

**Resolution For Non-Union Full Time Personnel
Amended November 18, 2014**

It is the intent of this resolution to establish changes in compensation and fringe benefits for the following non-union full time employees of the City of Saratoga Springs. Employees and personnel subject to this resolution shall be each hereinafter referred to as “employee”, and include:

Executive Assistant to the Mayor	Principal Planner
Executive Assistant to the Commissioner of Public Works	Zoning and Building Inspector
Executive Assistant to the Commissioner of Public Safety	Administrative Director – Recreation
Secretary to the Civil Service Commission	Deputy Commissioner of Public Works
Human Resources Administrator	Deputy Commissioner of Accounts
Director of Risk and Safety	Deputy Commissioner of Finance
	Deputy Commissioner of Public Safety
	Deputy Mayor

This resolution shall supersede all prior resolutions affecting compensation and benefits for said employees. This resolution shall only be effective for stated employees in service as of the date of the resolution adoption and those in service subsequent to the date of adoption and specifically shall not apply to employees who have retired, or left office, prior to date of adoption.

Nothing in this resolution shall be construed to create an employment agreement nor alter the “at-will” status of the Executive Assistant to the Mayor, the Executive Assistant to the Commissioner of Public Works, the Executive Assistant to the Commissioner of Public Safety, Secretary to the Civil Service Commission, Deputy Commissioner of Public Works, Deputy Commissioner of Accounts, Deputy Commissioner of Finance, Deputy Commissioner of Public Safety and the Deputy Mayor.

NOW THEREFORE BE IT RESOLVED as follows:

- A. The terms of this resolution shall take place on January 1, 2007, and shall include such further terms as added by Resolutions dated July 19, 2011, January 15, 2013, August 6, 2013, December 17, 2013, August 5, 2014, September 16, 2014, **and November 18, 2014.**
- B. Unless otherwise stated, the terms added by this September 16, 2014 amendment shall take effect **January 1, 2015.**
- C. Effective January 1, 2014, the Principal Planner, Zoning and Building Inspector shall no longer be included in or covered by this Resolution, or any terms and conditions contained herein.

- D. Effective July 11, 2014, the Administrative Director – Recreation shall no longer be included in or covered by this Resolution, or any terms and conditions contained herein.
- E. Effective January 1, 2015, the Secretary for the Civil Service Commission shall have a total 2015 annual salary, inclusive of all increases to through January 1, 2015, of fifty thousand dollars (\$50,000.00).
- F. The employee shall not be entitled to overtime compensation.
- G. The employee’s standard workweek shall be 40 hours per week; excluding Secretary to the Civil Service Commission, the Executive Assistant to the Mayor, the Executive Assistant to the Commissioner of Public Works, and the Executive Assistant to the Commissioner of Public Safety, which shall remain at 33 hours per week.
- H. The salary of the Executive Assistant to the Commissioner of Public Works, the Executive Assistant to the Commissioner of Public Safety shall be the same as the Executive Assistant to the Mayor.
- I. The employee shall enjoy and be entitled to the following benefits:
 - 1. Vacation: An employee shall earn annual vacation as follows: 10 working days during their first year of service, and during each of the next four years of service; 15 working days upon completion of five (5) years of service; 20 working days upon completion of ten (10) years of service; 25 working days upon completion of fifteen (15) years of service and 30 working days upon completion of twenty (20) years of service. For each employee hired after January 1, 2006, a proration of the 10 days will be granted during the first year of service.

Vacations for the employee shall be scheduled and approved by their respective Council member.

Vacation must be taken by December 31st of the year vacation was earned, or else the time shall be forfeited. If the employee retires, resigns, or is not re-appointed, the employee shall be entitled to payment for only those vacation days earned and unused for the period between the employee’s last anniversary date and the date of retirement, resignation or other termination.

If a recognized City Hall holiday falls within the vacation period, the vacation period shall be extended by the holiday falling within such periods.

If an employee should die during his or her employment, all vacation time earned and unused for the period between the employee’s last anniversary

date and the date of death, shall be paid in cash or as employee's death benefit to his/her designated beneficiary or estate.

2. Sick Leave: The employee shall be entitled to sick leave with pay for a maximum of twelve (12) working days per year. The employee may accumulate sick leave, but may not use more than 150 days in any given 12 month period. Employee shall use sick leave in no shorter than two hour increments. Each employee hired after January 1st shall be granted a proration of the 12 days allotted during the first year of service.

If an employee is absent because of illness or disability for more than three consecutive days, they may be required by their Commissioner/Mayor to provide a physician's statement of sickness or disability.

