

BEFORE THE TOWN COUNCIL OF THE TOWN OF MORAGA

In the Matter of:

Establishing the Compensation Package )  
for Department Directors Effective July 1, )  
2022 to June 30, 2025 )

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Resolution No.44 - 2022

**WHEREAS**, Resolution 31-2019 dated April 24, 2019 establishing the compensation package for Department Directors will expire on June 30, 2022; and

**WHEREAS**, it is a goal of the Town to recruit and retain exceptional and loyal staff to stabilize the workforce and make progress on priority projects and initiatives while containing current and future costs and maintaining a balanced and sustainable budget; and

**WHEREAS**, the Town Manager and Town Council have reviewed and discussed the compensation package applicable to the Department Directors; and

**WHEREAS**, the Town Manager and Department Directors have met, conferred, and come to agreement on the provisions of this successor resolution.

**NOW, THEREFORE, BE IT RESOLVED** by the Town Council of the Town of Moraga that the following compensation and benefits package applies to these positions effective July 1, 2022 through June 30, 2025:

Administrative Services Director  
Parks and Recreation Director  
Planning Director  
Police Chief  
Public Works Director/Town Engineer  
Town Clerk/Assistant to the Town Manager

**BE IT FURTHER RESOLVED THAT** the Town Council does approve the following compensation and benefit plan as follows:

**I. SALARY ADJUSTMENTS**

- A. Effective the first pay period of July 2022, the Town will implement an equity salary adjustment to the median of comparable salaries as determined by a compensation study that compared the Town's Department Director positions with those of comparable classifications in the following comparative agencies: the Cities of El Cerrito, Emeryville, Hercules, Lafayette, Orinda, Piedmont,

Pinole, Pleasant Hill, San Pablo and the Town of Danville. The revised FY 2022- 23 Salary Schedule, attached to this Resolution as Appendix A – Town of Moraga Salary Schedule for Department Directors, reflects the median salaries of the comparator agencies for the listed classifications.

- B. Effective the first pay period of July 2023, the Town will implement a 3% Cost of Living Adjustment (COLA) to base salary. The revised FY 2023-24 Salary Schedule is included in Appendix A.
- C. Effective the first pay period of July 2024, the Town will implement a 3% COLA to base salary. The revised FY 2024-25 Salary Schedule is included in Appendix A.

## II. RETIREMENT

- A. For “Classic” members, as defined by the California Public Employees Retirement System (CalPERS):
  - a. The Town participates in the “2% at 55” Miscellaneous retirement program for non-sworn Department Directors.
  - b. Town participates in the “2% at 50” Police Safety retirement program for sworn Department Directors (i.e., Police Chief).
  - c. The Town plan shall provide the “average of three years” benefit.
  - d. The Town plan shall provide the sick leave conversion benefit.
  - e. The Town plan shall include credit for military service time.
  - f. The Town plan shall include 1959 Survivor Benefits – Level 4.
  - g. The Employee will continue to pay 100% of the CalPERS-established required employee’s contribution (7% of salary for the Miscellaneous Plan and 9% for the Police Safety Plan) and the additional 4% cost sharing required by the prior CalPERS contract amendment for a total of 11% for the Miscellaneous Plan and 13% for the Police Safety Plan.
- B. For “New” members, as defined by CalPERS, the Town will comply with the California Public Employees’ Pension Reform Act of 2013 (PEPRA) that went into effect on January 1, 2013:
  - a. The Town participates in the “2% at 62” Miscellaneous retirement program for non-sworn Department Directors.
  - b. The Town participates in the “2% at 50 / 2.7% at 57” Police Safety retirement program for sworn Department Directors.
  - c. The Town plan shall provide the “average of three years” benefit.
  - d. The Town and the Employee will share equally the normal cost of the CalPERS contribution.
- C. Retirement benefits are subject to all applicable CalPERS regulations and relevant law, and the Town cannot provide retirement benefits that are inconsistent with the Public Employees’ Retirement Law and related CalPERS

rules and regulations. Employees should consult with CalPERS in calculating the amount of benefits they will receive after retirement.

### **III. DEFERRED COMPENSATION**

- A. Town employees may make a voluntary contribution to ICMA 457, up to the maximum amount allowable by law.
- B. Town employees may elect to contribute to an ICMA 401a “final payout” plan. Employees must elect to participate in this Plan within the first thirty (30) days of employment. Per IRS rules, election to participate and level of contribution is irrevocable.

### **IV. SICK LEAVE**

- A. Sick leave shall be earned at the rate of eight (8) hours per month.
- B. All Department Directors may accrue unlimited sick leave.

