

RESOLUTION NO. 22-03

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILL VALLEY AMENDING THE SALARY SCHEDULES OF RESOLUTION 20-39_DETERMINING SALARIES AND BENEFITS OF NON-REPRESENTED EMPLOYEES INCLUDING MANAGEMENT, TECHNICAL, CONFIDENTIAL AND PART-TIME STAFF

WHEREAS, the Mission Statement of the City of Mill Valley City Council is “...*To provide a full range of municipal services to the residents and businesses in accordance with the General Plan and City Council policy and direction. City staff shall deliver those services in an efficient, effective and courteous manner with a commitment to operational excellence*”; and

WHEREAS, the City of Mill Valley is reliant upon its excellent employees to fulfill the City’s Mission and to deliver the high quality services the residents of the community desire; and

WHEREAS, the Mill Valley City Council has adopted and respected a Core Value to guide its policy-making and budgetary decisions of “*Prudent fiscal policies and practices*” and has employed this fiscally prudent approach to municipal finances with respect to employee compensation and benefits; and

WHEREAS, the City of Mill Valley provides its employees compensation and a range of benefits consistent with those typical of other California municipalities; and

WHEREAS, the City of Mill Valley has approximately 70 non-represented employees with benefits and approximately 200 non-represented part-time employees who provide a full range of services to the community pursuant to the policies and direction established by the City Council.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Mill Valley that the following salary schedules and benefits contained in Resolution 20-39 are hereby amended effective upon adoption, to read as follows:

1. **Other Benefits.** Supplemental wage benefits for employees who are covered by memoranda of understanding are established pursuant to the terms of those memoranda. Supplemental wage benefits for non-represented employees are provided to employees working the equivalent of 20 hours per work or more and are prorated based on the employee’s normal work schedule compared to a 40-hour work week schedule:

A. **Salary and Wage Plan.** The salaries and wages for the various classifications in this group are listed on Exhibits A, B and C. The City Manager is authorized to add and revise classifications to and in these exhibits as determined to be necessary for the efficient operation of the City. The salaries and wages listed on Exhibits A, B and C shall reflect internal equity adjustments and a cost-of-living increase of 2.50% for the fiscal year 2021-2022; external market adjustments

and a cost-of-living increase of 2.00% for the fiscal year 2022-2023; a cost-of-living increase of 2.25% for the fiscal year 2023-2024; and a cost-of-living increase of 2.25% for the fiscal year 2024-2025.

The salary adjustments for benefited employees in fiscal year 2021-2022 shall be made effective January 1, 2022, and retroactive to July 1, 2021, for all employees currently active as of January 1, 2022.

Advancement within a classification's salary range shall be made pursuant to the established Step Schedule contained in the adopted Personnel Rules.

B. **Overtime.** Overtime compensation shall be administered according to the Fair Labor Standards Act (FLSA) and the Personnel Rules. Overtime shall be compensated at one and one-half (1-1/2) times the straight-time rate based upon the regular monthly salary. The smallest unit of working time credited as overtime shall be one-half (1/2) hour, provided that when an employee is called back beyond the normal working day, the smallest unit of overtime credited shall be one (1) hour. Fractions of one-half (1/2) hour worked at different times may not be added together for the purpose of computing overtime worked.

C. **Holidays.** The following days shall be paid holidays:

New Year's Day	(First day of January)
Martin Luther King's Birthday	(Third Monday in January)
Presidents' Day	(Third Monday in February)
Memorial Day	(Last Monday in May)
Juneteenth	(Nineteenth day of June)
Independence Day	(Fourth day of July)
Labor Day	(First Monday in September)
Veterans Day	(Eleventh day of November)
Thanksgiving	(Fourth Thursday in November)
Day after Thanksgiving	(Fourth Friday in November)
Christmas Day	(Twenty-fifth day of December)

Every July 1, employees on the payroll at that time shall receive four (4) floating holidays, which shall be added to each employee's vacation leave. Employees hired after July 1 will receive pro-rated floating holidays as follows: July 2 through September 30 – 4 days, October 1 through December 31 – 3 days, January 1 through March 31 – 2 days, April 1 through June 30 – 1 day.

When a holiday falls on a Saturday, the preceding Friday shall be observed as a holiday. When a holiday falls on a Sunday, the following Monday shall be observed as a holiday.

An employee who's normal work day/shift requires that they work on an observed holiday, or whose work day/shift off is on an observed holiday, shall be credited an extra day's vacation or shall have their work schedule rearranged so that an alternate day can be taken off. The method used shall be approved by the department manager and the City Manager.

D. **Vacation Leave.** Vacation leave with pay shall be credited at the rate of five-sixths (5/6) of a vacation day per month up to one (1) year. Vacation leave with pay shall be credited to all eligible employees with more than one (1) year's service at the rate of two (2) calendar weeks for each full year of service.

