

RESOLUTION NO. 29-2005

A RESOLUTION OF THE TOWN COUNCIL OF THE
TOWN OF TIBURON REPEALING RESOLUTION
NO. 29-2004 AND ADOPTING AN AMENDED MANAGEMENT
RECOGNITION AND INCENTIVE COMPENSATION PROGRAM

WHEREAS, in January 1979, the Town Council established and adopted a Management Recognition and Incentive Compensation Program, in order to promote the development of a strong, more effective management team and a means of recognizing outstanding management performance in all public service areas; and

WHEREAS, the Management Recognition and Incentive Compensation program enhances the professional growth, motivation, and loyalty of management employees and promotes a consistently higher level of service to the public; and

WHEREAS, the Town Council has updated and amended the Management Recognition and Incentive Compensation Program on several occasions, most recently in 2004 by the adoption of Resolution No. 29-2004; and

WHEREAS, the Town of Tiburon management employees are defined to mean the following positions:

Town Manager
Town Attorney
Chief of Police
Director of Administrative Services
Director of Community Development
Director of Public Works/Town Engineer

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Tiburon does hereby repeal Resolution No. 29-2004 and all predecessor versions of the Management Recognition and Incentive Compensation Program and adopts the following amended Management Recognition and Incentive Compensation Program:

SECTION 1. SALARIES

Effective July 1, 2005 salary ranges for management positions shall be:

Town Attorney	\$8,447 - \$10,559
Chief of Police	\$8,351 - \$10,439
Director of Administrative Services	\$6,830 - \$8,538
Director of Community Development	\$6,901 - \$8,626
Director of Public Works/Town Engineer	\$7,482 - \$9,352

SECTION 2. SALARY ADJUSTMENTS

The Town Manager shall submit annually to the Town Council recommended salary ranges for management employees. These ranges will be based upon the Compensation Policy adopted by the Town Council. Movement through the salary ranges will be based upon merit following a comprehensive written performance evaluation by the Town Manager.

SECTION 3. BENEFITS AND INSURANCE

Effective January 1, 2006, the Town shall contribute \$1,000 per month towards a management employee's fringe benefit coverage. If the full sum specified is exceeded for group insurance of a given employee, then that employee shall pay the balance of the monthly cost via a payroll deduction from the first two payrolls of the month. If the full sum specified is not used for the group insurance cost of a given employee, then the employee shall have the option to have that amount deposited into one of the Town's Deferred Compensation Plans in the employee's name or for the purchase of Additional Retirement Service Credit through CalPERS, so long as the option continues to be provided by CalPERS.

Retirement - For Miscellaneous Members of the Public Employee's Retirement System, the Town of Tiburon shall provide management employees the PERS 2% @ 55 retirement benefits, with highest single year calculation and service credit for unused sick leave. For Local Safety Members of the Public Employee's Retirement System the Town shall provide management employees the PERS 3% @ 55 retirement benefit, average three highest years calculation, and service credit for unused sick leave. The Town shall contribute on behalf of management employees the full employer and employee retirement contributions.

Medical Insurance - The Town of Tiburon offers management employees and their dependents medical/hospital insurance coverage. A qualified employee may choose from the plans offered through the Public Employees Retirement System Health Benefits Division for medical/hospital insurance coverage. Such insurance is mandatory for covered employees unless they can demonstrate compliance with other coverage.

Dental Insurance - The Town of Tiburon offers management employees and their dependents a dental plan. Such insurance is mandatory for all qualified employees unless they can demonstrate compliance with other coverage.

Life Insurance - The Town of Tiburon offers management employees a life insurance policy equal to one year's salary, not to exceed \$95,000. Such insurance is mandatory for all full-time employees. If the mandatory amount is not exceeded, the Town of Tiburon offers management employees additional life insurance up to a combined total of no more than \$95,000. Participation is optional.

Disability Insurance - The Town of Tiburon offers management employees long term disability insurance. Such insurance is optional, except for the position of Chief of Police.

