RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAUSALITO AMENDING RESOLUTION NO. 4639 AND ESTABLISHING COMPENSATION AND EMPLOYEE BENEFITS FOR MEMBERS OF THE UNREPRESENTED EMPLOYEE GROUPS (MANAGEMENT AND CONFIDENTIAL EMPLOYEES) FOR JULY 1, 2005 THROUGH JUNE 30, 2007

WHEREAS, on April 8, 2003, the City Council of the City of Sausalito adopted Resolution No. 4639 establishing compensation and employee benefits for members of the Unrepresented Employee Group (Management and Confidential) for Fiscal Year 2002-2003 and amended that resolution on July 15, 2003 to include Fiscal Year 2003-2004; further amended that resolution by adoption of Resolution No. 4746 on December 14, 2004 to establish compensation and employee benefits for these employees for Fiscal Year 2004-2005; and further amended that resolution by adoption of Resolution 4813 to establish compensation and employee benefits for these employees for Fiscal Years 2005-2006 and 2006-2007; and

WHEREAS, the City Council of the City of Sausalito adopted Resolution No. 4639 and its amendments in order to establish a comprehensive document that defines the compensation and employee benefits for members of the Unrepresented Employee Group, which includes employees in the Management and Confidential groups; and

WHEREAS, Resolution No. 4639 specified that the establishment of compensation and benefits in future years will be done through amendment of that resolution; and

WHEREAS, on April 18, 2006, the City Council of the City of Sausalito approved a contract with CPS Human Resource Services to perform a total compensation study for the City's senior management classes, and consistent with the City's stated goal of bringing compensation for all employees up to market median the City Council seeks to make salary adjustments consistent with the independent analysis performed by CPS Human Resource Services.

THEREFORE, BE IT RESOLVED that the City Council of the City of Sausalito adopts this resolution to amend Resolution No. 4639 in order to establish the compensation and employee benefits for all personnel in the Unrepresented Employee Group for Fiscal Year 2005-2006 and 2006-2007 as follows:

Section 1. UNREPRESENTED EMPLOYEE GROUP MEMBERSHIP

The Unrepresented Employee Group is recognized as the employee group comprised of members of both the Management and Confidential employee units. Newly hired employees in either of

these employee units shall be notified of membership in the Unrepresented Employee Group at the time of hire.

The job positions included in the Management and Confidential units and the salaries established for each position therein shall be included in the Salary Schedule that is approved as part of the City of Sausalito budget for each fiscal year.

1.1 At-Will and For-Cause Employees

With the adoption of Ordinance No. 1156 on July 24, 2001, the City Council of the City of Sausalito removed certain specified Management unit positions from coverage in the City's Civil Service System, thereby classifying such positions as "At-Will". The At-Will positions listed in Ordinance No. 1156 are:

Assistant to the City Manager
City Engineer
City Librarian
Chief of Police
Community Development Director
Finance Director
Public Works Director
Recreation Director

At the time of adoption of Ordinance No. 1156, certain other positions in the Management unit were not classified as "At-Will", so the following positions remain classified as "For-Cause" employees:

Administrative Services Manager/Deputy City Clerk
Parking and Transportation Manager
Police Captain
Technology Manager

Since adoption of Ordinance No. 1156, there have been several changes with regard to titles in the Unrepresented employee group:

1): The Deputy City Clerk position has been eliminated as a singular job position; the duties of the Deputy City Clerk have been incorporated into the new Administrative Services Manager job position.
2) The Parking and Transportation Manager position has been reassigned from the Management unit to the Confidential employee unit.
3) The Fire Chief position is now filled by the Chief of the Southern Marin Fire District as part of a functional consolidation agreement; compensation and benefits for the Fire Chief are not included in this City of Sausalito resolution.
4) The Assistant to the City Manager has been reassigned from the Confidential unit to the Management employee unit.
5) The Finance Assistant position has been eliminated.
6) The Accounting Technician position has been created and assigned to the Confidential unit.

7) The Finance Systems Technician position has been re-titled as Accounting Systems Technician.
8) The Police Department has re-established the Administrative Aide I position for one of its two administrative support positions and assigned that position to the Confidential employee group.

Ordinance No. 1156 further provides that the City Manager, consistent with his/her authority under Sections 2.08.090, -100 and –110 of the Sausalito Municipal Code, may offer and enter into contracts with each new person appointed to the positions classified as At-Will in order to implement the provisions of that ordinance.

Non-probationary and fully vested personnel holding the positions identified in Ordinance No. 1156 as At-Will at the time the ordinance was adopted are not subject to its provisions, and therefore remain part of the City's Civil Service System, unless such personnel voluntarily waive their rights by the execution of a contract with the City Manager.

