

**SIDE LETTER AGREEMENT
BETWEEN THE CITY OF VISALIA AND
UNREPRESENTED CONFIDENTIAL GROUP
May 2022**

The City of Visalia ("City") and the Unrepresented Confidential Group ("Group") hereby enter into this Side Letter Agreement confirming amendments to the July 2021 Compensation and Benefits Summary.

Item 3 **WAGES AND OTHER RELATED ISSUES**, Paragraph 1 is replaced in its entirety with the following

Salary ranges for all classifications in this bargaining unit shall be increased as follows:

- 4% effective the pay period beginning June 5, 2021
- 8% effective the pay period that includes July 1, 2022

This Side Letter Agreement is not intended to supersede any of the other terms and conditions of employment contained in the Unrepresented Confidential Group Compensation and Benefit Summary unless specifically mentioned herein.

The Side Letter of Agreement is executed on 5/25/22.

FOR THE CITY:



Leslie Caviglia, City Manager

FOR CONFIDENTIAL GROUP:



Danny Wristen, Battalion Chief

CITY OF VISALIA

CONFIDENTIAL/UNREPRESENTED GROUP COMPENSATION AND BENEFIT SUMMARY



As of July 1, 2021

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INTRODUCTION

This document summarizes the Compensation and Benefits currently provided to members of the City of Visalia Confidential/Unrepresented Group as authorized by City Council action and in accordance with City of Visalia Personnel Policies. Any future changes to any provision of this document will be incorporated upon adoption by City Council, revision of Personnel Policies or upon changes implemented by State or Federal law.

1. APPLICATION

This Compensation and Benefit Summary applies to all City of Visalia positions designated as belonging to the Confidential/Unrepresented Group including but not limited to:

- Administrative Assistant (Confidential)
- Assistant Finance Director
- Chief Deputy City Clerk
- City Engineer
- Communications Manager
- Finance Manager
- Fire Battalion Chief
- Human Resources Analyst
- Human Resources Manager
- Insurance and Benefits Manager
- Management Analyst-HR/Risk
- Police Captain
- Senior Administrative Assistant (Confidential)

Positions not listed above but created and designated as Confidential/Unrepresented after Council adoption of this plan are covered by the terms herein.

2. EMPLOYMENT RIGHTS

Confidential/Unrepresented Group employees maintain all employment rights provided by State and Federal statutes and applicable law. Public Safety employees are afforded all rights under the Firefighters Procedural Bill Of Rights and Public Safety Officers Procedural Bill of Rights Acts.

City of Visalia Personnel Policies apply to Confidential/Unrepresented Group employees.

3. WAGES AND OTHER RELATED ISSUES

Salary ranges for all classifications in this bargaining unit shall be increased as follows:

- 4% effective the pay period beginning June 5, 2021
- 4% effective the pay period that includes July 1, 2022
- 3% effective the pay period that includes July 1, 2023
- An additional 1% salary increase will be added to the agreed upon 3% for FY 23/24 if the City's General Fund Sales Tax Revenue for the prior fiscal year (FY 22/23) ends the fiscal year with a growth of 2% or more. This calculation is determined by taking the

growth from the General Fund Sales Tax revenue collected from FY 21/22 and comparing it to FY 22/23. The final number will not be determined for FY 22/23 until all Sales Tax payments have been distributed to Cities with the final payment being in September 2023. If the growth is 2% or more, the City will add the additional 1% salary range increase starting in the first pay period in October 2023.

Salary ranges for Confidential/Unrepresented Group employees are reviewed annually by City Council and any changes made to the salary ranges are implemented by official action of the City. Confidential/Unrepresented Group employees shall receive a salary consistent with the Job Classification and Salary Range list as may be amended from time to time.

Confidential/Unrepresented Group employees' performance evaluations and merit increases are provided consistent with City policy.

The City of Visalia requires employees to participate in direct deposit for payroll purposes, and all payroll checks will be paid via direct deposit.

Fire Battalion Chief Shift Coverage Pay/Strike Team Assignment

Fire Battalion Chiefs are provided an annual shift coverage stipend of \$1,000 paid in the paycheck covering the first pay period in November. In addition, when over-staffing (an acting Battalion Chief) is not available and a Battalion Chief is required to cover an extra shift, Battalion Chiefs receive \$1,000 for coverage of shifts lasting 12-24 hours and \$500 for shift coverage lasting 6-12 hours.

