




**EAST BAY REGIONAL PARK DISTRICT  
BOARD OF DIRECTORS MEETING  
AGENDA STAFF REPORT**

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<b>DATE</b>	September 3, 2024
<b>TITLE</b>	Adoption of Resolution Memorializing Certain Special Compensation Benefits for Public Safety Unrepresented Managers to Satisfy CalPERS Reporting Requirements
<b>DIVISION</b>	The General Manager's Office and Human Resources Division
<b>FROM</b>	Monica Alvarez-Selles, Benefits Manager Allyson Cook, Assistant General Manager of Human Resources
<b>APPROVED</b>	Sabrina Landreth, General Manager 

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**RECOMMENDATION**

The General Manager recommends that the East Bay Regional Park District (Park District) Board of Directors adopt a Resolution that memorializes certain special compensation benefits for unrepresented Public Safety Managers to comply with applicable statutes under the California Public Employees' Retirement Law. This requested action is solely in response to CalPERS' requirements. The General Manager is not seeking any authorization to extend additional compensation or benefits to Public Safety unrepresented Managers.

**BACKGROUND**

In July 2024, CalPERS officially notified the Park District that it needed to provide Resolutions authorizing special compensation to certain unrepresented Public Safety Managers who seek to include certain compensable items in their pension retirement calculations, such as bilingual pay, uniform allowance, Peace Officer Standard Training (POST), and educational incentives in accordance with California Code of Regulations (CCR) section 57I. Per the CCR, the adopted Resolution cannot reference another document, and instead, the Resolution must specifically identify and disclose the item of special compensation, the amount, and its conditions of payment. The General Manager's Office and the Human Resources Division seeks to comply with CalPERS regulation, CCR section 57I(a)-(b), and thereby seeks a Board of Director Resolution that memorializes benefits and premiums already provided to unrepresented Public Safety Managers. This will ensure that unrepresented Public Safety Managers' pension calculations are accurate.

**ANALYSIS**

CalPERS defines compensable earnings pursuant to Government Code section 20636. The CCR section 57I mandates that all public agencies that contract with CalPERS approve and adopt how special compensation payment will be applied to members within their organization. CalPERS believes that this publicly available information is a critical component to verifying all members' pay information when calculating retirement benefits and will support transparency in the public sector. Failure to comply with the regulations may result in CalPERS determining, in its sole discretion, an amount that will be considered as special compensation for a retiree and/or retirement benefit being delayed.

To satisfy CalPERS's reporting requirements, the Park District must identify special compensation extended to unrepresented Public Safety managers directly in a Board of Director approved Resolution. CCR section 571. The Resolution cannot reference another document such as the Police Association Memorandum of Understanding or Personnel Administrative Manual. Since, pursuant to Board Operating Guidelines section 3.1.5, "[t]he Board is responsible for establishing policies and procedure covering wage, benefits, hours, and terms and conditions" of the Park District employees, the General Manager respectfully requests that the Board of Directors memorialize the following benefits that have already been extended to unrepresented Public Safety Management in a Resolution to ensure proper calculations of their pensions.

#### Public Safety Manager Uniform Allowance

As previously adopted by Resolution 2005-7-131, the Board of Directors granted Public Safety unrepresented Managers the same fixed dollar amount as the Police Association sworn personnel for uniform allowances. Effective January 1, 2019, Public Safety Managers (sworn) shall receive \$1,200 annually for uniforms, and Public Safety Managers (non-sworn) shall receive \$735 annually for uniforms. This benefit shall be paid bi-weekly except when there are three pay period in a month. The following classifications receive the corresponding uniform allowance: Assistant General Manager of Public Safety/Chief of Police (sworn), Police Captain (sworn), Police Lieutenant (sworn), Fire Chief (sworn), Assistant Fire Chief (sworn), Aquatics Manager (non-sworn), and Communication, Records & Property Manager (non-sworn).

#### Bilingual Pay

As previously adopted by the Board of Directors per Resolution 2023-07-157, effective July 29, 2023, the classifications of Assistant General Manager of Public Safety/Chief of Police, Police Captain, Police Lieutenant, Fire Chief, Assistant Fire Chief, Aquatics Manager, and Communication, Records & Property Manager are eligible to receive bilingual pay as follows:

- Level 1 Certification - \$50 per pay period: To be eligible for Level 1 Certification, a unit member must have the ability to effectively communicate with the public in a non-English language designated as eligible by the Human Resources Division.
- Level 2 Certification - \$75 per pay period: To be eligible for Level 2 Certification, a unit member must have the ability to translate conversations and written materials in Non-English language designated as eligible by the Human Resources Division.

Eligible employees shall be paid for either Level 1 or Level 2 bilingual skills and shall not be pyramided.

