



**City of Orinda**

**Unrepresented Employee Manual**

As Amended by City Council  
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## **CITY OF ORINDA UNREPRESENTED EMPLOYEE MANUAL**

This document establishes the rules governing benefits and working conditions, which are in effect for unrepresented employees and have been approved by the City Council of the City of Orinda.

This Unrepresented Employment Manual provides the personnel policies and procedures that affect the working conditions and benefits of unrepresented employees appointed to a regular budgeted position (excludes temporary or seasonal employees), in the City of Orinda. Rules, which describe general policies of the City's personnel system, are found in the City of Orinda Personnel Rules. This manual supersedes the City of Orinda Personnel Rules when language is in conflict with this Manual.

### **ARTICLE 1 SALARY, OTHER PAY AND OVERTIME**

- 1.1 Intent:** This Section is intended only to define the normal hours of work and the time for which salary shall be paid. Nothing in these rules shall be construed as a guarantee of hours of work per day or per week, or of days of work per week. The City's pay records, practices and procedures shall govern the payment of all wages.
- 1.2 Hours and Days of Work:** Full-time employees shall work a predetermined schedule of 40 hours per week plus unpaid lunch breaks, usually five (5) eight (8) hour days. Employees may request flexible or compressed work schedules in accordance with Administrative Regulation 2.1.
- 1.3 Workweek:** The City's work period for its standard work week begins at 12:00 a.m. on Saturday and ends at 11:59 p.m. the following Friday. In the event an alternative work schedule is established, the date of the alternative work period commences and ends will be designated by the City Manager at the time of the establishment of the alternative work schedule.
- 1.4 Regular Workweek:** The regular workweek shall consist of forty (40) hours of work within the workweek.
- 1.5 Payment of Salaries:** Employees shall be paid on a bi-weekly basis. Employees will be paid every two (2) weeks, twenty-six (26) times annually. In the event that a payday falls on a holiday that is also a bank holiday, the pay day will be the preceding work day.

**1.6 Mandatory Professional Fees and Licenses:** The City will assume full payment of the mandatory professional fees and licenses required by employees in the following unrepresented classes in order to maintain their continued employment with the City of Orinda:

City Clerk

Director of Public Works and Engineering Services

City Engineer

Senior Civil Engineer

Paving Program Manager (Limited Term)

**1.7 Salary Range:** The current salary range shall be as adopted by the City Council in a Salary schedule which establishes the pay for all unrepresented positions. The schedule shall identify a salary for each “step” within the range (steps “A” through “U”). New employees shall be appointed to a step within the approved salary range.

**1.8 Premium Pay:** The Classification of Assistant City Manager/Department Head shall be provided 5% premium pay above his/her salary for the job classification for which he/she holds.

## ARTICLE 2 INTRODUCTORY PERIOD

- 2.1 Length of Introductory Period:** All original and promotional appointments to positions in the regular service shall be tentative and subject to an introductory period. The length of the introductory period shall be six (6) months of actual service and must be completed within twelve (12) months of the hire date.
- 2.2 Objectives of Introductory Period:** The introductory period shall be regarded as a part of the selection process and shall be used to closely observe and evaluate the employees work, to secure the most effective adjustment of a new employee to his or her position and to eliminate any introductory employee whose performance does not meet the required standards of work.
- 2.3 Rejection during Introductory Period:** During the introductory period, an employee may be rejected from employment at any time by the City Manager without cause and without the right of appeal.
- 2.4 Rejection During Introductory Promotion:** An employee rejected during the introductory period following a promotional appointment shall be reinstated to the classification from which he or she was promoted unless charges are filed and he or she is discharged in the manner provided in the City of Orinda Personnel Rules.
- 2.5 Performance-Based Salary Increases:** Upon satisfactory completion of the Introductory Period, the employee may qualify for a performance increase. Advancement within the established range shall be granted by the City Manager based upon performance reviews conducted by the employee's supervisor following the introductory period, and annually thereafter, until such time as the top of the salary range is achieved. Salary increases in increments of 1 (1%), 2 (2%), 3 (3%) 4 (4%) or 5 (5%) steps may be awarded based upon the performance review. (Refer to 2.6 for salary increases in increments of 4% and 5%).

For employees completing an introductory period, the effective date of any step increase is the first (1st) day of the month following the introductory period.

For all other employees, the effective date is the first (1st) day of the month following the date of the prior scheduled performance based salary adjustment. The intent is to have a review every twelve (12) months. Performance evaluations should be completed fifteen (15) days prior to the scheduled effective date of the performance based salary advancement. No salary advancement will be granted until a performance evaluation is completed by the supervisor. The performance due date is applicable even if no performance based salary adjustment is provided either (1) due to a performance rated as "needing improvement" or (2) as a result of an employee being at the top of his or her salary range.

