

Resolution No. 658

of the

City Of San Bernardino Board Of Water Commissioners

*Establishing a Compensation
and Benefits Plan for*

The Water Department Regular Part-Time Employees



April 1, 2005

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2 **RESOLUTION NO. 658**
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4 RESOLUTION OF THE CITY OF SAN BERNARDINO BOARD OF WATER
5 COMMISSIONERS ESTABLISHING A COMPENSATION AND BENEFITS PLAN FOR
6 WATER DEPARTMENT REGULAR PART-TIME EMPLOYEES EFFECTIVE APRIL 1,
7 2005, AND SUPERSEDING RESOLUTION NO. 604.

8 WHEREAS, it is necessary to codify the compensation and
9 benefits granted to Regular Part-Time employees of the Water
10 Department.

11 NOW THEREFORE, BE IT RESOLVED THAT:

12 SECTION 1. REGULAR PART-TIME EMPLOYEES

13 The Board of Water Commissioners hereby establishes a Regular
14 Part-Time Employee Compensation and Benefits Plan, which defines the
15 wages and benefits of those Water Department employees whose
16 positions are a part of the Regular Part-Time group, defined as
17 follows: REGULAR PART-TIME EMPLOYEES shall be those regular
18 employees assigned to budgeted, Regular positions with the Water
19 Department, and as defined by the Civil Service Commission of the
20 City of San Bernardino. Temporary or seasonal Part-Time employees
21 and Student Workers are exempt from the provisions of this
22 resolution.

23 SECTION 2. SALARIES

24 A. Salary Schedules: The salary schedules applicable to
25 Regular Part-Time employees are included as Exhibit 1 effective
26 April 1, 2005; Exhibit 2 effective April 1, 2006; and Exhibit 3
27 effective April 1, 2007.

28 B. General Provisions:

1. All new Regular Part-Time employees shall be placed

1 at the Starting Salary of the "Hourly Salary Schedule - Regular
2 Part-Time Employees" (Exhibits 1, 2 and 3) in effect, and shall be
3 subject to a one-year probationary period in accordance with Civil
4 Service rules, beginning on the first day of employment.

5 2. Salary advancements within the salary schedule shall
6 be based upon satisfactory work performance evaluations and positive
7 recommendations for advancement submitted by the supervisor.

8 Regular Part-Time employees shall be eligible for a salary increase
9 based upon the completion of the initial 1,000 work hour period and
10 a positive recommendation from their supervisor based upon the
11 performance evaluation. Subsequent evaluations shall be made no
12 less frequently than once a year; in the event of a satisfactory
13 evaluation, a salary increase, in accordance with Exhibit 1, 2 or 3
14 in effect, shall be granted.

15 3. If a Water Department employee moves from full-time
16 status to regular part-time status, salary range will be determined
17 by the Division Director and fall within the salary schedule in
18 effect.

19 C. Bilingual Pay:

20 1. Regular Part-Time employees who are in customer
21 service-oriented positions and who meet the certification
22 requirements as developed by the City of San Bernardino Civil
23 Service Department are eligible to receive bilingual pay of fifty-
24 cents (\$0.50) added to their hourly rate.

25 2. The Division Director will recommend the job
26 classification(s) that may receive bilingual pay, if certified.
27 Approval of all requests must come from the General Manager or his
28 designee before the bilingual test is administered.

1 SECTION 3. LEAVE

2 A. Sick Leave:

3 1. Sick leave is defined as and leave will be granted
4 for the following reasons **only**: (i) an employee's illness or
5 injury, medical or dental appointments, physical therapy
6 appointments, and any other medically-related treatment supported by
7 documentation of the necessity for treatment; (ii) the illness or
8 injury of a child (natural, step-, grand, foster or in loco
9 parentis), the child's medical or dental appointments, physical
10 therapy appointments and any other medically-related treatment
11 supported by documentation of the necessity for treatment; (iii) the
12 illness or injury of a spouse or domestic partner, the spouse or
13 partner's medical or dental appointments, physical therapy
14 appointments and any other medically-related treatment supported by
15 documentation of the necessity for treatment; (iv) the illness or
16 injury of a parent (natural, step-, grand, foster, in-law, or in
17 loco parentis), the parent's medical or dental appointments,
18 physical therapy appointments and any other medically-related
19 treatment supported by documentation of the necessity for treatment.

