


Board Agenda Item

TO: Air Pollution Control District Board

FROM: Aeron Arlin Genet, Air Pollution Control Officer 

CONTACT: Kristina Aguilar, CPA, Administrative Division Manager, (805) 979-8288

SUBJECT: Salary and Benefits for Management and Confidential-Unrepresented Employees

RECOMMENDATION:

Adopt the attached Resolution amending the Management Personnel Benefits Policy for Management and Confidential-Unrepresented Employees.

DISCUSSION:

The Management and Confidential-Unrepresented group represent 12 active employees, including the Air Pollution Control Officer (APCO). In December 1997 your Board adopted a Management Personnel Benefits Policy for Management and Confidential-Unrepresented Employees. Periodically, this resolution requires amendments to reflect changes to benefits provided to represented employees. There are also general updates to the resolution regarding cleanup of grammatical errors or sections that are no longer applicable. These updates are considered ministerial in nature and can be found in track changes in the attached. The last amendment took place in June 2020. The following are the amendments to this resolution:

1. Salaries – July 1, 2022 the base salaries of all Management and confidential-unrepresented employees, including the APCO, shall be increased by three and a half percent (3.5%). A 2.0% Cost of Living Adjustment (COLA) will be effective July 1, 2023 and July 1, 2024 as long as the District's operating revenue does not decrease by 15% or more;
2. Medical Benefits – \$50.00 effective July 1, 2022 increase in the District's contribution for medical premiums to a new maximum of \$650.00 per month. An employee may direct the additional \$50 towards their 457 Plan account in lieu of receiving the medical buy down, as a match to personal funds. The new maximum 457 contribution would be \$119.58 per month. Additional increase of \$25.00 effective January 1, 2023 in the

District's contribution for medical premiums to a new maximum of \$675 per month. An employee may direct the additional \$25 towards their 457 Plan account in lieu of receiving the medical buy down, as a match to personal funds. The new maximum 457 contribution would be \$144.58 per month. Additional increase of \$28.00 effective January 1, 2024 in the District's contribution for medical premiums to a new maximum of \$703 per month. An employee may direct the additional \$28 towards their 457 Plan account in lieu of receiving the medical buy down, as a match to personal funds. The new maximum 457 contribution would be \$172.58 per month; and,

3. Holidays - Starting in 2023 the District will add Juneteenth (June 19th) to the list of holidays that are observed by District staff.

FISCAL IMPACT:

During recent years the District has reduced in staff size and seen its budget process further refined. With the adoption of the Fiscal Year 2022-2023 budget, the District is able to provide an increase in benefits and a cost of living adjustment for salary. Increases provided to Management and Confidential-Unrepresented employees are consistent with the parameters set by your Board. The below outlines the fiscal impact of these changes:

1. Providing an increase in the District paid employee-only portion of the medical plan will have an impact for the 2022-2023 Fiscal Year of \$5,400, \$3,816 for the 2023-2024 Fiscal Year and \$4,032 for the 2024-2025 Fiscal Year.
2. Providing a 3.5% COLA effective July 1, 2022 will have an impact for the 2022-2023 Fiscal Year of \$64,235, the negotiated 2.0% COLA for the 2023-2024 Fiscal Year has an approximate \$36,700 impact, and the negotiated 2.0% COLA for the 2024-2025 Fiscal Year has an approximate \$37,350 impact.

ATTACHMENT:

- A. Management Personnel Benefits Resolution Amendment in track changes
- B. Management Personnel Benefits Resolution Amendment

ATTACHMENT A

Management Benefits Resolution Amendment
in Track Changes

August 18, 2022

Santa Barbara County Air Pollution Control District
Board of Directors

260 San Antonio Road, Suite A
Santa Barbara, California 93110

**RESOLUTION OF THE BOARD OF DIRECTORS OF
THE SANTA BARBARA COUNTY
AIR POLLUTION CONTROL DISTRICT**

IN THE MATTER OF AMENDING THE
MANAGEMENT PERSONNEL BENEFITS
POLICY FOR MANAGEMENT AND
CONFIDENTIAL-UNREPRESENTED
EMPLOYEES

APCD RESOLUTION NO. _____

RECITALS

WHEREAS, the Board of Directors recognizes that management and confidential-unrepresented employees must provide effective management and leadership to assure efficient District operations and quality public service; and

WHEREAS, the Board of Directors recognizes the greater responsibilities inherent in management and confidential-unrepresented assignments and the extraordinary performance required of management and confidential-unrepresented employees; and

WHEREAS, the Board of Directors has established a Management Personnel Benefits Policy whereby existing and proposed benefits to be afforded the management and confidential-unrepresented employees are officially recognized by the Board of Directors; and

WHEREAS, Resolution No. 14-13 of the Board of Directors sets forth the Management Personnel Benefits Policy Resolution for Management and Confidential-Unrepresented Employees;

NOW, THEREFORE, IT IS HEREBY RESOLVED, as follows:

Resolution No. 14-13 of the Board of Directors of the Santa Barbara County Air Pollution Control District, as amended, is rescinded and hereby superseded by the adoption of this Resolution effective July 1, 2022 and the Management Personnel Benefits Policy is established as follows for employees in the management and confidential-unrepresented groups listed below:

IN THE MATTER OF AMENDING THE MANAGEMENT PERSONNEL
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Air Pollution Control Officer (APCO) (Unit 41)
 Management (Unit 43)
 Confidential-Unrepresented (Unit 32)

SECTION 1. VACATION POLICY

A. For each hour in a regular pay status, excluding overtime, call back and standby, each regular full-time or regular part-time management or confidential-unrepresented employee shall accrue vacation based on continuous District service as provided in the chart below:

Continuous District Service		Hourly/Annual Accrual	Maximum Allowable Accrual
0 - 2 yrs.	(0-24 mos.)	.0486 hrs./101 hrs.	368 hrs.
3- 4 yrs.	(25-48 mos.)	.0647 hrs./135 hrs.	368 hrs.
5-10 yrs.	(49-120 mos.)	.0768 hrs./160 hrs.	440 hrs.
11-14 yrs.	(121-168 mos.)	.0889 hrs./185 hrs.	479 hrs.
15+ yrs.	(169+mos.)	.1010 hrs./210 hrs.	500 hrs.

- B. Employees appointed after October 31, 1986, to positions in Units 41-43 from outside Santa Barbara County Air Pollution Control District service from either a county, city, district, special district or state government shall receive credit for their prior years of public agency service towards their annual vacation accrual rate if that public agency experience ended within 6 months of the date of employment.
- C. Annual vacation accrual may accumulate up to the Maximum Allowable Accrual provided for in the chart in Paragraph A above.
- D. Except as provided below, an employee is not entitled to vacation credits or use of vacation accrual unless or until they have been a regular employee for six (6) continuous months.

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- E. No payment in lieu of vacation shall be made to any employee except upon termination of employment. Terminating employees shall be paid for accumulated vacation as of the date of termination.
- F. Vacation shall not include any regular holidays taken during a vacation period.
- G. Vacation shall be taken at the time designated by the appointing authority. Employees may be required to take vacation with reasonable notice.
- H. Vacation usage may not exceed each employee's accrued vacation balance reported on the Leave Report at the end of the prior pay-period. However, regular employees in classifications exempt from overtime who have exhausted their accrued vacation and holiday leave balances shall receive administrative leave for absences of less than a day. The salary of an exempt employee shall not be subject to reduction because of variations in the quality or quantity of work performed in accordance with Department of Labor regulations (29 C.F.R. Section 541.602).

SECTION 2. HOLIDAYS

- A. Holidays regularly observed by the District are:
 - New Year's Day, January 1
 - Martin Luther King Jr.'s Birthday, 3rd Monday in January
 - President's Day, 3rd Monday in February
 - Cesar Chavez Birthday – March 31
 - Memorial Day, last Monday in May
 - Juneteenth, June 19
 - Independence Day, July 4
 - Labor Day, 1st Monday in September
 - Veterans Day, November 11

Moved (insertion) [1]

Deleted: <#>Juneteenth, June 19¶

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- Thanksgiving Day, 4th Thursday in November
 - Thanksgiving Day Friday, 4th Friday in November
 - Christmas Day, December 25
 - Floating Holiday (see Paragraph 2-B below)
- B. All regular employees, including probationary employees, in a pay or approved leave status (paid or unpaid) for any portion of pay period one of each year shall be credited (credit to the employees' vacation bank) with eight (8) hours holiday leave. Regular part-time employees shall receive a prorated equivalent. The floating holiday credit may be used in the same pay period in which it is accrued, subject to Paragraph 2-C below.
- C. Holiday leave shall be subject to the approval and/or be taken at the direction of the appointing authority or designee. The APCO or their designee may reduce an employee's accumulated holiday leave balance by up to forty (40) hours per calendar year by providing cash payment in lieu of time off.
- D. Each District holiday which falls on Saturday shall be observed on the preceding Friday; and, in this event, the Saturday shall not be considered as a holiday for purposes of compensation and/or time off. Each District holiday which falls on Sunday shall be observed on the following Monday; and, in this event, the Sunday shall not be considered as a holiday for purposes of compensation and/or time off.
- E. Regular employees leaving District service shall be paid all compensatory holiday time which has accrued but has not been otherwise compensated.
- F. In the following sections reference to eight (8) hours shall apply to regular full-time employees and in the case of regular part-time employees the eight (8) hours shall be a prorated equivalent.

