

**RESOLUTION NO. 12196**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN RAFAEL REPEALING  
RESOLUTION No. 11227 AND ADOPTING A NEW RESOLUTION ESTABLISHING  
THE COMPENSATION AND WORKING CONDITIONS FOR  
UNREPRESENTED MID-MANAGEMENT EMPLOYEES  
("MID-MANAGERS")  
(effective July 1, 2006 through June 30, 2009)**

**1. MID-MANAGEMENT EMPLOYEES**

The Mid-Management Employees of the City of San Rafael are the Mid-Management Job Class Titles ("Mid-Managers", herein) enumerated in Exhibit "A", attached hereto and incorporated herein. This Resolution shall constitute the compensation and conditions of employment for the Mid-Managers for the period from July 1, 2006 through June 30, 2009.

**2. SALARY, COMPENSATION GOALS AND REVENUE SHARING**

**A. *GOALS AND COMPENSATION DEFINITIONS***

It is the goal of the City Council to try to achieve a total compensation package for all Mid-Managers in an amount equal to the following:

1. The average plus one dollar to the total compensation paid to the same or similar classifications in the following nine (9) cities: Fairfield, Vallejo, Hayward, San Leandro, South San Francisco, Alameda, Napa, Novato and Santa Rosa; and,
2. The highest total compensation paid to the same or similar classifications in the following agencies in Marin County: Corte Madera, Larkspur, Marin County, Mill Valley, and Novato.

Total Compensation for survey purposes shall be defined as: Top step salary (excluding longevity pay steps), educational incentive pay, holiday pay, uniform allowance, employer paid deferred compensation (except for such portion that may be part of employee cafeteria plan), employer's contribution towards employees' share of retirement, employer's retirement contribution, employer paid contributions toward insurance premiums for health, life, long term disability, dental and vision plans, management allowance, and employer paid cafeteria/flexible spending accounts.

**B. *COMPENSATION SURVEYS***

In September of each year, in order to measure progress towards the above-stated goal, the City shall survey the identified Management benchmark positions (Exhibit "B") to assess the related Mid-Management positions. However, if General Tax Revenues, as defined in Section 2D below, have not increased over the prior fiscal year, then the

City will not complete the compensation survey, unless it is the final year of this Resolution.

Identified benchmark positions from other agencies include positions that are filled as well as those that may be unfilled, so long as the benchmark position is identified by the survey agency as being on the salary schedule and having a job class description. Other city/agency positions are established as benchmark positions in San Rafael's compensation survey based upon similar work and similar job requirements.

Survey data will include all salary and benefit increases, as defined in "total compensation", in place or to be effective no later than September 1 of that same year, for the purpose of applying the excess General Tax Revenues, if any, described herein. The City shall review the benchmark and related survey data for accuracy and completeness. The City shall provide the survey data to all Mid-Managers.

### **C. CONDITIONS FOR REVENUE SHARING**

Mid-Managers shall receive Revenue Sharing Increases, in accordance with the schedule in Section 2E, below, in addition to the base salary increases, if the following conditions are met:

1. If the total compensation goal, as outlined in Section 2A has not been reached, **and**,
2. If growth in General Tax Revenues, as defined in Section 2D below, have resulted in revenues being available for distribution, **and**,
3. The "net change in General Fund Balance", as presented in the previous year's City annual audit, is positive.

If the above three conditions are met, then a Revenue Sharing salary increase shall be paid prospectively, in accordance with the schedule in Section 2E below, and using the calculations identified in Section 2D below.

In no event will total compensation increases available through the revenue sharing provisions of this Resolution cause the benchmark positions to exceed the stated "total compensation" goal. All related classifications shall receive the same increases as those received by their assigned benchmark position.