20 2. Upon completion of six (6) months of continuous
21 employment with the Water Department, Regular Part-Time employees
22 will be credited with twenty-two (22) hours of sick leave.

23 3. If a Water Department employee moves from full-time
24 status to part-time, the employee's existing bank of sick leave
25 hours accrued will remain in their bank for usage.

26 4. For both the Regular Part-Time Employee and the
27 employee who moves from full time to Regular Part-Time, sick leave
28 will accrue at the rate of 1.69 hours per forty (40) hours of paid

1 time, and in accordance with Paragraph A - Sick Leave, No. 2.

2 5. If an employee remains in a non-pay status for fifty
3 percent (50%) or more of the total normal work hours in the pay
4 period, sick leave credit will not be earned for the entire pay
5 period. Otherwise, an employee who is compelled to be absent from
6 work due to illness or injury shall be entitled to receive full
7 compensation for all hours of accrued sick leave used.

8 6. Authorized vacation, sick leave, the duration of a
9 compensated disability leave resulting from a work-related injury or
10 other compensated time off shall be considered as time worked for
11 the purpose of computing accrued sick leave. Employees shall not
12 accrue sick leave hours during the period of an authorized leave of
13 absence without pay.

14 7. The accrual of sick leave will be unlimited, with no
15 maximum allowance.

16 8. Sick leave, under this Section, taken on account of a
17 child, spouse or domestic partner or parent is limited to a
18 cumulative total of forty (40) hours per calendar year.

19 9. Sick leave will not be paid for any illness or injury
20 caused by or resulting from an employee's own moral turpitude or
21 injudicious actions.

22 10. In order to receive sick leave compensation, the
23 employee must notify his supervisor prior to or within thirty (30)
24 minutes after the time set for the beginning of a workday. In case
25 of an accident or emergency, the employee or his representative
26 should contact the immediate supervisor at the earliest possible
27 time and explain the circumstances requiring the employee's absence.
28 The Leave Usage form will be completed by the employee and attached

1 to the timesheet for the pay period the sick leave was used and
2 submitted to the immediate supervisor for approval.

3 11. For medical or dental appointments, a Time Off
4 Request Form will be completed by the employee and submitted to
5 his/her supervisor for approval in order to make every attempt to
6 provide the maximum amount of advance notice of the appointment
7 possible. The Department reserves the right to request
8 substantiation of any appointment.

9 12. Where there is reason to believe that an employee has
10 abused any paid leave, the Department may require that the employee
11 submit a doctor's certificate, affidavit, or other documentation on
12 forms prescribed by the Department, as substantiation of the
13 absence. A failure to provide the required documentation will
14 result in the deduction of salary for the days of absence and may
15 result in disciplinary action.

16 13. Sick leave abuse will be a subjective assessment made
17 by the employee's supervisor based on usage in conjunction with
18 holidays, days off, weekends or failure to provide requested
19 documentation to substantiate an absence. Other than sick leave
20 abuse, no reference will be made to, or penalty assessed against, an
21 employee who uses sick leave, including employee evaluations.

22 14. Sick leave may be used in an initial 30 minute
23 increment, with subsequent increments of fifteen (15) minutes.

24 B. Vacation:

25 1. Regular Part-Time employees shall accrue vacation
26 leave at 1.85 hours per forty (40) hours worked. After one-year of
27 continuous employment with the Department, Regular Part-Time
28 employees may take vacation leave and shall take such leave

1 according to seniority with the prior approval of the employee's
2 supervisor.

