RESOLUTION 16-018

A RESOLUTION OF THE COLUSA COUNTY BOARD OF SUPERVISORS APPROVING THE SALARY AND BENEFITS COMPENSATION PACKAGE FOR APPOINTED DEPARTMENT HEADS EFFECTIVE JANUARY 1, 2016

WHEREAS, by law, the Board of Supervisors is authorized to prescribe and set compensation amounts for County officers and County employees;

WHEREAS, Chapter 2, Article I, Section 2-14 of the Colusa County Code requires that, except as otherwise provided by law, the compensation paid to County employees shall be fixed by resolution adopted by a majority of the Board of Supervisors;

WHEREAS, the Board of Supervisors currently has in effect Memoranda of Understanding which became effective January 1, 2016 and expire September 30, 2019 covering those employees represented by the Colusa County Employees’ Association, the Colusa County Management Coalition and the Colusa County Deputy Sheriffs’ Association which set forth in mutually agreed upon terms the compensation and benefits provided to these employees; and,

WHEREAS, the Board of Supervisors now wishes to establish the compensation amounts to be paid to the County’s Appointed Department Heads for the period of January 1, 2016 through September 30, 2019;

NOW, THEREFORE BE IT RESOLVED, the Colusa County Board of Supervisors approves the salary and benefits compensation package for the County’s Appointed Department Heads as described in Attachment A; and,

BE IT FURTHER RESOLVED, the Colusa County Board of Supervisors retains the authority to modify the salary and benefits compensation package outlined in Attachment A at any time by resolution adopted by a majority of the Board of Supervisors.

RESOLUTION PASSED AND ADOPTED this 17th day of May, 2016 by the following vote:


NOES: None

ABSENT: None

Denise J. Carter, Chairperson
Colusa County Board of Supervisors

APPROVED AS TO FORM:

Marcos Kropf, County Counsel

ATTEST:
Wendy G. Tyler
Clerk to the Board of Supervisors

Ann Nordyke, Chief Deputy Clerk
SALARY AND BENEFITS COMPENSATION PACKAGE
APPOINTED DEPARTMENT HEADS

January 1, 2016 – September 30, 2019
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PREAMBLE

This Salary and benefits Compensation Package sets forth the wages and benefits for the unrepresented County employees who are assigned to the Appointed Department Head Unit ("ADHU"). The ADHU includes the County Agricultural Commissioner/Sealer of Weights and Measures; the Director of Behavioral Health; the Director of Child Support Services; the Director of Health and Human Services; the County Librarian; the Director of Planning and Building; the Director of Public Works; and the Chief Probation Officer. For the purposes of this document, employees assigned to the ADHU will be referred to collectively as "Covered Employees" or "Employees".

Section 1
Salaries

A. Salaries

1. Effective October 1, 2016 the wages of all Covered Employees shall be increased by two percent (2.0%).

2. Effective October 1, 2017, the wages of all Covered Employees shall be increased by two percent (2.0%).

3. Effective October 1, 2018, the wages of all Covered Employees shall be increased by two percent (2.0%).

B. Equity Adjustments

1. Based on the 9-County Salary Survey which was completed by the County in December 2015, equity adjustments will be provided to the below-listed Covered Employees as follows:

   a. Effective April 1, 2016 the Director of Child Support Services will move from Salary Range DH28 to DH29 (approximately 2.51%) and the Director of Health and Human Services will move from Salary Range DH44 to DH45 (approximately 2.50%).

   b. Effective April 1, 2017 the Director of Child Support Services will move from Salary Range DH29 to DH30 (approximately 2.51%).

   c. Effective April 1, 2018 the Director of Child Support Services will move from Salary Range DH30 to DH31 (approximately 2.51%).

   d. Effective April 1, 2019 the Director of Child Support Services will move from Salary Range DH31 to DH38 (approximately 18.9%).

C. Executive Management Incentive Pay

1. Each Covered Employee who was hired before January 1, 2013 shall receive additional compensation entitled, "Executive Management Incentive Pay," of $350.00 per month.
2. Employees who are hired or promoted into or who leave a position covered by this document shall have this benefit pro-rated according to the period of time they were actually assigned to the covered position.

3. Executive Management Incentive Pay, which recognizes the unique nature of management positions, is Special Compensation as that term is defined in Section 571 of the California Code of Regulations (CCR). As such, Management Incentive Pay will be reported to PERS. If, during the life of this document, Section 571 CCR is modified in such a manner that Executive Management Incentive Pay is no longer treated as Special Compensation by PERS, Covered Employees may request to explore the possible restructuring of this benefit.