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- G. When a holiday falls on an employee's regularly scheduled work day, the employee shall be paid eight (8) hours cash payment for the holiday. When a holiday falls on an employee's regularly scheduled day off, the employee shall accrue eight (8) hours of compensatory holiday time to the employee's vacation bank.
- H. When an employee who is overtime exempt is required to work on a holiday which falls on the employee's regularly scheduled work day, the employee shall accrue compensatory holiday time to their vacation bank.
- I. When an employee who is eligible for overtime is required to work on a holiday, the employee shall, in addition to eight (8) hours regular cash payment for the holiday, accrue compensatory holiday time at straight time and cash payment at one half time for all hours worked up to eight (8) hours.
- J. In order to receive holiday compensation, an employee must be in a paid status on the scheduled workday immediately prior to and/or after the holiday. Notwithstanding the above, neither the first day of employment nor the last day of employment may be a holiday.

SECTION 3. OVERTIME

Exempt Classifications

- A. The District shall determine and identify those classifications which are exempt from overtime compensation. The determination shall be in accordance with the requirements of the Fair Labor Standards Act. Classifications, which have been designated as exempt, shall not receive overtime, except as otherwise provided or in an emergency as provided below.

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- B. Regular employees in classifications exempt from overtime compensation and, therefore, not otherwise eligible for overtime pursuant to this resolution shall be paid for excess time worked during an emergency as follows:
1. No excess time compensation shall be paid for excess time worked during an emergency for the first twelve (12) hours of such emergency excess time work;
 2. Excess time compensation shall be paid at straight time for the second twelve (12) hours of emergency overtime work; and
 3. Excess time compensation shall be paid at the rate of time and one-half for all hours of excess time worked in excess of twenty-four (24) hours during any such emergency.
- C. Emergency for the purposes of Paragraph 3-B of this Resolution shall mean any of the following:
1. The proclamation of a “local emergency” by the Santa Barbara County Board of Supervisors or the APCO or their designee.
 2. The proclamation of a “state of emergency” in Santa Barbara County by the Governor.
 3. The designation of a “limited local emergency” by the APCO or their designee. “Limited local emergencies” may be designated in writing by the APCO or their designee due to significant or lengthy emergency situations in Santa Barbara County, or outside the County during mutual aid responses that require ongoing staff support.

Non-Exempt Classifications

- A. Overtime for non-exempt employees shall be defined as any time worked in excess of forty (40) hours in the employee’s regularly scheduled work period, exclusive of

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standby. Overtime shall be authorized in advance by the division manager or their designee.

- B. Overtime work is compensable at the rate of time and one-half the regular rate as computed in accordance with the Fair Labor Standards Act. Hours worked shall accrue in tenths (1/10) of an hour (6 minutes) and shall be subject to a minimum of two-tenths (2/10) of an hour (12 minutes).
- C. Overtime shall be placed in a compensatory overtime account or paid in the pay period in which earned, at the discretion of the employee. The maximum hourly accrual in this account shall be 240 hours.
- D. If an employee wishes to take compensatory time off it shall be requested at least 48 hours in advance. Denial of a request for compensatory time off is subject to a determination of the division manager that it would unduly disrupt the operations of the agency. Compensatory Overtime shall be used before any leave-without-pay is granted.
- E. Except upon termination of employment, hours in the Compensatory Overtime account as of pay periods 4 and 19 shall be paid off in cash based on the employee's regular hourly rate of pay in effect at the time of payment. Payments for compensatory overtime hours are taxable as lump sum payments in accordance with IRS and State Franchise Tax Board regulations and are subject to withholding as required by law. Overtime earned in the pay period in which a cash payoff is made shall not be included in the automatic payoff of the account balance.
- F. Part-time non-exempt employees who work beyond their regularly scheduled work hours, but less than forty (40) hours in a seven (7) day work period, shall be paid at straight time.

SECTION 4. SICK LEAVE

- A. Each regular full-time or regular part-time management or confidential-unrepresented employee shall accrue sick leave at the rate of .0463 hours for each hour in a regular pay or paid leave status, excluding overtime, call back and standby.
- B. Management and confidential-unrepresented employees shall receive eighty (80) hours sick leave accrual upon appointment or such prorated amount for regular part-time employees. Employees entering management or confidential-unrepresented classes from District non-management or non-confidential classes shall retain their current sick leave balances and shall only receive additional sick leave accrual necessary to provide a balance of eighty (80) hours sick leave.
- C. Unused sick leave shall be cumulative from year to year with no accrual limit.
- D. Sick leave usage may not exceed each employee's accrued sick leave balance reported on the Leave Report at the end of the prior pay period immediately preceding the pay period in which the leave is taken. However, the salary of an exempt employee shall not be subject to reduction because of variations in the quality or quantity of work performed except in accordance with the Department of Labor regulations (29 C.F.R. Section 541.602).
- E. A division manager, or other appropriate authority, may require evidence in the form of a physician's certificate, or otherwise, of the adequacy of the reason for any employee's absence during the time for which sick leave was requested. Under no circumstances is sick leave to be used in lieu of, in addition to, or as vacation. The District may require a physician's certificate in order to determine correctness of payroll records.

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- F. When a member of an employee's immediate family is seriously ill or injured and requires the employee's presence and attendance, an employee may be allowed by the appointing authority to use accumulated sick leave to attend such family in accordance with the Family Medical Leave Act and California Labor Code Section 233. Family member is defined as a child (biological, adopted, or foster child, stepchild, legal ward, or a child to whom the employee stands in loco parentis; regardless of age or dependency status); a biological, adoptive, or foster parent, stepparent, or legal guardian of an employee or the employee's spouse or registered domestic partner, or a person who stood in loco parentis when the employee was a minor child; a spouse; a registered domestic partner; a grandparent; a grandchild; a sibling.
- G. The District shall authorize six (6) days of bereavement leave of absence with pay to an employee due to the death of an immediate family member. Bereavement leave shall not be authorized more than two times per calendar year. Authorized bereavement leave under this article shall not be charged against an employee's accrued sick or vacation balances.
- H. Up to a maximum of five (5) days of accumulated sick leave may be granted by the appointing authority or their designee to an employee for absence from duty because of any and each death in the employee's immediate family. This is in addition to item 4-G above.
- I. For the purposes of Paragraphs 4-G and 4-H above, "immediate family" is defined as husband, wife, parent, brother, sister, child, stepchild, grandparent, grandchild, and mother-in-law, father-in-law, or domestic partner of the employee.
- J. An employee may, when necessary and at the discretion of the APCO, be granted up to two hours leave with pay to make voluntary non-remunerated blood donations to non-profit blood banks in the County. Time off in excess of two hours and up to an

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additional two hours may be used for this purpose, but such additional time off shall be charged to accumulated sick leave. Leave for the purpose of donating blood shall not exceed five times in any one calendar year.

- K. Except upon layoff, termination of District employment shall abrogate all sick leave accrued to the time of such termination, regardless of whether such person subsequently re-enters District employment or service. No payment shall be made to any employee for unused sick leave accumulated to their credit at the time of their termination from District service.
- L. Employees may use accrued sick leave for the employee or a specified family member for the diagnosis, care, or treatment of an existing health condition or preventive care, or for specified purposes for an employee who is a victim of domestic violence, sexual assault, or stalking.
- M. Notwithstanding the provisions of Paragraph ~~K~~ above, an employee shall have any previously accrued and unused sick leave hours reinstated if the employee separates from District service and is rehired as a Regular employee within one year of voluntary separation in good standing for reasons other than retirement.

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SECTION 5. FAMILY LEAVE

Family care leave benefits are applicable to management and confidential-unrepresented employees pursuant to the California Family Rights Act and the Federal Family Medical Leave Act.

