



Alameda County

Agenda ¹⁴ June 10, 2009

Human Resource Services

Lakeside Plaza Building 1401 Lakeside Drive, Suite 200 Oakland, CA 94612-4305

June 10, 2009

REVISED
7/13/2009

Honorable Board of Supervisors
Administration Building
Oakland, CA 94612

SECOND READING

**Subject: Salary Ordinance Amendment, Administrative Code Amendment
and Authorization to Increase Health Insurance Premium
Payments by Unrepresented Management Employees**

Dear Board Members:

Recommendation:

CONTINUED FROM

(Item #38)
TUESDAY, 7/14/09

That your Board (1) adopt a Salary Ordinance amendment temporarily increasing Paid Leave Allowances, Vacation Sellback amounts, and increasing the Cafeteria Benefit Plan for unrepresented management employees; (2) adopt an Administrative Code amendment reducing the supplemental pay for Industrial Sick Leave from 80 to 75 percent of his/her normal salary and reducing the period of eligibility from one calendar year to 270 days for unrepresented management employees and; (3) adopt an Administrative Code amendment to authorize a change in the employees share of premium costs for HMO Medical Insurance to 10 percent for unrepresented management employees.

Discussion/Findings:

The recent agreement reached with the Alameda County Management Employees (ACMEA) General and Confidential Units contained several benefit changes which we are recommending be extended to unrepresented management employees. There are no wage increases during the term of the agreement which is from December 29, 2008 through December 24, 2011. Paid Leave is being increased by three days in calendar year 2010 only and by one day in calendar year 2011 only. Vacation sellback is being increased from 15 days to 20 days for fiscal years 2009-2010 and 2010-2011 only. The Allocation of Cafeteria Benefit Plan is also being increased from \$2300 to \$2600 in Plan Year 2010 and from \$2600 to \$2900 in Plan Year 2011.

In addition, we are recommending changes in the Industrial Paid Leave Provisions of the Alameda County Administrative Code, reducing the supplemental percent from 80% to 75% and reducing the benefit period from one calendar year to 270 days.

We are further recommending that your Board authorize a 10 percent of premium payment by employees in the HMO Medical Plan beginning with the 2010 plans. This replaces the current County practice of paying the full premium amount of the lowest cost medical plan. Employees will now contribute to Medical Plan HMO premium costs.

Fax: (510) 272-6987

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An Equal Opportunity/Affirmative Action Employer

Financing:

Funds are available in the 2008-2009 budget appropriation to pay the costs resulting from these actions.

Very truly yours,



Mary Welch, Interim Director
Human Resource Services

MW:vb

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c: CAO
Auditor-Controller
County Counsel
Agency/Department Heads

Approved as to Form
RICHARD E. WINNIE County Counsel

By _____

AN ORDINANCE AMENDING
CERTAIN PROVISIONS OF THE 2008 - 2009
ALAMEDA COUNTY SALARY ORDINANCE

The Board of Supervisors of the County of Alameda ordains as follows:

SECTION I

The first sentence of Subsections L and M of Section 7-5, Paid Leave, of Ordinance Number 0-2008-48 of the County of Alameda is hereby amended by the addition thereto of the following.

Add "and each Unrepresented management employee and Representation Units R53 and R61"

SECTION II

The first sentence of the last paragraph of Section 7-4, Vacation Sellback, of Ordinance Number 0-2008-48 of the County of Alameda is hereby amended by the addition thereto of the following.

Add "and each Unrepresented management employee and Representation Units R53 and R61"

SECTION III

The first sentence of the last paragraph in Section 7-10, Cafeteria Benefit Plan: Amount of Allocable Money, of Ordinance Number 0-2008-48 of the County of Alameda is hereby amended by the addition thereto of the following.

Add "and each Unrepresented management employee and Representation Units R53 and R61"

SECTION IV

This ordinance shall take effect immediately, and before the expiration of fifteen days after its passage, shall be published once with the names of the members voting for and against the same in the Inter-City Express, a newspaper published in the said County of Alameda.

Approved as to Form
RICHARD F. WINNIE, County Counsel

By _____

AN ORDINANCE AMENDING
CERTAIN PROVISIONS OF THE
ALAMEDA COUNTY ADMINISTRATIVE CODE

The Board of Supervisors of the County of Alameda ordains as follows:

SECTION I

Section 3.20.050 Industrial Sick Leave, of Chapter 3.20 Sick Leave, is hereby amended by the addition thereto of the following subsections:

Unless otherwise provided in a current and valid Memorandum of Understanding if an employee is incapacitated by sickness or injury received in the course of his/her employment by the county, such employee shall be entitled to pay as provided herein.