Members of the Confidential unit shall continue to be classified as "For-Cause" employees. Specific positions in the Confidential employee group vary according to staffing needs, and the current positions will be listed in the Salary Schedule that is adopted with each fiscal year budget. At the time of adoption of this resolution, the Confidential positions include:

Accounting Systems Technician
Accounting Technician
Administrative Aide I / Police Department
Administrative Aide II / Police Department
Parking and Transportation Manager

1.2 Regular Employee - Definition

A regular employee, either probationary or permanent, is defined as an employee in an authorized position who is required to be brought into membership in the State Public Employees Retirement System (PERS). Probationary or regular full-time employees shall be compensated at the monthly rates described in the annual Salary Schedule, and such employees are entitled to all employee benefits in accordance with the provisions of this resolution.

"Authorized position" means a position listed in the annual Salary Schedule that has received funding in the City's annual budget. The creation of new positions shall require review and approval by the City Council before appointment to such positions can be made.

Section 2. NO DISCRIMINATION

There shall be no discrimination by the City of Sausalito or anyone employed by the City because of race, creed, color, national origin, sex, sexual preference, or political affiliation against any employee or applicant for employment; and to the extent prohibited by applicable State and federal law, there shall be no discrimination because of age, handicap or medical condition.

Section 3. PROBATIONARY PERIOD

Original and promotional appointments to regular authorized positions that are classified as For-Cause employees shall be tentative and subject to a probationary period.

3.1 Length of Probationary Period

The probationary period for "For-Cause" employees shall be twelve (12) months for original appointments. The probationary period for promotional appointments shall be six (6) months. An employee who successfully completes a probationary period shall achieve permanent status in his/her class and shall be known as a permanent employee.

3.2 Objectives of Probationary Period

The probationary period shall be regarded as a part of the selection process and shall be used to closely observe and evaluate the employee's work, to secure the most effective adjustment of a new employee to his or her position, and to eliminate any probationary employee whose performance does not meet the required standards of work.

3.3 Dismissal of a Probationary Employee

During the probationary period, an employee may be rejected from employment at any time by the City Manager without cause and without the right of appeal.

A probationary employee in a position to which he/she has been promoted may be reinstated at any time to the position from which the promotion elevated him/her or to a comparable position.

Section 4. DISCIPLINARY ACTION

4.1 Disciplinary Action of For-Cause Employees

The City Manager may take disciplinary action of suspension, dismissal, or demotion against a For-Cause employee for good cause in accordance with the reasons established in the Personnel Rules. Those affected employees may appeal that decision in accordance with the procedures established by Resolution No. 4386, Resolution of the City Council of the City of Sausalito Amending the Personnel Rules Implementing Civil Service Ordinance No. 643 and by Ordinance No. 1121, An Ordinance of the City Council of the City of Sausalito Amending Section VI, "Right of Appeal" of Ordinance No. 643 Establishing a Civil Service System.

Section 5. SALARIES

5.1 Pay Periods

Salaries are paid on a bi-weekly basis. Each pay period shall begin at 12:01 a.m. Sunday and continue up to and including 12:00 midnight Saturday two weeks following. Each payment shall

be made not later than the Friday following the ending of each payroll period and shall include payment for all earnings during that payroll period. There are twenty-six (26) pay periods per year.

For purposes of calculating pay and benefits, the end of the year shall be defined as the last day of the last full pay period of the calendar year.

5.2 Salary Schedules

a. Salaries Effective July 1, 2005

Effective July 1, 2005, there shall be a two percent (2%) across the board wage increase for all positions in the Management and Confidential employee units.

Effective July 1, 2005 through December 31, 2005, Unrepresented Group employee monthly salaries shall be as listed below:

Confidential Unit Employees

	Monthly Salary				
Job Title	**Step A**	**Step B**	**Step C**	**Step D**	**Step E**
Accounting Systems Technician	3,409	3,580	3,759	3,947	4,144
Accounting Technician	3,744	3,931	4,128	4,334	4,551
Administrative Aide I /Police	3,486	3,660	3,843	4,035	4,237
Administrative Aide II/Police	3,924	4,120	4,326	4,542	4,769
Parking & Transportation Manager	4,631	4,863	5,106	5,361	5,629

Management Unit Employees

Job Title	**Monthly Salary**
City Manager/City Clerk	11,911
Chief of Police	11,664
Community Development Director	9,772
City Engineer	9,605
Police Captain	9,490
Finance Director	8,672
Public Works Director	7,917
Parks and Recreation Director	7,842
Library Director	7,698
Administrative Services Manager	6,435
Technology Manager	6,304

Assistant to the City Manager	5,628

b. Salaries Effective January 1, 2006

Effective January 1, 2006, there shall be a one percent (1%) across the board wage increase for all positions in the job classifications in the Unrepresented Employee group.