SECTION 6. LEAVE DONATION

Management and confidential-unrepresented employees shall be eligible to participate as donors and recipients in the leave donation program, in accordance with existing policy

guidelines. This program allows regular District employees to donate the monetary value of accrued vacation, holiday or overtime hours to a specific, eligible employee who has exhausted their own available leave balances to bond with a child in connection with a birth, adoption, or foster care placement of a child or due to an employee's own serious illness or injury, or the serious or catastrophic injury or illness of their spouse, child, parent, registered domestic partner (as defined by AB 205) or domestic partner's child. Serious or catastrophic illness or injury is defined as the employee's own adverse medical condition or a similarly debilitating illness or injury of the employee's spouse, child, parent, registered domestic partner (as defined by AB 205), or domestic partner's child requiring the employee's attendance, which requires the employee to be absent from work for more than twenty (20) consecutive work days, or less than twenty (20) consecutive work days, based on APCO approval, on a case-by-case basis.

SECTION 7. ADMINISTRATIVE LEAVE

Management and confidential employees in classifications exempt from overtime compensation are eligible for administrative leave in accordance with the following provisions:

- A. Management and other salaried employees are compensated for meeting the requirements and performing the duties of their job regardless of the number or scheduling of hours worked. Such employees may be required periodically or routinely to work long or irregular hours, and to attend various meetings and functions outside of normal "business hours" to fulfill their responsibilities. Due to standards of public accountability and the resulting need for all employees to account for all time for which they are compensated, the District has created a vehicle to record paid time off not charged to accrued leave balances when a salaried employee occasionally works less than their regular schedule. This paid time off is called administrative leave. The purpose of administrative leave is to provide a process for authorized leave time to record amounts to be paid to salaried employees

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when their pay period total regular hours plus any use of vacation, holiday or sick leave is less than their normal full time schedule (80 hours).

- B. Salaried employees do not have a right to administrative leave. This leave is not an entitlement, it is not related to hours worked nor is subject to accrual or payment for unused leave. Use is completely discretionary, upon the approval of the APCO.

The APCO may approve their own use as well as that of their staff. The APCO may approve administrative leave in recognition of extraordinary work assignments, excessive work time beyond normal work schedules or to reward outstanding individual performance.

- C. Salaried employees, after having recorded any regular, sick leave, holiday and/or vacation taken as appropriate in a pay period, may use administrative leave with the approval of the APCO. The APCO may grant a salaried employee up to 108 hours of administrative leave per payroll year. The APCO, upon written request of the employee, may approve additional administrative leave upon a showing of special circumstances.

SECTION 8. MEDICAL, DENTAL AND VISION BENEFITS

- A. Indemnity type and/or Health Maintenance Organization (HMO) or Preferred Provider Organization (PPO) medical and dental plans shall be available to all management and confidential-unrepresented employees.
- B. The District shall contribute \$600.00 monthly toward the cost of the premium for employee-only medical plan coverage. Effective July 1, 2022, the District shall contribute \$650 monthly towards the cost of the premium for employee-only medical plan coverage. Effective January 1, 2023 the District shall contribute \$675 monthly towards the cost of the premium for employee-only medical plan coverage. Effective

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January 1, 2024 the District shall contribute \$703 monthly towards the cost of the premium for employee-only medical plan coverage. The District shall contribute \$38.88 monthly toward the cost of the premium for employee-only dental plan coverage. These contributions are based on full-time employment; part-time employees shall receive a prorated contribution based on their percentage of full-time employment. The employee, through payroll deductions, shall pay insurance plan premiums that exceed the District's monthly contribution. Medical and dental premiums are paid via semi-monthly payroll deductions.

- C. If an employee participates in the 457 Deferred Compensation plan "457 Plan" with a minimum contribution of \$69.58 per month; in lieu of receiving the entire \$600.00 APCD monthly medical contribution (amount based on full-time employment), the employee may direct that \$69.58 per month of the APCD's contribution, be applied to their 457 Plan account as a match to personal funds. Effective July 1, 2022 an employee may direct the additional \$50 towards their 457 Plan account in lieu of receiving the medical buy down, as a match to personal funds. The new maximum 457 contribution would be \$119.58 per month. Effective January 1, 2023 an employee may direct the additional \$25 towards their 457 Plan account in lieu of receiving the medical buy down, as a match to personal funds. The new maximum 457 contribution would be \$144.58 per month. Effective January 1, 2024 an employee may direct the additional \$28 towards their 457 Plan account in lieu of receiving the medical buy down, as a match to personal funds. The new maximum 457 contribution would be \$172.58 per month. Part-time employees shall receive a prorated contribution based on their percentage of full-time employment status and corresponding participation in the 457 plan. 457 Plan contributions are made through payroll on a bi-weekly basis.

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D. As available, employees may select coverage from the following options:

Medical

- Health Maintenance Organization (HMO) Medical Plan
- Preferred Provider Organization (PPO) Medical Plan

Dental

- Indemnity Dental Plan
- HMO Dental Plan

Employees may insure their eligible dependents under one of the available medical and dental plans in accordance with the rules and regulations applicable to obtaining said dependent coverage.

E. A Vision insurance plan shall be available to all management and confidential-unrepresented employees. The District shall provide employee-only vision coverage at no cost to the employee. The employee may elect dependent coverage for an additional premium, paid by the employee through payroll deductions.

F. If two regular District employees are married to each other and are both eligible for contributions from the District toward employee-only medical and dental coverage, they may consolidate the District's contributions toward the premium cost for "employee plus two or more dependents" coverage held by one of the employees. In this situation, one employee (referred to below as the "spouse") becomes a dependent on the other employee's (referred to below as the "primary employee") medical and dental coverage.

In order to be eligible under this provision, all of the following conditions must be met:

- Both employees are covered by the same medical and dental plan;
- The spouse is insured as a dependent on the primary employee's medical and dental plan insurance;

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- The spouse has waived employee-only coverage;
- Both employees have authorized the consolidation of contributions on a form prescribed by the District.

The amount of the consolidated contributions shall be that amount which would otherwise be contributed by the District toward the employee's and the spouse's employee-only premiums for the respective medical and dental plans.

- G. While on an approved medical and/or pregnancy leave, an employee will continue to be covered by APCD's group health insurance to the same extent that coverage is provided while the employee is on the job for a period not to exceed 12 months. This coverage will continue to the extent the employee continues to meet eligibility requirements as set forth in the Health Benefits Group Agreement(s) and/or Evidence of Coverage document(s), and in accordance with State and Federal leave laws. In the event an employee no longer meets eligibility requirements under a plan, the APCD will send a written notice to the employee informing them of their status and available options (such as COBRA rights). An employee will also continue to be covered under APCD's non-health benefit plans in the same manner.

In order for the coverage to be maintained, employees must make the appropriate contributions for continued coverage under the preceding health and non-health benefit plans by payroll deductions or by direct payments to the Fiscal Division for these plans. For each benefit plan an employee is enrolled in, APCD will inform the employee of the amount owed to APCD to continue coverage. An employee's coverage for a particular plan may be canceled if he/she is more than 30 days late in making a premium payment. The cancellation date will be retroactive back to the last covered date for which the employee paid. Employee contribution rates are subject to any changes in premiums that occur while the employee is on leave. Payment of benefit cash allowances is prorated based on the amount of accrued leave balances used each pay period, and if an employee is in a paid leave status, accrued leave may

be used to pay employee benefit premiums due as provided in APCD policies. In order to avoid loss of benefits, arrangements for direct payments to the Fiscal Division should be made as soon as the leave period is known. If coverage is canceled during the leave, an employee may not be able to re-enroll until the next open enrollment period for the canceled plan.

SECTION 9. FLEXIBLE SPENDING ACCOUNT PLAN

- A. All management and confidential-unrepresented employees shall be eligible to participate in the District sponsored Flexible Spending Account Plan. Said plan shall be administered in compliance with Section 125 of the Internal Revenue Code.

The Flexible Spending Account Plan will include the following salary reductions:

1. Pre-Tax Health Insurance Premium Option -- for employees and their dependents;
2. Pre-Tax Health Care Spending Account Option;
3. Pre-Tax Dependent Care Spending Account Option;
4. Pre-Tax Life Insurance Premium(s) (up to \$50,000 coverage);
5. Pre-Tax Personal Accident Insurance Program;
6. Pre-Tax Catastrophic Care Programs;
7. Vision Service Plan premiums

These options are described in detail in the Flexible Spending Plan brochure and in the Legal Plan Document and supplemental materials. ~~All salary reduction amounts~~ are included in base salaries for the purpose of computing retirement earnings and are subject to appropriate Internal Revenue Service regulations. This plan may be amended in the future to revise the benefit options.

Deleted: Compensation received in accordance with Section 10 (Cafeteria Dollars) may be used by employees to fund the options described above.