E. The following provisions apply to Unrepresented employees for any Industrial Injury that occurs on or after July 12, 2009. Amount and Duration of Payment. Such employees shall be entitled to receive supplemental industrial sick leave with pay commencing with the fourth calendar day of the incapacity. The supplemental shall be equal to the difference between seventy-five (75) percent of his/her normal salary and the amount of any worker's compensation temporary disability payments to which such employee is entitled during such incapacity. This period shall not exceed two hundred and seventy (270) days from the date of sickness or injury resulting in the incapacity. Following two hundred and seventy (270) days, available leave balances may be granted to supplement temporary disability payments to provide the disabled employee a total of seventy-five (75) percent of salary (the amount of sick leave necessary for this purpose is computed in each case by the county Auditor-Controller's office) unless the employee provides written notice to the agency/department head to limit the integration of such leaves. Available leave balances shall include sick leave, vacation leave, compensating time off, floating holidays and holiday in-lieu time. In the event that the period of the incapacity exceeds fourteen (14) calendar days, the employee so incapacitated shall be granted supplemental industrial sick leave with pay at the rate of one-hundred (100) percent of his/her normal salary for the first three calendar days of such incapacity. If the period of the incapacity does not exceed fourteen (14) calendar days, the employee so incapacitated will be eligible to receive any available leave balance for scheduled work days for the first three work days of such incapacity.

F. The following provisions apply for Unrepresented employees for any Injury that occurs on or after July 12, 2009. Leave for Medical Treatment. Such employees with an approved Worker's Compensation claim who have returned to work and are required by their physician to undergo therapy, diagnosis tests or treatment due to an industrial injury/illness shall receive Industrial Sick Leave with pay under the following conditions:

- a) Treatments are being authorized under Worker's compensation;
- b) The therapy, diagnostic tests or treatment fall within the employee's normal working hours;
- c) The leave applies only to the actual treatment time and reasonable travel time not to exceed 30 minutes to and 30 minutes from the medical facility. Such leave shall be granted for up to 6 months from the date of injury but shall not be granted once an employee is declared permanent and stationary. In no event shall leave under this subsection and the employee's actual work time exceed the employee's normally scheduled workday.

SECTION II

Subsection B of Section 3.20.080 Sick Leave Bonus and Discretionary Major Medical Supplemental Paid Sick Leave, of Chapter 3.20 Sick Leave, is hereby amended to read as follows:

- B. The work or duties of the employee requesting such paid leave are being performed by others in the work unit.

SECTION III

Section 3.20.110 Family Sick Leave, of Chapter 3.20 Sick Leave, is hereby amended by the addition thereto of the following:

- E. Effective July 12, 2009, for all Unrepresented Non-Management employees, leave or absence with pay shall be granted by the department head for up to nine days per calendar year to care for immediate family members or during the time reasonably necessary to arrange for the care of the sick person by others, including emergency medical and dental appointments, but not to exceed the amount of time which the person would be authorized for sick leave in Section 3.20.060.

SECTION IV

Section 3.64.050 County Contribution, of Chapter 3.64 Employee Health and Welfare Benefit Program, is hereby amended to read as follows:

The county shall contribute toward the monthly provider's charge for a comprehensive group medical plan by a health maintenance organization or toward an indemnity health plan for eligible full-time employees as well as their spouses or domestic partners (effective 2/1/96 and upon submission of a domestic partner affidavit as defined in Section 3.20.170), and eligible dependents up to but not exceeding the actual monthly charge of the lowest cost health

maintenance organization (HMO). In no event shall the county contribution exceed the premium of the option selected. Notwithstanding the provisions of Section 3.64.060 hereof, M-designated persons who work less than full-time shall be eligible for a county contribution towards the foregoing monthly provider's charges only if they are regularly scheduled to work at least forty (40) hours per pay period. The contribution shall be prorated based upon a proportion of the hours worked within the pay period, provided that the employee works at least forty (40) hours. The county shall contribute the full cost of the provider's charge for a dental plan for employees and their spouses or domestic partner (effective 1/14/96 and upon submission of a domestic partner affidavit as defined in Section 3.20.170), and their dependents, provided that the employee works at least forty (40) hours in a pay period.

Effective February 1, 2010 for unrepresented M-designated employees, the County and covered employees will share in the cost of health care premiums. The County will pay ninety (90) percent of the total premium for a health maintenance organization (HMO) plan and an amount to be determined of the total premium for a PPO/Indemnity plan:

- a. The County shall contribute ninety (90) percent of the total premium for an HMO at the corresponding level of coverage (i.e., Self, Self +1 dependent, or Family) in a Plan Year.

SECTION V

Section 3.64.060 County Contributions for Intermittents and Employees Regularly Scheduled to Work Less than Full-time, of Chapter 3.64 Employee Health and Welfare Benefit Program, is hereby amended to read as follows:

Notwithstanding the provisions of Section 3.64.050 of this code, any employee who is regularly scheduled to work less than the normal work week for the job classification or who is in a position designated intermittent or by the letter "N", shall be entitled to elect coverage under either the comprehensive group health service plan by a health maintenance organization or an indemnity health plan specified in Section 3.64.030 of this code, provided, however, that the employee works at least (50) percent of the normal work week for the job classification. The county's contribution toward the provider's charge for such plan shall be prorated each pay period for the job classification, provided the employee works at least (50) percent of the normal full-time working schedule for the job classification (seventy-five (75) or eighty (80) hours). Notwithstanding the foregoing, however, such employees who normally work at least fifty (50) percent of the normal full-time weekly schedule for the job classification, who were on the county payroll for the pay period beginning April 1, 1979, and who received one hundred (100) percent of the county contribution during said pay period, shall continue to be eligible for one hundred (100) percent of said contribution until (A) a break in part-time service, (B) a break in health plan coverage, (C) a change to full-time service from part-time service even if the employee reverts to part-time service, whichever shall first occur, but in no event shall said contribution exceed the county contribution for coverage of full-time employees in comparable classes.

