any employee in Categories D/E, F, and K who enrolls in any of the two deferred compensation plans (457 or 401 (a)), the City shall contribute to such plan on behalf of the employee an amount equal to 2% of the employee's gross pay per pay period. Such employees shall not be entitled to receive any or all of such payment except as payment into a deferred compensation account.

6.400. YOUTH PARTICIPATION INCENTIVES. Incentive Payments may be made in accordance with 29 USC § 2854, to provide incentives for recognition and achievements of the participants in the youth activities through the Department of Employment Development.

6.500. AUTOMOBILE ALLOWANCE. Any Management employee authorized and assigned exclusive use of a City vehicle on a 24-hour basis may, at the option of the employee, receive a car allowance, payable monthly, in lieu of the assignment and authorization to use such

City vehicle. Such car allowance is only available while the employee is actively at work (i.e., not absent from work for more than one month, irrespective of reason). When not actively at work, the automobile allowance will cease the first of the month following the last date the employee is actively at work. A Management employee in Category D/E who is not assigned exclusive use of a City vehicle and who ordinarily does not have access to pool vehicles at his or her work site and who averages 300 or more miles per month of City business travel in his or her own personal vehicle, excluding normal travel to and from work, shall be eligible for a car allowance. This option shall not be available in the event the City Manager or the employee's Department Director determines that the vehicle assigned is a special purpose vehicle or a vehicle especially equipped so that it cannot be adequately replaced by the employee's private vehicle. Effective July 1, 2007, the monthly vehicle allowance for Department Directors will be \$450.00 and for designated management employees \$310.00. The City Manager may authorize a change in this allowance in accordance with the change in the IRS standard mileage rate.

6.600. RELOCATION ASSISTANCE. Employees in Categories D/E and K may be offered up to \$5,000 of relocation assistance, including expenses incurred in connection with the final trip for employee and immediate family to the area, provided that their primary residence at the time they receive their offer of employment with the City is located outside a 50 mile radius of the City and they move to a location within Santa Clara County within 1 year of appointment. In addition, these employees are also eligible for interim living expenses, at the maximum rate of \$100 per day for a period not to exceed 30 days, incurred while searching for a new residence. Category F employees may be offered up to the full cost of relocation assistance, including interim living expenses, if they move into the City limits within 1 year of appointment. Such assistance may be taxable to the employee. This assistance must be documented in the offer letter to the employee.

6.700. EXECUTIVE MORTGAGE ASSISTANCE PROGRAM. Category F employees are eligible for benefits provided pursuant to the Executive Mortgage Assistance Program. Provisions of the program have been approved through separate resolution and may be amended as necessary.

7.000. ADMINISTRATION. CLASSIFIED SERVICE AND UNCLASSIFIED MANAGEMENT. The Pay Plan for all City employees shall be administered by the City Manager in accordance with policies stated herein and in the Administrative Policy Manual and any applicable MOU. The City Manager shall issue such rules and procedures as are necessary to put the policies into effect.

7.100. HOURLY RATES. Employees in Categories A, B, C, G, and L at the time of

appointment are ordinarily assigned the hourly rate in the first step of the pay range. In cases where it is necessary to attract qualified personnel the employee may be assigned the hourly rate in the second or third step of the pay range. Under extraordinary circumstances, employees may be assigned to a higher step than the first step of the pay range, upon recommendation of the Department Director and approval of the City Manager.

7.105. SALARY RATES. The minimum rate at which employees in Categories D/E, F, and K may be hired is 85.0% of the Control Point for that classification; the maximum is 100% of Control Point. Appointments made above 95.0% of Control Point require recommendation of the Department Director, and approval of the City Manager for all, but Category K. Determinations on Category K employees are made by the City Attorney.

7.110. CONTROL POINTS AND SALARY RANGES. MANAGEMENT. Control Points for Management classifications are as established in Sections 2.300, 2.400 and 2.800. The range for each classification extends from 85.0% of the Control Point up to the Control Point (100%).

7.115. DIFFERENTIAL PAY. MANAGEMENT. In the event that a pay differential of less than 15% is identified between the Control Point for a Management classification and the top step base salary for a direct-report non-management classification, a department director may recommend a pay differential of up to 15%. The differential will not be applied automatically, and an identifiable need for such differential must exist prior to providing the differential pay. All differentials require review by the Director of Human Resources and approval of the City Manager.