4. Covered Employees hired after December 31, 2012 shall not be eligible to receive Executive Management Incentive Pay.

Section 2
Holidays

A. Holidays

1. Covered Employees are entitled to the paid holidays specified in Chapter 45 section 45.8.3 of the Colusa County Code, which shall be considered to fall on the day-of-the-week designated as the day of celebration by the Board.

B. Floating Holiday

1. Covered Employees each fiscal year as a group may request and will receive as a floating holiday one day not identified as a holiday in Chapter 45. The specific day requested as a floating holiday shall be subject to the approval of the Board of Supervisors.

Section 3
Leaves

A. Vacation

1. The County requires Covered Employees to manage their employees' vacations and their own vacations by scheduling vacation in keeping with the expectations of Chapter 45.

2. Covered Employees are entitled to Vacation Leave with pay as provided in Chapter 45 Section 45.8.4 et seq. of the Colusa County Code.

B. Sick Leave

1. Covered Employees are entitled to accrue, accumulate and use Sick Leave with pay as provided in Chapter 45, Section 45.8.5 et seq. of the Colusa County Code except as follows:

   a. The County will modify Section 45.8.5.6, 45.8.5.6.1 and 45.8.5.7 to read:
i. 45.8.5.6. The County will provide sick leave cash-out as follows.

ii. 45.8.5.6.1. Each County employee with one or more years of service will be compensated at the time of resignation, retirement, termination or layoff for any accrued and unused sick leave s/he has as of December 31, 2009, subject to the formula which follows or such other formula and/or qualifying criteria specified in an approved Memorandum of Understanding between the County and a recognized employee organization or such other formula and/or qualifying criteria specified in a Board approved benefit resolution covering unrepresented employees.

iii. 45.8.5.7. Employees subject to subsection 45.8.5.6.1 of this section will have all sick leave taken from January 1, 2010, forward charged first to sick leave accrued after that date and second to sick leave accumulated prior to that date.

b. Effective January 1, 2017, each Covered Employee who separates from County service will be compensated for unused sick leave which was accrued and accumulated before December 31, 2009 based on the formula specified in Chapter 45, Section 45.8.6.1, Subsections 45.8.6.1.1 through 45.8.6.1.3 except as follows:

i. The employee may choose to receive the entire amount owed in cash pursuant to Chapter 45, Sections 45.8.6.6.2 or 45.8.5.6.3 or the employee may choose to have the entire amount owed deposited into a county offered IRC 457 Plan subject to the limitations of such Plan or to have the entire amount owed deposited into the County-sponsored Health Reimbursement Arrangement ("HRA") subject to the limitations of the HRA Plan Document.

c. Effective January 1, 2017, each Covered Employee who retires from County service will be compensated for unused sick leave which was accrued and accumulated following December 31, 2009 based on the formula and conditions which follow:

i. An employee who retires with 15 years of Colusa County service and a minimum combined (old bank plus new bank) sick leave balance of 200 hours at the time of retirement will receive an amount equal to twenty-five percent (25%) of his/her current base hourly salary for all qualified hours.

ii. An employee who retires with 20 years of Colusa County service and a minimum combined (old bank plus new bank) sick leave balance of 250 hours at the time of retirement will receive an amount equal to fifty percent (50%) of his/her current base hourly salary for all qualified hours.

iii. An employee who retires with 25 years of Colusa County service and a minimum combined (old bank plus new bank) sick leave balance of 300 hours at the time of retirement will receive an amount equal to seventy-five percent (75%) of his/her current base hourly salary for all qualified hours.

iv. An employee who retires with 30 years of Colusa County service and a minimum combined (old bank plus new bank) sick leave balance of 350 hours at the time of retirement will receive an amount equal to one hundred percent (100%) of his/her current base hourly salary for all qualified hours.
v. Employees who are compensated for unused sick leave pursuant to paragraphs c.i through c.iv above will have the entire amount deposited into the County-sponsored Health Reimbursement Arrangement on their behalf.

1. For the purposes of this benefit only, Covered Employees who are elected to a County office will be compensated as though they had “retired” effective the date they assume the County elected office.