#### POST Certification and Education Incentive Pay

In accordance with Government Code section 20049 and CCR 571(b), the conditions of payment for POST certification must be contained within a written labor policy or agreement or part of a legislative action. As previously adopted by the Board of Directors per Resolution 2015-09-268, effective the pay period that includes October 1, 2015, Public Safety Managers were provided POST Certification and Education Incentive Pay as follows:

- Sworn Public Safety staff who possess the appropriate certificates beyond the minimum POST qualifications required in their class will qualify for:
  - An incentive allowance of five percent (5%) for possession of a Management and/or Executive POST Certificate and possession of a bachelor's degree; or
  - An incentive allowance of seven and one-half percent (7.5%) for possession of a master's degree,

- Non-Sworn Public Safety Management staff who possess appropriate certificates beyond the minimum POST qualifications required in their class will qualify for:
  - An incentive allowance of one percent (1%) for possession of Dispatcher Advanced Certificate and a bachelor's degree; or
  - An incentive allowance of two and one-half percent (2.5%) for possession of a Records Supervisor Certificate and a bachelor's degree,

On July 18, 2023, the Board of Directors adopted Resolution 2023-07-157, which provided increases to the Education Incentive Pay effective July 18, 2023 in order to provide unrepresented Public Safety Managers the same benefit as that provided to represented Police Association staff. The eligible classifications include Assistant General Manager of Public Safety/Chief of Police, Police Captain, Police Lieutenant, Fire Chief, Assistant Fire Chief, Aquatic Manager, and Communication, Records & Property Manager and may receive the following POST Certification and Education Incentive Pay:

- A four percent (4.0%) incentive will be paid to eligible staff who possess an Intermediate Certificate or Dispatcher Intermediate Certificate.
- A six percent (6.0%) incentive will be paid to eligible staff who possess an Advanced Certificate, or Dispatcher Advanced Certificate. An employee receiving an Advanced POST incentive shall not be eligible for the Intermediate POST incentive in the prior paragraph.
- A two and one-half percent (2.5%) incentive will be paid to eligible employees who possess a bachelor's degree.
- A three and one-half percent (3.5%) incentive will be paid to eligible employees who possess a master's degree. Employees qualifying for a master's degree incentive are not eligible for the bachelor's degree incentive.

No employee may receive more than nine and one-half percent (9.5%) incentive for any combination of degree or POST certificates.

The District agrees that any sworn member who received a higher incentive rate on October 2018, will continue to receive the rate if he/she remains qualified to receive it.

## **FISCAL IMPACT**

There are no additional funds sought by this action item nor fiscal impacts. These items of compensation are already provided to certain unrepresented Public Safety management employees. This Board item does not seek to extend any new benefits or items of compensation to this group of employees.

## **ATTACHMENTS**

Resolution 2005-07-131  
 Resolution 2015-09-268  
 Resolution 2023-07-157



**EAST BAY REGIONAL PARK DISTRICT  
RESOLUTION NO. 2024 – 09 -  
SEPTEMBER 3, 2024**

**ADOPTION OF RESOLUTION MEMORIALIZING CERTAIN SPECIAL  
COMPENSATION BENEFITS FOR PUBLIC SAFETY UNREPRESENTED  
MANAGERS TO SATISFY CALPERS REPORTING REQUIREMENTS**

**WHEREAS**, the East Bay Regional Park District (Park District) Board of Directors establishes the wage and benefit structure for unrepresented Public Safety Management employees; and

**WHEREAS**, CalPERS requires all special compensation to be duly approved and adopted by the employer's governing body in accordance with requirements of applicable public meetings laws; and

**WHEREAS**, the General Manager has reviewed and recommends the proposed authorization to comply with CalPERS' regulations.

**NOW, THEREFORE BE IT RESOLVED**, that the Board of Directors of the East Bay Regional Park District hereby authorizes:

- I. Effective January 1, 2019, Public Safety Managers (sworn) shall receive \$1,200 annually for uniforms, and Public Safety Managers (non-sworn) shall receive \$735 annually for uniforms. This benefit shall be paid bi-weekly except when there are three pay periods in a month. The following classifications receive the corresponding uniform allowance: Assistant General Manager of Public Safety/Chief of Police (sworn), Police Captain (sworn), Police Lieutenant (sworn), Fire Chief (sworn), Assistant Fire Chief (sworn), Aquatics Manager (non-sworn), and Communication, Records & Property Manager (non-sworn); and
- II. Effective July 29, 2023, Public Safety Managers in the classifications of Assistant General Manager of Public Safety/Chief of Police, Police Captain, Police Lieutenant, Fire Chief, Assistant Fire Chief, Aquatics Manager, and Communication, Records & Property Manager are eligible to receive bilingual pay at either \$50 per pay period (Level I) or \$75 per pay period (Level II); and
- III. Effective July 18, 2023, Public Safety Managers in the classifications of Assistant General Manager of Public Safety/Chief of Police, Police Captain, Police Lieutenant, Fire Chief, Assistant Fire Chief, Aquatic Manager, and Communication, Records & Property Manager are eligible to receive the following POST Certification and Education Incentive Pay:
  - a. A four percent (4.0%) incentive will be paid to eligible staff who possess an Intermediate Certificate or Dispatcher Intermediate Certificate.
  - b. A six percent (6.0%) incentive will be paid to eligible staff who possess an Advanced Certificate, or Dispatcher Advanced Certificate. An employee

receiving an Advanced POST incentive shall not be eligible for the Intermediate POST incentive in the prior paragraph.

- c. A two and one-half percent (2.5%) incentive will be paid to eligible employees who possess a bachelor's degree.
- d. A three and one-half percent (3.5%) incentive will be paid to eligible employees who possess a master's degree. Employees qualifying for a master's degree incentive are not eligible for the bachelor's degree incentive.
- e. No employee may receive more than nine and one-half percent (9.5%) incentive for any combination of degree or POST certificates.

**BE IT FURTHER RESOLVED,** that the General Manager is hereby authorized and directed, on behalf of the Park District and in its name, to execute and deliver such documents and to do such acts as may be deemed necessary or appropriate to accomplish the intentions of this resolution.

Moved by Director \_\_\_\_\_, and seconded by Director \_\_\_\_\_, and adopted September 3, 2024, by the following vote:

FOR:

AGAINST:

ABSTAIN:

ABSENT: