

AGREEMENT BETWEEN
THE COUNTY OF SAN BENITO
AND
THE LAW ENFORCEMENT MANAGEMENT
EMPLOYEES OF SAN BENITO COUNTY

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AGREEMENT BETWEEN THE COUNTY OF SAN BENITO AND THE LAW ENFORCEMENT
MANAGEMENT EMPLOYEES OF SAN BENITO COUNTY

PARTIES TO THE AGREEMENT

This agreement has been executed by a representative of the Board of Supervisors and the County of San Benito (County) and by a representative of the San Benito County Law Enforcement Management (LEM).

COVERED CLASSIFICATIONS

The terms and conditions of this Agreement shall apply to the job classifications of Sheriff's Captain Operations and Sheriff's Lieutenant-Corrections and Superintendent of Juvenile Hall and Assistant Chief Probation Officer.

TERM:

This Memorandum of Understanding between the County and LEM shall become in full force and effect on October 1, 2017 and shall continue in full force and effect until midnight, September 30, 2019.

COMPENSATION

One-time Payment:

- 1) Effective October 8, 2017 pay period, employees in this unit in paid status will receive a \$1,200 signing bonus payment which will be paid on October 27, 2017. This bonus will be subject to applicable state and federal tax withholdings.
- 2) Effective the first full pay period after October 1, 2018, employees in this unit in paid status will receive a \$1,000 one-time lump sum payment. The signing bonus will be subject to applicable state and federal tax withholdings.

Salary:

- 1) Effective October 8, 2017, employees in this unit will receive a 3.5% salary increase which will be paid on October 27, 2017.
- 2) Effective the first full pay period in April 2018, employees in this bargaining unit will receive a 0.5% salary increase.
- 3) Effective the first full pay period in October 2018, employees in this bargaining unit will receive a 3.0% salary increase.

Step Increases: Employees in this unit will be eligible to move from Steps A through F in accordance with County Policy.

Uniform Allowance: Employees shall continue to receive the thirty-dollars (\$30) per pay period uniform allowance.

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RETIREMENT BENEFIT AND CONTRIBUTIONS:

Effective January 10, 2011, the County amended the CalPERS contract to a retirement of 3% at 55 full formula as provided in Govt. Code Section 21363.1, for Local Safety Members hired on or before December 31, 2012. Employees will pay the 9% employee contribution and the County will continue to pay the full employer contribution.

New members, as defined by PEPRRA, are subject to the new Pension rules requiring a contribution of 50% of the normal cost and a new formula (2.7% @ 57).

OTHER COMPENSATION AND LEAVE:

Administrative Leave: Covered employees shall be credited with eighty (80) hours of Administrative Leave on January 1 of each calendar year. For new employees hired or promoted after January 1, the amount of leave credited to their accounts shall be pro-rated based on their employment or promotional start date. Administrative Leave must be used in the year which it is granted or the employee will be eligible for a cash payout at the end of the calendar year, not to exceed forty (40) hours of the remaining unused balance.

Vacation Leave Accrual Limits: The maximum accrual for employees is equal to two times the employees' yearly accrual rate. Once the employee reaches this maximum, they shall no longer accrue vacation until vacation is used and accrual level are below the maximum allowance.

Floating Holidays: Three per calendar year. For new employees hired or promoted after January 1, the amount of leave credited to their accounts shall be pro-rated based on their employment start date. Floating holidays must be taken by the end of the calendar year or they will be lost.

Paid Holidays. All observed County holidays off.

Sick Leave. Members of this unit have the same sick leave benefits as those provided to the Deputy Sheriff's Association in Article XIII of the DSA MOU, "SICK LEAVE."

For employees hired on or after March 23, 2016, sick leave is forfeited upon resignation or termination, except that if the employee is retiring under CALPERS, the employee can cash out 25% of their sick leave. For employees hired on or before March 22, 2016, sick leave is forfeited upon resignation or termination, except that if an employee is retiring under CALPERS, the employee can cash out 50% of sick leave at retirement, in accordance with the County Personnel Policies and Procedures.

All other sick leave shall be as provided for in the County Personnel Policies and Procedures and shall remain unchanged for the term of this agreement.

Bilingual Pay. Until employees in the classifications supervised by members of this unit possess sufficient bilingual skills, bi-lingual employees (Spanish) in this unit shall receive Seventy-Five Dollars (\$75.00) per month when conducting work normally done by subordinate positions. This payment shall be made to individuals who have taken and passed a proficiency test and

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who are utilized by the department for more difficult interpreter work, translator work, testifying in court, etc. It is understood that, relative to incidental bilingual contacts, per previous past practice, Unit employees will endeavor to communicate with non-English speaking persons to the best of their ability without additional compensation.

Post Pay: Individuals in the Sheriff's Captain Operations classification possessing a POST Management Certification shall receive an additional 2.5% of base pay

MEDICAL INSURANCE:

1. Medical Insurance Plan Options

The County currently offers medical coverage to eligible employees through CSAC-EIA.

2. Eligibility

Employees occupying permanent full time positions, who work a minimum of 0.9 FTE or more, and their eligible dependents, shall be entitled to participate in the County-sponsored medical plan consistent with plan eligibility requirements.

Employees occupying permanent part-time positions, who work a minimum of twenty (20), but less than 0.9 FTE per week, and their eligible dependents, shall be entitled to participate in the County-sponsored medical plans consistent with plan eligibility requirements. In either case cited above, the County contribution shall be based on the full-time equivalent designation of the position on the Schedule of Authorized Positions adopted by the Board of Supervisors, not on the specific number of hours worked.