### **V. FAMILY AND MEDICAL LEAVE/BEREAVEMENT LEAVE**

Family and Medical Leave shall be provided to eligible employees in accordance with federal and state law.

In addition, employees shall be granted a maximum of three (3) days leave for each incident relating to matters arising out of a major family illness or death of any immediate family member in California. In cases where the death of an immediate family member is outside California and the employee is required to travel out of state to attend to the death of the family member, the employee shall be granted a maximum of five (5) days leave.

Employees requiring more than the leaves set forth in this section can utilize vacation and/or other available leave for such purposes, subject to reasonable notice and the operational needs of the department, as determined by the Town Manager. “Immediate Family” is defined as wife, husband, domestic partner, son, daughter, mother, father, brother, or sister of employee, parent of a spouse or domestic partner, and close blood relatives or close relatives living in the member’s household.

### **VI. ADMINISTRATIVE LEAVE**

- A. Accrual - Administrative leave shall be given at a rate in the amount of 104 hours at the beginning of each fiscal year and is not accruable. Leave is prorated based on the date hired or promoted and made available the first month following the date of hire or promotion.
- B. Administrative Leave Cash-Out Option – Employees may elect to cash-out up to 52 hours of accrued administrative leave each calendar year so long as the

employee is in "good standing" within the past 12 months as verified by the Town Manager.

- a. In November 2022, up to 26 hours of administrative leave may be cashed out.
- b. Starting in calendar year 2023, as required by the Internal Revenue Service, employees who wish to cash-out leave are required to pre-elect annual leave cash-out amounts in the calendar year prior. Employees who wish to sell back leave must submit an annual Leave Sell-Back Irrevocable Election form by December 15 of the prior year to sell back leave in the upcoming year. Sell-back requests will be processed twice annually, the last pay period of the fiscal year and the last pay period of the calendar year. For example, to sell back leave in 2023, employees must complete a Leave Sell-Back Irrevocable Election form by December 15, 2022 and indicate how many hours they want to sell back in June 2023 and in December 2023 for a total not to exceed 52 hours.

**VII. VACATION**

- A. Annual Accrual - Vacation leave shall be earned, beginning in year one of employment at the rate of 3.08 hours per pay period (80 hours per year). Subsequently, an additional 8 hours per year shall be earned per year of service, up to a maximum of 200 hours per year.

Vacation Accrual Schedule:

Years of Service	Accrual Hours/Year
0-1	80
Every additional year	Additional 8 hours

- B. Additional Vacation Accrual - Town Manager may authorize higher vacation accrual for newly hired employees based on prior years of local agency experience, difficulty in recruiting and retaining employees, and consideration of internal equity and fairness.

If a higher vacation accrual is granted to a newly hired department director, the additional annual vacation accrual of 8 hours shall begin once the employee reaches the number of employment years equivalent to the vacation accrual calculated according to section VII-A above. For example, if a new employee is granted 120 hours of vacation annually, they would not start earning an additional 8 hours of additional vacation until year 6.

- C. Employees are encouraged to take annual vacation leave equal to time accrued.

D. Vacation Accrual Cap

- a. For employees hired on or after July 1, 2017 - an employee may accrue a maximum of 240 hours. Once the accrual maximum has been reached, no additional vacation shall be earned or accrued until the balance falls below the 240-hour maximum accrual amount.
- b. For employees hired before July 1, 2017 - an employee may accrue a maximum of 280 hours. Once the accrual maximum has been reached, no additional vacation shall be earned or accrued until the balance falls below the 280-hour maximum accrual amount.

E. Vacation Leave Cash-Out Option - Employees may request to cash-out up to 60 hours of accrued vacation leave each calendar year so long as the employee maintains a 120-hour vacation accrual minimum after the vacation accrual cash-out and the employee is in "good standing" within the past 12 months as verified by the Town Manager.

- a. In 2022, up to 30 hours of vacation leave may be cashed out in November 2022.
- b. Starting in calendar year 2023, as required by the Internal Revenue Service, employees who wish to cash-out leave are required to pre-elect annual leave cash-out amounts in the calendar year prior. Employees who wish to sell back leave must submit an annual Leave Sell-Back Irrevocable Election form by December 15 of the prior year to sell back leave in the upcoming year. Sell-back requests will be processed twice annually, the last pay period of the fiscal year and the last pay period of the calendar year. For example, to sell back leave in 2023, employees must complete a Leave Sell-Back Irrevocable Election form by December 15, 2022 and indicate how many hours they want to sell back in June 2023 and in December 2023 for a total not to exceed 60 hours.

