R24-032

A RESOLUTION OF THE MONO COUNTY BOARD OF SUPERVISORS ADOPTING AN UPDATED AND AMENDED POLICY REGARDING THE BENEFITS OF AT-WILL AND ELECTED MANAGEMENT-LEVEL OFFICERS AND EMPLOYEES TO SUPERSEDE AND REPLACE THE POLICY ENACTED BY RESOLUTION R20-56 IN 2020

WHEREAS, by Resolution R20-56, adopted by the Board of Supervisors on June 2, 2020, the Board adopted and implemented a revised Policy Regarding Benefits of Management-Level Officers and Employees (hereafter the "2020 Benefits Policy"); and

WHEREAS, since that time, the Board has determined that revisions and updates to the 2020 Benefits Policy are required, and the Board now wishes to make said revisions and updates through adoption of the attached Policy Regarding the Benefits of At-Will and Elected Officers and Employees;

NOW, THEREFORE, THE BOARD OF SUPERVISORS OF THE COUNTY OF MONO RESOLVES that the ***Mono County Policy Regarding the Benefits of At-Will and Elected Management-Level Officers and Employees*** ("Management Benefits Policy") attached hereto as an exhibit and incorporated by this reference is hereby approved and adopted and shall supersede and replace, in its entirety, the 2020 Management Benefits Policy adopted by the Board of Supervisors through Resolution R20-56.

PASSED, APPROVED and **ADOPTED** this 2nd day of April 2024, by the following vote, to wit:

AYES: Supervisors Duggan, Gardner, Kreitz, Peters, and Salcido.

NOES: None.

ABSENT: None.

ABSTAIN: None.

John Peters
John Peters (Apr 4, 2024 13:18 PDT)

John Peters, Chair
Mono County Board of Supervisors

ATTEST:

Clerk of the Board

APPROVED AS TO FORM:

Stacey Simon (Apr 4, 2024 17:39 EDT)

County Counsel

MONO COUNTY POLICY REGARDING THE BENEFITS OF AT-WILL AND ELECTED MANAGEMENT-LEVEL OFFICERS AND EMPLOYEES
(Adopted April 2, 2024)

ARTICLE 1. INTRODUCTION

The purpose of this policy is to memorialize the non-salary benefits generally provided by the County to its at-will management-level officers and employees. Additional, different, or even lesser benefits may be specified pursuant to the express terms of a written agreement between an employee and the County. In the event and to the extent that a conflict exists between any provision of this policy and such agreement, the terms of the agreement shall prevail as to that employee. Certain benefits set forth herein (e.g., vacation and sick leave) are, by their nature, only appropriate or legally available for employees, as opposed to elected officials, due to differences between the natures of employees and elected officials. Where such differences exist, they are specifically noted in the policy. The Board of Supervisors may amend this policy from time to time.

ARTICLE 2. COVERED OFFICERS AND EMPLOYEES

This policy applies to: elected and appointed department/agency heads, including the county counsel and the county administrative officer; management level employees, deputies and assistants serving under individual at-will employment agreements with the County; and members of the board of supervisors (hereafter "covered officers" and/or "covered employees").

This policy shall not apply to any independent contractor, nor to any person who serves the County pursuant to a contract with another public agency. Furthermore, as noted above in Article I, the express terms of an individual employment agreement applicable to one of the foregoing officers or employees may exclude various benefits or provide for lesser, different, or waived benefits, and such terms shall prevail over any provision of this policy. Finally, note that the County may, in its discretion, extend or otherwise apply any of the principles of this policy to officers or employees other than those expressly mentioned above.

ARTICLE 3. HEALTH, LIFE, AND DISABILITY INSURANCE

A. Each covered officer and employee and his or her dependents are entitled to health care benefits as provided in this Article and Articles 4 and 5.

B. "Health care benefits" means the medical, dental, and eye-care benefits provided to covered officers and employees and their dependents by the County pursuant to this Policy.

C. The County shall continue to participate in the CalPERS medical insurance program, or other comparable insurance program, on behalf of covered officers and employees.

D. The County shall pay only the statutory amount prescribed by Government Code section 22892 per officer or employee per month for CalPERS medical insurance.

E. Life Insurance. The County shall provide covered officers and employees with term life insurance in the amount of fifty thousand dollars ($50,000), applicable during their active service to the County (not after their retirement or other termination of employment or service).

F. Disability Insurance (Not Applicable to Elected Officers). The County shall enroll, and pay the premiums for, all covered employees to provide coverage under the State Disability Insurance (SDI) program. When the covered employee has filed a disability claim and is receiving disability benefits pursuant to the SDI program, the County shall continue paying:

(1) Monthly contributions into the Cafeteria Plan based on the employee's applicable tier (See Article 6); and

(2) The medical portion of Social Security.

G. Health Care Coverage for Retirees and Post-Retirement Health Beneficiaries.

(1) A "retiree" is a former covered officer or employee whom CalPERS considers to be a County retiree/annuitant, but who is not a post-retirement health beneficiary as described in this policy. The County shall pay the statutory amount prescribed by Government Code section 22892 per month for each retiree who enrolls in CalPERS medical insurance, regardless of their age or years of continuous service for the County.

(2) A "post-retirement health beneficiary" or "PRHB" is a former covered officer or employee who falls within one of the following categories:

- Was hired or elected prior to January 1, 1986, held permanent employment status or was holding elected county office and was age fifty (50) or older on the date of his or her retirement, and had accrued at least five (5) years continuous service with the County immediately preceding the date of retirement;
- Was hired or elected between January 1, 1986, and June 30, 1987, held permanent employment status or was holding elected county office and was age fifty (50) or older on the date of his or her retirement, and had accrued at least ten (10) years continuous service prior to retirement;
- Was hired or elected between July 1, 1987, and January 1, 1996, held permanent employment status or was holding elected county office and was age fifty (50) or older on the date of his or her retirement, and had accrued at least fifteen (15) years continuous service prior to retirement;
- Was hired or elected between January 1, 1996, and December 31, 2001, held permanent employment status or was holding elected county office and was age fifty-five (55) or older on the date of his or her retirement, and had accrued at least twenty (20) years continuous service immediately prior to retirement.

With respect to any elected official who was a county employee immediately preceding his or her first election to office, the official's tier under this definition shall be based on his or her date of hire as an employee and his or her years of prior service as a county employee shall be counted along with years of service as a county officer, provided all such service was continuous.

PRHBs shall receive those benefits after retirement set forth in Article 8, unless they have at any time elected to participate in the County's 401(a) retirement plan.

ARTICLE 4. DENTAL CARE PLAN

The County shall provide all covered officers and employees and their dependents with the County dental plan. The current County dental care plan shall be the minimum base coverage.

ARTICLE 5. VISION CARE PLAN

The County shall provide all covered officers and employees and their dependents with a vision care plan. The current Vision Care Plan C shall be the minimum base coverage.

ARTICLE 6. CAFETERIA PLAN

A. For covered officers and employees enrolled in PERS Gold (formerly PERS Select) insurance, the County shall contribute into the cafeteria plan an amount equal to ninety-five percent (95%) of the PERS Gold premium for the coverage tier in which the covered officer or employee is enrolled (i.e., single, two-party, or family), minus the statutory amount prescribed by Government Code section 22892, which the County shall pay directly to PERS. For covered officers or employees enrolled in a PERS insurance plan other than PERS Gold, the County shall contribute into the cafeteria plan an amount equal to eighty percent (80%) of the PERS Platinum (formerly PERS Choice) premium for the coverage tier in which the covered officer or employee is enrolled, minus the statutory amount prescribed by section 22892, which the County shall pay directly to PERS.

B. With respect to any covered officer or employee who is not enrolled in CalPERS medical coverage for their applicable tier, but who provides the County with proof of medical coverage under an insurance plan providing at least the same level of benefits available from CalPERS under the Cafeteria Plan, the County shall contribute to the Cafeteria Plan three hundred dollars ($300) per month for that non-enrolled officer or employee. Notwithstanding the foregoing, no officer or employee (regardless of date of assuming office or date of hire) shall be eligible to receive a contribution to the Cafeteria Plan under this subsection, unless they were already receiving such a contribution prior to August 1, 2011.

ARTICLE 7. 401(a) PLAN

A. Any covered officer or employee originally hired or elected on or after January 1, 2002, shall not be eligible to earn or receive the retirement service benefit provided by Article 8, but shall instead be eligible to receive County contributions into an Internal Revenue Code Section 401(a) Plan established by the County, as described more fully below. Any active officer or employee who was originally hired or elected prior to January 1, 2002, may also elect to receive County contributions into a Section 401(a) Plan under this Article, but only if he or she agrees to waive and relinquish any present or future rights he or she may have to receive the post-retirement benefit provided by paragraphs B and C of Article 8.

B. The County has established and fully implemented an Internal Revenue Code Section 401(a) Plan consistent with this Article. The County shall contribute into the Section 40l(a) Plan an amount on behalf of each covered officer or employee electing to participate under this Article equal to the amount contributed by that officer or employee from his or her own pre- tax salary into one of the County's Section 457 deferred compensation plans or into the 401(a) Plan directly (if made available to officer or employee contributions) but not to exceed 3% of the officer or employee's pre-tax base salary. Accordingly, if an officer or employee contributed a total of 1-3 % of his or her pre-tax salary to a 457 plan, then the dollar amount of the County's 401(a) contribution would fully match the officer's or employee's 457 contribution; if an officer or employee contributed more than 3% of his or her pre-tax salary to a 457 plan, then the dollar amount of the County's 401(a) contribution would only be equal to 3% (and not more) of the officer's or employee's pre-tax salary and would not fully match the officer's or employee's 457 contribution. The officer or employee may direct the investment of said contributions in accordance with the options or limitations provided by the 401(a) Plan. Each officer or employee shall vest -- that is, earn the right to withdraw - the County's contributions into the 401(a) Plan on their behalf, based on years of County service as set forth more fully below.

C. The 401(a) Plan implementing this Article shall provide the following schedule of vesting requirements for any participating officer or employee to earn and be eligible to withdraw or otherwise receive a portion (or in some cases all) of his or her total account value at the time of separation from County service:

Years of County Service	Portion of Account Value Vested
1 year or less	0%
1 year plus 1 day	10%
2 years plus 1 day	20%
3 years plus 1 day	40%
4 years plus 1 day	60%
5 years plus 1 day	80%
6 years or more	100%

D. <u>County Contribution (By January 1, 2025)</u>

Upon implementation by the County and by no later than January 1, 2025, the following shall take effect, and shall thereupon supersede and replace the above subsections B and C.

County shall continue to provide an Internal Revenue Code Section 401(a) Plan consistent with this Article. County shall continue to contribution into the Section 401(a) Plan an amount on behalf of each Employee electing to participate in this Article equal to the amount contributed by that Employee from his or her own pre-tax salary into one of the County's section 457 deferred compensation plans or into the 401(a) Plan directly (if made available to Employee contributions), but not to exceed five percent (5%) of the Employee's pre-tax salary. Accordingly, if an Employee contributed a total of one to five percent (1-5%) of his or her pre-tax salary to a 457 plan, then the dollar amount of the County's 401(a) contribution would fully match the Employee's 457 contribution; if an Employee contributed more than five percent (5%) of his or her pre-tax salary to a 457 plan, then the dollar amount of the County's 401(a) Plan contribution would be five percent (5%) (and not more) of the Employee's pre-tax salary and would not fully match the Employee's 457 contribution. The Employee may direct the investment of said contributions in accordance with the options or limitations provided in the 401(a) Plan.

E. In addition to and notwithstanding the foregoing, officers' or employees' options for withdrawing, "rolling over," and otherwise using account money -- and the tax consequences of such withdrawals and use - shall be subject to any legal requirements or limitations of Internal Revenue Code Section 401(a) and any other applicable laws with which the County and the Plan must comply.

ARTICLE 8. BENEFITS FOR POST-RETIREMENT HEALTH BENEFICIARIES

A. Each post-retirement health beneficiary (or PRHB) as defined in Article 3 will be eligible for a flexible credit allowance under the County's Section 125 Cafeteria Plan (See Article 6) as set forth below, unless he or she has at any time prior to retirement opted to participate in the County's Section 401(a) Plan (see Article 7).

B. The amount of the flexible credit allowance shall be computed as follows:

(1) Post-retirement health beneficiaries who enroll in CalPERS medical insurance, shall receive a flexible credit allowance equal to the monthly amount of the PERS Platinum premium based on the residency and coverage tier (PRHB and up to one dependent) in which the PRHB is enrolled, minus the statutory amount prescribed by Government Code section 22892 per month, which shall instead be paid by the County directly to PERS, and minus the same monthly amount that the PRHB was contributing toward their medical insurance premiums as an active employee on January 1, 2020. For example, if an employee was contributing $50 per month toward his or her medical insurance as an active employee on January 1, 2020, then that same fixed dollar amount shall be deducted from the flexible credit allowance paid to them as a PRHB pursuant to this subsection. Note that under this formula, while the PERS Platinum premium and the statutory amount prescribed by Government Code section 22892 will vary over time (based on the then-current amounts), the amount deducted therefrom based on what the PRHB was contributing as an active employee does not vary.

(2) All PRHBs who are eligible for Social Security Medicare coverage must enroll in such coverage to be eligible to receive a flexible credit allowance under this Article. The amount of the flexible credit allowance shall be determined as set forth above, but shall be based on the premium for the PERS Supplement/Managed Care policy.