C. Bereavement Leave

1. Bereavement leave will be granted in the case of death in the immediate family of the Covered Employee or spouse, as follows:
   a. Five (5) days per death in the immediate family.
   b. After five (5) days, the employee may have additional leave as allowed by Chapter 45.8.5.11.
   c. Bereavement Leave does not accumulate, cannot be transferred and has no cash out value.
   d. “Immediate Family” means spouse, registered domestic partner, parents and grandparents, children and grandchildren, brothers and sisters, mother-in-law and father-in-law, brothers-in-law and sisters-in-law, daughters-in-law and sons-in-law; adopted, foster and step members are also included in immediate family. For the purposes of this Section, the family members of a registered domestic partner will have the same status as the family members of a spouse.

D. Jury Duty or Court Witness

1. Covered Employees who are required to serve on jury duty shall receive full pay, but shall remit to the County any compensation, except reimbursement for parking, meals, mileage or lodging which may be received for such service.

2. A Covered Employee who is required to appear as a witness in a court case which involves the County or County business shall receive full pay, but shall remit to the County any witness fees, including fees received as an expert witness, except reimbursement for parking, meals, mileage or lodging which may be received for such service.

E. Required Continuing Professional Education Leave

1. Covered Employees who are required by law to maintain a license/certificate in order to perform their job duties will be provided paid time away from work to complete such required continuing education.

F. Partial Day Absences

1. In recognition of the extended hours often worked by employees who are exempt from the overtime provisions of the Fair Labor Standards Act (“FLSA”) and at the sole discretion of the County Administrative Officer, Covered Employees may be granted
partial day absences without charging such absences to an appropriate leave balance subject to the following limitations:

a. Partial day absences which would otherwise be charged to Sick Leave, including Family-Sick Leave, shall be charged to Sick Leave.

b. If a Covered Employee has been placed on a Performance Improvement Plan or is the subject of a Coaching Memorandum related to attendance issues, partial day absences shall be charged to the appropriate leave balance.

Section 4
Health and Welfare

The County provides the health and welfare benefits identified in Chapter 45 to all bargaining unit employees subject to the terms which follow:

A. Medical Insurance

1. Except as provided in Section H, below the County will contract with the Public Employees’ Retirement System (PERS) for the purpose of providing medical insurance benefits for active employees and eligible retired employees. Eligibility of active and retired employees and the dependents of active and retired employees to participate in this program shall be in accordance with regulations promulgated by PERS.

2. Effective December 1, 2015 (January 2016 premium) the County will contribute $125.00 per month on behalf of each active employee and each retiree who subscribes for coverage. In the event PERS requires a minimum employer payment in excess of $125.00, the County will contribute such amount for the period covered by this document and the County will reduce its contribution to the County Cafeteria Plan for active employees pursuant to Section C.2., below, by an amount equal to the PERS mandated increase.

3. Except as provided herein, Covered Employees shall purchase medical insurance through the PERS Medical Program.

a. Covered Employees who have alternative medical insurance coverage from another source, which provides “Minimum Essential Coverage” as that term is defined by the agencies responsible for the administration of the Affordable Care Act, may, by providing written proof of such alternative coverage to the County, opt out of the PERS Medical Program. Covered Employees who opt out of the PERS Medical Program shall be required to provide written confirmation of alternative Minimum Essential Coverage annually thereafter, during the PERS open enrollment period. If such confirmation is not provided, the employee shall be required to enroll in the PERS Medical Program.
B. Dental Insurance

1. The County will continue to make dental insurance available to active employees and the eligible dependents of active employees through the County sponsored dental plan. The County’s contributions toward such dental insurance shall be capped at $45.00 per month.

2. Except as provided herein, Covered Employees shall be required to purchase dental insurance through the County sponsored plan. Covered Employees who have dental insurance coverage from another source may, by providing written proof of such alternative coverage to the County, opt out of the dental plan. Covered Employees who opt out of the dental plan shall be required to provide written confirmation of alternative coverage annually thereafter, during the dental plan open enrollment period. If such confirmation is not provided, the employee shall be required to enroll in the dental plan.

   a. Covered Employees who were hired prior to January 1, 2013 and who opt out of the dental plan pursuant to Section B.2. above, shall be provided a $45.00 per month cash-in-lieu benefit which the employee may deposit into an appropriate account within the County Cafeteria Plan or may be taken as a cash payment that will be applied to the employee’s monthly paycheck. Amounts taken as cash will be treated as taxable income.