**2.6 Exceptional/Extra-Ordinary Performance-Based Salary Increases:** Effective July 1, 2017, those management employees who, during the prior twelve month review period, receive a performance rating of exceptional or extra-ordinary management performance, are eligible to receive a performance increase of four percent (4%) for exceptional performance or five percent (5%) for extra-ordinary performance.

The exceptional performance and extra-ordinary performance must be documented by management practices which are above the Outstanding Rating level on a sustained basis. Specifically, the manager must assume responsibilities which are not normally expected and generally above their current position. Additionally, the City should have either a demonstrated net fiscal benefit from the manager's performance or a comparable public image enhancement. A net fiscal benefit would be either increased City revenues, decreased City expenditures, or both, resulting in a positive effect of the City's budget. A public image enhancement could include items such as notable and positive relationship improvements with the community, improved community service, publicized achievements reflecting well on the City, or City awards. It is anticipated that this will be implemented on rare occasions.

During the City Manager's annual performance review each year, he/she will report out to Council any mid-manager or director who the City Manager has given an exceptional or extra-ordinary performance review.

## ARTICLE 3 GENERAL LEAVE

**31 General Leave:** Unrepresented employees shall be entitled to earn annual general leave as follows:

Annual General Leave Accrual	Years of Actual Service
19 days	During the 1st year
20 days	During the 2nd year
21 days	During the 3rd year
22 days	During the 4th year
23 days	During the 5th year
24 days	During the 6th year
25 days	During the 7th year and subsequent years

**32 Leave Approval:** Leave should be approved, in advance, by the employee's department director, or, in the case of department directors, the City Manager, on forms provided by the City. In the case of an employee requesting leave due to an unanticipated illness, advance notice is not required.

**33 Leave Use:** The City Manager may grant special approval, on a case-by-case basis, for an employee to take General Leave within the first ninety (90) Days of employment. Employees shall not be entitled to take leave exceeding accrued leave. Employees exempt under the Fair Labor Standards Act (FLSA) must use paid or unpaid leave to account for hours not worked if such hours exceed three (3) hours on any scheduled work day.

**34 Regular Part-Time Employees:** Part-time employees working a minimum of twenty (20) hours per week accrue General Leave benefits on a pro rata basis.

**35 Leave Scheduling:** The times during the calendar year at which an employee shall take his or her leave shall be determined by the department director, or, in the case of department directors, the City Manager, with due regard for the wishes of the employee and particular regard for service needs. If the requirements of the service are such that a department director or the City Manager cannot permit the employee to take any annual general leave or any part of such leave within a particular calendar year, the employee may accrue general leave according to Section 3.1 of this Manual.



**3.6 Maximum General Leave Accumulation:** Employees may defer leave earned up to a maximum cumulative total of 480 hours. Part-time employees shall accrue general leave on a prorated basis up to a maximum of 240 hours, and do not accrue additional general leave until the employee uses sufficient general leave to fall below their maximum accrual amount of 240 hours. An employee who has attained maximum accumulation may be required to take all excess earned leave at the option of the City. Not later than February 1st of each year, the City will advise employees who have attained a maximum accumulation of General Leave whether such excess earned general leave must be scheduled as time off prior to June 30<sup>th</sup>.

The City shall require all employees to reduce their accrued General Leave balances to no more than 480 hours, as of the last pay period in June of each year. Supervisors should be flexible in granting employee leave requests to those employees above, or approaching, the 480 hour limit. If an employee who is in danger of exceeding the limit fails to schedule leave to be taken before the last pay period in June, the City has the authority to direct the employee to go on leave to reduce the employee's accrued balance.

If, due to operational necessity, a department director or the City Manager denies an employee leave and does not provide the employee with an alternate date, and as a result causes the employee to exceed the leave limit, said employee shall nonetheless be entitled to use that leave in the next calendar year to the extent necessary to reduce their accrued general leave to not more than 480 hours.

**3.7 Leave Cash-Out Option:** Once during each fiscal year, employees who have accrued more than 160 hours of General Leave may elect to cash out a maximum of eighty (80) hours of accrued leave. A balance of no less than 160 hours must remain after cash out.

**3.8 Leave Use Before Retirement:** Accrued General Leave shall not be used immediately prior to retirement to the extent that it would extend the date of retirement.

**3.9 Payout upon Termination or Extended Unpaid Leave:** Upon termination, including death, extended military leave or other extended leave without pay, an employee or his or her estate shall be paid for all accrued unused leave at the employee's base rate at the time of his or her termination.

**3.10 Holidays Occurring During Leave:** If an observed City holiday occurs during an employees scheduled leave, no deduction from accrued leave will be made for the holiday period.