For unrepresented M-designated employees, effective February 1, 2010, the County's contribution towards the provider's premium shall be ninety (90) percent of the total monthly premium for health maintenance organization (HMO) prorated each pay period based upon a proportion of the hours the employee is on paid status within that pay period to the normal full-time pay period for the job classification, provided that the employee must be on paid status at least fifty (50) percent of the normal full-time bi-weekly pay period for the job classification. Part-time employees, who choose the PPO/Indemnity plan, will receive an amount to be

determined of the total monthly premium, prorated based upon the number of hours paid for in the pay period.

SECTION VI

Section 3.64.080 Duplicative Coverage, of Chapter 3.64 Employee Health and Welfare Benefit Program, is hereby amended to read as follows:

Unless otherwise provided in a current, valid memorandum of understanding, and subject to the premium payment restrictions of Section 3.64.060, the provisions of this section apply to employees of the county as follows:

- A. Notwithstanding Section 3.64.020 hereof, married county employees or domestic partners (effective 2/1/96 and upon submission of an affidavit as defined in Section 3.24.180), both employed by the county, shall be entitled to one choice from the following list of health plan coverages:
1. Up to one full family PPO/Indemnity membership.
 2. Up to one full family HMO membership
 3. Up to one full family HMO membership with up to one full family PPO/Indemnity membership.
 4. Up to one full family PPO/Indemnity membership with up to one full family PPO/Spousal membership.
 5. Up to one full family HMO membership with up to one full family alternative HMO membership.

SECTION VII

Section 3.12.120 is re-titled from Maternity Leave, to Pregnancy and Child Bonding Leave, of Chapter 3.12 Leaves of Absence, and is hereby amended to read as follows.

Effective July 12, 2009 the above referenced Section no longer applies. Effective July 12, 2009, the provisions of this section shall apply to Unrepresented employees of the county as follows:

PREGNANCY AND CHILD BONDING LEAVE. A pregnant employee is entitled to a pregnancy and child bonding leave up to six months, the dates of which are to be mutually agreed by the employee and Agency/Department. Such an employee may elect to take accrued vacation or compensating time off or sick leave, when eligible, during the period of pregnancy and child bonding leave, except that in the case of an employee who is regularly scheduled to work **less than the normal full-time** work week for the classification, paid leave shall be granted only for those days, or fractions thereof, on which such an employee would have been regularly scheduled to work and would have worked but for the pregnancy and child bonding leave. Notwithstanding the above, the employee may be entitled to take up to seven (7) months of total leave for the integration of the disability and child bonding leaves pursuant to the California Family Rights Act. These leaves, when eligible, are taken concurrently with FMLA.

Reinstatement subsequent to pregnancy and child bonding leave of absence shall be to the same classification from which leave was taken, and the Agency/Department Head shall make its best effort to return such employee to the same geographical location, shift and where there is specialization within a classification, to the same specialization. Questions to whether or not the Agency/Department Head used its best effort herein, shall not be subject to the grievance procedure.

SECTION VIII

Section 3.12.160 is re-titled from Paternity/Adoptive Leave, to Child Bonding Leave, of Chapter 3.12 Leaves of Absence, and is hereby amended to read as follows.

Effective July 12, 2009 the above referenced Section no longer applies. Effective July 12, 2009, the provisions of this section shall apply to Unrepresented employees of the county as follows:

CHILD BONDING LEAVE. A prospective father, spouse, domestic partner or adoptive parent is entitled to child bonding leave up to the three months, the dates of which to be mutually agreed by the employee and the Agency/Department Head. Such employee may elect to take accrued vacation or compensating time off during the period of child bonding leave, except that in the case of an employee who is regularly scheduled to work less than the normal full-time work week for the classification, paid leave shall be granted only for those days, or fraction thereof, on which such an employee would have worked but for paternity adoptive leave. The use of sick leave during child bonding leave shall not be permitted to fathers, spouses, domestic partners or adoptive parents unless they are otherwise eligible.

Reinstatement subsequent to child bonding leave of absence shall be to the same classification from which leave was taken and the Agency/Department Head shall make his/her best effort to return such employee to the same geographical location, shift, and where there is a specialization within the classification, to the same specialization. Questions as to whether or not the Agency/Department Head has made its best effort herein shall not be subject to the grievance procedure.

SECTION VIV

This ordinance shall take effect immediately, and before the expiration of fifteen days after its passage, shall be published once with the names of the members voting for and against the same in the Inter-City Express, a newspaper published in the said County of Alameda.

MW:vb

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