C. Cafeteria Plan

1. The County will make Cafeteria Plan available to all Covered Employees. At a minimum, the County Cafeteria Plan will provide non-elective County contributions that may be used to pay all or a portion of the monthly premium for county-sponsored group health insurance, and the pre-tax payments of the employee share of county-sponsored group health insurance premiums. The County Cafeteria Plan will also include a Flexible Spending Account and a Dependent Care Account into which employees may make pre-tax contributions through the execution of Salary Reduction Agreements. Participation in the County Cafeteria Plan shall be pursuant to the terms, conditions and restrictions of the Plan Administrator and shall be subject to the terms that follow.

2. Employees Hired Before January 1, 2013.

   a. Effective December 1, 2015 (January 2016 premium) the County will make the below listed non-elective contributions into the Cafeteria Plan on behalf of each Covered employee who is enrolled in the PERS medical plan pursuant to Section A.3., above:

      i. For employees who are enrolled in employee only coverage, the County will contribute a maximum of $365 a month.

      ii. For employees who are enrolled in employee plus one coverage, the County will contribute a maximum of $665 a month.

      iii. For employees who are enrolled in family coverage, the County will contribute a maximum of $940 a month.
b. Effective December 1, 2016 (January 2017 premium) the County will make the below listed non-elective contributions into the Cafeteria Plan on behalf of each Covered Employee who is enrolled in the PERS medical plan pursuant to Section A.3., above:

i. For employees who are enrolled in employee only coverage, the County will contribute a maximum of $380 a month.

ii. For employees who are enrolled in employee plus one coverage, the County will contribute a maximum of $690 a month.

iii. For employees who are enrolled in family coverage, the County will contribute a maximum of $975 a month.

c. Effective December 1, 2017 (January 2018 premium) the County will make the below listed non-elective contributions into the Cafeteria Plan on behalf of each Covered Employee who is enrolled in the PERS medical plan pursuant to Section A.3., above:

i. For employees who are enrolled in employee only coverage, the County will contribute a maximum of $395 a month.

ii. For employees who are enrolled in employee plus one coverage, the County will contribute a maximum of $715 a month.

iii. For employees who are enrolled in family coverage, the County will contribute a maximum of $1,010 a month.

d. Effective December 1, 2018 (January 2019 premium) the County will make the below listed non-elective contributions into the Cafeteria Plan on behalf of each Covered Employee who is enrolled in the PERS medical plan pursuant to Section A.3., above:

i. For employees who are enrolled in employee only coverage, the County will contribute a maximum of $410 a month.

ii. For employees who are enrolled in employee plus one coverage, the County will contribute a maximum of $740 a month.

iii. For employees who are enrolled in family coverage, the County will contribute a maximum of $1,045 a month.


a. Effective December 1, 2015 (January 2016 premium) the County will make the below listed non-elective contributions into the Cafeteria Plan on behalf of each Covered Employee who is enrolled in the PERS medical plan pursuant to Section A.3., above:

i. For employees who are enrolled in employee only coverage, the County will contribute a maximum of $715 a month.

ii. For employees who are enrolled in employee plus one coverage, the County will contribute a maximum of $1,015 a month.
iii. For employees who are enrolled in family coverage, the County will contribute a maximum of $1,290 a month.

b. Effective December 1, 2016 (January 2017 premium) the County will make the below listed non-elective contributions into the Cafeteria Plan on behalf of each Covered employee who is enrolled in the PERS medical plan pursuant to Section A.3., above:

i. For employees who are enrolled in employee only coverage, the County will contribute a maximum of $730 a month.

ii. For employees who are enrolled in employee plus one coverage, the County will contribute a maximum of $1,040 a month.

iii. For employees who are enrolled in family coverage, the County will contribute a maximum of $1,325 a month.

c. Effective December 1, 2017 (January 2018 premium) the County will make the below listed non-elective contributions into the Cafeteria Plan on behalf of each Covered Employee who is enrolled in the PERS medical plan pursuant to Section A.3., above:

i. For employees who are enrolled in employee only coverage, the County will contribute a maximum of $745 a month.

ii. For employees who are enrolled in employee plus one coverage, the County will contribute a maximum of $1,065 a month.

iii. For employees who are enrolled in family coverage, the County will contribute a maximum of $1,360 a month.

d. Effective December 1, 2018 (January 2019 premium) the County will make the below listed non-elective contributions into the Cafeteria Plan on behalf of each Covered Employee who is enrolled in the PERS medical plan pursuant to Section A.3., above:

i. For employees who are enrolled in employee only coverage, the County will contribute a maximum of $760 a month.

ii. For employees who are enrolled in employee plus one coverage, the County will contribute a maximum of $1,090 a month.

iii. For employees who are enrolled in family coverage, the County will contribute a maximum of $1,395 a month.