Effective January 1, 2006, employee monthly salaries shall therefore be as listed below:

Confidential Unit Employees

	Monthly Salary				
Job Title	**Step A**	**Step B**	**Step C**	**Step D**	**Step E**
Accounting Systems Technician	3,443	3,615	3,796	3,986	4,185
Accounting Technician	3,781	3,970	4,169	4,377	4,596
Administrative Aide I /Police	3,521	3,697	3,882	4,076	4,280
Administrative Aide II/Police	3,963	4,161	4,369	4,588	4,817
Parking & Transportation Manager	4,677	4,911	5,157	5,415	5,686

Management Unit Employees

Job Title	**Monthly Salary**
City Manager/City Clerk	12,030
Chief of Police	11,781
Community Development Director	9,870
City Engineer	9,701
Police Captain	9,585
Finance Director	8,759
Public Works Director	7,996
Parks and Recreation Director	7,920
Library Director	7,775
Administrative Services Manager	6,499
Technology Manager	6,367
Assistant to the City Manager	5,684

c. Salaries Effective July 1, 2006

Effective July 1, 2006, there shall be a two percent (2%) across the board wage increase for all positions in the job classifications in the Confidential Unit Unrepresented Employee group.

Effective July 1, 2006, there shall be an adjustment to the Management Unit Unrepresented Employee group salaries. These changes are variable and are based on the recommendations of the CPS Human Resource Services Total Management Study of Senior Management Classes. Effective the first full pay period after adoption of this resolution, the Management Unit salary adjustments shall be paid as part of the normal pay. The salary adjustments for the period July 1, 2006 up to the first day of the first full pay period following adoption of this resolution ("retroactive pay") shall be paid on the date of the first payroll following adoption of this resolution.

Effective July 1, 2006, employee monthly salaries shall therefore be as listed below:

Confidential Unit Employees

	Monthly Salary				
Job Title	**Step A**	**Step B**	**Step C**	**Step D**	**Step E**
Accounting Systems Technician	3,512	3,688	3,872	4,066	4,269
Accounting Technician	3,857	4,050	4,253	4,466	4,689
Administrative Aide I /Police	3,591	3,771	3,960	4,158	4,366
Administrative Aide II/Police	4,042	4,244	4,456	4,679	4,913
Parking & Transportation Manager	4,771	5,010	5,261	5,524	5,800

Management Unit Employees

Job Title	**Monthly Salary**
City Manager/City Clerk	13,490
Chief of Police	12,017
Community Development Director	11,151
City Engineer	10,617
Police Captain	10,856
Finance Director	9,662
Public Works Director	9,510
Parks and Recreation Director	8,078
Library Director	8,735

Administrative Services Manager	6,957
Technology Manager	6,955
Assistant to the City Manager	6,327

d. Salaries Effective January 1, 2007

Effective January 1, 2007, there shall be a one percent (1%) across the board wage increase for all positions in the job classifications in the Unrepresented Employee group.

Effective January 1, 2007, employee monthly salaries shall therefore be as listed below:

Confidential Unit Employees

	Monthly Salary				
Job Title	**Step A**	**Step B**	**Step C**	**Step D**	**Step E**
Accounting Systems Technician	3,547	3,724	3,910	4,106	4,311
Accounting Technician	3,896	4,091	4,296	4,511	4,737
Administrative Aide I /Police	3,627	3,808	3,998	4,198	4,408
Administrative Aide II/Police	4,082	4,286	4,500	4,725	4,961
Parking & Transportation Manager	4,819	5,060	5,313	5,579	5,858

Management Unit Employees

Job Title	**Monthly Salary**
City Manager/City Clerk	13,625
Chief of Police	12,137
Community Development Director	11,262
City Engineer	10,724
Police Captain	10,965
Finance Director	9,758
Public Works Director	9,606
Parks and Recreation Director	8,159
Library Director	8,823
Administrative Services Manager	7,027
Technology Manager	7,025
Assistant to the City Manager	6,390

On July 1, 2003, the effective date of the 2.5% at 55 retirement contract with the California Public Employees' Retirement System (PERS) for the employees covered by the PERS Miscellaneous employee contract, the City started listing the salaries of Unrepresented group members who are in the PERS Miscellaneous category to include the eight percent (8%) in-lieu of payment of the employee's portion of the PERS contribution as provided under a plan which qualifies under Internal Revenue Code Section 414(h)(2).

The sworn safety members in the Management group are included in the PERS Police group retirement plan. The contract for sworn police personnel provides for the 3% @ 55 pension formula, which went into effect on November 1, 2001. Effective July 1, 2003, the City started listing the salaries of the sworn Safety members of the Management group to include the nine percent (9%) in-lieu of payment of the employee's portion of the PERS contribution as provided under the 414(h)(2) provision of the Internal Revenue Code.

5.3 Y Rate

Any employee occupying a position that is reallocated to a class, the maximum salary for which is less than the incumbent's present salary, or occupying a position in a class, the salary rate or range for which is reduced, shall continue to receive his or her present salary. Such salary shall be designated as a "Y rate".