- 3.11 Notice to Supervisor:** In order to use General Leave to cover an absence due to an unanticipated illness, the employee shall notify his or her department Director or the City Manager prior to, or within two (2) hours after the time set for the beginning of the employee's regular work hours. Leave for non-emergency medical appointments shall be requested in advance of the workday.
- 3.12 Medical Verification:** In the event an employee takes leave for an unanticipated illness or other related purpose without providing advanced notice, the City of Orinda retains the right to request a verification from a licensed medical practitioner under appropriate circumstances which include:
- (1) showing that an employee's illness or disability has started or ended, before the City will allow an employee to take a leave or to return from leave,
  - (2) showing regular updates during a medical leave of absence regarding the employee's medical status and the date the employee expects to return to work,
  - (3) where reasonable cause exists to believe that the employee is not medically fit to perform the essential functions of the job or that the employee cannot perform the job without endangering the health and safety of the employee or others, and
  - (4) where reasonable cause exists to believe that the employee is abusing General Leave. General Leave may be denied if a satisfactory verification is not received.
- 3.13 Injury Incurred in Outside Employment:** Unless otherwise required by law, leave may be denied for an injury occurred while working for another employer. The City may take disciplinary action against an employee for working for another employer without prior approval from the City.
- 3.14 Effect of Leave without Pay on General Leave Accrual:** General Leave will not accrue during any period of absence without pay. General Leave is accrued on the basis of actual straight time hours worked or paid, based on a forty (40) hour workweek. Should the City implement a temporary reduction in work hours (i.e., furlough), employees shall continue to accrue General Leave based on an assumed forty (40) hour work week, or proration based on established part-time status.
- 3.15 General Leave Benefits and Short-Term Disability Insurance:** Employees may use their accrued General Leave benefits during the normal waiting period before the eligible employees are paid benefits from Short-Term Disability Insurance. Following the waiting period, an employee will continue to receive accrued General Leave pay until exhausted.
- 3.16 Workers' Compensation and Salary Continuation:** Workers' Compensation payments shall commence in accordance with State law, on the fourth (4th) day following an industrial injury, unless the employee is hospitalized, in which case payment commences on the first (1st) day of injury. For the purpose of this Section, "hospitalized" means confinement.

For all employees who receive or shall receive workers' compensation benefits for an industrial injury, the City will pay retroactive compensation benefits to the eligible employee for the normal three (3) day waiting period before the employee is paid worker's compensation benefits for temporary disability, pursuant to California law governing the industrial injury or illness.

Payments under the Workers' Compensation law for temporary disability or a recurrence thereof arising out of and in the course of employment shall be paid for a period not to exceed 365 days at a maximum payment of the employee's pre-disability pay, but shall not exclude any salary adjustments to which the employee is entitled. Thereafter, the employee will continue to receive only the temporary disability payments provided under State law.

## ARTICLE 4 HOLIDAYS

4.1 **Holidays:** The City observes the following holidays and provides all regular full-time and part-time employees time off with pay at their normal base rate unless otherwise provided in this Article.

Holiday	Day Observed
New Year's Day	January 1
Martin Luther King Jr. Day	Third Monday in January
Washington's Birthday	Third Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	First Monday in September
Veteran's Day	November 11
Thanksgiving Day	Fourth Thursday in November
The Day After Thanksgiving	Fourth Friday in November
Christmas Eve (1/2 day)	December 24
Christmas	December 25

If the observed holiday falls on a Saturday, the City shall observe it on the Friday immediately preceding the holiday. If the observed holiday falls on a Sunday, the City shall observe it on the Monday immediately following the holiday. The City Manager may designate the days to be recognized when December 24<sup>th</sup> and/or 25<sup>th</sup> occur on a weekend.

4.2 **Floating Holidays:** All full-time employees shall be granted two floating holidays each calendar year. In the first calendar year of employment, employees shall be granted prorated floating holidays as follows:

Date of Hire	Number of Floating Holidays
Hired July 1 - September 30	2 days
Hired October 1 - March 31	1 day
Hired April 1 - June 30	0 days

All use of floating holidays must be approved, in advance, by the employee's department director, or, in the case of department directors, the City Manager, on forms approved by the City. The days on which the employee shall take his or her floating holiday(s) shall be determined by the department director or the City Manager with due regard for the wishes of the employee and particular regard for service needs. If unused, the floating holidays expire at end of the fiscal year.

- 4.3 **Eligibility:** In order to be eligible for holiday pay, an employee must be on paid leave status on his or her regularly scheduled workdays before the holiday. If an employee is on unpaid leave status, he or she will not be paid for the observed holiday.
- 4.4 **Regular Part-Time Employee Eligibility:** Regular part-time employees are eligible for holiday benefits on a pro rata basis.
- 4.5 **No Work on the Holiday:** Employees covered in this Manual who are scheduled to work on the day observed as a holiday will be granted an alternative 8 hours of holiday leave. The alternative holiday leave must be scheduled by the department director, or, in the case of a department director, the City Manager, during the same workweek.

**ARTICLE 5  
OTHER PAID LEAVES OF ABSENCE**

- 5.1 Bereavement Leave:** Any employee who experiences a death in the immediate family is granted leave of up to three (3) working days of paid leave for the purpose of attending the funeral or memorial service.

"Immediate family" is limited to spouse or domestic partner, mother, father, sister, brother, child, grandmother, grandfather, aunt, uncle, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandchild or dependent.