D. Cash-In-Lieu of Medical Coverage

1. Subject to Section D.2 below, Covered Employees who, pursuant to Section A.3.a, above elect not to receive County-sponsored PERS health benefits, the County will provide monthly cash-in-lieu benefit which the employee may deposit into an appropriate account within the County Cafeteria Plan or may be taken as a cash payment that will be applied to the employee's monthly paycheck. Amounts taken as cash will be treated as taxable income.
a. Employees hired prior to January 1, 2013 and who qualify for the above-described cash-in-lieu benefit shall receive $435 per month.

b. Employees hired after December 31, 2012 and who qualify for the above-described cash-in-lieu benefit shall receive $331 per month.

2. It is specifically understood that the cash-in-lieu benefits provided pursuant to this Agreement are subject to the ACA compliance provision detailed in Section I, below.

E. Vision Care and Employee Assistance Plans

1. Vision insurance shall be provided in accordance with the Vision Plan and shall include at a minimum an annual examination and the replacement of lenses and frames every twelve (12) months. The County will contribute one-hundred percent (100%) of the monthly premium for employee-only coverage. Covered Employees may enroll eligible family members at the employee’s expense and subject to the rules of the insurance provider.

2. The County shall provide to each Covered Employee an Employee Assistance Plan that includes up to six (6) visits during each calendar year with a designated Health Care Provider. Such Employee Assistance shall be strictly confidential and the employee need only show proof of employment with Colusa County to receive this benefit.

F. Health Reimbursement Arrangement

1. The County will make an IRS qualified Health Reimbursement Arrangement (“HRA”) available for eligible Covered Employees who retire from the County and enroll in the County-Sponsored Health Plan. Subject to the conditions described below, the County will make monthly contributions into the HRA on behalf of each eligible retiree.

   a. For retirees who were hired before January 1, 2013 and who retired prior to the execution of this document, the County will contribute $128.26.

   b. For Covered Employees who were hired before January 1, 2013 and who retire following the execution of this document, the County will contribute $128.26.

G. Health Plan Assessment and Consideration of Alternative Plans

1. During the first half of 2016, the County will form a Health Plan Assessment Task Force (“Task Force”), which will include members from each of the County’s recognized employee organizations and others as determined by the County. The purpose of the Task Force is to evaluate and make recommendations regarding alternative medical coverage/plans. Following the conclusion of the Task Force’s work and the submission of its report, the County may request to reopen negotiations on the issue of health benefits and possibly the redistribution of County contributions toward health benefits only.

2. Following the completion of the Task Force’s evaluation, the Health and Welfare Benefits provided to Covered Employees pursuant to Section 4 of this document may be modified by the County.
H. Compliance with Affordable Care Act

1. It is the intent of the Parties to comply with the regulatory provisions of the Affordable Care Act ("ACA"). If, during the period covered by this document, it is determined that the County is out of compliance with any ACA mandate or mandates, the County will take the steps necessary to comply. If, during the period covered by this document, any of the agencies responsible for the administration of the ACA issue new or modified regulations which mandate compliance, the County will take the steps necessary to comply with these regulations.

2. If the actions deemed necessary to comply with the ACA impact benefits provided to Covered Employees, the County will meet with Covered Employees regarding these impacts.

Section 5
Retirement

A. Retirement Plans

1. Miscellaneous Employees
   a. Subject to all rules and procedural requirements of PERS, Covered Miscellaneous Employees who are hired after December 31, 2012 who are “New Members” as that term is defined by PERS, shall be enrolled in the 2% at age 62 Plan pursuant to California Government Code (Government Code) Section 7522.20, with final compensation based on the highest average annual compensation paid over a consecutive three-year period.

   b. For Covered Miscellaneous Employees hired prior to January 1, 2013 the County will continue to contract with PERS for the 3% at age 60 Plan pursuant to Government Code Section 21354.3, with final compensation based on the highest paid consecutive twelve (12) months pursuant to Government Code Section 20042.