5.4 Salary Adjustments

Adjustments, if any, in Management Unit employees' salaries shall be based on performance. In the event that a Management Unit employee's performance meets or exceeds expectations additional compensation may be considered. In the event that a Management Unit employee's performance does not meet expectations no additional compensation will be awarded.

Section 6. HOURS OF WORK

6.1 Normal Schedule

For members of the Confidential unit, the normal schedule for employees occupying full-time positions shall consist of eighty (80) hours to be worked within a fourteen (14) day work period. These employees shall receive a minimum of one-half hour up to a maximum of one hour for a lunch break during the workday; the length of the lunch break will be agreed upon by each employee's supervisor.

While the work schedule for members of the Management unit may generally follow the 80-hour pattern, these employees are expected to be available for additional hours as required to meet the demands of their positions.

6.2 Work Hours

The normal workday may be adjusted on an individual employee basis to allow consideration of commute, child care or other personal matters, with the prior approval of the department head or

City Manager. Flexible work hours will be accommodated if the needs of the affected departments can be met with the inclusion of the flexible schedule. The following work schedules will be considered:

1) "5-40" schedule: five 8-hour work days within each 40-hour work week
2) "4-10" schedule: four 10-hour work days within each 40-hour work week
3) "9-80" schedule: eight 9-hour work days + one 8-hour work day within an 80-hour work period with one day off during that same period

At any time that a flexible work schedule is approved by the department head or the City Manager, it will be given an agreed-upon trial period in which the effect of the schedule on the respective department will be evaluated. If the schedule negatively affects the staffing needs of the department, the approval for the flexible schedule will be rescinded.

Section 7. OVERTIME

7.1 Management Unit Members are Exempt Employees

Members of the Management unit are designated as "exempt employees" and are not covered by the overtime provisions of the Fair Labor Standards Act (FLSA).

7.2 Confidential Unit Members are Non-Exempt Employees

All employees in the Confidential unit are covered by the overtime provisions of the FLSA and are designated as "FLSA non-exempt employees". Unless otherwise stated by the FLSA, all non-exempt employees who are required to work in excess of their regular work week shall be paid overtime compensation at the rate of one and one-half times the straight time rate or shall be given compensatory time off in lieu of payment at the rate of one and one-half hours off with pay for each overtime hour worked.

(a) Pre-Authorization Required for Overtime Hours
No employee may work overtime without the express prior approval of his or her department head or supervisor.

(b) Manner of Compensation for Overtime Hours
The method of compensation by overtime pay or compensation time off shall be agreed upon by the employee and the supervisor at the time of obtaining approval to work overtime.

An employee is entitled to be paid for any accumulated compensatory time on the books upon resignation or termination.

7.3 Special Overtime for Police Captains

Per Resolution No. 3090, Police Captains are eligible for special overtime pay for hours worked when assigned as a uniformed shift supervisor at times outside their normal work week. Special overtime pay shall not be paid for the performance of any duties and activities of the Police Captain job classifications. Special overtime assignments shall be made only upon the specific

authorization of the Chief of Police and shall be made only when a Police Sergeant is not available for the supervisory function and/or when it is undesirable to assign a Police Sergeant due to the number of hours recently worked. Special overtime compensation for Police Captains shall be paid at the rate of 1.5 times straight time hourly pay rate for a Police Sergeant at Step E+5%.

7.4 Call Back Pay

All FLSA non-exempt employees who are called in to work outside of their regular work hours and work days shall be paid at one and one-half times the hourly rate of pay. A minimum of three (3) hours of call back pay at the one and one-half hourly rate shall be paid for recall. Compensation shall begin at the time the initial contact is made while off duty and end when the employee has returned home. The City has the right to establish reasonable travel time for call back pay purposes between the employee's home and the work place.

Section 8. OTHER COMPENSATION

8.1 Automobile Allowance

In addition to the regular salaries provided in the salary resolution, employees in the Management unit may be paid a car allowance in the amount of $250.00 per month or an amount designated by their employment contract, or the employee may be assigned use of a City vehicle.

8.2 Employee Development Program

A fund of $2,000 will be granted to each member of the Management and Confidential units each fiscal year for an Employee Development Program. To a maximum amount of $2,000 per year per employee, the City will reimburse an employee for costs of tuition, fees and books incurred by attending educational programs/classes that are directly related to the present or known future needs of the City.

The employee must do the following in order to be reimbursed for such costs:

1) Submit to the Department Head or City Manager a written request for reimbursement at least ten (10) working days prior to beginning the program;
2) Upon completion of the program/class, submit documentation that he/she has received a grade of "B" or better, or a "Pass" in a Pass/Fail program. For programs where a passing grade is not provided, the employee will be required to submit a certification of completion.

8.3 Uniform Allowance

An annual uniform allowance shall be granted as follows:

1) The Police Chief and Police Captains shall receive a uniform allowance in accordance with the provisions for uniform allowance for sworn personnel contained in the Police Association Memorandum of Understanding.