The department director, or, in the case of department directors, the City Manager, may, within his or her discretion, grant the employee additional time off provided that all accrued leave shall be used prior to taking a leave of absence without pay for this purpose.

In special cases, the City Manager may grant bereavement leave within his or her discretion to allow an employee to attend a funeral or memorial service because of the death of persons not included within the definition of immediate family.

- 5.2 Jury Duty Leave:** Any regular employee who is called or required to serve as a juror, upon notification and appropriate verification submitted to his or her immediate supervisor, shall be entitled to be absent with pay from his or her duties with the City during the period of such service and while necessarily being present in court as a result of such call. An employee is required to be present at work when not serving as a juror or as a member of a jury selection panel. An employee will notify his/her supervisor of any requirements (on-call status) made by the court that may affect the employee's ability to simultaneously fulfill his/her jury duty service and employment obligations. The employee must surrender to the City any payment received for jury service, excluding mileage reimbursement.

Employees who are called to testify pursuant to a subpoena shall be allowed to use General Leave. If the employee is subpoenaed for City litigation, leave with pay will be given.

- 5.3 Administrative Leave Program:** Employees who are in classifications which are FLSA Exempt receive Administrative Leave at the beginning of each fiscal year (July 1st) or pro-rated during the course of the year when employed less than a full year. In the first calendar year of employment, employees shall be granted leave or pro-rated administrative leave as follows:

### 5.3 Administrative Leave Program

#### Mid Managers Administrative Leave First Year of Appointment To Eligible Position

Date of Hire	Number of Administrative Leave Hours
Hired July 1-September 30	60 Hours
Hired October 1 –March 31	40 Hours
Hired April 1 – June 30	0 Hours

Employees in the following classifications, referred to as the "Mid-Management" group, will be credited with sixty (60) hours of Administrative Leave each fiscal year based on the above schedule. The City Manager may approve up to an additional twenty (20) hours based on the recommendation of the employee's Department Director.

Facilities & Parks Supervisor	Management Analyst III
Public Works Supervisor	Recreation Manager
Recreation Supervisor II	Senior Accountant
Senior Civil Engineer	Senior Management Analyst
Senior Planner	Human Resources Manager
Paving Program Project Manager	

#### Management Administrative Leave First Year of Appointment To Eligible Position

Date of Hire	Number of Administrative Leave Hours
Hired July 1-September 30	80 Hours
Hired October 1 –March 31	40 Hours
Hired April 1 – June 30	0 Hours

Employees in the following classifications, referred to as the "Management" group, will be credited with eighty (80) hours of Administrative Leave each fiscal year on the above schedule.

- City Clerk
- Director of Finance
- Director of Parks & Recreation
- Director of Planning
- Director of Public Works and Engineering Services

City Engineer  
Assistant City Manager / Department Head

This administrative leave is granted to employees whose job responsibilities cause them to work numerous hours in excess of the normal City workweek. The City Manager has the authority to rescind administrative leave in those instances of abuse or misuse of the intent of this provision.

Administrative leave taken must be approved in advance by the employee's supervisor, or, in the case of department directors, the City Manager, and posted to the employee's timecard. Employees exempt under the FLSA must use paid or unpaid leave to account for hours not worked if such hours exceed three (3) hours on any scheduled work day. Administrative leave is not charged against other accrued leave balances. Unused administrative leave may not be carried over to the next fiscal year. Upon termination or retirement, no monetary award will be authorized for unused accumulated administrative leave.



**ARTICLE 6**  
**LEAVES OF ABSENCE WITHOUT PAY**

- 6.1 Power to Grant Leave:** The City Manager shall have the power within his or her sole discretion to grant leaves of absence, with and without pay.
- 6.2 Authorized Leave without Pay:** A department director may grant or deny a leave of absence to an employee within his or her department without pay for a period not to exceed ten (10) working days. Leave without pay shall not be granted for more than ten (10) working days except upon written request of the employee and written approval of the City Manager.
- 6.2.1 Required Exhaustion of Accrued Leave:** In the event of an authorized absence due to illness, the employee must use all accrued leave prior to receiving authorization for leave without pay. In the event of personal leaves not related to sickness, the employee must use all accrued Administrative Leave and General Leave prior to receiving authorization for leave without pay.
- 6.2.2 Grounds for Discharge:** Failure on the part of an employee to report to work promptly at the expiration of the authorized leave without pay will result in discipline up to and including termination.
- 6.3 Unauthorized Leave of Absence:** All paid and unpaid leaves of absence must be approved in accordance with the applicable sections of this Manual. Any absence on the part of the employee who has failed to obtain such approval or failure of an employee to report for duty without appropriate authorization as required by each department will result in the employee being placed on unauthorized leave of absence without pay.
- 6.3.1 Grounds for Discharge:** Unauthorized leave of absence without pay shall be cause for disciplinary action up to and including termination.
- 6.4 Family Care Leave:** The City will fully comply with the requirements of the state and federal law regarding pregnancy disability leave and medical/family illness/child care/military leave.