(3) Each PRHB, and one dependent, shall also be eligible to receive the same dental and eye-care benefits provided to covered officers and employees in Articles 4 and 5 of this policy.

ARTICLE 9. VACATION ACCUMULATION (Not Applicable to Elected Officers)

A. Covered employees shall accrue vacation benefits as follows:

Initial employment	15 days per year
After 10 years of service	17 days per year
After 15 years of service	19 days per year
After 20 years of service	20 days per year

For purposes of this benefit, a "day" means eight (8) hours and assumes full-time employment. Covered employees working less than a full-time schedule shall accrue a prorated amount of vacation days per year.

B. Notwithstanding anything to the contrary, the maximum number of vacation hours that may be accumulated by any covered employee shall not exceed 400.

C. If a covered employee's total accumulated vacation hours exceed 400, then their vacation accrual will cease until the covered employee's accumulation of vacation days falls to or below 400 hours.

D. Any covered officer or employee who has accrued a minimum of 80 vacation hours may, upon written request, be compensated for up to a maximum of 40 hours of accrued vacation time per calendar year, instead of taking that vacation time off.

ARTICLE 10. SICK LEAVE (Not Applicable to Elected Officers)

A. Sick leave for each covered employee shall commence to accrue upon the covered employee's date of employment at the rate of one (1) full day of sick leave for each month of full-time service, to a maximum accrual of one hundred and twenty (120) sick leave days (960 hours). Part-time employees accrue a prorated amount based on the percentage of full-time work provided. Upon termination, the employee shall be compensated for accrued sick leave as follows:

(1) If the employee has worked for the County for less than five (5) years, no amount shall be paid for accrued sick leave.

(2) If the employee has worked for the County for five (5) or more years, but less than ten (10) years, then the employee shall be paid seventy-five percent (75%) of the dollar value of the accrued sick leave.

(3) If the employee has worked for the County for ten (10) or more years, then the employee shall be paid one hundred percent (100%) of the dollar value of the accrued sick leave.

B. The dollar value of the employee's accrued sick leave shall be based upon the employee's base salary on the date of separation.

ARTICLE 11. MERIT LEAVE (Not Applicable to Elected Officers or At-Will Employees covered by FLSA)

A. By the nature of their positions, most covered employees are exempt from payment of overtime compensation under the Fair Labor Standards Act (FLSA) and will not be paid overtime by the County for hours worked in excess of 40 hours per week. FLSA-exempt employees are expected to efficiently manage time to perform their job duties, and be available for staff, clients and the public. This entails full-time exempt employees being available for more than 40-hours per workweek (or a lesser amount in the case of part-time exempt employees) and outside of normal business hours.

B. In consideration of these expectations, the lack of overtime pay and job complexities, eighty hours (80) of merit leave per calendar year is awarded to full-time exempt employees (not elected officials); part-time exempt employees may be awarded a prorated lesser amount based on their regular schedule. Merit leave is not an hour-for- hour entitlement, but rather is extra time off provided in addition to vacation time, sick leave, etc. The initial award for exempt employees shall be prorated based upon the remainder of the calendar year (unless stated otherwise in an individual's at-will agreement).

C. Merit leave does not accrue to a bank and the yearly entitlement must be used within the calendar year it is awarded, or it is lost unless provided otherwise by Resolution of the Board. There is no carryover of unused merit leave to subsequent year(s) and merit leave has no cash value.

D. Merit or vacation leave (or sick leave, if applicable) must be used whenever a full-time exempt employee works fewer than 80 hours during any two-week payroll period; or a prorated lesser number of hours during any two-week payroll period in the case of part-time exempt employees. A two-week payroll period means fourteen consecutive calendar days beginning on a Sunday as designated by the Finance Department.

F. Those at-will employees who have been determined by the County to be covered by the FLSA (i.e., not exempt) shall be subject to the rules regarding overtime and compensatory time-off (CTO) set forth in the Memorandum of Understanding (MOU) between the County and the Mono County Public Employees (MCPE) bargaining unit or, for FLSA-covered employees within the District Attorney's office, the MOU between the County and the Deputy Sheriffs' Association.

ARTICLE 12 COUNTY HOLIDAYS (not applicable to elected officials)

Covered employees shall be entitled to the same County holidays as provided to represented employees. In the event of a difference between the holidays provided to the County's various bargaining units, covered employees shall be entitled to those holidays provided to any bargaining unit.

