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RESOLUTION NO. 2016-10

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUISUN CITY
IMPLEMENTING AFFORDABLE CARE ACT AND SICK LEAVE PROVISIONS
FOR TEMPORARY / PART-TIME EMPLOYEES**

WHEREAS, Temporary / Part-Time Employees are not represented for purposes of negotiating wages and benefits; and

WHEREAS, the United States Congress and the State of California have mandated a number of benefits and wage changes related to Part-Time workers, specifically the Affordable Care Act and the Healthy Workplaces / Healthy Families Act of 2014; and

WHEREAS, the City needs to implement these benefit changes for the benefit of its Temporary / Part-Time Employees, and better organize policies and procedures related to Temporary / Part-Time Employees.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Suisun City approves the implementation of the Affordable Care Act and sick leave provisions for Temporary / Part-Time employees, and the Part-Time and Temporary Employee Compensation and Benefit Plan, which contains implementing policies.

PASSED AND ADOPTED by the City Council of the City of Suisun City at a regular meeting thereof held on the 2nd day of February, 2016 by the following vote:

AYES:	Councilmembers:	<u>Day, Hudson, Segala, Sanchez</u>
NOES:	Councilmembers:	<u>None</u>
ABSENT:	Councilmembers:	<u>Wilson</u>
ABSTAIN:	Councilmembers:	<u>None</u>

WITNESS my hand and the seal of said City this 2nd day of February 2016.



Donna Pock, CMC
Deputy City Clerk

City of Suisun City

TEMPORARY / PART-TIME EMPLOYEE

Compensation and Benefits Plan

January 1, 2016

City of Suisun City
TEMPORARY / PART-TIME EMPLOYEE
Compensation and Benefits Plan

The City of Suisun City (hereinafter called “City”) provides the following wages, hours, and other terms and conditions of employment to its Temporary / Part-Time Employees (the “Part-Time Employees” or “Employees”) – as described in this City Temporary / Part-Time Employee Compensation and Benefits Plan (the “Plan”).

1. Definitions

Terms used in this Plan shall have the regular meaning and usage as described in Administrative Directive 7 – Personnel Rules and Regulations, unless otherwise defined herein.

Temporary / Part-Time Employees

Temporary / Part-Time Employees are defined as those employees appointed to a temporary or seasonal Position or temporarily appointed to underfill a Position vacated by a Regular Employee and working less than 40 hours per week. Such appointment may either be to an authorized Position budgeted or established for a designated period of time, or to an authorized Position budgeted on an hourly, daily, weekly, or seasonal basis. Temporary / Part-Time Employees may become eligible for mandated CalPERS benefits and qualify for benefits under Section 4.A of this Plan.

At-Will

A Temporary / Part-Time Employee is an “at will” employee. An “at will” employee is defined as an employee who is not in the competitive service, serves at the pleasure of the City Manager, or designee, and may be removed from service at any time, with or without cause. “At will” employees are not entitled to a hearing upon termination.

2. Salary and Classification

Salary Rates

The salary rates for all classifications are listed in the Temporary/Hourly Section of the Salary Resolution. A copy of that section is attached as Appendix A.

Starting Salary

Temporary / Part-Time Employees are normally hired at the first step of the salary range unless they are exceptionally qualified and a higher starting salary is recommended by the Department Head and approved by the Personnel Officer.

Step or Salary Increases

All Merit Increases for Temporary / Part-Time Employees are subject to the City Manager’s inclusion of step increases in the Annual Budget.

Advancement

All Temporary / Part-Time Employees are eligible to be considered for Advancement to the next higher step in the Pay Range for that temporary job Class when they are:

- (1) Normally scheduled to work 30 hours or more per week,
- (2) Have worked a total of 2,000 hours since the previous Merit Increase,
- (3) Are working in a temporary job Class that includes job duties similar to those of a permanent full-time job Class, or
- (4) Are eligible to be considered for Advancement to the next higher step in the Pay Range for that temporary job Class.

All Employees shall be considered on a case-by-case basis.

Merit Increase

To be considered for a Merit Increase, the Employee must:

- (1) Have an evaluation that demonstrates that the increase is warranted based on performance,
- (2) Have completed a minimum of one year of uninterrupted service, and
- (3) Have documentation from the Department Head that the Employee has assumed increasing responsibilities.

The Merit Increase shall be subject to City Manager review and approval.

3. Overtime Pay

Temporary / Part-Time Employees are eligible for overtime pay at time and one-half their regular rate of pay when required to work more than a standard 40-hour week. A Temporary / Part-Time Employee's workweek shall begin at 12:01 a.m. Friday and end at 11:59 p.m. the following Thursday to comport with the City's usual Pay Period, unless otherwise designated by the Department Head and approved by the Personnel Officer.