All leaves of absence under this Section are unpaid unless an employee has accrued General Leave or Administrative Leave. General Leave and Administrative Leave may be integrated with any disability insurance payments.

Application for use of leave under this Section must be made as provided in Administrative Regulation 2.2 ("Family Medical Leave (FMLA/CFRA)/Pregnancy Disability Leave (PDL)").

**6.5 Military Leave:** The City of Orinda grants applicable employees leaves of absence as required by law, including the Uniformed Services Employment & Reemployment Act of 1994 (USERRA), and state law for the purpose of fulfilling any required military obligation

**ARTICLE 7  
EMPLOYEE FRINGE BENEFITS**

**7.1 Group Medical/Dental/Vision Insurance:**

The City shall continue participation in CalPERS medical insurance plans for employees and their dependents.

The City shall contribute on behalf of the employee the required CalPERS Employer Minimum Contribution amount for plan participants as determined by CalPERS. This amount is one hundred thirty-six dollars (\$136) for 2019 and is scheduled to be one hundred thirty-nine dollars (\$139) for 2020.

For Active Members who have elected to enroll in Health Insurance, in addition to the PERS Minimum, the City shall contribute a supplemental / additional amount to be used to pay premiums for Health Insurance Coverage through an Internal Revenue Code Section 125 Plan (PLAN). The Section 125 Plan shall include a provision for premium conversion and may also offer voluntary participation in pre-tax contributions for: health care reimbursements, dependent care reimbursements, and other eligible benefits.

Deductions are made in equal amounts on the first two paychecks issued in a month (24 times per year). Deductions are made in the month preceding the month of coverage (i.e., December deductions are based on premiums for January).

CalPERS establishes when benefits shall begin, which currently is on the first (1st) day of the month following the date of hire or the date the Human Resources Representative receives the completed enrollment form. Employees who do not elect coverage within 60 days of hire may be subject to review and approval by the health insurance company.

**Medical Premium Contributions (Active Employees):**

Effective January 1, 2019 – December 31, 2019, the City shall contribute monthly the following maximum “Total City Medical Contribution” amounts towards the employee’s monthly medical premium for the employee’s coverage level:

<b>CITY CONTRIBUTION PLAN YEAR 2019</b>			
<b>COVERAGE LEVEL</b>	<b>CalPERS MINIMUM CONTRIBUTION</b>	<b>SUPPLEMENTAL BENEFIT</b>	<b>TOTAL CITY MEDICAL CONTRIBUTION</b>
Employee	\$136.00	\$632.25	\$768.25
Employee +1	\$136.00	\$1,400.50	\$1,536.50
Employee +Family	\$136.00	\$1,861.45	\$1,997.45

Effective January 1, 2020 – December 31, 2020, the City shall contribute monthly the following maximum “Total City Medical Contribution” amounts towards the employee’s monthly medical premium for the employee’s coverage level:

<b>CITY CONTRIBUTION PLAN YEAR 2020</b>			
<b><u>COVERAGE LEVEL</u></b>	<b>CalPERS MINIMUM CONTRIBUTION</b>	<b>SUPPLEMENTAL BENEFIT</b>	<b>TOTAL CITY MEDICAL CONTRIBUTION</b>
<u>Employee</u>	\$139.00	\$629.49	\$768.49
<u>Employee +1</u>	\$139.00	\$1,397.98	\$1,536.98
<u>Employee +Family</u>	\$139.00	\$1,859.07	\$1,998.07

Beginning with health plan premium rates effective January 1, 2021, the maximum Total City Medical Contribution shall adjust as follows. The City shall calculate the percentage increase in each coverage level of the new monthly Kaiser premium compared to the prior year’s monthly premium for Kaiser. If the increase is 4 percent or less, the full amount of the increase shall be added to the Total City Medical Contribution and paid by the City. If the increase is over 4 percent, the first four percent (4%) of increase in the Kaiser medical insurance monthly premium rate over the prior Plan Year’s Kaiser medical insurance monthly premium rate shall be paid by the City, but amounts over this shall be shared based on the following proportions between the City and the employee, with the City contributing sixty-five percent (65%) of the monthly Kaiser plan increase over four percent (4%) and the Employee paying thirty-five percent (35%) of the monthly Kaiser plan increase over four percent (4%) through an employee-authorized payroll deduction.

See attached example for medical contribution calculation, which is added to the Unrepresented Manual as Exhibit B.

At no time shall the employee receive a City contribution amount more than the selected medical plan cost.

If an employee elects a medical plan offered by the City with premiums exceeding the Total City Medical Contribution, employee-authorized payroll deductions will be made for the difference in premiums, so the employee shall pay for the amount of the selected plan’s premium that is over the City contribution as calculated for the plan year. Any employee who is required to partially pay premiums shall be allowed to make these payments with pre-tax deductions through the flexible benefits plan.