Vacation leave with pay shall be credited to all covered employees with more than three (3) years' service at the rate of three (3) calendar weeks for each full year of service. Vacation leave with pay shall be credited to all employees with more than seven (7) years' service at the rate of four (4) calendar weeks for each full year of service.

Vacation leave with pay shall be credited to all covered employees with more than fifteen (15) years' service at the rate of five (5) calendar weeks for each full year of service.

At termination of a permanent employee, fractional periods of vacation shall be figured and credited to the employee's account. Unused vacation time at termination is compensated by payment at the employee's rate of pay.

Vacation leave for employees with less than three (3) years of service may not be accumulated beyond four (4) weeks and for employees with more than three (3) years of service beyond ten (10) weeks. It is recognized that certain employees' schedules may be such that from time-to-time accumulations more than these limits may be in order. Such excess accumulation may take place with the approval of the department manager and the City Manager. The time employees may take their vacation shall be determined in each case by the department manager with regard for the needs of the service and the wishes of the employee.

Employees who are in positions compensated by a fixed monthly or yearly salary who are on leave without pay for more than ten (10) working days in any calendar month shall not accumulate vacation leave for that month.

E. **Sick Leave.** Sick leave with pay shall be granted to all benefited employees at the rate of eight (8) hours for each full calendar month of service (prorated for benefited employees working less than a full-time schedule).

Sick leave may be taken for any reason permitted under Federal or State law including the following purposes:

- An employee's physical incapacity or illness.
- Injury not incurred in the line of duty.
- Medical, dental, or eye examination or treatment for which appointment cannot be made outside of working hours.

Special leave with pay may be taken and charged against accrued sick leave for:

- Death in the immediate family.

- Hospitalization of a member of the immediate family, or any member of an employee's household for whom the employee is entitled to claim an exemption under the federal income tax laws.
- Care of a member of the immediate family who is critically ill or injured, though not hospitalized, where such leave is approved by the department head.

For the sections referenced above, the definition of immediate family shall be restricted to father, stepfather, mother, stepmother, brother, stepbrother, sister, stepsister, spouse, son, daughter, stepson, stepdaughter, and foster child, mother-in-law, father-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, grandparents, grandchildren, and any other person for whom the employee is the legal guardian. Substantiation of the illness may be required by the Department Head.

An employee who absents themselves from duty on sick or special leave shall notify the head of the department, or such other person as department rules may provide, early on the first day of absence, of the reason for requiring such leave. Failure to provide notification may be grounds for denial of such leave with pay for the period of absence.

Holidays and regular days off occurring while an employee is on sick or special leave shall not be charged against such employee's sick leave accrual.

Sick leave shall not be allowed where the cause of the injury or illness is directly traceable to City employment or to any compensated employment or remunerative occupation of any kind.

Sick leave shall automatically terminate on the date of retirement of the employee or on the date on which an ordinary disability allowance under the retirement system becomes effective.

In any request for sick leave with pay for three (3) or more calendar days, the department head may require a statement in writing signed by a regularly licensed physician, or the submission of other substantiating evidence, that the employee is incapacitated and unable to perform their duties.

Payment for Unused Sick Leave. In the event of retirement, death, or resignation from employment with the City, for employees hired prior to April 15, 2013, after ten (10) or more years of service, an employee, or the employee's estate in the case of death, shall receive a cash payment equivalent to one-third (1/3) of the employee's accumulated but unused sick leave plus two (2) percent for each additional year after ten years of service with the total payment not to exceed 50% of the employee's accumulated but unused sick leave. In the event of retirement, death, or resignation from employment with the City, for employees hired on or after April 15, 2013, after ten (10) or more years of service, an employee, or the employee's estate in the case of death, shall receive a cash payment equivalent to one-third (1/3) of the employee's accumulated but unused sick leave.

This section shall not apply to employees who are discharged for cause or who resign instead of being discharged for cause.

F. **Leave Without Pay.** Leave without pay shall be granted to all eligible employees as provided for in the City's Personnel Rules.

G. **Military Leave.** Military leave will be granted in accordance with the Uniformed Services Employment and Reemployment Rights Act (USERRA) and California Military Leave Policy.

H. **Funeral Leave.** In the event of a death in the immediate family of an employee who has one (1) or more years of seniority, employee shall, upon request, be granted such time off with pay as is necessary to plan for the funeral and attend same, not to exceed three (3) regularly scheduled working days. This provision does not apply if the death occurs during the employee's paid vacation, or while the employee is on leave of absence, layoff, workers' compensation leave or sick leave.

For the purposes of this provision, the immediate family shall be restricted to father, mother, brother, sister, spouse, domestic partner, child, mother-in-law, father-in-law, son-in-law, daughter-in-law, grandparents, and grandchildren. Substantiation of the death may be required by the department manager.