2. Safety Employees
   a. Subject to all rules and procedural requirements of California Public Employees’ Retirement System (PERS), Covered Safety Employees hired after December 31, 2012 who are “New Members” as that term is defined by PERS, shall be enrolled in the 2.5% at age 57 Plan pursuant to Government Code Section 7522.25(c), with final compensation based on the highest average annual compensation paid over a consecutive three-year period.

   b. Subject to all rules and procedural requirements of PERS, including those that require certain optional benefits be made available to members of pooled plans, for Covered Safety Employees hired prior to January 1, 2013, the County will continue to contract with PERS for the 3% at age 50 Plan pursuant to Government Code Section 21362.2, with final compensation based on the highest paid consecutive twelve (12) months pursuant to Government Code Section 20042.
3. Optional Benefits

a. To the extent allowable by PERS, the County will continue to provide the optional retirement enhancement, Military Service Credit as Public Service for Miscellaneous and Safety employees pursuant to Government Code Section 21024.

b. To the extent allowable by PERS, the County will continue to provide the Pre-Retirement Option 2W Death Benefit pursuant to Government Code Section 21548.

B. Retirement Plan Contributions

1. County Contributions

a. Subject to all rules and procedural requirements of California Public Employees' Retirement System (PERS) the County will pay the employer's share of PERS contributions, pursuant to the provisions of Sections 2 and 3, below.

2. Employee Contributions - New Members

a. Covered Employees who are "New Members" as that term is defined by PERS, shall contribute to PERS an amount equal to one-half of the normal cost of the Plan to which they are enrolled.

3. Employee Contributions - Classic Members

a. Covered Employees who are "Classic Members" as that term is defined by PERS, shall contribute to PERS an amount equal to one-half of the normal cost of the PERS Plan to which they are enrolled, subject to the following:

i. Beginning on July 1, 2016, subject to all the rules and procedural requirements of PERS, Covered Employees who are Classic Members as that term is defined by PERS shall increase their contribution to PERS by an amount equal to one-half of any general wage increase provided to such employees not to exceed the cap on such contributions established by Government Code Section 20516.5 (b), with such increase in PERS contributions to be effective on the same date as the general wage increase. This provision will then be applied to each subsequent general wage increase provided to the Classic Members of this bargaining unit until such time that employees are contributing an amount equal to one-half of the normal cost of the PERS Plan to which they are enrolled, not to exceed the cap on such contributions established by Government Code Section 20516.5 (b). It is understood that the final application of this Section could result in an increased employee contribution that is less than one-half of the corresponding general wage increase. It is further understood that this provision shall not be applied to classification-specific equity adjustments.
4. Internal Revenue Code Section 414 (h)(2) Plan
   
a. Employee-paid PERS contributions will be “picked up” by the County pursuant to Internal Revenue Code Section 414 (h)(2) as designated and described in Appendix A of this document.

C. Federal Insurance Contribution Act (FICA) Tax
   
1. The County shall pay the employer share of FICA taxes and Covered Employees shall pay the employee share of FICA taxes.

D. Internal Revenue Code Section 457 Deferred Compensation Plans
   
1. The County will continue to make IRC section 457 deferred compensation plans (IRC 457 Plans) available to Covered Employees, subject to the terms and conditions of plan sponsors which, in some cases, may require minimum employee contributions. Employee participation in such plans is voluntary.
   
a. During calendar year 2016, a committee, consisting of one member from each of the County’s recognized employee organizations (CCMC, CCEA and DSA) as well as one representative from the County’s unrepresented bargaining units (Appointed Department Head Unit and Unrepresented Unit) and the Human Resources Director, will meet to determine which IRC 457 Plans will be made available to County employees, with the goal of reducing the number of plans offered. The decision of the Committee will be finalized and announced no later than July 31, 2016 and will become effective sixty calendar days thereafter. If the Committee is unable to reach consensus regarding the IRC 457 Plans to be made available, the Human Resources Director will make the final determination, which shall not be grievable.
   
b. Except for the matching contributions provided below, the County shall not make contributions on behalf of Covered Employees. Effective October 1, 2016, the County will match employee contributions to a county-offered IRC 457 Plan as follows:

   i. For employees with up to seven (7) years of county service, $10.00 per month. To qualify for matching contributions, employees must contribute an amount equal to or greater than the plan minimum contribution.
   