Prior to any cash payments for unused sick leave, an employee who terminates his/her service prior to December 31st shall be granted a proration of the 12 days allotted.

Their Commissioner on an annual basis must maintain an employee's records of sick time with a copy submitted to the Commissioner of Finance for each employee's payroll folder.

Cash payments will be made for accumulated unused sick leave remaining in the employee's individual account at termination of employment or upon death of employee while in the employ of the City upon the following basis: Twenty-five percent (25%) of accumulated sick leave up to a maximum of 200 days (cash payment of 50 days). Cash payments upon death of employee while in the employ of the City shall be paid to the employee's beneficiary or estate.

3. Personal Days: The employee who works 40 hours per week shall be granted six (6) personal days per year. The employee who works 33 hours per week shall be granted five (5) personal days. Each personal day may be taken at either a full day, one half day, or at a minimum of two (2) hour increments at a time. Such leave shall be requested in writing at least 24 hours in advance of the request time.

The six (6) personal days (or five (5) for employees working 33 hours per week) shall be granted for the year on January 1. Each employee hired after January 1st shall be granted a proration of the six or five days allotted, however, if the employee does not complete the entire year, the pro-rated equivalent daily rate of pay shall be subtracted from any monies due to the employee. Personal days not used in any calendar year shall be credited to accumulated sick leave.

4. Holidays: The employee shall be entitled to 12 paid Holidays: New Year's Day, Martin Luther King Day, Presidents Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans Day, Thanksgiving Day, Day after Thanksgiving, Christmas Day, and Election Day at the November General Election.
5. Bereavement: The employee shall be entitled to three (3) consecutive workdays off per death in their immediate family. Immediate family shall be defined as mother, father, sister, brother, son, daughter, mother-in-law, father-in-law, sister-in-law, brother-in-law, spouse, grandparent (s), grandchild, step parent, step child, aunt, uncle or other persons living in the household of the employee.
6. Retirement: The employee shall be covered by the New York State Employee's Retirement System known as 75i of the New York State Retirement Law.
7. Health: For employees hired prior to January 1, 2007, the employee shall be entitled to participate in the MVP25 health insurance plans offered by the City to the various bargaining units, at no cost to the employee. The City shall provide the plans to the employee, their dependents, and retired employees and their dependents at the City's own expense. For employees hired after January 1, 2007, the employee shall be entitled to participate in the MVP25 health insurance plans offered by the City to the various bargaining units, at a cost to the employee of 10% of the total cost of his or her health insurance plan not to exceed \$750 per year. The City shall provide the plans to the employee, their dependents, and retired employees and their dependents.

For all Medicare eligible retirees residing within the geographic network served by MVP, the City shall offer the MVP Medicare Advantage Preferred Gold as the sole plan. For all Medicare eligible retirees residing outside the geographic network served by MVP, the City shall offer the MVP Preferred PPO Plan as the sole plan. For all retirees not eligible for Medicare residing within the geographic network served by MVP, the City will offer the MVP Co-Plan 25 HMO as the sole plan. For all retirees not eligible for Medicare residing outside the geographic network served by MVP, the City will offer the MVP Preferred PPO Plan as the sole plan. The City shall provide these plans to the retired employees and their dependents.

In the event that federal or state legislation, rules and/or regulations issued in relation to the Patient Protection and Affordable Care Act ("PPACA"), the Health Care and Education Reconciliation Act of 2010 ("HCERA") and/or any other legislation, rule or regulation:

A) impact in any way the health insurance plans, costs or benefits provided for in this Resolution (including but not limited to contractual benefits such as health insurance buy-outs or stipends);or

B) raise a question as to whether the health insurance benefits provided for herein meet certain standards contained in such legislation, rules and/or regulations (including, but not limited to, compliance with legislation, rules, regulations, or any legislation, rules, or regulations which may cause the City to be charged any penalty, or those that govern whether plan benefits meet the “minimum essential benefits” standard or a similar standard, whether the City premium contribution levels are adequate and/or meet legal requirements, or whether the individual household affordability standard is satisfied); or

C) permit an individual or group of individuals to receive benefits, subsidies, or credits through a health insurance exchange program (or any other government subsidy or benefit provided pursuant to the PPACA, HCERA, or any state or federal regulations or rules implementing health insurance reform laws),;

The City may immediately implement changes as necessary to comply with federal and/or state laws, rules, and regulations and/or to avoid or eliminate penalties, potential penalties, or taxes. Such changes may include, among others, modifications for individual employees, including modification to individual or group coverage, benefits, contributions or wages, to the extent necessary to comply with federal and/or state laws, rules, and regulations and/or to avoid or eliminate penalties, potential penalties, taxes, or cessation of payments toward the cost of benefit(s) if such benefit(s) are not compliant with the PPACA/HCERA or if such compliance would cause the City penalty or cost associated with avoidance of penalty.

The City shall provide such medical coverage for the widow or widower of the employee or retired employee in this resolution until the widow or widower’s death or remarriage whichever occurs sooner. Children shall be covered until age 19 or as stipulated in the appropriate health care contract or otherwise as may be required by law.

“Retirees” shall be defined as full time employees who have served the City of Saratoga Springs for at least twenty consecutive years and retire from the New York State Employee’s Retirement System Section 75i of the New York State Retirement Law and were serving as full time employees of the City of Saratoga Springs at the time of retirement. For the purposes of this definition, the commencement date of “full time employment” for the current Civil Service Secretary, Patsy Berrigan, shall be deemed September 4, 1995, and the number of consecutive years of full time employment required is ten, as per prior documentation.

An employee may elect not to participate in a plan of medical and health insurance benefits provided under this agreement and such employee shall be eligible to receive a payment of \$2,200.00 for single coverage, \$2,500.00 for two-person coverage or \$3,000.00 for family coverage per calendar year. No employee shall be eligible to receive such payment unless the employee shall have provided proof to the Finance Office that such employee and such employees' eligible dependents are covered by a comparable plan of medical and health insurance benefits for the entire year that such employee elected not to be covered by a plan provided by the Employer. Payments shall be made on December 15 of each year. The parties understand that participation in a plan of medical and health insurance benefits is mandatory. An election not to be covered shall be made on or about December 15th of each year to the Principal Account Clerk in the Finance Office in charge of City provided benefits pursuant to the regulations of the plan in effect together with evidence of coverage of such employee and such employee's eligible dependents under a comparable plan of medical and health insurance benefits. Such employee must promptly notify the Employer of termination of alternative medical and health insurance benefit coverage. In the event that an employee reenrolls in a health insurance program, the employee shall be permitted to a prorated portion of the \$2,200.00 (for single coverage), \$2,500.00 (for two-person coverage), or \$3,000.00 (for family coverage), payment but shall not be permitted to again opt-out of the insurance program during the calendar year.

Employees hired before July 1, 2011 shall be entitled to participate in the Health Reimbursement Arrangement as contracted by the City Council and will receive the full benefits of such as are being enjoyed by members of the collective bargaining units under the HRA Plan. The City shall provide this plan to the employee, their dependents, and retired employees and their dependents. Effective January 1, 2015, said employees will no longer be entitled to participate in the Health Reimbursement Arrangement. Employees shall have until March 31, 2015 to submit claims for expenditures incurred in 2014.

8. Vision: The City agrees to pay 100% of the cost of the Employee Benefit fund Vision Plan Platinum 12 for all employees and their dependents.
9. Disability: New York State Disability Insurance shall be offered to the employee.
10. Life: The City shall provide group term life insurance for the employee in the amount of \$5,000.00 while they are employed by the City of Saratoga Springs.
11. All increases in compensation and benefits paid to employees under this resolution shall be drawn from the budget of the employees department, except that if said departmental budget does not contain funds sufficient to

pay the employee, the Head of that Department may draw any remaining compensation or payment due to the employee from the City's contingency budget.

12. Each employee shall receive longevity payments as follows:

After 5 years of service \$250.00;
After 10 years of service \$500.00;
After 15 years of service \$1,550.00;
After 19 years of service \$1,800.00;
and an additional \$250.00 each five (5) years thereafter.

All longevity payments shall be paid upon completion of the specified amounts of consecutive eligible service regardless of the title (s) held during that time.

- J. Effective January 1, 2013, all employees covered by this resolution and who have been employed with the City for the past six consecutive months without interruption shall receive a 2% increase in salary.
- K. Effective January 1, 2014, and for every year thereafter effective on the first of the year, all employees covered by this resolution, with the exception of the Human Resources Administrator for the year 2014, shall receive an increase in salary based on the Bureau of Labor Consumer Price Index – Northeast Region June (12-month) of the prior year. If there is no increase in the Bureau of Labor Consumer Price Index – Northeast Region June (12-month), then salaries remain unchanged. However, employees other than Executive Assistants and Deputies named herein must be employed with the City for six consecutive months prior to January 1 in order to be eligible for the increase in salary described in this paragraph.
- L. This Resolution shall be reviewed by the City Council annually on the Commissioner of Finance's agenda, by no later than the first meeting in August of each year.