- B. Benefits selected under this plan cannot be changed during the plan year except for a change in family status consistent with the benefit change. Enrollment in the plan shall be offered on an annual basis at the beginning of the plan year. New employees may enroll within the first thirty (30) days of employment with eligibility beginning the first day of the month coinciding with or following date of hire. Continued operation of the Program shall be subject to District administrative procedures.

SECTION 10. HOLIDAY CLOSURE

- A. The District intends to enact the following Holiday Closure Plan in 2020. To that end, the District may implement a holiday closure for some or all operations with employees using paid leave, unpaid time, or working, consistent with the plan included below.
- B. Employees will receive pay for normal legal holidays (Christmas Day and New Year's Day) as usual. The District reserves the right to cancel the Holiday Closure, and/or to call some or all available employees back to work in the event of a crisis or emergency.

Employees in operations that close for the holiday closure period will have several options for their normal workdays. They may choose to:

- 1) **Take accrued paid leave.** Employees may use accrued paid leave from their accrued leave balances.

Employees with less than six months of continuous employment who are not otherwise entitled to vacation credits or accruals may use payroll code "VAC" for authorized absences, subject to the following conditions:

- The absence(s) occurred during the Holiday Closure of 2020 and the employee's request to code the absence(s) "VAC" is received no later than December 24, 2020;

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- The employee is not eligible for any other form of paid leave for the absence(s) (including, but not limited to, holiday or compensatory time off; and
 - Hours coded “VAC” for the absence(s) will be deducted from, and cannot exceed, the vacation balance the employee is granted after six continuous months of employment.
- 2) **Take voluntary leave without pay.** Employees who prefer leave without pay for all or part of the time may have the portion of time they were on unpaid leave spread over the remaining pay periods paid in the fiscal year, beginning the first pay period in which the unpaid leave is taken. As with all unpaid leaves of absence, some benefits (such as paid time off and retirement contributions) will not accrue during the unpaid leave. However, the Holiday Closure will not affect monthly health, life or disability insurance premium contributions. Employees who opt to spread leave without pay over the remaining pay periods in the fiscal year, will be required to reimburse the District upon termination of employment if the full value of the time off has not been recouped.
- 3) **Work.** Employees may choose to work or telework one or more days during the Holiday Closure. Employees who wish to work during the Holiday Closure must advise their Manager no later than November 15th.

Work assignments during the Holiday Closure period may or may not fall within the employee’s normal job duties, hours, or location. However, consideration will be given to the employee’s normal job functions in making assignments, and such assignments will not be made for arbitrary or capricious reasons. Employees reassigned during the closure will receive a minimum of two weeks’ notice of the location and job function of the reassignment, and management will make reasonable efforts not to change such assignments thereafter, consistent with the needs of the District. It is anticipated that since all staff will have been provided laptops by the

Deleted: weeks notice

District, employees will be entitled to telecommute to perform work during the Holiday Closure period. Both North County and South County employees with assigned vehicles may home garage their assigned vehicle in accordance with the District's Vehicle Use Policy to complete site visits. It is anticipated that field staff, including inspectors and monitoring staff, may also complete reports via telecommuting rather than perform inspections or site visits during the Holiday Closure period, unless timing issues require that an inspection or site visit be performed during the Holiday Closure period.

Some employees may be required to work during the closure. Management will make reasonable efforts to allow those employees who wish to take time off to be able to do so. Employees who wish to be off will not be denied the use of accrued paid leave unless an insufficient number of qualified volunteers are available to perform essential services.

SECTION 11. SHORT TERM DISABILITY INSURANCE

The District shall provide a Short Term Disability Insurance Plan for all management employees (Units 41 and 43). The waiting period for benefit eligibility is 7 days. The benefit will be equal to sixty percent of the first \$2,500 of pre-disability earnings in accordance with specific plan provisions, limitations, and exclusions.

SECTION 12. LONG TERM DISABILITY INSURANCE

The District shall provide a Long Term Disability Insurance Plan for all management and confidential-unrepresented employees. The waiting period for benefit eligibility will be 60 days. The benefit will equal sixty percent of pre-disability earnings in accordance with specific plan provisions, limitations, and exclusions.

SECTION 13. STATE DISABILITY INSURANCE (SDI)

Confidential-unrepresented (Unit 32) employees participate in SDI. Benefits received from SDI shall be integrated with paid leave as follows:

- A. All employees eligible for SDI benefits may use their available sick leave credits to supplement their SDI benefits so that the sum of the SDI benefits and sick leave credits used equals 85% of their gross salary.
- B. Employees eligible for SDI benefits may apply with the State of California for approval as soon as possible following the date of their eligibility for SDI benefits. Current eligibility begins on the eighth consecutive calendar day of an extended illness or injury.

SECTION 14. EMPLOYEE ASSISTANCE PROGRAM AND TERM LIFE INSURANCE

Management and confidential-unrepresented employees shall be provided with continued enrollment in the APCD's EAP program and basic Group Term Life Insurance paid for by the District in accordance with the following schedule:

Agency Head – APCO	\$50,000
Management and Confidential-Unrepresented Employees	\$20,000

SECTION 15. RETIREMENT

- A. The District offers the following retirement plans:
 - Employees Hired Before July 1, 1995 – Contributory Retirement Plan (APCD Plan I)
 - Employees Hired On or After July 1, 1995 – Contributory Retirement Plan (APCD Plan II)

IN THE MATTER OF AMENDING THE MANAGEMENT PERSONNEL
BENEFITS POLICY FOR MANAGEMENT AND CONFIDENTIAL-
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- Employees Hired On or After August 16, 2012 – Contributory Retirement Plan (APCD Plan III)
 - Employees hired On or After January 1, 2013 will be subject to the terms of the Pension Reform Act of 2013. (SBCER’s Plan 8)
- B. The District may adjust the employee contribution rates to the Retirement System when such adjustments are based on an Actuary Report, recommended by the Retirement Board and approved by the Board of Supervisors of the County of Santa Barbara. The effective dates of rate adjustments shall be in accordance with the applicable provisions of the County Employees Retirement Law of 1937.
- C. For full-time employees in Units 41 and 43, the District shall pay up to fifty dollars (\$50.00) per pay period of each employee’s normal and Cost-of-Living contributions to the Retirement System in accordance with Government Code Sections 31630. Part-time employees shall receive a prorated equivalent. This benefit shall not apply to any “new member” as defined in Government Code Section 7522.04(f) hired on or after January 1, 2013.

SECTION 16. BILINGUAL ALLOWANCE

Management and confidential-unrepresented employees, whose daily assignments require regular and frequent use of bilingual language skills in Spanish and English, shall be eligible to receive a bilingual allowance upon designation by the APCO. The amount of the allowance for full-time employees shall be \$57.29 per pay period. The bilingual allowance shall be prorated for part-time employees.

As used in this section, the phrase “regular and frequent” means at least once each working day, or at least five times each work week. Payment for the bilingual language skill is restricted to the actual needs of the position. An employee’s ability to read, write, or speak Spanish, occasional or incidental use of language skills in Spanish or the use of bilingual

language skills other than for the purpose of meeting the requirements of the job shall not warrant a bilingual allowance.

SECTION 17. CPA INCENTIVE PREMIUM

The District encourages our Fiscal and Management staff to earn and maintain Certified Public Accountant (CPA) licensure as the skills and knowledge gained through the CPA process greatly increase the overall capacity of the District. As such, CPA Incentive Premium equivalent to 5% of base salary, paid bi-weekly, will be made available to those in the below classifications who obtain and maintain a CPA license in accordance with the State of California Board of Accountancy. Proof of active CPA licensure shall be made available to the District. Upon expiration of licensure, CPA Incentive Premium will cease.

- Administrative Division Manager
- Administrative Division Supervisor

Deleted: - Confidential

SECTION 18. TUITION AND TEXTBOOK REIMBURSEMENT

To the extent funding is available, management and confidential-unrepresented employees shall be eligible for tuition and textbook reimbursement up to a maximum of \$500 per fiscal year and in accordance with administrative regulations governing this program. Tuition reimbursement for regular, part-time employees shall be prorated based on their part-time percentage.

Employees may accrue unused tuition reimbursement for a maximum of three years for use in a single year. The maximum that may be accrued over a three year period shall not exceed \$1,500.

SECTION 19. MILEAGE REIMBURSEMENT

Employees who, when authorized, use their personal vehicle for District business shall be reimbursed for each mile driven on District business. Said reimbursement shall be at the amount per mile exempted by the Internal Revenue service for reporting of income.

SECTION 20. TRANSPORTATION DEMAND MANAGEMENT (TDM)

Management and confidential-unrepresented employees shall be eligible to participate in the District's TDM program and receive related benefits including the Alternative Commute Incentive.