**7.1.1 Part Time Employment:** All part-time employees who work a minimum of twenty (20) hours, but less than forty (40) hours per week, qualify to receive pro-rated health and dental benefits and shall pay a pro rata portion of the health and dental insurance premiums. Full-time employees who accept part-time employment in lieu of layoff shall continue to receive full health and dental benefits paid by the City.

- 7.1.2 Non-Acceptance of Medical Insurance:** An employee may elect to opt out of the medical insurance provided by the employer and receive in its place \$474.93 per month, with pro-rated compensation for part-time employees. This option is available to all employees regardless of marital or family status.

To opt out, the employee must certify annually that they have comparable health insurance for themselves, as well as all of their eligible dependent. (Does not include coverage from the Exchange). An election to re-enroll in medical coverage can only occur with the permission of the insurance provider. Cash-in-Lieu is only available for medical, not dental and vision.

- 7.1.3 Retiree Medical Coverage Benefit:** As allowed by PERS Medical Plans, retirees of the City who meet eligibility requirements are eligible for a City contribution towards monthly medical premiums up to the PERS Minimum Monthly benefit.

The current eligibility requirements for a retiree are:

- A) Has completed seven (7) years of service with the City. A year of service is defined as one thousand (1,000) hours worked within an anniversary year in a regular position either part-time (twenty or more hours per week) or full time; and
- B) Has reached the age of 55; and
- C) Is no longer employed by the City of Orinda; and
- D) Was actively enrolled in the City's health insurance program at the time their City employment ended; and
- E) Elects to continue active enrollment in the City's health insurance program upon leaving City employment.
- F) The retiree is responsible for making timely payment to the City for monthly premium amounts which exceed the PERS Minimum, or coverage will be terminated.

Eligibility requirements are subject to change when administratively possible to reflect final terms and conditions in negotiated MOU's. The effective date shall be as established at the time the City Council formally adopts by Resolution modifications to the eligibility requirements. Current employees at that time will be subject to the eligibility requirements above. New employees, after the effective date, if a change is made will be subject to the following eligibility requirements or as consistent with changes adopted by the City Council.

- G) Have completed fifteen (15) years of service with the City. A year of service is defined as one thousand (1,000) hours worked within an anniversary year in a regular position either part-time (twenty or more hours per week) or full time; and
- H) Have reached the age of 60; and
- I) Is no longer employed by the City of Orinda; and
- J) Was actively enrolled in the City's health insurance program at the time their City employment ended; and
- K) Elects to continue active enrollment in the City's health insurance program upon leaving City employment.
- L) The retiree is responsible for making timely payment to the City for monthly premium amounts which exceed the PERS Minimum, or coverage will be terminated.

**7.1.4 Dental and Vision Benefits:** Dental and vision benefits shall begin the first (1<sup>st</sup>) day of the calendar month following the date of hire. For dental and vision, coverage shall end the last day of the month an employee is in pay status, except in the case of leave in accordance with the Family and Medical Leave Act.

The City will pay up to the full family premium for dental and vision plans for the employee and eligible dependents, including a domestic partner, with rate increases up to 10% annually.

**7.2 Life Insurance:** The City shall provide basic group life insurance coverage by a carrier of the City's choice to all employees and pays the full amount of the life insurance coverage in the amount of one (1x) times the employee's annual salary and based upon the Standard Life Insurance age reduction schedule. Life insurance shall become effective the first (1<sup>st</sup>) day of the calendar month following appointment, and shall continue until the last day of employment. In addition, all unrepresented employees may purchase additional coverage at the City's rate.

**7.3 Retirement Plan:** The City provides a defined contribution retirement plan (401(a)) to all employees. The City will make contributions on behalf of eligible employees to the International City Management Association Retirement Corporation (ICMA- RC) Money Purchase Plan (401(a)) beginning the first (1<sup>st</sup>) day of employment, in the amount of thirteen percent (13%) of base salary.

Employees in the Mid-Management and Management groups may contribute three percent (3%) of base salary to this 401(a) plan and the City shall contribute a three percent (3%) match. This contribution shall be in addition to the contribution provided above and commence with the first (1<sup>st</sup>) day of employment.

**7.3.1 401(a) Retirement Plan Vesting:** Per the City's Agreement with ICMA-RC, the vesting period for the 401(a) plan is 100 % vested with minimum age fifty-five (55) years old or:

<u>Years of Service Completed</u>	<u>Percent Vested</u>
Zero	0%
One	33%
Two	67%
Three	100%

**7.3.2 Deferred Compensation Plan:** Mid-Management and Management employees are eligible to participate in the City's 457 Deferred Compensation Plan through voluntary payroll deductions from the employee's salary. Employees may contribute, by payroll deduction, an amount up to the maximum allowed by law to the 457 Deferred Compensation Plan. Any money employee contributes from their paycheck to the 457 Deferred Compensation Plan is immediately 100% vested because there are no employer contributions.