7.120. MERIT INCREASE. NONMANAGEMENT. Upon completion of 13 pay periods, employees in Categories A, B, C, and G may be assigned the next step in the pay range to which the classification is assigned. Such merit increases shall not be approved unless the employee's work performance is acceptable. Consideration for each subsequent one step merit adjustment is given at 26 pay period intervals until the employee's hourly pay rate reaches the top step of the pay range. Increases may be granted effective with the pay period immediately following the anniversary date.

Upon completion of 6 months of continuous City service, employees in Category L may be assigned the next step in the pay range to which the classification is assigned. Such merit increase shall not be approved unless the employee's work performance is acceptable. Consideration for each subsequent one step merit adjustment is given upon completion of intervals of 12 months of continuous service until the employee's hourly pay rate reaches the top step of the pay range. Increases may be granted effective with the pay period immediately following completion of the requisite hours.

7.130. MERIT INCREASE. MANAGEMENT. Upon completion of 13 pay periods of service, employees in Categories ~~D/E~~, F, and K who receive an overall rating of achieves meet or exceeds expectations on their most recent of-performance evaluation may receive an increase in salary above the rate to which they were initially assigned, up to but not exceeding the Control Point.

The pay rate for employees in Categories ~~D/E~~, F, and K hired or appointed to management positions prior to June 1, 2013 will be considered for adjustment beyond that granted after the first 13 pay periods of service at the beginning of each new fiscal year after employment. The pay rate adjustment is subject to an overall rating of achieves or exceeds expectations on the

~~employee's most recent satisfactory~~ performance evaluation. Increases of more than 5% require approval of the City Manager.

The pay rate for employees in Categories D, F, and K hired or appointed to management positions on or after to June 1, 2013 will be considered for adjustment beyond that granted after the first 13 pay periods of service following the completion of 26 pay periods from the prior increase in salary, up to but not exceeding the Control Point. Increases in salary shall be granted effective with the pay period immediately following the completion of 26 pay periods. Increases of more than 5% require approval of the City Manager.

7.140. PROMOTION. NONMANAGEMENT. Upon promotion to a full-time non-management classification having an assigned pay range greater than the classification from which the employee is being promoted, employees in Categories A, B, C, and G shall be entitled either to that hourly pay step in the pay range of the higher class which is at least 5% above the employee's current hourly step rate, or that step the employee would have received within 2 pay periods had the promotion not been made, provided the increase does not exceed the rate contained in the top salary step. Thereafter, the employee will be considered for merit increases in the same manner as other probationary employees.

Upon promotion to a regular part-time classification having an assigned pay range greater than the classification from which the employee is being promoted, the employee shall be entitled to that hourly pay step in the pay range of the higher classification which is at least 5% above the employee's current hourly step rate, provided the increase does not exceed the rate contained in the 5th salary step. Thereafter, the employee will be considered for merit increases in the same manner as other probationary employees.

7.150. PROMOTION. MANAGEMENT. Employees in Category D/E who are promoted to a classification which has been assigned a Control Point greater than the classification from which the employee is being promoted shall be entitled to assignment to a pay rate in the new salary range which provides at least 5% above the employee's current hourly rate, or the rate which the employee would have received with a meeting or exceeding expectation of performance within 2 pay periods had the promotion not been made, provided the increase does not exceed 95.0% of the Control Point for the new classification, except that upon recommendation of the Department Director and approval of the City Manager, the promoted employee's pay rate may be set at up to 100% of such Control Point. Employees in Category K who are promoted in similar circumstances shall likewise receive an increase, subject to the determination of the City Attorney. Thereafter, the employee is considered for

merit increases in the same manner as other Management employees.

7.160. PROVISIONAL APPOINTMENT. The pay periods of service of a probationary or regular employee shall not be affected by a provisional appointment. Merit pay increases are to be considered as though the employee had not accepted the provisional appointment.

7.170. GRANT FUNDED EMPLOYMENT.

(a) The City may hire employees in grant-funded (limited duration) positions where the position is funded by grant funds or similar types of non-City funding sources.

(b) Job classification titles for grant-funded positions shall be distinct from job classification titles for regular positions.

(c) Prospective employees shall be informed of the duration of the appointment in the job announcement and at the time of employment, and shall be advised of and acknowledge in writing the impact of the grant-funded (limited duration) status, including that the City has the authority to terminate employment at the completion of the grant or for reduction or loss of grant funding.