### **D. REVENUE DEFINITIONS AND REVENUE SHARING CALCULATION**

1. For purposes of this Resolution, "General Tax Revenues" shall be defined to include the following taxes: Sales Tax, Property Tax (Secured, Unsecured and Unitary), Motor Vehicle License Fees, Property Transfer Tax, Hotel Occupancy Tax, Business License Tax and Franchise Fees. No other revenue sources of the City will be included in this definition.
2. The City will complete the calculation of the General Tax Revenues in accordance with the schedule in Section 2E. If General Tax Revenues have not

increased over the prior fiscal year, then the City shall not complete the compensation survey as outlined in Section 1B, unless it is the final year of this Resolution.

3. If total compensation of the top step benchmark positions has not reached the stated goal, then the Mid-Managers shall be entitled to a revenue sharing increase, subject to the conditions set forth in Section 1C. However, if the increase would cause the benchmark position total compensation to exceed the stated goal, then only that percentage needed to reach the goal for the benchmark position will be applied to all related classifications.
  - a. **Fiscal Year 06/07 Revenue Sharing Increase.** If General Tax Revenues of the City for fiscal year 2005-2006 exceed General Tax Revenues of the City for fiscal year 2004-2005 as adjusted by 75% of the total compensation increases provided for fiscal year 2005-2006, then Mid-Managers shall be entitled to apply 8% of one-half (1/2) of the excess of fiscal year 2005-2006 General Tax Revenues over fiscal year 2004-2005 General Tax Revenues adjusted for 75% of the total compensation increases provided to members in fiscal year 2005-2006, for a salary increase.
  - b. **Fiscal Year 07/08 Revenue Sharing Increase.** If General Tax Revenues of the City for fiscal year 2006-2007 exceed General Tax Revenues of the City for fiscal year 2005-2006 as adjusted by 75% of the total compensation increases provided for fiscal year 2006-2007, then Mid-Managers shall be entitled to apply 8% of one-half (1/2) of the excess of fiscal year 2006-2007 General Tax Revenues over fiscal year 2005-2006 General Tax Revenues adjusted for 75% of the total compensation increases provided to members in fiscal year 2006-2007, for a salary increase.
  - c. **Fiscal Year 08/09 Revenue Sharing Increase.** If General Tax Revenues of the City for fiscal year 2007-2008 exceed General Tax Revenues of the City for fiscal year 2006-2007 as adjusted by 75% of the total compensation increases provided for fiscal year 2007-2008, then Mid-Managers shall be entitled to apply 8% of one-half (1/2) of the excess of fiscal year 2007-2008 General Tax Revenues over fiscal year 2006-2007 General Tax Revenues adjusted for 75% of the total compensation increases provided to members in fiscal year 2007-2008, for a salary increase.

#### **E. SCHEDULE**

1. **September 7th- General Tax Revenues.** The City shall make known to the Mid-Managers if General Tax Revenues, as defined in Section 2D have grown from the prior fiscal year on September 7<sup>th</sup> of each year of this Resolution. If no growth in General Tax Revenues has taken place, there shall be no Revenue Sharing for that fiscal year of the contract.

2. **November 1<sup>st</sup> - Net Change in General Fund Balance.** By November 1st of each year, the City shall make known to the Mid-Managers whether there is a positive change in the General Fund Balance, as defined in Section 2C(3). If there is not, then no Revenue Sharing shall take place for that fiscal year
3. **January 1<sup>st</sup> – Base Monthly Pay Increases.** January 1<sup>st</sup> pay period shall be the start date (for paycheck date of January 31<sup>st</sup>) for each Revenue Sharing Salary increase.

#### **F. SALARY INCREASES**

1. **March 1, 2007 Salary Increase.** Effective March 1, 2007 the City shall provide a 3.0% salary increase to the pay range for all Mid-Management classifications covered by this Resolution (Exhibit "C").
2. **July 1, 2007 Salary Increase.** Effective July 1, 2007, the City shall provide a 3.3% salary increase to the pay range for all Mid-Management classifications covered by this Resolution (Exhibit "D").
3. **July 1, 2008 Salary Increase.** Effective July 1, 2008, the City shall provide a 3.6% salary increase to the pay range for all Mid-Management classifications covered by this Resolution (Exhibit "E").