**VIII. HOLIDAYS**

A. Holidays Observed - Employees shall receive a total of 13 paid days off: eleven scheduled holidays and two floating holidays per year. Employees regularly assigned a "9/80" work schedule shall receive a nine-hour holiday when the holiday is observed on a regularly scheduled nine-hour work day, and an eight-hour holiday when the holiday is observed on a regularly scheduled eight-hour work day.

The following are paid holidays:

- 1) New Year's Day (January 1<sup>st</sup>)
- 2) Martin Luther King Jr Day
- 3) Presidents' Day

- 4) Memorial Day
- 5) Independence Day (July 4<sup>th</sup>)
- 6) Labor Day
- 7) Veterans Day
- 8) Thanksgiving Day
- 9) Day after Thanksgiving
- 10) Christmas Eve (December 24<sup>th</sup>)
- 11) Christmas (December 25<sup>th</sup>)
- 12) Floating Holiday (2)

Floating Holiday – A floating holiday may be scheduled with the consent of the Town Manager. The holiday is observed as nine-hour holidays when the holiday is observed on a regularly scheduled nine-hour work day, and an eight-hour holiday when the holiday is observed on a regularly scheduled eight-hour work day.

The Floating Holidays do not accrue from year to year, are not payable upon separation from Town service, and must be used within the fiscal year.

## **IX. MEDICAL BENEFIT**

The Town will provide at least three (3) options for medical insurance coverage, including the Kaiser HMO – Gold level plan, for employees and their eligible dependents (employee, employee/spouse, employee/child(ren) or employee/family) through the term of this agreement.

- A. Employer Contribution - The Town will contribute monthly toward the medical insurance premium for medical coverage for each employee and eligible dependents up to a maximum of the Kaiser HMO – Gold level plan for the 2022 plan year.
- B. Employee Contribution - If an employee chooses a plan other than the Kaiser HMO – Gold level plan, the Town agrees to contribute the value of the full monthly premium cost for the employee and eligible dependents as established under the Kaiser HMO – Gold level plan, for the 2022 plan year, toward the premium of one of the other medical plan options as selected by the employee. If the monthly premium for the plan option and coverage level selected by the employee exceeds the Town's monthly contribution as described in paragraph IX. D. for the same coverage level (i.e., employee, employee/spouse, employee child(ren), or employee/family), the employee shall pay the balance of the premium cost through a pre-tax payroll deduction.
- C. In the event the Kaiser HMO – Gold level plan is discontinued or no longer available, the Town will offer a mutually agreeable plan equivalent to the Kaiser HMO-Gold level.
- D. Change in Premium Rates - For the term of this agreement, the Town agrees to contribute up to the monthly premium rates established under the Kaiser HMO –

Gold level plan for the January 1, 2022 – December 31, 2022 plan year for medical insurance coverage for each employee and eligible dependents. For each subsequent plan year, the Town's contribution shall include the amount of any premium increases for the Kaiser HMO – Gold level plan not to exceed twelve percent (12%) for each employee and their eligible dependents. Any increase exceeding twelve percent (12%) and less than twenty (20%) will be paid by the employee. If the Kaiser HMO-Gold level plan premium increase is twenty percent (20%) or greater, the Town Council agrees to reconsider section IX.D. of this Resolution.

- E. Medical Insurance Opt-Out - With proof of alternative medical insurance, an employee may opt to receive \$600 per month as cash in-lieu of medical coverage or as a contribution into the individual's deferred compensation (ICMA 457) account in lieu of medical benefits.
- F. Regular (Permanent) Part-time Employees – The Town will pay pro-rated amounts for medical insurance coverage for regular (permanent) part-time employees who are regularly scheduled to work at least 60 hours but less than 80 hours in a two-week period, or at least 1,560 hours but less than 2080 hours per fiscal year.

#### **X. DENTAL BENEFIT**

The Town agrees to pay the entire premium for the level of coverage selected by the employee (e.g., employee only, employee plus one or family) for a Dental Plan of the Town's choice, which has substantially the same benefits as the dental plan in effect on June 30, 2022.

For regular (permanent) part-time employees who are regularly scheduled to work at least 60 hours but less than 80 hours in a two-week period, or at least 1,560 hours but less than 2,080 hours per year, the Town will pay pro-rated amounts for dental insurance coverage.

#### **XI. VISION BENEFIT**

The Town agrees to pay the entire premium for the level of coverage selected by the employee (e.g., employee only, employee plus one or family) a Vision Plan through 'VSP' or comparable, which has an annual twenty-five dollar (\$25) co-pay that is paid by the employee for services rendered through the plan.

For regular (permanent) part-time employees who are regularly scheduled to work at least 60 hours but less than 80 hours in a two-week period, or at least 1,560 hours but less than 2,080 hours per year, the Town will pay pro-rated amounts for vision insurance coverage.