Hours worked on strike team assignments and backfilled for those assignments are paid at time and one-half based on Cal EMA reimbursement.

Police Captain POST Certificate Pay

Police Captains who hold and maintain POST certificates will be compensated as a percentage of base pay rate as follows: a) Intermediate – 3%; b) Advanced – 2%; c) Supervisory – 1%; d) Management – 1%.

Bilingual Pay

Confidential/Unrepresented employees are eligible to receive bilingual pay in the amount of \$900 per year, calculated and paid bi-weekly as part of regular payroll. The City shall continue to determine those positions that require such abilities and the language or languages that will be compensated. An employee is entitled to receive bilingual pay provided that he/she has passed an oral proficiency exam as determined by the City and are assigned to provide translation services in addition to other duties contained within their specific job descriptions. Currently, the qualifying languages are Spanish and the Laotian dialects of Hmong, Lahu and Mien.

4. ALLOWANCES FOR WORK RELATED EXPENDITURES

A. Uniforms and Uniform Maintenance

Fire Battalion Chief: The City currently provides the necessary uniforms, boots and safety equipment as needed to perform the job. The City also currently provides uniform cleaning.

Police Captain: Employees receive an annual uniform allowance of \$1,100 for the provision and maintenance of appropriate uniforms and equipment. Police Captains are responsible for acquiring, cleaning, and replacing uniforms as necessary. The uniform allowance is calculated and paid bi-weekly as part of regular payroll.

B. Membership Dues

Confidential/Unrepresented Group employees are currently eligible for City sponsorship in professional associations or organizations whose purpose is to serve and develop the profession of the employee or which provides a service beneficial to the operation of the City. In addition, the City may pay up to \$250 annually for service club membership dues.

Prior Department Head approval is required for payment of all sponsorships and/or membership dues.

C. Education Assistance

As set forth in City of Visalia Personnel Policy #312, the City currently provides educational/tuition assistance for the purpose of continuing education. The City will provide up to \$2,000 per fiscal year per employee to help defray education expenses for those pursuing up to an AA degree from an accredited institution, and up to \$2,500 per fiscal year for those employees pursuing a BA/BS degree or beyond.

5. EMPLOYEE BENEFITS AND RETIREMENT

A. Medical/Dental/Vision Insurance

- i. Medical, Dental and Vision benefits in place remain in effect at their current levels, except as modified each plan year or as required by the IRS to maintain an HSA qualifying High Deductible plan. All Confidential/Unrepresented Group employees shall continue to contribute for medical insurance in accordance with the then current contribution rate schedule based on the selected plan and dependent coverage, taken as a bi-weekly payroll deduction.
- ii. In addition to the Medical plan costs which are shared between the City and employees, the City currently pays the full cost for Dental, Vision, Group Life Insurance, and Employee Assistance Program benefits. The City reserves the right to make changes to these benefits each plan year after consultation with the EHBC.
- iii. Confidential/Unrepresented Group employees agree to share increases in future medical plan costs over the current cost by up to 50%. (Example: If the Medical plan annual renewal rate increase is 6%, the City's portion is 3% and the employee portion is 3%). In no case, however, will the employee cost sharing be increased more than 5% of the prior year's total medical plan cost. (Example: If the Medical

plan annual renewal rate increase is 11%, the City's portion is 6% and the employee portion is 5%). Any decreases to medical plan costs will be shared in a like manner.

PPO/EPO Medical Plans

The employee portion of increased Medical plan costs will be distributed equally between employee and dependent contributions (premiums) for the PPO and EPO plans unless otherwise negotiated. Any decreases in employee Medical plan costs shall be applied in a like manner. (Example: The employee portion of the Medical plan annual renewal rate increase = 3%. Current monthly cost for PPO/EPO plan is \$1,700. At 3% the employee portion of the increase = \$51 per month. Distributed equally, employee premiums are increased \$25.50 per month and dependent premiums are increased \$25.50 per month.)