2) The Administrative Aide I and II positions in the Police Department shall receive a uniform allowance in accordance with the provisions for uniform allowance for non-sworn personnel contained in the Police Association Memorandum of Understanding.

Upon hiring the employees shall receive the initial allowance as specified above, plus a pro-rated annual amount. All employees specified above who terminate their employment with the City prior to completing the twelve (12) month period in which the uniform allowance is advanced shall return any unearned annual allowance to the City by payroll deduction.

8.3 Footwear Benefit

Employees in the classifications of City Engineer and Public Works Director and any other position deemed necessary by the City Manager shall receive a protective footwear benefit. The protective footwear shall at the least meet the standard of the American National Safety Institute for approved steel-toed safety footwear. Worn footwear will be replaced at not cost to the employee through a retailer of the City's choice, either at the direction of the City or at the request of the employee.

Section 9. HOLIDAYS and OTHER LEAVE TIME

9.1 Floating Holidays

Floating Holiday hours are available to members of the Confidential unit but are not available to members of the Management unit. The Floating Holiday hours shall be taken as mutually agreed upon by the employee and the employee's supervisor and shall be taken within the calendar year in which they are earned. Time limits on the number of Floating Holiday hours are specified according to work schedule, as explained in the following sections.

9.2 "5-40" Schedules

Regular and probationary full-time employees assigned to a "5-40" work schedule are entitled to take the following ten (10) authorized holidays off work at full pay, not to exceed the normal work schedule for any one day, plus sixteen (16) hours of Floating Holiday time:

January 1	New Year's Day
Third Monday in January	Martin Luther King Jr. Birthday
Third Monday in February	President's Day
Last Monday in May	Memorial Day
July 4	Independence Day
First Monday in September	Labor Day
Fourth Thursday in November	Thanksgiving Day
Friday after 4th Thursday in November	Day after Thanksgiving Day
December 24	Christmas Eve
December 25	Christmas Day

Floating Holidays: 16 hours (Confidential unit only)

9.2 "4-10" Schedules

Regular and probationary full-time employees assigned to a "4-10" work schedule are entitled to take the following nine (9) authorized ten-hour holidays off work at full pay plus six (6) hours of Floating Holiday time.

January 1	New Year's Day
Third Monday in February	President's Day
Last Monday in May	Memorial Day
July 4	Independence Day
First Monday in September	Labor Day
Fourth Thursday in November	Thanksgiving Day
Friday after 4th Thursday in November	Day after Thanksgiving Day
December 24	Christmas Eve
December 25	Christmas Day

Floating Holiday Time: 6 hours (Confidential unit only)

9.3 "9-80" Schedules

Employees assigned to work a "9-80" schedule are entitled to the following 9 authorized 9-hour holidays plus 15 hours of Floating Holiday time. When a holiday falls on an 8-hour workday, the last 9-hour workday before the holiday shall be an 8-hour work day.

January 1	New Year's Day
Third Monday in February	President's Day
Last Monday in May	Memorial Day
July 4	Independence Day
First Monday in September	Labor Day
Fourth Thursday in November	Thanksgiving Day
Friday after 4th Thursday in November	Day after Thanksgiving Day
December 24	Christmas Eve
December 25	Christmas Day

Floating Holiday Time: 15 hours (Confidential unit only)

9.4 Administrative Leave

Management unit employees are granted eighty (80) hours of Administrative Leave per calendar year, except for the Parks and Recreation Director, who is granted one hundred twenty (120)

hours of Administrative Leave. Unused Administrative Leave may not be carried over into a new calendar year.

9.5 Holiday In-Lieu Leave

Those Management unit employees required to work on any fixed holiday or on a non-scheduled workday shall receive Holiday In-Lieu leave time. The employee may take in-lieu leave on a regular workday within two (2) weeks of that holiday, on a day mutually agreed upon by the employee and the City Manager or supervisor.

9.6 Work on a Holiday

FLSA non-exempt members of the Confidential unit who work on a scheduled holiday shall be paid at one and one-half times their normal base rate for all hours worked or shall be granted the equivalent amount of compensatory time off. In either event, the holiday pay shall be in addition to the employee's regular salary.

Section 10. VACATION

10.1 Rate of Accrual of Vacation Leave

All probationary and permanent regular employees shall earn vacation at the following rates depending on years of service.

Employee Group	Years Employed by City of Sausalito	Working Hours Earned per Biweekly Pay Period	Working Hours Earned per Year
Management	Prior to completing 10 years	5.23	136
	After completing 10 years	6.15	160
	After completing 15 years	6.46	168
	After completing 20 years	7.39	192
Confidential	Prior to completing 5 years	4.62	120
	After completing 5 years	5.23	136
	After completing 10 years	6.15	160
	After completing 20 years	6.77	176

10.2 Probationary Vacation Accrual

All probationary employees shall start earning vacation leave on the first day of the first full pay period following their appointment to a permanently authorized position. On the first day of the seventh calendar month following their appointment to a permanently authorized position, vacation shall be available to all probationary and permanent employees. Vacation shall be earned monthly and recorded in the books by the number of hours earned.