(d) Unless otherwise stated by the funding source or agency, if the appointment is for a period of twelve months or more, employees in grant-funded positions shall receive the same benefits as regular employees. Employees who will be working a full-time schedule in a management classification will be included in the Sunnyvale Managers Association bargaining unit; employees who will be working a full-time schedule in a non-management classification will be included in the Sunnyvale Employees Association bargaining unit; and employees who will be working a schedule of 1,092 -1,716 hours per fiscal year will be included in the Services Employees International Union bargaining unit.

(e) If the appointment is for less than twelve months, employees shall be employed in the unclassified service as temporary employees. Temporary employees are unrepresented, are eligible for only those benefits applicable to this category of employment, and are limited to 900 hours of work in the fiscal year.

(f) Should an employee who was originally hired to fill a grant-funded position of twelve months or more be later appointed to a regular position, his/her hire date will be the date that service commenced in the grant-funded position.

8.000. UNCLASSIFIED SERVICE. RECREATION, CASUAL, SEASONAL, AND SPECIAL PROJECT. ADMINISTRATION. Pay rate assignments and pay step increases for employees in Unclassified Categories H and I shall be administered by the City Manager in accordance with the policies stated herein. The City Manager shall promulgate such rules and

procedures as are necessary to put said policies into effect.

8.010. UNCLASSIFIED SERVICE. RECREATION EMPLOYMENT. Employees in Category H, at the time of appointment, are ordinarily assigned the hourly rate in the first step of the pay range; however, the department may assign employees to a higher step based on qualifications and experience, and/or specific job functions. Upon completion of a minimum of 12 months of service in the current job classification and step, and a minimum number of hours worked as established by the department, employees in Category H may be assigned the next step in the pay range to which the classification is assigned. A merit increase shall not be approved unless the employee's work performance is rated satisfactory or better.

8.020. UNCLASSIFIED SERVICE. CASUAL, SEASONAL, AND SPECIAL PROJECT (OTHER THAN RECREATION) EMPLOYMENT. Employees in Category I at the time of appointment are ordinarily assigned the hourly rate in the first step of the pay range. In cases where it is necessary to attract qualified personnel, the employee may be assigned the hourly rate in the second or third step of the pay range. Non-Management employees in Category I may be considered for an initial merit step increase after completion of 1040 hours of service and additional merit step increases upon completion of intervals of 2080 hours of service up to Step 5. Employees in the Category I classification of Casual or Seasonal Crossing Guard who have satisfactory performance evaluations may be considered for an initial merit step increase after completion of 200 hours of service and additional merit step increases upon completion of intervals of 420 hours of service up to Step 5. Service is that which is separated by no more than 26 pay periods of service. In those classifications where there is only a range and there are no specified step intervals, initial appointment may be made at any appropriate rate within that range and merit increases for non-Management employees are in 5% increments in accordance with the work hour requirements above. Casual/Seasonal Management/Executive employees may receive merit increases up to 10% at the beginning of each fiscal year regardless of the number of hours worked during that fiscal year.

8.030. UNCLASSIFIED SERVICE. RECREATION, CASUAL, SEASONAL, AND SPECIAL PROJECT. ANNUAL REVIEW. At the beginning of each fiscal year, employees, in classifications in which there is only a range and no specified step intervals, may be eligible to receive a market-based salary adjustment, provided the employee's performance is satisfactory or higher. The market-based increase shall not exceed that of the increase for a similar full-time classification, and cannot exceed the maximum of the range.

8.100. UNCLASSIFIED SERVICE. RECREATION, CASUAL, SEASONAL, AND SPECIAL PROJECT APPOINTMENT. LIMITATIONS.

(a) A person may be employed in a position within the Unclassified Service Recreation, provided that the total hours of such employment do not exceed 999 hours per fiscal year, except as noted below, and such employment shall conform to the CalPERS definition for this category of employment in that part-time employment is limited to less than an average of 20 hours per week. Further, a person may be employed in a position within the Unclassified Service Recreation, in the job classification of "Intermittent Recreation" and may exceed 999 hours of work in a fiscal year. Such employment shall conform to the CalPERS definition for this category of employment in that the appointment is an on-call, intermittent, emergency, substitute, or irregular basis, which excludes a person from CalPERS membership until the person has worked 1000 hours in the fiscal year.