High Deductible Medical Plan

The employee portion of increased Medical plan costs will be distributed fully to the dependent health care contributions (premiums) for the High Deductible Medical plan unless otherwise negotiated. Any decreases in employee Medical plan costs shall be applied in a like manner.

- iv. In the event total Medical plan cost (annual renewal rate) increases in any one year exceed 10% of the prior year's total Medical care cost, the EHBC will be given the opportunity to make changes in the Medical plan to realize a maximum 10% overall increase (5% City and 5% employee). If agreement cannot be reached by the EHBC on cost saving changes by July 31st for the upcoming plan year, the City has the ability to determine and implement Medical plan changes to attempt to reduce plan increases to no more than 10%. After making such changes, the formula outlined in Section C will be applied to determine premium rates for the upcoming plan year.
- v. The current spouse of a Confidential/Unrepresented Group retiree who survives said retiree will, upon the death of the retiree, be allowed to maintain the medical and vision coverage then afforded to retirees in accordance with the current contribution rate schedule so long as the spouse was covered at the time of the retiree's death. The surviving spouse shall not be allowed to add new dependents to the coverage.

B. Medical/Dental/Vision Health Plan – Group Participation

- i. A representative from the Confidential/Unrepresented Group participates in the Employee Health Benefits Committee (EHBC). The purpose of the EHBC is to cooperatively manage the City's Medical Plan by providing oversight on the plan's resources, remain fiscally sound, provide the best benefits available to employees given available resources, improve administration of the plan, and make appropriate recommendations for change as researched and considered by the Committee. The EHBC is made up of all bargaining groups and City management (Department Head/Confidential/Unrepresented Group employees). The EHBC does not replace collective bargaining agreements. Employee representatives are only empowered to act to the extent authorized by their respective agreements.
- ii. Increases in medical plan costs may be offset via changes in the medical plan benefits as confirmed by the plan's actuary, if agreed to by 4 of the 6 units (5 bargaining groups plus city management). In the event that approved plan changes exceed the employee cost increases, 75% of excess plan savings costs will be credited to the employees' contribution for medical plan cost increases in the plan

year in which the changes take effect. Savings is defined as money that is saved by the plan modifications and money that is presently in the plan, shall remain in the plan.

C. Flexible Spending Account

The City currently provides and maintains a Section 125 Flexible Spending Account (FSA) Program as defined by, and in compliance with, the Internal Revenue Code. Such plan shall allow Confidential/Unrepresented Group employees to take advantage of benefit tax deductions for insurance premiums, out-of-pocket medical expenses, dependent day care, and any other expense allowable under the plan.

All Confidential/Unrepresented Group employees will automatically be enrolled to participate in the FSA by having their employee and dependent health care contribution run through this program as a pre-tax benefit, unless the Confidential/Unrepresented Group employee specifically opts out of the program. To opt out of the program, an employee must notify the City in writing during the open enrollment period.

D. California Public Employees Retirement System (PERS)

i. Miscellaneous Employees

For employees hired before May 11, 2008, the City shall maintain in effect the 3% @ 60 PERS Retirement Program. Employees hired on or after May 11, 2008 and prior to May 21, 2011 are covered under the 2.5% @ 55 PERS plan. Employees hired on or after May 21, 2011 and prior to January 1, 2013 are covered under the 2% @ 60 PERS plan. Employees hired on or after January 1, 2013 (who do not meet the definition of a CalPERS "classic" employee) are covered under the 2% @ 62 PERS plan. PERS defined classic employees may be covered under the 2% @ 60 plan. Final compensation for PERS retirement purposes is calculated based on the three highest earning years.

Employees who meet the definition of a CalPERS classic employee will contribute the full employee PERS contribution.. Classic employees also pay an additional 4% retirement contribution as cost sharing of the employer contribution.. Total contribution for a classic employee will not exceed 12% unless required by legislation or negotiated otherwise.

Employees hired on or after January 1, 2013 (who do not meet the definition of a CalPERS classic employee) will contribute the employee PERS contribution equal to half the normal cost as defined by CalPERS. These employees also contribute an additional 4% retirement contribution as cost sharing of the employer contribution.