SECTION 21. ADMINISTRATION OF BENEFITS

The APCO and the APCD Administrative Division Manager are hereby directed to provide the necessary administrative procedures to implement the above provisions of this Resolution.

SECTION 22. COST OF LIVING ADJUSTMENT (COLA)

Effective July 1, 2022 the base salaries of all Management and confidential-unrepresented employees including the APCO shall be increased by three percent (3.5%). Effective July 1, 2023 the base salaries of all Management and confidential-unrepresented employees including the APCO shall be increased by two percent (2.0%). Effective July 1, 2024 the base salaries of all Management and confidential-unrepresented employees including the APCO shall be increased by two percent (2.0%). The COLAs effective July 1, 2023 and 2024 are contingent upon the District's operating revenue. As long as the operating revenue does not decrease by 15% or more the COLAs will be automatically given to staff covered by this resolution.

IN THE MATTER OF AMENDING THE MANAGEMENT PERSONNEL
BENEFITS POLICY FOR MANAGEMENT AND CONFIDENTIAL-
UNREPRESENTED EMPLOYEES

PASSED, APPROVED AND ADOPTED by the Air Pollution Control District Board of
the Santa Barbara County, State of California, this 18th day of August, 2022, by the following
vote:

Ayes:

Noes:

Abstain:

Absent:

ATTEST:

AERON ARLIN GENET
Clerk of the Board

By _____
Deputy

APPROVED AS TO FORM:

RACHEL VAN MULLEM
District Counsel

By _____
Deputy

APPROVED AS TO FORM:

BETSY M. SCHAFFER, CPA
Auditor-Controller

By _____
Deputy

SANTA BARBARA COUNTY
AIR POLLUTION CONTROL DISTRICT

By _____
Chair

Date _____

ATTACHMENT B

Management Benefits Resolution Amendment
Clean Version

August 18, 2022

Santa Barbara County Air Pollution Control District
Board of Directors

260 San Antonio Road, Suite A
Santa Barbara, California 93110

**RESOLUTION OF THE BOARD OF DIRECTORS OF
THE SANTA BARBARA COUNTY
AIR POLLUTION CONTROL DISTRICT**

IN THE MATTER OF AMENDING THE
MANAGEMENT PERSONNEL BENEFITS
POLICY FOR MANAGEMENT AND
CONFIDENTIAL-UNREPRESENTED
EMPLOYEES

APCD RESOLUTION NO. _____

RECITALS

WHEREAS, the Board of Directors recognizes that management and confidential-unrepresented employees must provide effective management and leadership to assure efficient District operations and quality public service; and

WHEREAS, the Board of Directors recognizes the greater responsibilities inherent in management and confidential-unrepresented assignments and the extraordinary performance required of management and confidential-unrepresented employees; and

WHEREAS, the Board of Directors has established a Management Personnel Benefits Policy whereby existing and proposed benefits to be afforded the management and confidential-unrepresented employees are officially recognized by the Board of Directors; and

WHEREAS, Resolution No. 14-13 of the Board of Directors sets forth the Management Personnel Benefits Policy Resolution for Management and Confidential-Unrepresented Employees;

NOW, THEREFORE, IT IS HEREBY RESOLVED, as follows:

Resolution No. 14-13 of the Board of Directors of the Santa Barbara County Air Pollution Control District, as amended, is rescinded and hereby superseded by the adoption of this Resolution effective July 1, 2022 and the Management Personnel Benefits Policy is established as follows for employees in the management and confidential-unrepresented groups listed below:

IN THE MATTER OF AMENDING THE MANAGEMENT PERSONNEL
 BENEFITS POLICY FOR MANAGEMENT AND CONFIDENTIAL-
 UNREPRESENTED EMPLOYEES

Air Pollution Control Officer (APCO) (Unit 41)
 Management (Unit 43)
 Confidential-Unrepresented (Unit 32)

SECTION 1. VACATION POLICY

A. For each hour in a regular pay status, excluding overtime, call back and standby, each regular full-time or regular part-time management or confidential-unrepresented employee shall accrue vacation based on continuous District service as provided in the chart below:

Continuous District Service	Hourly/Annual Accrual	Maximum Allowable Accrual
0 - 2 yrs. (0-24 mos.)	.0486 hrs./101 hrs.	368 hrs.
3- 4 yrs. (25-48 mos.)	.0647 hrs./135 hrs.	368 hrs.
5-10 yrs. (49-120 mos.)	.0768 hrs./160 hrs.	440 hrs.
11-14 yrs. (121-168 mos.)	.0889 hrs./185 hrs.	479 hrs.
15+ yrs. (169+mos.)	.1010 hrs./210 hrs.	500 hrs.

B. Employees appointed after October 31, 1986, to positions in Units 41-43 from outside Santa Barbara County Air Pollution Control District service from either a county, city, district, special district or state government shall receive credit for their prior years of public agency service towards their annual vacation accrual rate if that public agency experience ended within 6 months of the date of employment.

C. Annual vacation accrual may accumulate up to the Maximum Allowable Accrual provided for in the chart in Paragraph A above.

D. Except as provided below, an employee is not entitled to vacation credits or use of vacation accrual unless or until they have been a regular employee for six (6) continuous months.

IN THE MATTER OF AMENDING THE MANAGEMENT PERSONNEL
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- E. No payment in lieu of vacation shall be made to any employee except upon termination of employment. Terminating employees shall be paid for accumulated vacation as of the date of termination.
- F. Vacation shall not include any regular holidays taken during a vacation period.
- G. Vacation shall be taken at the time designated by the appointing authority. Employees may be required to take vacation with reasonable notice.
- H. Vacation usage may not exceed each employee's accrued vacation balance reported on the Leave Report at the end of the prior pay-period. However, regular employees in classifications exempt from overtime who have exhausted their accrued vacation and holiday leave balances shall receive administrative leave for absences of less than a day. The salary of an exempt employee shall not be subject to reduction because of variations in the quality or quantity of work performed in accordance with Department of Labor regulations (29 C.F.R. Section 541.602).

SECTION 2. HOLIDAYS

- A. Holidays regularly observed by the District are:
 - New Year's Day, January 1
 - Martin Luther King Jr.'s Birthday, 3rd Monday in January
 - President's Day, 3rd Monday in February
 - Cesar Chavez Birthday – March 31
 - Memorial Day, last Monday in May
 - Independence Day, July 4
 - Juneteenth, June 19
 - Labor Day, 1st Monday in September
 - Veterans Day, November 11

IN THE MATTER OF AMENDING THE MANAGEMENT PERSONNEL
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- Thanksgiving Day, 4th Thursday in November
 - Thanksgiving Day Friday, 4th Friday in November
 - Christmas Day, December 25
 - Floating Holiday (see Paragraph 2-B below)
- B. All regular employees, including probationary employees, in a pay or approved leave status (paid or unpaid) for any portion of pay period one of each year shall be credited (credit to the employees' vacation bank) with eight (8) hours holiday leave. Regular part-time employees shall receive a prorated equivalent. The floating holiday credit may be used in the same pay period in which it is accrued, subject to Paragraph 2-C below.
- C. Holiday leave shall be subject to the approval and/or be taken at the direction of the appointing authority or designee. The APCO or their designee may reduce an employee's accumulated holiday leave balance by up to forty (40) hours per calendar year by providing cash payment in lieu of time off.
- D. Each District holiday which falls on Saturday shall be observed on the preceding Friday; and, in this event, the Saturday shall not be considered as a holiday for purposes of compensation and/or time off. Each District holiday which falls on Sunday shall be observed on the following Monday; and, in this event, the Sunday shall not be considered as a holiday for purposes of compensation and/or time off.
- E. Regular employees leaving District service shall be paid all compensatory holiday time which has accrued but has not been otherwise compensated.
- F. In the following sections reference to eight (8) hours shall apply to regular full-time employees and in the case of regular part-time employees the eight (8) hours shall be a prorated equivalent.

IN THE MATTER OF AMENDING THE MANAGEMENT PERSONNEL
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- G. When a holiday falls on an employee's regularly scheduled work day, the employee shall be paid eight (8) hours cash payment for the holiday. When a holiday falls on an employee's regularly scheduled day off, the employee shall accrue eight (8) hours of compensatory holiday time to the employee's vacation bank.
- H. When an employee who is overtime exempt is required to work on a holiday which falls on the employee's regularly scheduled work day, the employee shall accrue compensatory holiday time to their vacation bank.
- I. When an employee who is eligible for overtime is required to work on a holiday, the employee shall, in addition to eight (8) hours regular cash payment for the holiday, accrue compensatory holiday time at straight time and cash payment at one half time for all hours worked up to eight (8) hours.
- J. In order to receive holiday compensation, an employee must be in a paid status on the scheduled workday immediately prior to and/or after the holiday. Notwithstanding the above, neither the first day of employment nor the last day of employment may be a holiday.