   ii. For employees with seven (7) to fifteen (15) years of county service up to $15.00 per month. To qualify for matching contributions, employees must contribute an amount equal to or greater than the plan minimum contribution.
   
   iii. For employees with more than fifteen (15) years of county service up to $20.00 per month. To qualify for matching contributions, employees must contribute an amount equal to or greater than the plan minimum contribution.

   c. Specific information regarding each of the available IRC 457 Plans may be obtained from the Human Resources Department.
Section 6
Miscellaneous

A. Required Licenses.

1. Covered Employees are responsible for meeting the requirements and for paying any fees involved in obtaining necessary licenses, certificates, permits, and registrations. However, where such licenses, certificates, permits, and registrations are required in order for the employee to maintain his/her current position, reimbursement may be sought from his/her employer upon proof of successful completion of tests or other requirements.

B. Time Worked While On Leave

1. Exempt employees on sick or vacation leave are not expected to work, which includes taking phone calls and checking or responding to e-mails. An exempt employee who does work may request a credit be added for actual time worked back into the relevant leave account. Any such request shall include supporting written documentation showing how and why the time was spent.

Section 7
Chapter 45

Any terms and conditions of employment not specifically discussed herein shall be governed by the provisions of Colusa County Code, Chapter 45.

Section 8
Employment Status

Nothing in this document or Colusa County Code Chapter 45 or the adopted polices and/or practices of Colusa County shall be interpreted or applied in a manner that would alter the employment status of employees assigned to the ADHU. ADHU employees are at-will employees and serve at the pleasure of the appointing authority.
APPENDIX A  
I.R.C. Section 414 (h) (2) Program

The County agrees to implement the provisions contained in Section 414(h)(2) of the Internal Revenue Code concerning the tax treatment of employee retirement contributions paid to the California Public Employees' Retirement System (PERS) on behalf of said employees. Pursuant to Section 414(h)(2) contributions to a pension plan, although designated under the plan as employee contributions, when paid by the employer in lieu of contributions by the employee, under circumstances in which the employee does not have the option of choosing to receive the contributed amounts directly instead of having them paid by the employer, may be excluded from the gross income of the employee until these amounts are distributed or made available to the employee. Implementation of Section 414(h)(2) shall be accomplished through a concomitant reduction in wages equal to the employees' contribution rate to PERS pursuant to the following provisions:

1. Definitions
   Unless the context otherwise requires, the definitions in this section govern the construction of this provision.

   "Employees" The term "employees" shall mean those employees assigned to the ADHU who make employee contributions to the PERS retirement system.

   "Employee Contributions" The term "employee contributions" shall mean those contributions to PERS which are deducted from the salary of employees and credited to individual employees' accounts.

   "Employer" The term "employer" shall mean Colusa County.

   "Gross Income" The term "gross income" shall mean the total compensation paid by Colusa County to employees who are assigned to the ADHU, as defined in the Internal Revenue Code and rules and regulations established by the Internal Revenue Service.

   "Retirement System" The term "retirement system" shall mean the California Public Employees' Retirement System (PERS).

   "Wages" The term "wages" shall mean the compensation prescribed in the Memorandum of Understanding between the parties.

   "Compensation" The term compensation shall mean the employee's monthly wages reported to PERS before any reductions pursuant to this pick-up program.

2. Pick-Up of Employee Contributions

   (a) Pursuant to this provision, the employer shall make employee contributions on behalf of employees, and such contribution shall be treated as employer contributions in determining tax treatment under the Internal Revenue Code of the United States. Such contributions are being made by the employer in lieu of employee contributions.

   (b) Employer contributions made under Paragraph A of this provision shall be paid from the same source of funds as used in paying the wages to affected employees.
(c) Employee contributions made by the employer under Paragraph A of this provision shall be treated for all purposes other than taxation in the same manner and to the same extent as employee contributions made prior to the effective date of implementation of the "pick-up" program. Nothing contained in this pick-up program is intended to reduce the reportable amount of the employee’s monthly compensation reported to PERS.

(d) The employee does not have the option to receive the employer’s contributed amounts directly instead of having them paid to the retirement system.

(e) In the event the existence of any state or federal tax law creates any personal tax liability for an employee by virtue of the employer's paying the employee's normal PERS retirement contribution, nothing contained in this section shall relieve the employee of any tax liability prescribed by law nor give rise to a grievance against the County, requiring it to assume the employee's tax liability.