ARTICLE 13. PERS RETIREMENT

A. Covered employees are members of the CalPERS retirement system and are eligible to earn benefits accordingly. For elected officers, membership in the CalPERS system is optional, except to the extent otherwise specified by the Public Employees' Pension Reform Act of 2013 (hereinafter "PEPRA"). Actual benefits are governed by law and the County's current contracts with CalPERS. Covered miscellaneous employees hired or otherwise taking office after December 31, 2012, are provided with "2% at 62" PERS Retirement Benefits as mandated by PEPRA; however, covered employees hired or otherwise assuming office within six months of leaving a previous public employer with pension system reciprocity are not considered new and may be eligible for the plan in effect on December 31, 2012, which in Mono County was "2.5% at 55" for miscellaneous employees. Covered miscellaneous employees hired or otherwise taking office between April 10, 2012, and December 31, 2012, are provided with PERS "2.5% at 55" retirement. Any covered miscellaneous employees hired or otherwise taking office prior to April 10, 2012, are provided with PERS "2.7% at 55" retirement.

B. The Sheriff-Coroner, if opting to be a member of CalPERS, and the Undersheriff, are safety members of the Local Sheriff coverage group and receive benefits at the level specified by PEPRA based on their applicable dates of assuming office or date of hire and the level of benefits in place under the County's contract with CalPERS on that date for the Local Sheriff coverage group (or based on the plan in effect on December 31, 2012, in the event they are hired or otherwise assume office within six months of leaving a previous public employer with pension system reciprocity as described above).

C. At-will employees and elected officials who are safety members of the County Peace Officer coverage group and receive benefits at the level prescribed by PEPRA for that coverage group based on their date of hire (or based on the plan in effect on December 31, 2012, in the event they are hired within six months of leaving a previous public employer with pension system reciprocity as described above).

D. Covered officers and employees who are members of the CalPERS system pay the employee's (or "member's") contribution for applicable PERS coverage and retirement, which shall be the same amount as bargaining unit members enrolled in the same CalPERS retirement plan. (Note: To the extent mandated by PEPRA and based on date of hire or assuming office, new officers and employees may also be required to pay 50% of the "normal cost" for their PERS retirement benefits.) The County has implemented an IRS 414H2 program for all covered officers and employees in order to facilitate the officer's or employee's

PERS contributions and to provide for tax deferred payment of the officer's or employee's PERS contributions.

E. The County's contract with CalPERS provides eligible covered officers and employees with Level IV Survivors' Benefit Program (specifically those benefits provided by Government Code Section 21574).

ARTICLE 14. SEVERANCE PAY (Not applicable to elected officers)

A. In the event of a termination without cause occurring after the employee has successfully completed twelve (12) months of employment in the position for which they were hired, the employee shall be entitled to severance pay as follows:

(1) CAO, County Counsel, Department Heads – Six (6) months' base pay
(2) Non-department head at-will employees – Two (2) months' base pay (applicable to employees hired after May 1, 2024, excluding any employee moving from one at-will position to another and who was eligible for six (6) months' severance pay under their prior at-will agreement).

B. If a covered employee has taken an extended leave of more than 30 days during the initial 12-month period described above, then that period may be extended, in the discretion of the appointing authority, by the number of days of leave taken. There shall be no entitlement to severance pay in the event the appointing authority has grounds to discipline the employee at the time of termination or for termination (with or without cause or grounds for discipline) during the first twelve (12) months of employment, including any extension thereto under this paragraph.

ARTICLE 15. TRAVEL AND PER DIEM REIMBURSEMENT; MOVING EXPENSES

A. Travel policies, per diem expenses and reimbursement for non-travel-related food and beverage are governed by policies and procedures adopted by resolution of the Board of Supervisors and codified in the Mono County Policies Manual, as same may be amended by Board resolution from time to time and unilaterally implemented.

B. Newly-hired covered employees (but not elected officials) who relocate to Mono County for purposes of their employment with the County may be reimbursed up to $5,000 in moving costs upon presentation of receipts demonstrating such expenditures and provided such expenses would be exempt from taxation under IRS rules. Reimbursable costs include: moving company costs, transport vehicle rental and fuel costs (e.g., U-Haul or similar), lodging and per diem as part of a move that requires overnight travel in (or up to) the amounts set forth in the County's Travel Policy, and other similar expenses which may be approved and authorized in writing by the County Administrative Officer, provided that total reimbursement does not exceed $5,000.

In the event that a covered employee has received reimbursement under paragraph B, but voluntarily resigns or separates from County employment within two years of the start date of employment, they shall owe the County any amounts received, pro-rated based on time worked, which amounts shall be withheld from the employee's final paycheck. If the amount of that final paycheck is insufficient to cover the required repayment, then any remaining amount shall be repaid by the employee.