10.3 Use of Vacation Leave

All vacations must be approved in advance by the Department Head or City Manager. Vacations must be taken at times that are mutually agreed upon by employees and supervisors.

It is the policy of the City that employees take their normal vacation each year; however, for reasons deemed sufficient by the City Manager or department head, an employee may take less than the normal vacation one year with a correspondingly longer vacation the following year.

In the event that an employee is not able to take all of the vacation to which he/she is entitled in a calendar year, the employee shall be permitted to accumulate the unused portion to his/her credit, provided that on December 31st of any calendar year, he/she shall not have a total credit of more than 240 hours of vacation time accrued. Any vacation time in excess of the maximum shall be paid to the employee on the last payroll in December.

The City Manager may require that all Management employees shall schedule and use their accrued vacation leave time.

Holidays specified in Section 9 of this resolution which fall during the employee's vacation shall not be charged as a day of vacation.

Upon termination of the employee's service with the City, the employee shall be paid in a lump sum for all accrued vacation that has been earned in accordance with this section.

Section 11. SICK LEAVE

11.1 Sick Leave Accrual

All probationary and permanent full-time employees shall accrue sick leave at the rate of eight (8) hours per month.

All probationary employees shall start accruing sick leave on the first day of the first full pay period following their appointment to a permanently authorized position. On the first day of the second calendar month following their appointment, all probationary and permanent employees shall be entitled to receive sick leave with pay. Sick leave accrual is unlimited.

Upon retirement under the provisions of PERS, an employee can:

1) convert unused accumulated sick leave to additional service credit; ***or***
2) be paid in cash for a maximum of four hundred and eighty (480) hours sick leave for Confidential employees and six hundred (600) hours for Management employees and convert the remaining unused balance (excluding the number of days paid in cash) to additional service credit as specified above.

11.2 Use of Sick Leave

Sick leave may be taken for the following purposes:

1) An employee's illness or injury. Leaves of more than five (5) working days require a doctor's certificate indicating absence from work was necessary.

2) An employee's dental, eye or other physical or medical examination or treatment by a licensed practitioner.

3) Providing necessary care for an ill or injured member of the immediate family. Absences of more than three (3) working days for this reason may, at the requirement of the Department Head or City Manager, require a doctor's statement, indicating that the employee was required at home.

11.3 Workers' Compensation Benefits

If a probationary or permanent employee is injured on the job, he/she may be eligible for Workers' Compensation benefits. If the employee is unable to return to work after three (3) days, the City is reimbursed a percentage of the employee's salary. Should the employee be required to take sick leave due to this work-related injury, the dollar amount of the reimbursement will be divided by the employee's hourly wage rate to determine the number of hours, computed to the nearest one-quarter hour, of sick leave to be reimbursed to the employee's sick leave account.

Workers' compensation for sworn police personnel shall be as governed by the California Labor Code.

Section 12. MISCELLANEOUS LEAVES

12.1 Leave of Absence with Full Pay

An employee shall be granted leave of absence with full pay for: 1) jury service; 2) appearance legally required of them as a witness on behalf of the City; or 3) attendance in court resulting from their official duties. In the event an employee receives extra compensation in the form of an appearance allowance or a salary or wage allowance for such duty, any such allowance shall be endorsed over to the City. Reimbursements to the employee from outside sources for travel and meal expenses incurred while on such duty shall be kept by the employee.

12.2 Leave of Absence without Pay

Upon written request of a regular employee, the City Manager may approve in writing a leave of absence without pay for a period not to exceed six (6) months.

12.3 Family Leave

Eligible employees are entitled to take up to twelve (12) weeks of unpaid Family Medical Leave during any 12-month period in accordance with the provisions of the Family and Medical Leave Act of 1993 (federal) and the California Family Rights Act of 1991.

12.4 Bereavement Leave

In the case of death within the immediate family of an employee, the employee shall be entitled to remain absent from duty with pay in order to attend the funeral or memorial service for a period not to exceed the following:

Death of a spouse or child	5 days
Death of a parent or sibling	3 days
Death of grandparent, aunt, uncle, niece, nephew	1 day

For purposes of this section, registered domestic partners shall be equivalent to a spouse, and step and foster parent/child relationships which have been equivalent to natural relationships will be treated the same as parents/children. Additional days may be approved by the Department Head or City Manager if warranted by special circumstances.

Leave of absence with pay because of death in an employee's immediate family is allowed solely for the purpose of arranging and/or attending funeral and memorial services and for attending to legal issues relating to the death. Such leave shall not be charged against vacation or sick leave to which an employee may be entitled, but shall be in addition thereto.