SECTION 3. OVERTIME

Exempt Classifications

- A. The District shall determine and identify those classifications which are exempt from overtime compensation. The determination shall be in accordance with the requirements of the Fair Labor Standards Act. Classifications, which have been designated as exempt, shall not receive overtime, except as otherwise provided or in an emergency as provided below.

IN THE MATTER OF AMENDING THE MANAGEMENT PERSONNEL
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- B. Regular employees in classifications exempt from overtime compensation and, therefore, not otherwise eligible for overtime pursuant to this resolution shall be paid for excess time worked during an emergency as follows:
1. No excess time compensation shall be paid for excess time worked during an emergency for the first twelve (12) hours of such emergency excess time work;
 2. Excess time compensation shall be paid at straight time for the second twelve (12) hours of emergency overtime work; and
 3. Excess time compensation shall be paid at the rate of time and one-half for all hours of excess time worked in excess of twenty-four (24) hours during any such emergency.
- C. Emergency for the purposes of Paragraph 3-B of this Resolution shall mean any of the following:
1. The proclamation of a “local emergency” by the Santa Barbara County Board of Supervisors or the APCO or their designee.
 2. The proclamation of a “state of emergency” in Santa Barbara County by the Governor.
 3. The designation of a “limited local emergency” by the APCO or their designee. “Limited local emergencies” may be designated in writing by the APCO or their designee due to significant or lengthy emergency situations in Santa Barbara County, or outside the County during mutual aid responses that require ongoing staff support.

Non-Exempt Classifications

- A. Overtime for non-exempt employees shall be defined as any time worked in excess of forty (40) hours in the employee’s regularly scheduled work period, exclusive of

IN THE MATTER OF AMENDING THE MANAGEMENT PERSONNEL
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standby. Overtime shall be authorized in advance by the division manager or their designee.

- B. Overtime work is compensable at the rate of time and one-half the regular rate as computed in accordance with the Fair Labor Standards Act. Hours worked shall accrue in tenths (1/10) of an hour (6 minutes) and shall be subject to a minimum of two-tenths (2/10) of an hour (12 minutes).
- C. Overtime shall be placed in a compensatory overtime account or paid in the pay period in which earned, at the discretion of the employee. The maximum hourly accrual in this account shall be 240 hours.
- D. If an employee wishes to take compensatory time off it shall be requested at least 48 hours in advance. Denial of a request for compensatory time off is subject to a determination of the division manager that it would unduly disrupt the operations of the agency. Compensatory Overtime shall be used before any leave-without-pay is granted.
- E. Except upon termination of employment, hours in the Compensatory Overtime account as of pay periods 4 and 19 shall be paid off in cash based on the employee's regular hourly rate of pay in effect at the time of payment. Payments for compensatory overtime hours are taxable as lump sum payments in accordance with IRS and State Franchise Tax Board regulations and are subject to withholding as required by law. Overtime earned in the pay period in which a cash payoff is made shall not be included in the automatic payoff of the account balance.
- F. Part-time non-exempt employees who work beyond their regularly scheduled work hours, but less than forty (40) hours in a seven (7) day work period, shall be paid at straight time.

SECTION 4. SICK LEAVE

- A. Each regular full-time or regular part-time management or confidential-unrepresented employee shall accrue sick leave at the rate of .0463 hours for each hour in a regular pay or paid leave status, excluding overtime, call back and standby.
- B. Management and confidential-unrepresented employees shall receive eighty (80) hours sick leave accrual upon appointment or such prorated amount for regular part-time employees. Employees entering management or confidential-unrepresented classes from District non-management or non-confidential classes shall retain their current sick leave balances and shall only receive additional sick leave accrual necessary to provide a balance of eighty (80) hours sick leave.
- C. Unused sick leave shall be cumulative from year to year with no accrual limit.
- D. Sick leave usage may not exceed each employee's accrued sick leave balance reported on the Leave Report at the end of the prior pay period immediately preceding the pay period in which the leave is taken. However, the salary of an exempt employee shall not be subject to reduction because of variations in the quality or quantity of work performed except in accordance with the Department of Labor regulations (29 C.F.R. Section 541.602).
- E. A division manager, or other appropriate authority, may require evidence in the form of a physician's certificate, or otherwise, of the adequacy of the reason for any employee's absence during the time for which sick leave was requested. Under no circumstances is sick leave to be used in lieu of, in addition to, or as vacation. The District may require a physician's certificate in order to determine correctness of payroll records.

IN THE MATTER OF AMENDING THE MANAGEMENT PERSONNEL
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- F. When a member of an employee's immediate family is seriously ill or injured and requires the employee's presence and attendance, an employee may be allowed by the appointing authority to use accumulated sick leave to attend such family in accordance with the Family Medical Leave Act and California Labor Code Section 233. Family member is defined as a child (biological, adopted, or foster child, stepchild, legal ward, or a child to whom the employee stands in loco parentis; regardless of age or dependency status); a biological, adoptive, or foster parent, stepparent, or legal guardian of an employee or the employee's spouse or registered domestic partner, or a person who stood in loco parentis when the employee was a minor child; a spouse; a registered domestic partner; a grandparent; a grandchild; a sibling.
- G. The District shall authorize six (6) days of bereavement leave of absence with pay to an employee due to the death of an immediate family member. Bereavement leave shall not be authorized more than two times per calendar year. Authorized bereavement leave under this article shall not be charged against an employee's accrued sick or vacation balances.
- H. Up to a maximum of five (5) days of accumulated sick leave may be granted by the appointing authority or their designee to an employee for absence from duty because of any and each death in the employee's immediate family. This is in addition to item 4-G above.
- I. For the purposes of Paragraphs 4-G and 4-H above, "immediate family" is defined as husband, wife, parent, brother, sister, child, stepchild, grandparent, grandchild, and mother-in-law, father-in-law, or domestic partner of the employee.
- J. An employee may, when necessary and at the discretion of the APCO, be granted up to two hours leave with pay to make voluntary non-remunerated blood donations to non-profit blood banks in the County. Time off in excess of two hours and up to an

IN THE MATTER OF AMENDING THE MANAGEMENT PERSONNEL
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additional two hours may be used for this purpose, but such additional time off shall be charged to accumulated sick leave. Leave for the purpose of donating blood shall not exceed five times in any one calendar year.

- K. Except upon layoff, termination of District employment shall abrogate all sick leave accrued to the time of such termination, regardless of whether such person subsequently re-enters District employment or service. No payment shall be made to any employee for unused sick leave accumulated to their credit at the time of their termination from District service.
- L. Employees may use accrued sick leave for the employee or a specified family member for the diagnosis, care, or treatment of an existing health condition or preventive care, or for specified purposes for an employee who is a victim of domestic violence, sexual assault, or stalking.
- M. Notwithstanding the provisions of Paragraph K above, an employee shall have any previously accrued and unused sick leave hours reinstated if the employee separates from District service and is rehired as a Regular employee within one year of voluntary separation in good standing for reasons other than retirement.

SECTION 5. FAMILY LEAVE

Family care leave benefits are applicable to management and confidential-unrepresented employees pursuant to the California Family Rights Act and the Federal Family Medical Leave Act.

SECTION 6. LEAVE DONATION

Management and confidential-unrepresented employees shall be eligible to participate as donors and recipients in the leave donation program, in accordance with existing policy

guidelines. This program allows regular District employees to donate the monetary value of accrued vacation, holiday or overtime hours to a specific, eligible employee who has exhausted their own available leave balances to bond with a child in connection with a birth, adoption, or foster care placement of a child or due to an employee's own serious illness or injury, or the serious or catastrophic injury or illness of their spouse, child, parent, registered domestic partner (as defined by AB 205) or domestic partner's child. Serious or catastrophic illness or injury is defined as the employee's own adverse medical condition or a similarly debilitating illness or injury of the employee's spouse, child, parent, registered domestic partner (as defined by AB 205), or domestic partner's child requiring the employee's attendance, which requires the employee to be absent from work for more than twenty (20) consecutive work days, or less than twenty (20) consecutive work days, based on APCO approval, on a case-by-case basis.

SECTION 7. ADMINISTRATIVE LEAVE

Management and confidential employees in classifications exempt from overtime compensation are eligible for administrative leave in accordance with the following provisions:

- A. Management and other salaried employees are compensated for meeting the requirements and performing the duties of their job regardless of the number or scheduling of hours worked. Such employees may be required periodically or routinely to work long or irregular hours, and to attend various meetings and functions outside of normal "business hours" to fulfill their responsibilities. Due to standards of public accountability and the resulting need for all employees to account for all time for which they are compensated, the District has created a vehicle to record paid time off not charged to accrued leave balances when a salaried employee occasionally works less than their regular schedule. This paid time off is called administrative leave. The purpose of administrative leave is to provide a process for authorized leave time to record amounts to be paid to salaried employees

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when their pay period total regular hours plus any use of vacation, holiday or sick leave is less than their normal full time schedule (80 hours).