The City currently provides the optional in-service death benefit (Pre-retirement Optional Settlement 2 Death Benefit, section 21548) for all Confidential Group employees, which provides the surviving spouse the same retirement benefit as if the employee had retired at the time of death.

ii. Public Safety Employees (Fire Battalion Chiefs and Police Captains)

For employees hired before February 26, 2011, the City shall maintain in effect the 3% @ 50 PERS Retirement Program with final compensation for PERS retirement purposes calculated based on the single highest earning year. Employees hired on or after February 26, 2011 and prior to January 1, 2013 will be covered in the 3% @ 55 PERS plan and final compensation for PERS retirement purposes will be calculated based on an average of the three highest earning years. Employees hired on or after January 1, 2013 (who do not meet the definition of a CalPERS "classic" employee) will be covered in the 2.7% @ 57 PERS plan and final compensation for PERS retirement purposes will be calculated based on an average of the three highest earning years.

Employees who meet the definition of a CalPERS classic employee will contribute the full employee PERS contribution.. Classic employees also pay an additional 3% retirement contribution as cost sharing of the employer contribution.. Total contribution for a classic employee will not exceed 12% unless required by legislation or negotiated otherwise.

Employees hired on or after January 1, 2013 (who do not meet the definition of a CalPERS classic employee) will contribute the employee PERS contribution equal to half the normal cost as defined by CalPERS. These employees also contribute an additional 3% retirement contribution as cost sharing of the employer contribution.

The City currently provides the optional in-service death benefit (Pre-retirement Optional Settlement 2 Death Benefit, section 21548) for all Confidential Group employees, which provides the surviving spouse the same retirement benefit as if the employee had retired at the time of death.

E. Long-Term Disability Insurance

The City currently maintains in effect a Long Term Disability (LTD) Insurance program. The premium is paid through payroll deduction by the employee.

F. Life Insurance

The City currently pays the premium for a \$30,000 group life insurance and accidental death or dismemberment policy. The City currently provides employees an option to purchase additional life insurance at employee expense in an amount up to \$500,000 for employees and \$150,000 for spouses.

G. Retiree Health Savings – Health Reimbursement Agreement Plan

The Confidential/Unrepresented Group has established a Health Reimbursement Arrangement (HRA) as designed and approved by group members. The Confidential /Unrepresented Group may annually review and modify the plan contribution design.

H. Retiree Health Plan

Currently, upon retirement from the City, Confidential/Unrepresented Group employees and eligible dependents may participate in the City's retiree health plan at a cost

determined each year by the City. The full premium cost is borne by the retiree.

I. Social Security/Medicare

The City does not participate in Social Security except for the required 1.45% Medicare contribution by both the City and employee for employees hired after April 1, 1986.

J. Deferred Compensation

The City currently maintains a deferred compensation plan for Confidential/Unrepresented employee participation. The City is solely responsible for selection of the deferred compensation plan administrator(s). The City does not contribute on behalf of the employee.

6. LEAVES

A. Administrative Leave:

i. Miscellaneous Employees

FLSA exempt miscellaneous Confidential/Unrepresented Group employees are currently provided fifty-six (56) hours of administrative leave each calendar year, credited in the pay period that includes January 1st. All unused administrative leave hours remaining will automatically be paid out on the first paycheck in December. Unused administrative leave hours will not be carried over into the next calendar year.

FLSA exempt miscellaneous Confidential/Unrepresented Group employees hired after June 30 in any given year shall be granted twenty-eight (28) hours of administrative leave for the remainder of the calendar year.

Any unused administrative leave hours at the time of separation are paid to the employee in his/her final paycheck.

ii. Public Safety Employees

Fire Battalion Chiefs

FLSA exempt Public Safety Confidential/Unrepresented Group employees who are assigned to a 24-hour shift schedule (48/96) are currently provided ninety-six (96) hours of administrative leave each calendar year credited in the pay period that includes January 1st. All unused administrative leave hours remaining will automatically be paid out on the first paycheck in December. Unused administrative leave hours will not be carried over into the next calendar year.

FLSA exempt Public Safety Confidential/Unrepresented Group employees assigned to a 24-hour shift schedule and hired after June 30 in any given year shall be granted forty-eight (48) hours of administrative leave for the remainder of the calendar year.