### **3. INSURANCE**

Health & Dental Insurance benefits are prorated for part-time employees in accordance with the percentage of full-time work schedule. Domestic partners who are registered with the Secretary of State are considered dependents under these benefits.

#### **A. HEALTH INSURANCE**

1. **Health Insurance for Active Employees.** The City shall pay the health insurance premiums on behalf of active employees and dependents for all eligible employees through the City's health plan providers.

If an employee has health insurance through a spouse/dependent and provides proof of this insurance to the Human Resources Department, he/she may elect to waive the City's health insurance.

#### **2. Health Insurance for Retirees**

##### **a. Mid-Managers Hired prior to April 1, 2007**

- (i) **For Mid-Managers who retired before December 1, 2001,** the City's contribution to retiree health premiums shall not exceed \$442 per month. In addition, the City will pay Medicare premiums on behalf of the retiree.

(ii) **Mid-Managers who retire on or after December 1, 2001** from the Marin County Employees Retirement System (MCERS) within 120 days of leaving their City of San Rafael Mid-Management position (and who comply with the appropriate retirement provisions under the MCERS laws and regulations) are eligible to receive the same amount of health insurance premium that active employees are receiving upon retirement. Dependent coverage is included. In addition, the City shall pay the Medicare premiums for those retired Mid-Managers already enrolled in or who will be required to enroll in the Medicare program.

**b. Mid-Managers hired on or after April 1, 2007**

Mid-Managers who are hired on or after April 1, 2007, and who retire from the Marin County Employees Retirement System (MCERS) within 120 days of leaving their City of San Rafael position (and comply with the appropriate retirement provisions under the MCERS laws and regulations) are eligible to continue in the City's group health insurance program. The City will pay up to \$600 per month for eligible retirees into a Health Savings Account. Dependent coverage is not paid for by the City

***B. LIFE INSURANCE***

The City shall provide a basic group life insurance plan equal to his/her annual salary at no cost to the employee.

***C. LONG-TERM DISABILITY INSURANCE***

The City shall provide long term disability (LTD) insurance, at no cost to the employee, with a benefit of two-thirds (2/3) of the employee's monthly salary, up to a maximum benefit of \$7500 (reduced by any deductible benefits).

***D. DENTAL INSURANCE***

The City shall pay dental premiums on behalf of the employee and eligible dependents.

The maximum benefit for dental insurance per eligible enrollee is \$1,500/calendar year, except for orthodontic coverage, which has a \$1,000 lifetime benefit and has certain other limitations (See policy booklet for specifics of the dental plan benefit).

***E. EMPLOYEE ASSISTANCE PLAN***

The City provides an Employee Assistance Program (EAP) with confidential personal counseling on work and family related issues such as eldercare, substance abuse, etc. Supervisors may also utilize the EAP to refer employees to counselors for work related assistance.

#### **4. RETIREMENT**

##### **A. EMPLOYER PAID MEMBER CONTRIBUTION (EPMC)**

Each Mid-Manager is responsible for paying the full cost of their employee contribution rate as established by the Marin County Employee Retirement System.

##### **B. COLA**

Mid-Managers participating in the Marin County Employee Retirement Association will pay their full share of members' cost of living rates as allowed under Articles 6 and 6.8 of the 1937 Retirement Act. Miscellaneous and safety member contribution rates include both the basic and COLA portions (currently 50% of the COLA is charged to members as defined in the 1937 Act).

##### **C. RETIREMENT PLAN**

The City shall provide the Marin County Employee Retirement Association 2.7% @55 retirement program to all miscellaneous Mid-Manager subject to Marin County Employee Retirement Association procedures and regulations and applicable 1937 Act laws.