Funeral leave applies only in instances in which the employee attends the funeral, or is required to make funeral arrangements, but is not applicable for other purposes such as settling the estate of the deceased.

I. **Workers' Compensation Leave.** Whenever a permanent employee is required to be off work as the result of an injury or illness directly traceable to City employment, employee shall receive full pay for the time he/she is disabled up to a maximum period of sixty (60) calendar days for any one (1) period of such illness or injury; provided that any money which he/she receives for such illness or injury from the Workers' Compensation Insurance carrier is deposited with the Finance and Human Resources Department.

J. **Leave to Serve on Jury Duty or as a Witness at a Trial.** Leave for service by an employee as a juror or witness at a trial shall be granted to all eligible employees as provided for in the City's Personnel Rules.

K. **Health Insurance.** The City is enrolled in two group health plans for the purpose of providing hospital-medical benefits for employees. These plans are currently: Kaiser Health Plan and Western Health Advantage HMO. An eligible employee may select one of these two plans in accordance with the provisions of the plans. The City will seek to provide a comparable alternative should any of these plans be discontinued. The City shall pay the entire cost of providing coverage for the employee and employee's eligible dependents; provided, however, that in no event shall the City be obligated to contribute an amount more than the cost of the Kaiser Health Plan including prescription drugs for the employee with two or more family dependents. The City shall pay for coverage of dependent children between the ages of nineteen (19) and twenty-four (24), or as provided by law, under the Kaiser Health Plan and the Western Health Advantage plans according to the guidelines of the plan. The base co-pay for these Plans will be \$20 for office visits and \$15 for generic prescriptions.

L. **Duplicate Medical Coverage.** Any employee who has health plan coverage because of being an eligible dependent of a person employed either by the City or elsewhere may request that his/her health plan coverage as an employee of the City be terminated; and that, in lieu of the amount the City would otherwise pay for the health plan coverage for that employee, one hundred seventy-five dollars (\$175.00) per month will be paid by the City into the employee's deferred compensation account. To participate in this program, the employee shall sign a waiver, provided by the City, of health plan coverage for him/herself which shall be confirmed annually before July 1 of each year, and agree to pay for COBRA coverage, if available, until the following July 1, should coverage be lost through change of dependent status or employment status of the person covering the employee. Re-enrollment in a City-sponsored health plan will be subject to the rules of the specific health plan.

M. **Health Insurance After Retirement.** Permanent employees of the Management, Technical, and Confidential group, hired prior to April 15, 2013, with 15 years of service and a PERS retirement from the City shall be eligible for paid medical benefits for themselves and their spouse after retirement. Eligible employees can choose from Retiree Health Plans that provide the coverage provided by the plans for active employees indicated in Section 1 (K). The maximum City contribution will be no more than the active employees' Kaiser Plan employee + 1 premium. Department managers are eligible for paid health insurance after 7.5 years of service and a PERS retirement from the City under the above conditions. An employee who meets the above criteria shall qualify for medical coverage for the remainder of his/her life and that of his/her spouse.

Permanent employees hired on or after April 15, 2013, shall be provided this benefit for the employee only, after 20 years of service (10 for Department managers) with a maximum City contribution of two-thirds (2/3) of the active employees' Kaiser Plan single premium.

Retired employees qualifying for this benefit, who move outside a Kaiser or Western Health Advantage area, will be compensated by the City for medical benefits through quarterly reimbursements upon proof of coverage and premium payment.

Permanent employees hired after February 21, 2017, are not eligible for the Health Insurance After Retirement (HIAR) benefit.

For Permanent employees not eligible for, or receiving, the Health Insurance After Retirement (HIAR) benefit, the City shall establish a Retiree Health Savings (RHS) plan with the following contributions:

Years of Service	Employee Contribution	City Contribution
0 to through 12 months	1.0%	None
13 months through 60 months	1.0%	1.0%
61 months +	1.5%	1.5%

N. **Life Insurance.** The City will pay the full cost of providing life insurance coverage of Fifty Thousand Dollars (\$50,000) of face value for eligible employees.

O. **Long-Term Disability Insurance.** The City pays the full cost of providing long-term disability insurance for employees. The maximum coverage will be \$5,200 per month.

P. **Dental Insurance.** The City is enrolled in the Delta Dental Plan (or similar self-insured plan) to provide employees and their eligible dependents with dental insurance benefits. The City shall pay the full cost of this coverage. Subject to the conditions described in Section M of this Resolution, employees and their dependents are eligible for paid dental insurance after retirement.

Q. **Retirement.** The City is a member of the Public Employees' Retirement System (PERS) of the State of California for the purpose of providing retirement benefits to eligible employees.