FLSA exempt Public Safety Confidential/Unrepresented Group employees assigned to a standard work schedule (i.e. 40-hour week) shall receive

administrative leave consistent with the miscellaneous Confidential Group employees (Section 6Ai).

Any unused administrative leave hours at the time of separation are paid to the employee in his/her final paycheck.

Police Captains

FLSA exempt Police Captains are currently provided fifty-eight (58) hours of administrative leave each calendar year, credited in the pay period that includes January 1st. All unused administrative leave hours remaining will automatically be paid out on the first paycheck in December. Unused administrative leave hours will not be carried over into the next calendar year.

FLSA exempt Police Captains hired after June 30 in any given year shall be granted twenty-eight (29) hours of administrative leave for the remainder of the calendar year.

Any unused administrative leave hours at the time of separation are paid to the employee in his/her final paycheck.

B. Compensating Time Off

FLSA non-exempt Confidential/Unrepresented Group employees are currently provided sixteen (16) hours of compensating time off (comp time) each calendar year, credited in the pay period that includes January 1st. The maximum comp time balance allowed is 90 hours; any comp time earned above the cap will be monetarily compensated at the employee's regular rate of pay.

FLSA non-exempt Confidential/Unrepresented Group employees hired after June 30 in any given year shall be granted eight (8) hours of comp time upon hire for the remainder of the calendar year.

Employees may annually request to sell back all comp time hours above 40 in whole hour increments in the pay period including November 1 of each year. It is the employee's responsibility to initiate the request in the manner prescribed by the City.

Any unused comp time hours at the time of separation are paid to the employee in his/her final paycheck.

C. Vacation

Confidential/Unrepresented Group employees receive vacation benefits consistent with the provisions of City of Visalia Personnel Policy #304. Employees must be employed for at least six (6) months in order to be eligible for the vacation leave benefit. Vacation accruals will be credited at the start of the pay period following the pay period in which earned. Employees stop earning additional vacation leave once the employee reaches twice his/her annual accrual amount. No additional vacation leave will be earned until the employee's vacation accumulation drops below twice the annual accrual amount.

D. Holidays

Confidential/Unrepresented Group employees are eligible for holidays immediately upon hire. Holiday leave shall be provided pursuant to City of Visalia Personnel Policy #303. The Administrative Police Captain is eligible to receive holiday pay. In addition to the holidays provided in Policy #303, Confidential/Unrepresented employees receive Christmas Eve (December 24) off as a paid holiday.

FLSA non-exempt employees who have floating holiday time remaining in the pay period that includes November 1 each year shall have that time paid at straight time in the next pay period.

E. Sick Leave

With the exception of Battalion Chiefs, Confidential/Unrepresented Group employees accrue sick leave consistent with the provisions of the City of Visalia Sick Leave Policy #305a. Battalion Chiefs accrue sick leave consistent with the provisions of the City of Visalia Sick Leave Policy #305b. Accrued sick leave hours may be used for personal or immediate family illness or emergencies as defined in the Sick Leave policy. This benefit is available for use after three (3) months of continuous service. Sick leave accruals will be credited at the start of the pay period following the pay period in which earned.

For employees covered under the Sick Leave I provision of the policy, the annual sick leave buy back will be paid at 50% of the employee's base rate of pay.

F. Leaves of Absence

Confidential/Unrepresented Group employees shall be provided Leaves of Absence consistent with City of Visalia policies and all State and Federal laws. Fire Battalion Chiefs and Police Captains shall also be entitled to leave in accordance with Section 4850 of the California Labor Code for an on-the-job injury.

7. MAINTENANCE OF BENEFITS

All compensation and benefits which are presently enjoyed by all Confidential/Unrepresented Group employees will remain in effect unless modified through City Council or City Manager action, a plan administrator (e.g. CalPERS) or State or Federal law.

8. FULL UNDERSTANDING, MODIFICATION, WAIVER

The waiver of any breach, term or condition of the compensation and benefits described in this document by either party shall not prevent the future enforcement of all its terms and provisions.

9. SEPARABILITY

If any provisions of this Compensation and Benefit Summary document are held to be contrary to law by a court of competent jurisdiction, such provisions will not affect the validity of the remaining provisions except to the extent permitted by law, and all other provisions will continue in full force and effect.