## **XII. LIFE INSURANCE BENEFIT**

The Town shall provide a life insurance policy in the sum of \$200,000 for full-time employees. For regular (permanent) part-time employees, the Town will provide a life insurance policy in the sum of \$100,000.

## **XIII. LONG-TERM DISABILITY/ SHORT-TERM DISABILITY BENEFITS**

The Town provides for group long-term and short-term disability insurance.

## **XIV. UNIFORMS**

Sworn Department Directors shall receive \$1,200 annually for the purchase, cleaning and maintenance of their uniform. This benefit is to be paid in 26 equal payments, one in each pay period.

## **XV. AUTO ALLOWANCE**

Non-sworn Department Directors will receive a \$500 per month auto allowance to be paid in 26 equal payments, one in each pay period. Sworn Department Directors will be issued a Town-owned vehicle in lieu of receiving an auto allowance.

## **XVI. TECHNOLOGY ALLOWANCE**

Non-sworn Department Directors, who are not issued a Town-owned cell phone, will receive a \$50 per month technology allowance to be paid in 26 equal payments, one in each pay period. Sworn Department Directors will be issued a Town-owned cell phone in lieu of receiving a technology allowance. All Directors must have access to work related email and phone calls with chosen technology.

## **XVII. WORK HOURS**

Each Department Director shall set a weekly work schedule with the Town Manager according to the needs of his/her Department that ensures a continued level of high quality service to the public. Generally, the regular work schedule shall be a "9/80" work schedule.

## **XIII. SEVERANCE PACKAGE**

In recognition that all employees in this group are "at will" employees and therefore serve at the discretion and pleasure of the Town Manager, the Town offers a severance package of three (3) months' salary upon involuntary termination.



**XIX. CONFIDENTIALITY**


In the event of termination of employment, the Parties agree that neither the Town nor the Department Director shall, for a period of six months, make any statement, orally, in writing or otherwise, regarding the reasons for or circumstances of termination, to any person or organization other than:

- a) In the case of the Town: its legal counsel and/or Town Council
- b) In the case of the Department Director: to legal counsel and/or immediate family.

This provision shall expressly include communication to prospective future employers, unless otherwise required by law.

**PASSED AND ADOPTED** by the Town Council of the Town of Moraga at a regular meeting held on May 11, 2022 by the following vote:

- AYES:** Mayor Sos, Vice Mayor Woehleke, Councilmember Onoda
- NOES:** Councilmember McCluer
- ABSTAIN:** None
- ABSENT:** Councilmember Makker

  
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Renata M. Sos, Mayor

Attest:

  
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Marty C. McInturf, Town Clerk

**APPENDIX A**  
**TOWN OF MORAGA**  
**SALARY SCHEDULE FOR DEPARTMENT DIRECTORS**

Classification	Type	Step A	Step B	Step C	Step D	Step E
<b>FY 2022-23 Effective July 3, 2022</b>						
Administrative Services Director (Confidential)	M	13,899	14,594	15,324	16,090	16,894
Parks & Recreation Director	M	12,352	12,970	13,618	14,299	15,014
Planning Director	M	13,515	14,191	14,900	15,645	16,428
Police Chief	M	16,552	17,380	18,249	19,161	20,119
Public Works Director/Town Engineer	M	14,017	14,718	15,454	16,226	17,038
Town Clerk/ Assistant to Town Manager	M	9,730	10,217	10,727	11,264	11,827
<b>FY 2023-24 Effective July 2, 2023</b>						
Administrative Services Director (Confidential)	M	14,316	15,032	15,783	16,573	17,401
Parks & Recreation Director	M	12,723	13,359	14,027	14,728	15,464
Planning Director	M	13,920	14,616	15,347	16,115	16,920
Police Chief	M	17,049	17,901	18,796	19,736	20,723
Public Works Director/Town Engineer	M	14,438	15,159	15,917	16,713	17,549
Town Clerk/ Assistant to Town Manager	M	10,022	10,523	11,049	11,602	12,182
<b>FY 2024-25 Effective June 30, 2024</b>						
Administrative Services Director (Confidential)	M	14,745	15,483	16,257	17,070	17,923
Parks & Recreation Director	M	13,104	13,759	14,447	15,170	15,928
Planning Director	M	14,338	15,055	15,808	16,598	17,428
Police Chief	M	17,560	18,438	19,360	20,328	21,344
Public Works Director/Town Engineer	M	14,871	15,614	16,395	17,215	18,075
Town Clerk/ Assistant to Town Manager	M	10,323	10,839	11,381	11,950	12,547