3 2. Vacation hours may not accumulate beyond a maximum of
4 two (2) years. Any vacation taken during any one (1) year may be
5 the maximum of two (2) years' accrual, and may not be taken jointly
6 with the vacation of the preceding or subsequent years. A period of
7 at least three (3) months must elapse between the expiration of the
8 accrued combined vacations and any subsequent vacation. The
9 assignment and/or requests of vacation periods will be subject to
10 the approval of the Division Director or his/her designee.

11 3. If a Regular Part-Time employee remains on a non-pay
12 status for fifty percent (50%) or more of the total normal work
13 hours in the pay period, vacation credit will not be earned for the
14 entire pay period. Authorized vacation, sick leave or other
15 compensated time off shall be considered as time worked for the
16 purpose of computing accrued vacation. Employees shall not accrue
17 vacation leave hours during the period of an authorized leave of
18 absence without pay, or the duration of compensated disability leave
19 resulting from a work-related injury.

20 4. If a Water Department employee moves from full-time
21 status to part-time, the employee's existing bank of vacation leave
22 hours accrued will remain in their bank for usage. Effective upon
23 their move to part-time status, the accrual rate referenced in
24 Paragraph B - Vacation, No. 1 will commence, and the employee may
25 take such leave according to seniority with the prior approval of
26 the employee's supervisor.

27 5. When an employee leaves the service of the
28 Department, and has not used earned vacation, the employee will be

1 paid for any accrued, unused vacation accumulated up to the date of
2 separation or resignation.

3 C. Leave of Absence (non-FMLA):

4 1. Under certain circumstances (and when not otherwise
5 eligible for FMLA or CFRA leave), a regular part-time employee may
6 be granted leave of absence without pay. In order to receive
7 consideration of leave of absence without pay, a written request
8 must be submitted to the Board of Water Commissioners stating the
9 specific reasons for the leave of absence and the proposed duration
10 of the leave of absence. If the Board grants the leave of absence,
11 the employee may remain absent from work in a non-pay status for the
12 approved period of time. The employee may have the option of using
13 his accumulated sick leave and vacation leave in its entirety prior
14 to a leave of absence without pay. Any extension to an approved
15 leave of absence without pay must be submitted to the Board of Water
16 Commissioners at least two (2) weeks before expiration of the prior
17 leave period.

18 2. During an authorized leave of absence without pay
19 under this subsection, vacation, sick leave, and retirement credits
20 will not accrue. Upon the employee's return to service, the accrual
21 of vacation and sick leave, and retirement accruals if applicable,
22 will resume.

23 SECTION 4. BENEFITS

24 A. Retirement Plan Contribution:

25 1. In accordance with Internal Revenue Service
26 regulations, Regular Part-Time employees of the Water Department
27 must be provided with either a retirement plan or Social Security.
28 The Department shall provide to Regular Part-Time employees, the

1 City of San Bernardino's Deferred Compensation Plan as a qualified
2 retirement plan. The employees' contribution is mandatory and shall
3 be an "Employee-Only" contribution equal to at least the minimum
4 requirement of the Deferred Compensation Plan.

5 2. Regular Part-Time employees who are current
6 participants in the Public Employee's Retirement System (PERS),
7 and/or who have transferred from the City of San Bernardino to the
8 Water Department, and/or who are Water Department employees who
9 become Regular part-time employees shall continue in the PERS
10 retirement program. The Water Department shall pay the PERS
11 Employer's Contribution Rate as in effect at the time of transfer
12 and as modified periodically by PERS. The Regular Part-Time
13 employee shall pay the employee's contribution to the retirement
14 plan.

15 3. The work year for Regular Part-Time employees shall
16 not exceed 1,000 paid hours per fiscal year. If the employee is
17 vested in PERS, they will not be limited to the 1,000 hours per
18 fiscal year.