##### **D. SERVICE CREDIT FOR SICK LEAVE**

Mid-Managers who are eligible to accrue sick leave and who retire from the City of San Rafael, on or after 07/01/95 and within 120 days of leaving City employment (excludes deferred retirements), shall receive employment service credit (incorporated from Resolution #9414, dated July 17, 1995), for retirement purposes only, for all hours of accrued, unused sick leave (exclusive of any sick leave hours they are eligible to receive and they elect to receive in compensation for at the time of retirement, pursuant to Section 5 A. of this Resolution).

##### **E. MANAGEMENT ALLOWANCE**

Pursuant to Resolution No. 10657, the City established a Defined Contribution Retirement Plan for Mid-Managers. All rules related to this plan shall be governed by the Plan document as amended. Current contribution is three percent (3%) of base salary. Eligible employees shall have a one-time option of electing an employer contribution (pre-tax) to their PARS account or an after tax payment in the form of a management allowance. The City shall make Plan changes, as required from time to time, in order to have the Defined Contribution Retirement Plan remain in compliance with then existing IRS regulations.

#### **5. LEAVES OF ABSENCE**

##### **A. SICK LEAVE**

Mid-Managers who leave City service in good standing shall receive compensation (cash in) of all accumulated, unused sick leave based upon the rate of three percent (3%) for each year of service up to a maximum of fifty percent (50%) of their sick leave balance.

In the event of the death of an employee, payment for unused sick leave (based upon the previously stated formula) shall be paid to the employee's designated beneficiary.

Mid-Managers may accrue unlimited sick leave for usage purposes. However, a maximum of one thousand, two hundred hours (1200) accrual applies for cash-in purposes.

Mid-Managers may use sick leave prior to completion of probation. In recognition of Mid-Managers' exempt status under FLSA, time off for sick leave purposes shall not be deducted from a Mid-Manager's sick leave accrual, unless the time is 7.5 or more consecutive work hours.

Use of sick leave for work-related injuries or illnesses shall not be required when it is determined by the treating physician that this status is permanent and stationary.

## **B. VACATION LEAVE**

1. **Vacation Accrual** - Vacation is accrued when an employee is on pay status and is credited on a bi-weekly basis. Eligible employees accrue vacation at the following rate for continuous service performed in pay status:

<u>Years of service</u>	<u>Leave Accrual rate/yearly</u>
1-5 years	15 days
6 years	16 days
7 years	17 days
8 years	18 days
9 years	19 days
10 years	20 days
11 years	21 days
12 years	22 days
13 years	23 days
14 years	24 days
15 plus years	25 days

In recognition of Mid-Managers' exempt status under FLSA, time off for vacation leave purposes, shall not be deducted from a Mid-Manager's vacation accrual, unless the time is 7.5 or more consecutive work hours.

### **2. Administration of Vacation Leave**

The City Manager may advance vacation leave to a Mid-Manager; Prior approval is required. Mid-Managers may accrue a maximum of 250 hours of vacation. Vacation leave accrual shall resume once the employee's accumulated vacation leave balance falls below the accrual limit of 250 hours. Mid-Managers who terminate their employment shall be paid in a lump sum for all accrued vacation leave earned prior to the date of termination.