3. County Contribution

To receive this contribution, all employees must maintain medical care coverage through a County sponsored plan.

The County's monthly contribution for any medical plan shall be up to the maximum amounts for full time permanent employees as set forth below:

Employee Only	\$550.00
Employee Plus One	\$1050.00
Family	\$1315.00

The County's contribution above shall be prorated for positions that are less than 0.90 FTE rounding to the nearest one-quarter time. Any premium contributions required above the County's maximum monthly contribution shall be borne entirely by the employee.

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PREMIUM CONVERSION

Employees in this Unit authorize the County to make a payroll deduction in the amount of the remainder of the premium required for the CSAC-EIA plans, or other approved County offered medical plan in which the employee and dependents are enrolled.

The County agrees to continue to provide employees with an option to pay their insurance premium contributions on a pre-tax basis, as allowed in the Internal Revenue Code.

EMPLOYEE OPT-OUT OF MEDICAL COVERAGE

Employees who are eligible to receive a "cash in lieu of" enrollment in the County's medical plan shall receive a taxable payment of \$150 monthly (pro-rated into biweekly installments of \$69.23). To be eligible for the cash incentive, the employee must work a full-time schedule in an authorized full-time position and change from any level of medical plan coverage to no coverage, or if a new employee, choose no coverage.

Whenever the employee changes to, or opts for, no coverage, the employee shall provide written proof of current group alternate coverage that is not an ACA or Covered California plan and sign a waiver stating that he or she does have alternative coverage and that he or she understands that he or she will no longer receive coverage through a County-sponsored medical plan. If the employee later decides to re-enter a County-sponsored medical plan, he or she must meet such requirements and conditions for approval as may be required by the health plan provider or enroll during the annual open enrollment period for CSAC-EIA provided medical plans.

Procedures for exercising this option and for re-entering the County-sponsored medical plans shall be established by the County.

RETIREE HEALTH INSURANCE:

A. Eligibility and Maximum County Contribution

Employees in the Unit who retire from the County of San Benito and are eligible for a pension may enroll in a CSAC-EIA medical plan within ninety (90) calendar days of the date of separation as a retiree from the County if consistent with plan eligibility.

To receive this contribution, all employees must maintain health care coverage through a County sponsored plan and receive CalPERS retirement.

B. County Contribution for employees hired on or before September 30, 2014

I. The County will make the following maximum monthly premium contribution to a CSAC-EIA medical plan:

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- a. For pre-65 retirees who are not eligible for Medicare
 - i. Retire Only: \$550
 - ii. Retiree Plus One: \$1050
 - iii. Retiree Plus Family: \$1315

- b. For Medicare eligible retirees or their eligible survivors (spouse and/or dependent children), the County will contribute 70% of the amount stated in paragraph a. above.

C. Employees Hired on or after October 1, 2014

For purposes of calculating the County's contribution towards medical plan premiums in the County's CSAC-EIA medical plan, employees hired on or after October 1, 2014 who retired from the County, shall only receive a County monthly contribution equal to the PEMHCA minimum.

OVERTIME EXEMPTION STATUS

Employees in the LEM are exempt from overtime provisions of the State and Federal Fair Labor Standards Act (FLSA) and therefore are not entitled to any additional compensation for hours worked in excess of forty hours per workweek.

Although it is expected that LEM employees will work forty (40) hours, if not more, per week, and be present at their offices during regular business hours, in recognition of their exempt status, LEM employees shall not be subject to deduction in pay for partial-day absences from work. Employees must accurately report the number of hours worked and the numbers of hours on leave for a partial day absence in a format to be determined by the County.

PAYROLL/PERSONNEL TRANSACTIONS

Unless otherwise stated in this MOU, all new payroll/personnel transactions that affect compensation and benefit payments, including but not limited to step increases, promotions, demotions, and transfers will be effective on the first day of the pay period following the effective date of the relevant transaction.

The parties agree to reopen this MOU solely for the purposes to meet and confer over the impacts within the scope of representation related to the implementation of the County's new payroll system. Discussions may include, but are not limited to the following: direct deposits, W2 processing, and time entry process.

Personnel Policy Updates: The parties agree that the process for updating the County's Personnel Policies and Procedures shall be completed within thirty (30) calendar days of the adoption of this MOU by the Board of Supervisors.

**AGREEMENT BETWEEN THE COUNTY OF SAN BENITO AND THE LAW ENFORCEMENT
MANAGEMENT EMPLOYEES OF SAN BENITO COUNTY**

IN WITNESS WHEREOF,

The parties hereto have caused this Memorandum of Understanding to be executed by affixing their signature below.

County of San Benito	Law Enforcement Management
<p align="center"><u>JAIME DE LA CRUZ</u> Chair, County Board of Supervisors</p> 	<p align="center">TONY LAMONICA</p> 
<p align="center"><u>RAY ESPINOSA</u> County Administrative Officer</p> 	<p align="center">ERIC TAYLOR</p> 
<p align="center"><u>BURKE DUNPHY</u> Chief Negotiator</p> 	<p align="center">EDWARD ESCAMILLA</p>  <p align="center">ERIC TAYLOR</p>
<p align="center"><u>BARBARA THOMPSON</u> Acting Assistant County Counsel</p> 	<p align="center">JOE FRONTELLA</p> 