Miscellaneous Employees hired prior to March 25, 2011, will be provided with a 2.5% @ 55, highest one-year compensation retirement plan.

Miscellaneous Employees hired on or after March 25, 2011, and prior to January 1, 2013, will be provided with a 2.0% @ 55, highest three-year average compensation retirement plan

All Miscellaneous employees hired on or after January 1, 2013, will be provided PERS retirement benefits in compliance with the 2012 Public Employees' Pension Reform Act (PEPRA) as follows:

- Employees classified as "New" under PEPRA will be covered by the PERS 2.0% @ 62 Plan.
- Employees classified as "Classic" under PEPRA will be covered by the CalPERS 2.0% @ 55 Plan.

All Safety employees hired prior to January 1, 2013, will be covered under the "3% at 55" plan providing full retirement benefits as defined by the City's contract with CalPERS.

All Safety employees hired on or after January 1, 2013, will be provided PERS retirement benefits in compliance with the 2012 Public Employees' Pension Reform Act (PEPRA) as follows:

- Employees classified as "New" under PEPRA will be covered by the PERS 2.70% @ 57 Plan.
- Employees classified as "Classic" under PEPRA will be covered by the CalPERS 3.0% @ 55 Plan.

All employees hired prior to January 1, 2013, and all employees hired on or after January 1, 2013, classified as "Classic" under PEPRA, will pay the full PERS Employee Contribution amount.

All employees hired on or after January 1, 2013, classified as "New" under PEPRA will pay fifty percent (50%) of the Normal Cost of their Plan as calculated annually by PERS.

R. **Car Allowance.** The City shall pay the City Manager, the Director of Public Works, the Director of Finance and Human Resources, the City Librarian, the Director of Parks and Recreation and the Wastewater Treatment Director \$400.00 per month in lieu of a City car. The Director of Planning and Building shall have the option of being provided with a City vehicle or an

automobile allowance of \$400.00 a month. The City shall provide the Fire Chief and the Police Chief with a City vehicle.

S. **Deferred Compensation.** The below listed positions shall receive a City contribution of 0.5% to deferred compensation. In addition, these positions will receive a City match up to a maximum of \$900.00/year contributed to deferred compensation:

City Manager
Department Managers
City Clerk/Administrative Analyst
Building Official

All positions not listed above shall receive a City match up to a maximum of \$600.00/year contributed to deferred compensation.

T. **Administrative Leave.** Exhibit D attached hereto sets forth the administrative leave allocations for eligible positions.

U. **Educational Incentive Program.** All sworn police personnel covered under this resolution prior to January 1, 2013, who have successfully completed thirty (30) semester or forty-five (45) quarter units of college credits or more, but less than sixty (60) semester or ninety (90) quarter college units earned in courses that will qualify for an Associate of Science degree in a course of study approved by the City Manager, or who possess the POST Intermediate Certificate shall receive an additional One Hundred Dollars (\$100.00) per month over base pay each full-time compensated month of employment thereafter.

All sworn police personnel covered under this resolution prior to January 1, 2013, who have been awarded the Bachelor of Science degree in a course of study approved by the City Manager, or who possess the POST Advanced Certificate shall receive an additional Two Hundred Dollars (\$200.00) per month over base pay each full-time compensated month of employment thereafter.

The tuition refund program provided in the Personnel Rules and Regulations shall not apply to any courses used for the educational incentive program. Any courses which were taken under the tuition refund program shall not apply to the educational incentive program.

It shall be the responsibility of the employee to provide proof of certification or educational achievement. No incentive pay will be authorized without such proof.

V. **Uniform Replacement Program.** The City's Uniform Allowance Policy for employees covered under this resolution shall be as follows:

The Police Chief, Fire Chief, Firefighter Trainees, and all sworn police personnel who customarily and regularly wear uniforms during scheduled duty hours shall be covered by the respective uniform replacement provisions in the Police Officers Association and Fire Fighters Association Memorandums of Understanding. Articles of uniform provided under this program shall

remain the property of the City of Mill Valley and shall be turned in to the City when replaced in kind or when the officer retires or terminates his employment with the City of Mill Valley.

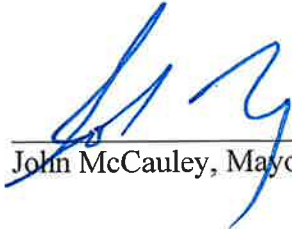
PASSED AND ADOPTED at a regular meeting of the City Council of the City of Mill Valley on the **6th** day of **January, 2022**, by the following vote:

AYES: Councilmembers: Burke, McEntee, Carmel, Wickham, McCauley

NOES: None.

ABSENT: None.

ABSTAIN: None.



John McCauley, Mayor

ATTEST:



Kelsey Rogers, City Clerk/Administrative Analyst