Long Term Care - The Town of Tiburon offers management employee a long-term care policy. Participation is optional.

Deferred Compensation Plan - The Town of Tiburon offers a deferred compensation plan to management employees. Such monies deposited would become tax-deferred and would be subject to income taxation in the year they are withdrawn from the deferred compensation plan. Participation is optional.

IRS Section 125 Plan - The Town of Tiburon offers management employees the ability to participate in its IRS Section 125 Plan. Participation is optional.

SECTION 4. VACATION LEAVE

In recognition of the fact that many top management personnel are recruited from outside the Town, that the average tenure for those management personnel is substantially more than that of non-management personnel, and that at least three years prior experience is required, the following vacation leave policy for management personnel shall be implemented:

Management employees shall accumulate vacation leave in accordance with the following vacation time entitlement:

<u>Service</u>	<u>Work Days</u>
0-5 Years	15 Days
6-15 Years	20 Days
16+ Years	25 Days

Upon termination of a management employee's service with the Town, such employee shall be paid a lump sum equivalent to his/her accrued vacation leave. Maximum accumulation of vacation leave is 40 workdays.

SECTION 5. VACATION LEAVE CONVERSION

After one year's service with the Town, Management employees who use at least 10 working days of vacation leave, may convert into cash payment up to 50% of the total number of vacation hours taken in a calendar year, not to exceed 10 working days. Vacation leave conversion will be granted during the month of December each calendar year.

SECTION 6. SICK LEAVE

Management employees shall be entitled to accrue one working day of sick leave with pay for each month or major fraction thereof. Sick leave may be accrued by management employees without a maximum limitation.

SECTION 7. SICK LEAVE PAY OFF

Management employees hired prior to July 1, 2001, or if their employment contract states differently, may receive cash equivalent compensation of 50% of their accrued sick leave, up to a total of 60 days, if the following conditions are met:

- a. The employee files for a service retirement from the Town, or
- b. The employee voluntarily separates from the Town and has at least 15 years of service with the Town.

For management employees hired after July 1, 2001, may accrue unlimited sick leave with no option for "cashback" benefits.

SECTION 8. HOLIDAYS

The Town agrees to provide management employees the following holidays:

New Year's Day	January 1
Martin Luther King Day	Third Monday in January
President's Day	Third Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	First Monday in September
Veterans Day	December 27
Thanksgiving Day	Fourth Thursday in November
	Friday after Thanksgiving
Christmas Eve	December 24
Christmas Day	December 25
New Year's Eve	December 31

When a holiday falls on a Saturday, the preceding Friday shall be observed. However, if a holiday falls on a Saturday and the preceding Friday is also a holiday, the Town Manager may designate the preceding Thursday or following Monday to observe the holiday. When a holiday falls on Sunday, the following Monday shall be observed. However, when a holiday falls on a Sunday and the following Monday is also a holiday, the Town Manager may designate the preceding Friday or following Tuesday to observe the holiday. For management employees who work an alternative work schedule and a holiday falls on his/her regular day off, he/she shall select either the preceding or following regular working day off. Effected employees shall provide the Town Manager with at least one week's notice as to which day they will observe as a holiday.

SECTION 9. FURLOUGH

All represented employees will be required to take a 3-day furlough. The days furloughed will be December 28 and December 29, 2005. Tiburon Town Hall will be closed from December 23, 2005 through January 2, 2006.

However, employees may not suffer compensation loss. The Town will provide a one-time paid day off for the December 28, 2005 day and the employee will be required to take a vacation day for the December 29, 2005 furloughed day.