(b) A person may be employed in a position within the Unclassified Service Casual, provided that the total hours of such employment do not exceed 900 hours per fiscal year, and such employment shall conform to the CalPERS definition for this category of employment in that part-time employment is limited to less than an average of 20 hours per week. Employees in this category who regularly work the same number of hours per week will typically work 15 or less hours per week.

(c) A person may be employed in a position within the Unclassified Service-Seasonal, provided that the total hours of such employment do not exceed 999 hours per fiscal year or six months of continuous service, whichever is sooner, and such employment shall conform to the CalPERS definition for this category of employment in that a full-time seasonal or full-time limited-term appointment is limited to 6 months or less.

(d) A person who is a CalPERS retiree may be employed in a position within Unclassified Service-Recreation, Casual or Seasonal, provided that the total hours of such employment do not exceed 900 hours in a casual position and 960 hours per fiscal year in a seasonal position.

(e) The unclassified temporary employee assigned to support the Onizuka Airforce Station (AFS) Base Realignment and Closure (BRAC) project is allowed to exceed 999 hours of work per fiscal year for the period needed to support the project, as determined by the Office of the City Manager.

(f) The type of appointment shall be designated upon hire so that appropriate monitoring of hours/time worked may occur.

8.200. REDUCED TIME JOB STATUS PROGRAM. CATEGORY G. Designated classifications within Category G may work a reduced time work job share schedule pursuant to the provisions of the Reduced Time Job Status Program.

9.000. PAY BASIS. An eligible employee may be paid under multiple pay ranges or scheduled amounts in any given pay period, in addition to working out of class, on special assignment or under special circumstances.

10.000. EFFECTIVE DATE. Unless otherwise specifically indicated, all provisions herein contained shall be effective as of the date of posting. This version of the Salary Resolution supersedes any prior versions and amendments thereto.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE FOR PAYING AND REPORTING THE VALUE OF EMPLOYER PAID MEMBER CONTRIBUTIONS (EPMC) FOR UNREPRESENTED CLASSIFIED MANAGEMENT, UNCLASSIFIED DEPARTMENT DIRECTORS, AND UNCLASSIFIED ATTORNEY MANAGEMENT

WHEREAS, the governing body of the CITY OF SUNNYVALE has the authority to implement Government Code section 20636(c)(4) pursuant to Section 20691;

WHEREAS, the governing body of the CITY OF SUNNYVALE has a written labor policy or agreement which specifically provides for the normal member contributions to be paid by the employer and reported as additional compensation;

WHEREAS, one of the steps in the procedures to implement Section 20691 is the adoption by the governing body of the CITY OF SUNNYVALE of a Resolution to commence paying and reporting the value of said Employer Paid Member Contributions (EPMC);

WHEREAS, the governing body of the CITY OF SUNNYVALE has identified the following conditions for the purposes of its election to pay EPMC:

A. Excepting the Director of Public Safety, this benefit shall apply to all unrepresented classified management, unclassified department directors and unclassified attorney management (collectively, “employees”).

- For employees governed by the Tier 1 Plan (2.7% at 55), this benefit shall consist of paying 5% of the normal member contributions as EPMC, and reporting the same percent (value) of compensation earnable (excluding Government Code Section 20636(c) (4)) as additional compensation.
- For employees governed by the Tier 2 Plan (2% at 60), this benefit shall consist of paying 5% of the normal member contributions as EPMC, and reporting the same percent (value) of compensation earnable (excluding Government Code Section 20636(c) (4)) as additional compensation.
- For employees governed by the Tier 3 Plan (2% at 62), the normal member contribution shall not be paid by the City and therefore no City paid member contributions shall be reported as additional compensation.

B. For the Director of Public Safety, whether governed by the Tier 1 Plan for Safety employees (3.0% at 50) or the Tier 2 Plan for Safety employees (3.0% at 55), this benefit shall consist of paying 9.25% of the normal Safety member contribution as EPMC, and reporting 7% as compensation earnable (excluding Government Code Section 20636(c) (4)) as additional compensation.

C. The effective date of this Resolution shall be July 7, 2013.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SUNNYVALE THAT it hereby elects to pay and report the value of EPMC as set forth above.

Adopted by the City Council at a regular meeting held on _____, 2013, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST:

APPROVED:

City Clerk
(SEAL)

Mayor

APPROVED AS TO FORM:

City Attorney