- 7.4 Performance Bonus:** The City Manager may grant a one-time non-recurring performance bonus to any employee who demonstrates outstanding public service, provides significant cost-savings suggestions or otherwise achieves outstanding performance standards. Additionally, it is the intent of the City Council to appropriate funds at the mid-year, based on favorable revenues and expenses, for the City Manager to grant bonuses to Managers based on performance.
- 7.5 Continuing Education:** The City will reimburse an employee for tuition and books, up to a maximum of \$1,200 annually, for employees enrolled in fields of study, as approved by the City Manager, which are directly related to his/her current position or career progression. To qualify, the employee must have been employed for one (1) year prior to entering the study program.
- 7.6 Partially Subsidized Recreation Classes:** The City allows unrepresented employees to register for programs under the Parks and Recreation Department for fifty percent (50%) of the resident fee. Participation in Recreation programs is not part of the employee's work related duties, is not required for continued employment and is not considered part of a City sponsored physical fitness program. The City of Orinda shall not be liable for any injury that may arise out of an employee's participation in these programs. The portion of the program fees that is waived is subject to federal and state income tax withholding.
- 7.7 Flexible Benefits Plan:** The City of Orinda has a full flexible benefits plan for all unrepresented City employees as listed in Exhibit A. Full description of the plan, along with the annual update, can be requested from Human Resources.

**7.8 Safety Boots:** The Public Works Supervisor is required to wear safety (steel toe) work boots while working in the field. The City will provide a budgeted allowance of up to two hundred dollars (\$200) once every calendar year for the purchase of safety boots and up to sixty dollars (\$60) in any consecutive 24-month period for resoling of safety work boots.

Upon advance approval of the Department Head, an employee may use the City issued purchase card for purchase or resoling of safety boots, provided the charge does not exceed the amount of the allowance. Whether an employee uses the City issued purchase card or requests a reimbursement an itemized receipt must be presented. Said purchase with a City issued purchase card or reimbursement shall be contingent upon the employee consulting and receiving prior approval from the Department Head as to the safety boot to be purchased. Reimbursements will be issued within 20 days of submitting a complete request.



## ARTICLE 8 EMPLOYMENT AT-WILL

**81 Employment At-Will:** Employees in the following classifications are employed by the City in an "at-will" status. This means that both the "At-Will" employee and the City have the right to terminate employment at any time, with or without advance notice, and with or without cause. No employee or officer of the City of Orinda has the authority to alter the employee's at-will status or to enter into an oral or written agreement for employment for a specified period of time, or to make any promises, assurances or agreements contrary to the provisions of this Section.

City Clerk  
Director of Finance  
Director of Parks and Recreation  
Director of Planning  
Director of Public Works and Engineering  
Services  
Assistant City Manager / Department Head  
City Engineer

**82 No Right to Appeal Discharge:** An "At-Will" employee who is discharged has no right of appeal or hearing in any manner provided by this Manual.

**83 Benefits:** Employees identified as "At-Will" who regularly work twenty (20) or more hours per week shall be entitled to those benefits as specified for employees by this Manual. Temporary/Seasonal Employees are not eligible for any benefits provided under this Manual, except those expressly required by State or Federal law.

**84 Standards of Conduct:** "At-Will" employees are subject to the same standards of conduct that prevail over regular employees. Any evaluations, warnings or disciplinary action provided to "At-Will" employees regarding their conduct or job performance does not create any obligation or duty on the City's part to provide a warning or evaluation or corrective progressive discipline prior to discharge and in no way negates or otherwise abrogates the City's right to discharge "At-Will" employees for any reason without notice at any time during their employment and without right of appeal.

**ARTICLE 9  
LAYOFF POLICY  
AND PROCEDURE**

- 9.1 Announcement of Layoff:** A layoff may be necessitated by, but not limited to the following: shortage of work or fund change; a change in the direction of the organization; and/or the abolition of positions, departments in whole or in part. In the event of a layoff, the City Manage shall notify the Human Resources Manager of the intended action and the reason for the layoff.
- 9.2 Notification:** Employees will be notified individually, in writing, of pending layoff as soon as possible, with no less than thirty (30) calendar days' notification if targeted for termination.
- 9.3 Appeal Procedures:** The decision to implement a layoff is not appealable.

## **ARTICLE 10 DISCIPLINARY ACTION**

- 10.1 Policy:** Prior to the suspension, disciplinary demotion or discharge of an employee for disciplinary purposes, the procedure set forth in this Section shall be complied with provided, however, that only those employees not at-will shall be entitled to the notice, rights and procedures provided under Personnel Rule Section 9, Disciplinary Procedures.
- 10.2 Final Decision Maker for Disciplinary Action:** For purposes of this Article, the City Manager is the final decision maker for City of Orinda employees.
- 10.3 Disciplinary Actions:** For regular employees only, the department director shall make a recommendation to the Human Resources Division pursuant to the procedures established in the City of Orinda Personnel Rules.