12.5 Catastrophic Leave

Effective April 1, 2003, the City established a Catastrophic Leave Bank to allow employees to transfer earned compensatory time or vacation leave to another employee. Such transfer of time shall be limited to situations where the recipient of the transfer is, by reason of illness or injury, threatened with the loss of earnings due to his/her exhaustion of employment benefits. Such time transfer request must be in writing, and subject to the approval of the City Manager or designee. Such approval shall not be unreasonably denied. Such transfer shall be credited to the recipient at the donor's rate of pay. The use or receipt of time so transferred shall not preclude possible medical separation of the recipient employee. The City reserves the right to require medical verification by a qualified medical practitioner of the recipient employee's medical condition. While on catastrophic leave, the employee shall continue to accrue benefits.

12.6 Military Leave

Employees will be granted a leave of absence without pay with appropriate seniority, pay, status and vacation as required by law for the purpose of fulfilling any required military obligation.

Section 13. NON-PAID STATUS

When a permanent employee is on non-workers' compensation disability leave (non-paid status from the City of Sausalito having used up all vacation, sick leave, compensatory time and catastrophic leave) no benefits will accrue, including vacation time, sick leave time and PERS service credit. However, an employee on non-workers' compensation disability leave may

exchange his/her disability check dollar for dollar for a sick leave check to insure continuation of benefits.

The dollar amount of the endorsed disability check shall be divided by the employee's hourly equivalent wage rate to determine the number of hours of sick leave to be reimbursed to the employee computed to the nearest one-quarter (1/4) of an hour or portion thereof.

Section 14. HEALTH BENEFITS

14.1 Cafeteria Plan of Benefits

The City shall maintain a Cafeteria Plan of Benefits account for each employee and credit amounts to it each bi-weekly pay period as follows.

Effective the first full pay period in July 2005 through the last pay period in December 2005, the City shall credit the benefits account of each employee, based upon his/her eligible and elected coverage in the amounts as listed below:

Confidential Employee Unit

	Per Bi-weekly Pay Period	Health in Lieu Per Pay Period
• For each single employee	$203.08	$203.08
• For each employee with one dependent	$366.78	$203.08
• For each employee with more than one dependent	$465.00	$203.08

Management Employee Unit

	Per Bi-weekly Pay Period	Health in Lieu Per Pay Period
• For each single employee	$219.70	$219.70
• For each employee with one dependent	$404.34	$219.70
• For each employee with more than one dependent	$505.88	$219.70

Effective the first full pay period in January 2006, the City shall increase each category of the Cafeteria Plan listed above by the entire sum of the premium rate increase for the calendar year 2006 for the CalPERS Kaiser Medical Plan and will credit the benefits account of each employee, based upon his/her eligible and elected coverage, in the amounts as listed below:

Confidential Employee Unit

	Per Bi-weekly Pay Period	Health in Lieu Per Pay Period
• For each single employee	$219.09	$219.09
• For each employee with one dependent	$398.80	$219.09
• For each employee with more than one dependent	$506.63	$219.09

Management Employee Unit

	Per Bi-weekly Pay Period	Health in Lieu Per Pay Period
• For each single employee	$235.71	$235.71
• For each employee with one dependent	$436.37	$235.71

- For each employee with more than one dependent $547.51 $235.71

Effective the first full pay period in January 2007, the City shall increase each category of the Cafeteria Plan listed above by the entire sum of the premium rate increase for the calendar year 2007 for the CalPERS Kaiser Medical Plan and will credit the benefits account of each employee, based upon his/her eligible and elected coverage.

The Cafeteria Plan shall include the following benefits options (and includes the PERS Minimum Employer Contribution for health care):

1. Health care insurance (employee must select this option unless evidence of comparable coverage from another source is provided)
2. Dental insurance
3. Vision care
4. Life insurance and Accidental Death and Dismemberment insurance
5. Long-term disability insurance
6. Dependent care (child care, etc.) assistance reimbursement of costs: Dependent care expenses must quality in accordance with the regulations set forth in Internal Revenue Code Section 129. The amount designated for dependent care assistance by an individual employee may not exceed $5,000, the limit established by the IRS during each taxable year. ($2,500 in the case of a separate return by a married individual).

An employee may select more benefits than covered by the amount credited to his/her account by the City. The additional cost for such benefits shall be deducted from the employee's check in pre-tax dollars.

Any unused Cafeteria Plan benefit will be cashed out to the employee through payroll and reported as additional compensation for income tax purposes.

Probationary employees shall be placed on the rolls of the various insurance plans as soon as possible pursuant to insurance company policies.

Employees shall be eligible to receive flu shots and poison oak shots, and the City shall pay the cost of such shots. The City shall choose the medical clinic at which such shots will be administered.

14.2 Medical Insurance Waiver

Eligible employees who are able to secure health insurance coverage through their spouse or other source with benefits comparable to those provided through City sponsored plans may waive coverage under the City sponsored plans and may, in lieu of receiving medical insurance, elect to receive a biweekly payment equal to the Cafeteria Plan of Benefits single employee credit amount shown in Section 14.1. The employee will sign a waiver form provided by the Personnel Division. Being covered at a later time by one of the City sponsored plans will be subject to the requirements of the health insurance provider chosen by the employee.