4. Benefits

A. CalPERS Eligible Employees

Retirement – PERS Membership

Eligibility:

1. Persons who are already members of CalPERS.
2. "Monitored" qualification
 - No length of appointment is specified, but full-time employment continues longer than six months
 - Person works more than 125 days in a fiscal year if paid on a "per diem" basis
 - Person works 1,000 hours in a fiscal year if paid on other than a per diem basis. Any overtime hours worked is counted as qualifying time
 - Employees hired on or before December 31, 2012 will be enrolled in the 2% @ 55 retirement benefit formula. PERS refers to employees hired before January 1, 2013 as classic members.

- Employees hired on or after January 1, 2013, will be subject to the Public Employees Pension Reform Act (PEPRA), and such PEPRA employees will be enrolled in the 2% @ 62 PEPRA retirement benefit formula with final pension calculated on the highest annual compensation.
- A new member is (a) someone who has never been in PERS or a reciprocal retirement system or (b) someone previously in PERS or a reciprocal retirement system, but who has a gap of at least six (6) months since being covered by any of those pension systems.

B. All Part-Time Employees

Sick Leave

Eligibility:

Effective July 1, 2015, Temporary / Part-Time Employees who work 30 or more hours within a year from the beginning of employment are entitled to paid sick leave. Paid sick leave accrues at the rate of one (1) hour for every thirty (30) hours worked (including overtime), paid at the Employee's regular wage rate. Accrual begins on the first day of employment or July 1, 2015, whichever is later, up to a maximum accrual of twenty-four (24) hours per twelve (12) month fiscal year (July 1 to June 30). Temporary / Part-Time Employees' pay check stubs will show the number of hours of sick leave earned and available for use.

Accrued sick leave may be carried over to the following fiscal year. The maximum accrual is forty-eight (48) hours.

Usage:

A Temporary / Part-Time Employee may use accrued paid sick leave in one-half hour increments beginning on the 90th day of employment for himself/herself or a family member for the diagnosis, care or treatment of an existing health condition or preventive care, or purposes specified in State law for an Employee who is a victim of domestic violence, sexual assault or stalking. "Family member" includes a child, parent, spouse, registered domestic partner, parent-in-law, sibling, grandparent or grandchild, or as defined in State law.

A Part-Time Employee may use a maximum of twenty-four (24) hours of accrued paid sick leave per fiscal year.

If the need for paid sick leave is foreseeable, the Employee shall provide reasonable advance notice to his/her supervisor. If the need for paid sick leave is unforeseeable, the Employee shall provide notice of the need for the leave as soon as practicable. Department Heads may require Employees to support the use of paid sick leave with a physician's note for each absence regardless of the leave duration. Department Heads shall certify all approved or unapproved paid sick leave and maintain accurate records of paid sick leave use to determine the possible abuse of leave.

A Temporary / Part-Time Employee will not be paid or otherwise compensated for any unused, accrued sick leave at the end of his/her employment relationship with the City. If a Temporary / Part-Time Employee is rehired within one (1) year of his/her

termination date, his/her previously unused, accrued sick leave bank will be reinstated.

General provisions of Chapter 10 of the Personnel Rules shall govern the use of sick leave, including the coordination of benefits during a leave due to a workplace injury.

Health Benefits

The City desires that all of its employees have access to quality health care coverage. All qualifying employees who work an average of 30 hours per week (or 130 hours per month) will be offered an affordable health insurance plan comparable to the Core Flex Plan offered employees represented by the Suisun City Employees' Association within the guidelines proscribed by the federal Affordable Care Act.

Qualifying employees shall complete 90 days of continuous employment before such offer shall be made.

If a qualifying Temporary / Part-Time Employee does not enroll the offered Core Flex Plan, the City will provide a \$270.00 per month Flexible Benefit Credit to be taken as a Taxable Cash Option. An Employee taking in-lieu of payment must provide documentation of enrollment in a qualifying medical plan.

General provisions of Chapter 10 of the Personnel Rules shall govern continuation and coordination of health care benefits.

PARS

All Temporary / Part-Time Employees are included in the Alternate Retirement System program provided by the City in lieu of Social Security through the Public Agency Retirement System (PARS). Employees are fully vested in the system, and may elect to withdraw some of all of the balance contributed by the Employee and the City when he/she leaves City service.

No Other Benefits

This Plan creates a separate class of Temporary / Part-Time Employees who are entitled only to the benefits described in this Plan and are not eligible for any other benefits.

5. Duration:

Except for Section 4.B, Sick Leave, which is effective as of July 1, 2015, the Plan shall take effect on January 1, 2016, and remain in effect until December 31, 2018.