Proposed Schedule:

Friday, December 23, 2005	Christmas Eve Holiday
Monday, December 26, 2005	Christmas Holiday
Tuesday, December 27, 2005	Veterans Day Observance
Wednesday, December 28, 2005	Furlough Day #1 (additional day off)
Thursday, December 29, 2005	Furlough Day #2 (vacation day)
Friday, December 30, 2005	New Years Eve Holiday
Monday, January 2, 2005	New Years Holiday

SECTION 10. ADMINISTRATIVE LEAVE

In recognition of the long hours required to perform at the management level, including attendance at numerous meetings outside normal working hours, the following Administrative Leave policy shall be implemented:

Management employee may receive up to ten days administrative leave annually, to be awarded at the discretion of the Town Manager. Administrative Leave shall be taken in one-day increments.

SECTION 11. DINNER ALLOWANCE

All management employees who live more than 10 miles from Town and who are required to attend night meetings or work after office hours beyond 7:00 P.M. may be reimbursed in an amount not to exceed \$20.00 for the purchase of dinner for that night. This allowance applies to management employees who reside outside a ten-mile radius of the Town. Employee reimbursement is subject to the approval of the Town Manager and must be accompanied by a restaurant receipt, which shall include the amount, date, meeting or purpose, and the employee's name.

SECTION 12. TERMINATION ALLOWANCE

In order to foster job security within a professional climate, management employees will be entitled to severance pay when they are terminated from Town service. However; such employee must be in the employ of the Town for at least three (3) years, and such termination is not for cause or for reasons listed in Government Code Section 19572, the Town's Personnel Rules & Regulations, Section 6, or any employee who voluntarily resigns from Town Service for personal reasons.

Unless otherwise noted in an Employment Agreement, Management employees shall be covered by the following termination allowance schedule:

<u>Service</u>	<u>Work Weeks</u>
After: 3 years	1 month
7 years	2 months
10 years	3 months

This severance pay is in addition to any accrued vacation leave, unused at the time of termination.

SECTION 13. VEHICLE USAGE/ALLOWANCE

Management employees, to a far greater extent than other Town employees, are required to travel throughout the Town, County, and Bay Area to fulfill their job requirements. This travel is frequently required outside of normal working hours. In recognition of this employment requirement, the Town shall provide either the use of a Town vehicle or an automobile allowance, as provided in the Town budget. Use of a Town vehicle shall be in accordance with the Town's Administrative Policies and Procedures and is not intended for private use.

SECTION 14. TUITION REIMBURSEMENT

In order to promote continued development of skills, knowledge, and abilities among management employees, the Town of Tiburon shall reimburse the costs of tuition, books and fees at the rate of the California State University system. Employees must receive prior approval of the Town Manager and submit certified transcripts with the evidence of a grade of "C" or better from an accredited college or university and submit bona fide receipts to qualify for tuition reimbursement.

SECTION 15. PROFESSIONAL MEMBERSHIP FEES

Most management personnel are expected to maintain membership in appropriate professional organizations. These memberships serve to acquaint the Town with current programs and procedures in these professional areas by means of publications and specific activities. The Town will include the cost of these membership fees in the respective departmental budgets.

SECTION 16. RETIRED EMPLOYEE'S MEDICAL ALLOWANCE

The Town of Tiburon will make contributions toward a retired employee's medical insurance plan based upon the following conditions:

- a. Employee must retire directly from employment with the Town of Tiburon and apply to PERS for retirement benefits.

- b. The retiree's medical insurance allowance is fixed and capped at the Kaiser single rate that is in effect at the time of the employee's retirement.
- c. The Town's contributions rate is based on the following formula:

<u>Percent of Kaiser Single Rate</u>	<u>Years of Consecutive Service to Town</u>
50%	15 Years
75%	20 Years
100%	25 Years

Such coverage is not extended to employee's spouse or other dependents.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the provisions of this resolution shall supersede any other previous rules and resolutions of the Town of Tiburon which may be in conflict herewith.

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Tiburon on June 29, 2005, by the following vote:

AYES:	COUNCILMEMBERS:	Berger, Fredericks, Gram, Slavitz, Smith
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	None

MILES BERGER, MAYOR

ATTEST:

DIANE CRANE IACOPI
Town Clerk