- B. Salaried employees do not have a right to administrative leave. This leave is not an entitlement, it is not related to hours worked nor is subject to accrual or payment for unused leave. Use is completely discretionary, upon the approval of the APCO.

The APCO may approve their own use as well as that of their staff. The APCO may approve administrative leave in recognition of extraordinary work assignments, excessive work time beyond normal work schedules or to reward outstanding individual performance.

- C. Salaried employees, after having recorded any regular, sick leave, holiday and/or vacation taken as appropriate in a pay period, may use administrative leave with the approval of the APCO. The APCO may grant a salaried employee up to 108 hours of administrative leave per payroll year. The APCO, upon written request of the employee, may approve additional administrative leave upon a showing of special circumstances.

SECTION 8. MEDICAL, DENTAL AND VISION BENEFITS

- A. Indemnity type and/or Health Maintenance Organization (HMO) or Preferred Provider Organization (PPO) medical and dental plans shall be available to all management and confidential-unrepresented employees.
- B. The District shall contribute \$600.00 monthly toward the cost of the premium for employee-only medical plan coverage. Effective July 1, 2022, the District shall contribute \$650 monthly towards the cost of the premium for employee-only medical plan coverage. Effective January 1, 2023 the District shall contribute \$675 monthly towards the cost of the premium for employee-only medical plan coverage. Effective

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January 1, 2024 the District shall contribute \$703 monthly towards the cost of the premium for employee-only medical plan coverage. The District shall contribute \$38.88 monthly toward the cost of the premium for employee-only dental plan coverage. These contributions are based on full-time employment; part-time employees shall receive a prorated contribution based on their percentage of full-time employment. The employee, through payroll deductions, shall pay insurance plan premiums that exceed the District's monthly contribution. Medical and dental premiums are paid via semi-monthly payroll deductions.

- C. If an employee participates in the 457 Deferred Compensation plan "457 Plan" with a minimum contribution of \$69.58 per month; in lieu of receiving the entire \$600.00 APCD monthly medical contribution (amount based on full-time employment), the employee may direct that \$69.58 per month of the APCD's contribution, be applied to their 457 Plan account as a match to personal funds. Effective July 1, 2022 an employee may direct the additional \$50 towards their 457 Plan account in lieu of receiving the medical buy down, as a match to personal funds. The new maximum 457 contribution would be \$119.58 per month. Effective January 1, 2023 an employee may direct the additional \$25 towards their 457 Plan account in lieu of receiving the medical buy down, as a match to personal funds. The new maximum 457 contribution would be \$144.58 per month. Effective January 1, 2024 an employee may direct the additional \$28 towards their 457 Plan account in lieu of receiving the medical buy down, as a match to personal funds. The new maximum 457 contribution would be \$172.58 per month. Part-time employees shall receive a prorated contribution based on their percentage of full-time employment status and corresponding participation in the 457 plan. 457 Plan contributions are made through payroll on a bi-weekly basis.

IN THE MATTER OF AMENDING THE MANAGEMENT PERSONNEL
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D. As available, employees may select coverage from the following options:

Medical

- Health Maintenance Organization (HMO) Medical Plan
- Preferred Provider Organization (PPO) Medical Plan

Dental

- Indemnity Dental Plan
- HMO Dental Plan

Employees may insure their eligible dependents under one of the available medical and dental plans in accordance with the rules and regulations applicable to obtaining said dependent coverage.

E. A Vision insurance plan shall be available to all management and confidential-unrepresented employees. The District shall provide employee-only vision coverage at no cost to the employee. The employee may elect dependent coverage for an additional premium, paid by the employee through payroll deductions.

F. If two regular District employees are married to each other and are both eligible for contributions from the District toward employee-only medical and dental coverage, they may consolidate the District's contributions toward the premium cost for "employee plus two or more dependents" coverage held by one of the employees. In this situation, one employee (referred to below as the "spouse") becomes a dependent on the other employee's (referred to below as the "primary employee") medical and dental coverage.

In order to be eligible under this provision, all of the following conditions must be met:

- Both employees are covered by the same medical and dental plan;
- The spouse is insured as a dependent on the primary employee's medical and dental plan insurance;

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- The spouse has waived employee-only coverage;
- Both employees have authorized the consolidation of contributions on a form prescribed by the District.

The amount of the consolidated contributions shall be that amount which would otherwise be contributed by the District toward the employee's and the spouse's employee-only premiums for the respective medical and dental plans.

- G. While on an approved medical and/or pregnancy leave, an employee will continue to be covered by APCD's group health insurance to the same extent that coverage is provided while the employee is on the job for a period not to exceed 12 months. This coverage will continue to the extent the employee continues to meet eligibility requirements as set forth in the Health Benefits Group Agreement(s) and/or Evidence of Coverage document(s), and in accordance with State and Federal leave laws. In the event an employee no longer meets eligibility requirements under a plan, the APCD will send a written notice to the employee informing them of their status and available options (such as COBRA rights). An employee will also continue to be covered under APCD's non-health benefit plans in the same manner.

In order for the coverage to be maintained, employees must make the appropriate contributions for continued coverage under the preceding health and non-health benefit plans by payroll deductions or by direct payments to the Fiscal Division for these plans. For each benefit plan an employee is enrolled in, APCD will inform the employee of the amount owed to APCD to continue coverage. An employee's coverage for a particular plan may be canceled if he/she is more than 30 days late in making a premium payment. The cancellation date will be retroactive back to the last covered date for which the employee paid. Employee contribution rates are subject to any changes in premiums that occur while the employee is on leave. Payment of benefit cash allowances is prorated based on the amount of accrued leave balances used each pay period, and if an employee is in a paid leave status, accrued leave may

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be used to pay employee benefit premiums due as provided in APCD policies. In order to avoid loss of benefits, arrangements for direct payments to the Fiscal Division should be made as soon as the leave period is known. If coverage is canceled during the leave, an employee may not be able to re-enroll until the next open enrollment period for the canceled plan.

SECTION 9. FLEXIBLE SPENDING ACCOUNT PLAN

- A. All management and confidential-unrepresented employees shall be eligible to participate in the District sponsored Flexible Spending Account Plan. Said plan shall be administered in compliance with Section 125 of the Internal Revenue Code.

The Flexible Spending Account Plan will include the following salary reductions:

1. Pre-Tax Health Insurance Premium Option -- for employees and their dependents;
2. Pre-Tax Health Care Spending Account Option;
3. Pre-Tax Dependent Care Spending Account Option;
4. Pre-Tax Life Insurance Premium(s) (up to \$50,000 coverage);
5. Pre-Tax Personal Accident Insurance Program;
6. Pre-Tax Catastrophic Care Programs;
7. Vision Service Plan premiums

These options are described in detail in the Flexible Spending Plan brochure and in the Legal Plan Document and supplemental materials. All salary reduction amounts are included in base salaries for the purpose of computing retirement earnings and are subject to appropriate Internal Revenue Service regulations. This plan may be amended in the future to revise the benefit options.

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- B. Benefits selected under this plan cannot be changed during the plan year except for a change in family status consistent with the benefit change. Enrollment in the plan shall be offered on an annual basis at the beginning of the plan year. New employees may enroll within the first thirty (30) days of employment with eligibility beginning the first day of the month coinciding with or following date of hire. Continued operation of the Program shall be subject to District administrative procedures.

SECTION 10. HOLIDAY CLOSURE

- A. The District intends to enact the following Holiday Closure Plan in 2020. To that end, the District may implement a holiday closure for some or all operations with employees using paid leave, unpaid time, or working, consistent with the plan included below.
- B. Employees will receive pay for normal legal holidays (Christmas Day and New Year's Day) as usual. The District reserves the right to cancel the Holiday Closure, and/or to call some or all available employees back to work in the event of a crisis or emergency.

Employees in operations that close for the holiday closure period will have several options for their normal workdays. They may choose to:

- 1) **Take accrued paid leave.** Employees may use accrued paid leave from their accrued leave balances.