6. Amendment:

This Plan may be amended from time to time for the benefit of Employees to include changes to City policy or ordinance, or amendments mandated by State or Federal law or regulation

Exhibit A: Temporary/Hourly Employees

Effective: July 1, 2010

Job Class	Range	A	B	C	D	E
Traffic Engineer - Temp	959	\$85.00				
Economic Development Consultant	956	\$65.00				
Background Investigator	955	\$49.92				
Assistant Engineer - Temp	900	\$19.05	\$20.00	\$21.00	\$22.05	\$23.15
Police Officer - Temp	905	\$16.28	\$17.09	\$17.94	\$18.84	\$19.78
Firefighter - Temp	910	\$16.28	\$17.09	\$17.94	\$18.84	\$19.78
Maintenance Worker II - Temp	916	\$16.28	\$17.09	\$17.94	\$18.84	\$19.78
Computer Systems Specialist	917	\$15.75	\$16.54	\$17.36	\$18.23	\$19.14
Financial Services Specialist	918	\$15.75	\$16.54	\$17.36	\$18.23	\$19.14
Planning Specialist	919	\$15.75	\$16.54	\$17.36	\$18.23	\$19.14
Public Works Specialist	914	\$15.75	\$16.54	\$17.36	\$18.23	\$19.14
Communications & Records Tech I - Temp	920	\$15.75	\$16.54	\$17.36	\$18.23	\$19.14
Administrative Assistant I - Temp	925	\$15.44	\$16.21	\$17.02	\$17.87	\$18.76
Community Services Officer I/II-I - Temp	930	\$14.79	\$15.53	\$16.31	\$17.13	\$17.98
Maintenance Worker I - Temp	915	\$14.79	\$15.53	\$16.31	\$17.13	\$17.98
Recreation Specialist Supervisor	939	\$13.95	\$14.65	\$15.38	\$16.15	\$16.96
Building Maintenance Worker I/II-I - Temp	914	\$13.45	\$14.12	\$14.83	\$15.57	\$16.35
Office Assistant - Temp	926	\$12.68	\$13.32	\$13.98	\$14.68	\$15.42
Recreation Specialist III	937	\$12.68	\$13.32	\$13.98	\$14.68	\$15.42
Recreation Specialist II	936	\$11.53	\$12.11	\$12.71	\$13.35	\$14.01
Financial Services Intern	951	\$11.53	\$12.11	\$12.71	\$13.35	\$14.01
Planning Intern	945	\$11.53	\$12.11	\$12.71	\$13.35	\$14.01
Public Works Intern	949	\$11.53	\$12.11	\$12.71	\$13.35	\$14.01
Computer Systems Intern	950	\$11.53	\$12.11	\$12.71	\$13.35	\$14.01
Recreation Specialist I	935	\$10.48	\$11.00	\$11.55	\$12.13	\$12.74
Recreation Leader/Building Attendent III	943	\$9.68	\$10.16	\$10.67	\$11.21	\$11.77
Recreation Leader/Building Attendent II	942	\$8.80	\$9.24	\$9.70	\$10.19	\$10.70

THIS POSTER MUST BE DISPLAYED WHERE EMPLOYEES CAN EASILY READ IT

(Poster may be printed on 8 ½" x 11" letter size paper)

**HEALTHY WORKPLACES/HEALTHY FAMILIES ACT OF 2014
PAID SICK LEAVE****Entitlement:**

- An employee who, on or after July 1, 2015, works in California for 30 or more days within a year from the beginning of employment is entitled to paid sick leave.
- Paid sick leave accrues at the rate of one hour per every 30 hours worked, paid at the employee's regular wage rate. Accrual shall begin on the first day of employment or July 1, 2015, whichever is later.
- Accrued paid sick leave shall carry over to the following year of employment and may be capped at 48 hours or 6 days. However, subject to specified conditions, if an employer has a paid sick leave, paid leave or paid time off policy (PTO) that provides no less than 24 hours or three days of paid leave or paid time off, no accrual or carry over is required if the full amount of leave is received at the beginning of each year in accordance with the policy.

Usage:

- An employee may use accrued paid sick days beginning on the 90th day of employment.
- An employer shall provide paid sick days upon the oral or written request of an employee for themselves or a family member for the diagnosis, care or treatment of an existing health condition or preventive care, or specified purposes for an employee who is a victim of domestic violence, sexual assault, or stalking.
- An employer may limit the use of paid sick days to 24 hours or three days in each year of employment.

Retaliation or discrimination against an employee who requests paid sick days or uses paid sick days or both is prohibited. An employee can file a complaint with the Labor Commissioner against an employer who retaliates or discriminates against the employee.

For additional information you may contact your employer or the local office of the Labor Commissioner. Locate the office by looking at the list of offices on our website <http://www.dir.ca.gov/dlse/DistrictOffices.htm> using the [alphabetical listing of cities, locations, and communities](#). Staff is available in person and by telephone.