19 4. Employees hired after November 1, 1997, who are
20 current members of PERS or who are vested members of PERS from
21 previous employment with another PERS-Member Agency, shall continue
22 in the PERS program. The Water Department shall pay the PERS
23 Employer's Contribution Rate as in effect at the time of hiring and
24 as modified periodically by PERS. The Regular Part-Time Employee
25 shall pay the employee's contribution to the PERS retirement plan."

26 B. Overages and Shortages: The Department agrees that
27 Regular Part-Time employee assigned to receive and/or disburse funds
28 for the Department shall not be held liable for shortages, except in

1 the case of fraud, embezzlement or any other illegal act. All
2 overages shall be the property of the Department. This section does
3 not relieve the employee from being accountable for errors for
4 purposes of performance evaluations and disciplinary actions.

5 SECTION 5. SAVINGS CLAUSE

6 Should any section of this Resolution, or any application
7 thereof, be unlawful by virtue of any Federal, State or local laws
8 and regulations, or by court decision, such shall be effective and
9 implemented only to the extent permitted by such law, regulation or
10 court decision.

11 SECTION 6. DRUG AND ALCOHOL TESTING

12 The Board will implement a policy no later than July 31, 2002
13 regarding drug and alcohol testing. The policy will minimally
14 provide that a blood alcohol and controlled substance test will be
15 taken automatically in the event of an accident, injury or property
16 damage that occurs when an employee is on duty or responding while
17 on call. "Under the influence" will be defined as a .08 or greater
18 blood alcohol level or any level of a controlled substance. The
19 Department of Transportation (DOT) methodology for drug and alcohol
20 testing is the protocol used for this testing. Those employees
21 subject to random drug testing under the DOT's regulations will
22 additionally comply with those regulations.

23 The policy will additionally implement a reasonable belief drug
24 testing process to be administered by the Department. Before
25 reasonable belief drug testing may be implemented, the Department
26 will provide training in detection of alcohol or controlled
27 substance use.

28 The policy will provide that the ultimate responsibility for

1 determination of "under the influence" will be the Director, the
2 General Manager or the General Manager's designee(s), to be
3 specified in the policy.

4 Absent a showing that a supervisor maliciously targeted an
5 individual, the Department will indemnify and hold harmless the
6 supervisor(s) for activities associated with the reasonable belief
7 identification of an employee.

8 SECTION 7. DISCRIMINATION

9 There shall be no discrimination on the part of either the
10 Department or the Association because of the race, religious creed,
11 color, national origin, ancestry, physical disability, mental
12 disability, age, medical condition, marital status, sex or sexual
13 orientation. This provision is intended to mirror the protected
14 classes that are specified in Government Code Section 12840, as
15 subsequently amended.

16 This article shall not be subject to the grievance procedure,
17 unless the alleged act of discrimination is without remedy under
18 Federal, State or local law.

19 Whenever the masculine form of the word is used in this MOU, it
20 also includes the feminine gender unless the context clearly
21 indicates a contrary intent.

22 SECTION 8. ADOPTION

23 The adoption of this Resolution is concurrent with the
24 following resolutions being superseded:

25 RESOLUTION NO. 604: A RESOLUTION OF THE CITY OF SAN BERNARDINO
26 BOARD OF WATER COMMISSIONERS ESTABLISHING A COMPENSATION AND
27 BENEFITS PLAN FOR WATER DEPARTMENT PERMANENT PART-TIME EMPLOYEES
EFFECTIVE AUGUST 1, 2002, AND SUPERSEDING RESOLUTION NO. 500.

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1 RESOLUTION NO. 605: A RESOLUTION OF THE CITY OF SAN BERNARDINO
2 BOARD OF WATER COMMISSIONERS APPROVING THE FIRST AMENDMENT TO
3 RESOLUTION NO. 604 WITH THE WATER DEPARTMENT REGULAR PART-TIME
4 EMPLOYEES DATED AUGUST 1, 2002, AMENDING SECTION 2 SALARIES,
5 PARAGRAPH A1. SALARY SCHEDULES AND EXHIBIT 1, AND SECTION 4
6 BENEFITS, PARAGRAPH A2. RETIREMENT PLAN CONTRIBUTION.