Employees with less than six months of continuous employment who are not otherwise entitled to vacation credits or accruals may use payroll code "VAC" for authorized absences, subject to the following conditions:

- The absence(s) occurred during the Holiday Closure of 2020 and the employee's request to code the absence(s) "VAC" is received no later than December 24, 2020;

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- The employee is not eligible for any other form of paid leave for the absence(s) (including, but not limited to, holiday or compensatory time off; and
 - Hours coded “VAC” for the absence(s) will be deducted from, and cannot exceed, the vacation balance the employee is granted after six continuous months of employment.
- 2) **Take voluntary leave without pay.** Employees who prefer leave without pay for all or part of the time may have the portion of time they were on unpaid leave spread over the remaining pay periods paid in the fiscal year, beginning the first pay period in which the unpaid leave is taken. As with all unpaid leaves of absence, some benefits (such as paid time off and retirement contributions) will not accrue during the unpaid leave. However, the Holiday Closure will not affect monthly health, life or disability insurance premium contributions. Employees who opt to spread leave without pay over the remaining pay periods in the fiscal year, will be required to reimburse the District upon termination of employment if the full value of the time off has not been recouped.
- 3) **Work.** Employees may choose to work or telework one or more days during the Holiday Closure. Employees who wish to work during the Holiday Closure must advise their Manager no later than November 15th.

Work assignments during the Holiday Closure period may or may not fall within the employee’s normal job duties, hours, or location. However, consideration will be given to the employee’s normal job functions in making assignments, and such assignments will not be made for arbitrary or capricious reasons. Employees reassigned during the closure will receive a minimum of two weeks’ notice of the location and job function of the reassignment, and management will make reasonable efforts not to change such assignments thereafter, consistent with the needs of the District. It is anticipated that since all staff will have been provided laptops by the

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District, employees will be entitled to telecommute to perform work during the Holiday Closure period. Both North County and South County employees with assigned vehicles may home garage their assigned vehicle in accordance with the District's Vehicle Use Policy to complete site visits. It is anticipated that field staff, including inspectors and monitoring staff, may also complete reports via telecommuting rather than perform inspections or site visits during the Holiday Closure period, unless timing issues require that an inspection or site visit be performed during the Holiday Closure period.

Some employees may be required to work during the closure. Management will make reasonable efforts to allow those employees who wish to take time off to be able to do so. Employees who wish to be off will not be denied the use of accrued paid leave unless an insufficient number of qualified volunteers are available to perform essential services.

SECTION 11. SHORT TERM DISABILITY INSURANCE

The District shall provide a Short Term Disability Insurance Plan for all management employees (Units 41 and 43). The waiting period for benefit eligibility is 7 days. The benefit will be equal to sixty percent of the first \$2,500 of pre-disability earnings in accordance with specific plan provisions, limitations, and exclusions.

SECTION 12. LONG TERM DISABILITY INSURANCE

The District shall provide a Long Term Disability Insurance Plan for all management and confidential-unrepresented employees. The waiting period for benefit eligibility will be 60 days. The benefit will equal sixty percent of pre-disability earnings in accordance with specific plan provisions, limitations, and exclusions.

SECTION 13. STATE DISABILITY INSURANCE (SDI)

Confidential-unrepresented (Unit 32) employees participate in SDI. Benefits received from SDI shall be integrated with paid leave as follows:

- A. All employees eligible for SDI benefits may use their available sick leave credits to supplement their SDI benefits so that the sum of the SDI benefits and sick leave credits used equals 85% of their gross salary.
- B. Employees eligible for SDI benefits may apply with the State of California for approval as soon as possible following the date of their eligibility for SDI benefits. Current eligibility begins on the eighth consecutive calendar day of an extended illness or injury.

SECTION 14. EMPLOYEE ASSISTANCE PROGRAM AND TERM LIFE INSURANCE

Management and confidential-unrepresented employees shall be provided with continued enrollment in the APCD's EAP program and basic Group Term Life Insurance paid for by the District in accordance with the following schedule:

Agency Head – APCO	\$50,000
Management and Confidential-Unrepresented Employees	\$20,000

SECTION 15. RETIREMENT

- A. The District offers the following retirement plans:
 - Employees Hired Before July 1, 1995 – Contributory Retirement Plan (APCD Plan I)
 - Employees Hired On or After July 1, 1995 – Contributory Retirement Plan (APCD Plan II)

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- Employees Hired On or After August 16, 2012 – Contributory Retirement Plan (APCD Plan III)
 - Employees hired On or After January 1, 2013 will be subject to the terms of the Pension Reform Act of 2013. (SBCER’s Plan 8)
- B. The District may adjust the employee contribution rates to the Retirement System when such adjustments are based on an Actuary Report, recommended by the Retirement Board and approved by the Board of Supervisors of the County of Santa Barbara. The effective dates of rate adjustments shall be in accordance with the applicable provisions of the County Employees Retirement Law of 1937.
- C. For full-time employees in Units 41 and 43, the District shall pay up to fifty dollars (\$50.00) per pay period of each employee’s normal and Cost-of-Living contributions to the Retirement System in accordance with Government Code Sections 31630. Part-time employees shall receive a prorated equivalent. This benefit shall not apply to any “new member” as defined in Government Code Section 7522.04(f) hired on or after January 1, 2013.

SECTION 16. BILINGUAL ALLOWANCE

Management and confidential-unrepresented employees, whose daily assignments require regular and frequent use of bilingual language skills in Spanish and English, shall be eligible to receive a bilingual allowance upon designation by the APCO. The amount of the allowance for full-time employees shall be \$57.29 per pay period. The bilingual allowance shall be prorated for part-time employees.

As used in this section, the phrase “regular and frequent” means at least once each working day, or at least five times each work week. Payment for the bilingual language skill is restricted to the actual needs of the position. An employee’s ability to read, write, or speak Spanish, occasional or incidental use of language skills in Spanish or the use of bilingual

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language skills other than for the purpose of meeting the requirements of the job shall not warrant a bilingual allowance.

SECTION 17. CPA INCENTIVE PREMIUM

The District encourages our Fiscal and Management staff to earn and maintain Certified Public Accountant (CPA) licensure as the skills and knowledge gained through the CPA process greatly increase the overall capacity of the District. As such, CPA Incentive Premium equivalent to 5% of base salary, paid bi-weekly, will be made available to those in the below classifications who obtain and maintain a CPA license in accordance with the State of California Board of Accountancy. Proof of active CPA licensure shall be made available to the District. Upon expiration of licensure, CPA Incentive Premium will cease.

- Administrative Division Manager
- Administrative Division Supervisor

SECTION 18. TUITION AND TEXTBOOK REIMBURSEMENT

To the extent funding is available, management and confidential-unrepresented employees shall be eligible for tuition and textbook reimbursement up to a maximum of \$500 per fiscal year and in accordance with administrative regulations governing this program. Tuition reimbursement for regular, part-time employees shall be prorated based on their part-time percentage.

Employees may accrue unused tuition reimbursement for a maximum of three years for use in a single year. The maximum that may be accrued over a three year period shall not exceed \$1,500.

SECTION 19. MILEAGE REIMBURSEMENT

Employees who, when authorized, use their personal vehicle for District business shall be reimbursed for each mile driven on District business. Said reimbursement shall be at the amount per mile exempted by the Internal Revenue service for reporting of income.

SECTION 20. TRANSPORTATION DEMAND MANAGEMENT (TDM)

Management and confidential-unrepresented employees shall be eligible to participate in the District's TDM program and receive related benefits including the Alternative Commute Incentive.

SECTION 21. ADMINISTRATION OF BENEFITS

The APCO and the APCD Administrative Division Manager are hereby directed to provide the necessary administrative procedures to implement the above provisions of this Resolution.

SECTION 22. COST OF LIVING ADJUSTMENT (COLA)

Effective July 1, 2022 the base salaries of all Management and confidential-unrepresented employees including the APCO shall be increased by three percent (3.5%). Effective July 1, 2023 the base salaries of all Management and confidential-unrepresented employees including the APCO shall be increased by two percent (2.0%). Effective July 1, 2024 the base salaries of all Management and confidential-unrepresented employees including the APCO shall be increased by two percent (2.0%). The COLAs effective July 1, 2023 and 2024 are contingent upon the District's operating revenue. As long as the operating revenue does not decrease by 15% or more the COLAs will be automatically given to staff covered by this resolution.

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PASSED, APPROVED AND ADOPTED by the Air Pollution Control District Board of
the Santa Barbara County, State of California, this 18th day of August, 2022, by the following
vote:

Ayes:

Noes:

Abstain:

Absent:

ATTEST:

AERON ARLIN GENET
Clerk of the Board

By _____
Deputy

SANTA BARBARA COUNTY
AIR POLLUTION CONTROL DISTRICT

By _____
Chair

Date _____

APPROVED AS TO FORM:

RACHEL VAN MULLEM
District Counsel

By Victoria Parks Tuttle
Deputy

APPROVED AS TO FORM:

BETSY M. SCHAFFER, CPA
Auditor-Controller

By C. Edith
Deputy