Employees selecting a medical waiver shall also continue to have the option of selecting benefits other than medical insurance under the Cafeteria Plan as outlined above in Section 14.1.

Employees who provide the City with written evidence of medical coverage through a spouse or other source comparable to the City's coverage who elect to not be covered by the City's plan may, in lieu of receiving medical insurance, elect to receive a biweekly health in lieu payment of the Cafeteria Plan contribution in effect at that given time for single employee only, as specified in Section 14.1.

Section 15. RETIREMENT BENEFITS

The City of Sausalito shall continue to participate in the Local Miscellaneous Employees Plan and the Local Safety Employees Plan of the California Public Employees' Retirement System (PERS). All Management and Confidential unit employees shall participate in one of these plans.

15.1 Non-Safety Members PERS Plan

The City offers non-safety employees in these units the PERS 2.5% at 55 retirement plan with single highest year and survivor continuance plan. Upon the effective date of the 2.5% at 55 retirement plan on July 1, 2003), the City increased salaries of Unrepresented Group members by eight percent (8%) in-lieu of payment of the employee's portion of the PERS contribution as provided under a plan that qualifies under Internal Revenue Code Section 414(h)(2). The employee shall pay the eight percent (8%) employee's required contribution towards the PERS retirement.

15.2 Safety Members PERS Plan

The contract in effect between the City of Sausalito and PERS for Police personnel provides for a 3% at 55 pension formula, which was effective November 1, 2001. The benefits include single highest year, sick leave conversion, 1959 survivors' benefit and military service credit. Effective July 1, 2003, the City increased salaries of sworn officers by nine percent (9%) in-lieu of payment of the employee's portion of the PERS contribution as provided under the 414(h)(2) provision of the Internal Revenue Code. The employee shall pay the nine percent (9%) employee's required contribution toward the PERS retirement.

15.3 Unused Sick Leave Conversion

The conversion of unused sick leave to PERS retirement credit under Government Code Section 20862.8 shall be made available to qualified retiring employees. This credit applies to qualified employees whose effective date of retirement is within four months of separation from employment.

15.4 Retiree Medical Benefit

Employees who retire from City service under the provisions of the California Public Employees' Retirement System may continue receiving health insurance at their own cost under the City's health insurance plans if they so elect. For employees who have been members of PERS through the City of Sausalito for twenty (20) or more years, and who are upon retirement of the age of 55 years or more for miscellaneous employees, or 50 years or more for public safety employees, the City shall continue to pay in full the monthly health insurance premium at the Kaiser rate until the employee's death. However, the retired employee shall be required to pay 100% of the cost for his or her spouse and all eligible dependent children if the employee desires to continue them on the policy. The spouse and all eligible dependent children may continue on the policy after the death of the employee providing the spouse pays for such continuance.

Alternatively, employees who have been members of the California Public Employees' Retirement System through the City of Sausalito for twenty (20) or more years, and who are of the age of 55 or more for Miscellaneous members or the age of 50 or more for Sworn Police members, may, in lieu of City-paid medical coverage, opt to receive a cash payment equal to the lesser of $175 per month or the PERS Kaiser rate applicable to the retiree.

15.5 Retiree Dental Benefit

Management unit employees who have been members of the State Public Employees' Retirement System through the City of Sausalito for twenty (20) or more years, and who upon retirement are of the age of 55 years or more for Miscellaneous members or 50 years or more for Sworn Police members shall continue to have their monthly dental insurance premium paid in full by the City until death. However, the retired employee shall be required to pay 100% of the cost for his or her spouse and all eligible dependent children if the employee desires to continue them on the policy. The spouse and all eligible dependent children may continue on the policy after the death of the employee providing the spouse pays for such continuance.

If there are any payments due to the City under this Section, such payments must be received by the Finance Department no later than the 10th of the month for the month so covered. Failure to make payment may result in termination of the coverage.

This dental benefit is not provided to the Confidential unit employees.

Section 16. DURATION OF TERMS OF RESOLUTION

The terms of this resolution shall not take effect unless and until it is approved by the City Council of the City of Sausalito. Following such approval, the terms of this resolution shall be effective July 1, 2005 and shall remain in full force and effect to and including June 30, 2007.

Except for resolutions and ordinances that specify on-going and comprehensive City of Sausalito personnel rules and guidelines, this resolution repeals any resolution or portion thereof that is in conflict with this resolution.

PASSED AND ADOPTED by the City Council of the City of Sausalito at a meeting on the 17th day of October, 2006 by the following vote:

AYES: Councilmembers:

NOES: Councilmembers: None

ABSENT: Councilmembers: None

_____

Ronald Albert, Mayor of the City of Sausalito

Attest:

_____

Dana H. Whitson, City Clerk