7 RESOLUTION NO. 651: A RESOLUTION OF THE CITY OF SAN BERNARDINO
8 BOARD OF WATER COMMISSIONERS APPROVING THE SECOND AMENDMENT TO
9 RESOLUTION NO. 604 WITH THE WATER DEPARTMENT REGULAR PART-TIME
10 EMPLOYEES DATED AUGUST 1, 2002, AMENDING SECTION 2 SALARIES,
11 PARAGRAPH A. SALARY SCHEDULES AND EXHIBIT 3A.

12 I HEREBY CERTIFY that the foregoing resolution was duly adopted
13 by the Board of Water Commissioners of the City of San Bernardino at
14 a regular meeting thereof held on the 10th day of May 2005 by the
15 following vote to wit:

16 AYES: Cocke, Matich, Callicott, Battey, Miller

17 NAYS: None

18 ABSENT: None

19 Stacey Aldstadt
20 Stacey R. Aldstadt
21 Deputy City Clerk & Ex-Officio Secretary
22
23
24
25
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(SEAL)

EXHIBIT 1
HOURLY SALARY SCHEDULE - REGULAR PART-TIME EMPLOYEES
EFFECTIVE APRIL 1, 2005

SALARY RANGE	PART-TIME CLASSIFICATION	STARTING SALARY	FROM DATE OF HIRE									
			YEAR 1	YEAR 2	YEAR 3	YEAR 4	YEAR 5	YEAR 6	YEAR 7	YEAR 8	YEAR 9	YEAR 10
934	Stock/Delivery Person	\$ 8.9723	\$ 9.1966	\$ 9.4266	\$ 9.6622	\$ 9.9038	\$ 10.1514	\$ 10.4052	\$ 10.6653	\$ 10.9319	\$ 11.2052	\$ 11.4853
928	Customer Service Rep I	\$ 13.6525	\$ 13.9939	\$ 14.3437	\$ 14.7023	\$ 15.0699	\$ 15.4466	\$ 15.8328	\$ 16.2286	\$ 16.6343	\$ 17.0502	\$ 17.4764
928	Typist Clerk II	\$ 13.6525	\$ 13.9939	\$ 14.3437	\$ 14.7023	\$ 15.0699	\$ 15.4466	\$ 15.8328	\$ 16.2286	\$ 16.6343	\$ 17.0502	\$ 17.4764
938	Field Service Rep II	\$ 17.4766	\$ 17.9135	\$ 18.3614	\$ 18.8204	\$ 19.2909	\$ 19.7732	\$ 20.2675	\$ 20.7742	\$ 21.2936	\$ 21.8259	\$ 22.3716
916	Custodian	\$ 10.1515	\$ 10.4053	\$ 10.6654	\$ 10.9320	\$ 11.2053	\$ 11.4855	\$ 11.7726	\$ 12.0669	\$ 12.3686	\$ 12.6778	\$ 12.9947
940	Technical Assistant	\$ 18.3612	\$ 18.8202	\$ 19.2907	\$ 19.7730	\$ 20.2673	\$ 20.7740	\$ 21.2934	\$ 21.8257	\$ 22.3713	\$ 22.9306	\$ 23.5039

Exhibit 1 reflects a 3% increase over schedule effective October 12, 2004.