3. **Cash Payment for Accrued Vacation Leave**

- a. **One-time Vacation Cash-in:** In February of 2007, the City will implement the vacation leave accrual limitation policy by paying each Mid-Manager for all vacation leave hours he/she has accrued in excess of 225 hours. Each Mid-Manager's vacation leave balance will be determined as of the close of business December 31, 2006 and the vacation cash-in payment shall be included with the second regular paycheck of February, 2007, unless the value of the cash-in is greater than \$10,000. If the value of the cash-in is greater than \$10,000, the City shall pay the vacation cash-in over a five year period, on the second paycheck in February each year. The value of the payment each year will be calculated as one-fifth of the vacation hours over 225 multiplied by the Mid-Manager's current rate of pay in the year of the payout. Mid-Managers who retire or terminate employment with the City of San Rafael and have a balance remaining for cash-in, will receive the payment for the balance of the cash-in value as part of the employee's final compensation. This cash-in payment shall reduce Mid-Managers below the vacation leave accrual limit defined in 5B(2) while allowing for additional accrual time. This one-time payment will not affect a Mid-Manager's ability to participate in the annual vacation "cash-in" described in 5B(3)(b), below.
- b. **Annual Option for Payment of Accrued Vacation Leave:** A Mid-Manager who has taken at least ten (10) days of vacation in the preceding twelve (12) months, may request that his/her accrued vacation, not to exceed fifty-two and 1/2 (52.5) hours, be paid to him/her in cash. The request may be granted at the discretion of the City Manager. Mid-Managers may not cash-in more than fifty-two and 1/2 (52.5) hours within any twelve (12) month period.

**C. ADMINISTRATIVE LEAVE**

Mid-Managers shall receive seven (7) Administrative Leave days each calendar year subject to the approval of the department head and the City Manager. An additional three (3) days may be granted at the discretion and with approval of the department head and the City Manager. Unused Administrative Leave shall not carry over from one calendar year to the next, nor shall unused Administrative Leave balances be paid to a Mid-Manager upon his/her resignation.

In recognition of exempt status under FLSA time off for Administrative leave purposes shall not be deducted from a Mid-Manager's administrative leave accrual, unless the time is 7.5 or more consecutive work hours.

**D. HOLIDAYS**

City shall provide eleven designated holidays and two floating holidays per calendar year to Mid-Managers. The hours for the floating holidays are automatically added to an employees' vacation accrual on a semi-annual basis.

**E. *BEREAVEMENT LEAVE***

In the event of the death of a Mid-Manager's spouse, child, parent, brother, sister, in-law(s), relative who lives or has lived in the home of the employee, and/or another individual who has a legal familial relationship to the employee and resided in the employee's household, the City shall provide bereavement leave up to a maximum of three (3) days within the state and five (5) days out-of-state.

**F. *CATASTROPHIC LEAVE***

All Mid-Managers shall abide by the City's Catastrophic Leave Policy #140.19.

**6. EMPLOYMENT TERMS**

**A. *WORK DAY***

Unless otherwise designated, the normal business hours for vacation, sick and administrative leave deduction and sick and administrative leave accrual purposes for Mid-Managers shall be 7.5 hours per day.

**B. *DRUG FREE WORK PLACE***

Mid-Management employees endorse the concept of a drug free work place as stated in Administrative Procedure No. 3 adopted by the City Manager on April 23, 1991 and the Drug and Alcohol Policy attached as Exhibit "F".

**C. *FURLOUGH PLAN***

Mid-Managers endorse the Furlough Program described in Exhibit "G" attached to this Resolution.

**D. *PAY FOR PERFORMANCE EVALUATION SYSTEM***

Mid-Managers shall be evaluated annually based upon the evaluation program adopted by the City Council in October of 1996 and incorporated by reference herein.

**E. *OUTSIDE EMPLOYMENT***

All Mid-Managers shall abide by the City's Outside Employment Policy #140.17.

**F. *CITY VEHICLE***

Under limited circumstances, a city vehicle may be provided to a Mid-manager if it is determined to be needed to complete his/her job duties and upon approval of the City Manager.

I, JEANNE M. LEONCINI, Clerk of the City of San Rafael, hereby certify that the foregoing resolution was duly and regularly introduced and adopted at a regular meeting of the Council of said City the 20th day of February, 2007 by the following vote, to wit:

**AYES: COUNCILMEMBERS: Cohen, Miller and Mayor Boro**

**NOES: COUNCILMEMBERS: None**

**ABSENT: COUNCILMEMBERS: Heller and Phillips**

---

**JEANNE M. LEONCINI, CITY CLERK**