## **ARTICLE 11 COMPLAINTS AND APPEALS**

- 11.1 Policy:** The procedure for filing complaints and appeals by employees set forth in this section shall be complied with pursuant to the provisions of this Manual.
- 11.2 Final Decision Maker for Purposes of this Article:** For purposes of this Article, the City Manager is the final decision maker for City of Orinda employees.
- 11.3 Complaints:** Disciplinary action shall be taken in accordance with Section 10 of this Manual. All other complaints by employees, except complaints about compensation, which allege a violation of the Personnel Rules or this Manual shall be filed through proper channels, commencing with the Department Director, and then to the final decision maker.
- 11.3.1 Compensation Complaints:** All complaints involving or concerning the payment of compensation shall be filed in writing with the City Manager. The City Manager shall respond in writing within thirty (30) calendar days. Only complaints which allege that employees are not being compensated in accordance with the policies, rules and resolutions of the City Council shall be considered as complaints under this Section.
- 11.3.2 Discrimination Complaints:** An employee may file a complaint in accordance with the City of Orinda Personnel Rules Section 7.
- 11.4 Right of Appeal:** An aggrieved employee shall have the right to appeal the decision of the final decision maker regarding the aggrieved employees disciplinary dismissal, demotion, suspension or complaint as described in the City of Orinda Personnel Rules except in instances where the right to appeal is prohibited by the Personnel Rules or the provisions of this Manual.

**ARTICLE 12**  
**MISCELLANEOUS ITEMS**

- 121 Concessions:** No concession(s) shall be experienced by the Unrepresented Group prior to those experienced by the General Employees Group unless agreed to by the Unrepresented Group.
- 122 Me too Clause:** Benefits negotiated by the General Employees' Group shall be provided to the Unrepresented Group except that the Unrepresented Group shall have the right to refuse any and all benefits.

**EXHIBIT A  
REGULAR CLASSIFICATIONS COVERED BY  
UNREPRESENTED EMPLOYEE MANUAL**

<b>Classification</b>	<b>Status</b>
City Clerk	At Will
City Engineer	At Will
Director of Finance	At Will
Director of Parks & Recreation	At Will
Director of Planning	At Will
Director of Public Works and Engineering Services	At Will
Assistant City Manager / Department Head	At Will
Senior Management Analyst (Assigned as Assistant to the City Manager)	Regular
Facilities & Parks Supervisor	Regular
Human Resources Manager	Regular
Management Analyst III	Regular
Recreation Manager	Regular
Recreation Supervisor I/II	Regular
Senior Accountant	Regular
Senior Civil Engineer	Regular
Senior Planner	Regular
Paving Program Project Manager*	Regular
(*Per City Council Resolution 38-19 adopted June 18, 2019 The City Manager may extend the position through June 30, 2021 provided the position is funded in a City Council approved Budget.)	

## EXHIBIT B

### Group Medical Contribution Calculation Example

**EXAMPLE:**

*The following is an example for explanation purposes only. This example will assume an increase in 2021 Kaiser Rates, which may be more or less and will change the actual results once the rates are known.*

**SAMPLE CALCULATION**

How Change In Total City Medical Contribution Is Determined

*(Assuming an approximate 5% increase in Kaiser rate 2021 – actual will vary)*

CITY MONTHLY MEDICAL CONTRIBUTION IN EFFECT JANUARY 2020 - DECEMBER 2020:

(A)	(B)
Coverage Level	Total City Medical Contribution 12/31/2020
Employee	\$ 768.49
Employee + 1	\$ 1,536.98
Employee + 2 or more	\$ 1,998.07

(C)	(D)	(E)	(F)	(G)
Coverage Level	2020 Kaiser Actual	<i>Example - % Increase</i>	<i>Example Assumed 2021 Kaiser (5% inc.)</i>	<i>Example 2021 Kaiser Addl Premium \$</i>
Employee	\$ 768.49	5%	\$ 806.91	\$ 38.42
Employee + 1	\$ 1,536.98	5%	\$ 1,613.83	\$ 76.85
Employee + 2 or more	\$ 1,998.07	5%	\$ 2,097.97	\$ 99.90

(H)	(I)	(J)	(K)	(L)	(M)
Coverage Level	<i>Example: 2021 Kaiser Addl Premium \$ (same as G)</i>	<i>First 4% (City Share) (4% of (B))</i>	<i>65% of Amount above 4% (City Share) (I-J x 65%)</i>	<i>Example: Total Increase 2021 City Contribution (J+K)</i>	<i>Example: 2021 Total City Medical Contribution (B+L)</i>
Employee	\$ 38.42	\$ 30.74	\$ 5.00	\$ 35.73	\$ 804.22
Employee + 1	\$ 76.85	\$ 61.48	\$ 9.99	\$ 71.47	\$ 1,608.45
Employee + 2 or more	\$ 99.90	\$ 79.92	\$ 12.99	\$ 92.91	\$ 2,090.98