EXHIBIT 2
HOURLY SALARY SCHEDULE - REGULAR PART-TIME EMPLOYEES
EFFECTIVE APRIL 1, 2006

SALARY RANGE	PART-TIME CLASSIFICATION	STARTING SALARY	FROM DATE OF HIRE									
			YEAR 1	YEAR 2	YEAR 3	YEAR 4	YEAR 5	YEAR 6	YEAR 7	YEAR 8	YEAR 9	YEAR 10
934	Stock/Delivery Person	\$ 9.2415	\$ 9.4725	\$ 9.7093	\$ 9.9521	\$ 10.2009	\$ 10.4559	\$ 10.7173	\$ 10.9852	\$ 11.2598	\$ 11.5413	\$ 11.8299
928	Customer Service Rep I	\$ 14.0621	\$ 14.4136	\$ 14.7740	\$ 15.1433	\$ 15.5219	\$ 15.9099	\$ 16.3077	\$ 16.7154	\$ 17.1333	\$ 17.5616	\$ 18.0006
928	Typist Clerk II	\$ 14.0621	\$ 14.4136	\$ 14.7740	\$ 15.1433	\$ 15.5219	\$ 15.9099	\$ 16.3077	\$ 16.7154	\$ 17.1333	\$ 17.5616	\$ 18.0006
938	Field Service Rep II	\$ 18.0009	\$ 18.4509	\$ 18.9122	\$ 19.3850	\$ 19.8696	\$ 20.3664	\$ 20.8755	\$ 21.3974	\$ 21.9323	\$ 22.4807	\$ 23.0427
916	Custodian	\$ 10.4560	\$ 10.7174	\$ 10.9854	\$ 11.2600	\$ 11.5415	\$ 11.8301	\$ 12.1258	\$ 12.4290	\$ 12.7397	\$ 13.0582	\$ 13.3846
940	Technical Assistant	\$ 18.9120	\$ 19.3848	\$ 19.8695	\$ 20.3662	\$ 20.8753	\$ 21.3972	\$ 21.9322	\$ 22.4805	\$ 23.0425	\$ 23.6185	\$ 24.2090

Exhibit 2 reflects a 3% increase over schedule effective April 1, 2005.

EXHIBIT 3
HOURLY SALARY SCHEDULE - REGULAR PART-TIME EMPLOYEES
EFFECTIVE APRIL 1, 2007

SALARY RANGE	PART-TIME CLASSIFICATION	STARTING SALARY	FROM DATE OF HIRE									
			YEAR 1	YEAR 2	YEAR 3	YEAR 4	YEAR 5	YEAR 6	YEAR 7	YEAR 8	YEAR 9	YEAR 10
934	Stock/Delivery Person	\$ 9.5187	\$ 9.7567	\$ 10.0006	\$ 10.2506	\$ 10.5069	\$ 10.7696	\$ 11.0388	\$ 11.3148	\$ 11.5977	\$ 11.8876	\$ 12.1848
928	Customer Service Rep I	\$ 14.4840	\$ 14.8461	\$ 15.2172	\$ 15.5976	\$ 15.9876	\$ 16.3873	\$ 16.7970	\$ 17.2169	\$ 17.6473	\$ 18.0885	\$ 18.5407
928	Typist Clerk II	\$ 14.4840	\$ 14.8461	\$ 15.2172	\$ 15.5976	\$ 15.9876	\$ 16.3873	\$ 16.7970	\$ 17.2169	\$ 17.6473	\$ 18.0885	\$ 18.5407
938	Field Service Rep II	\$ 18.5409	\$ 19.0045	\$ 19.4796	\$ 19.9666	\$ 20.4657	\$ 20.9774	\$ 21.5018	\$ 22.0393	\$ 22.5903	\$ 23.1551	\$ 23.7340
916	Custodian	\$ 10.7697	\$ 11.0389	\$ 11.3149	\$ 11.5978	\$ 11.8877	\$ 12.1849	\$ 12.4895	\$ 12.8018	\$ 13.1218	\$ 13.4499	\$ 13.7861
940	Technical Assistant	\$ 19.4794	\$ 19.9663	\$ 20.4655	\$ 20.9771	\$ 21.5016	\$ 22.0391	\$ 22.5901	\$ 23.1548	\$ 23.7337	\$ 24.3271	\$ 24.9352

Exhibit 3 reflects a 3% increase over schedule effective April 1, 2006.