



AGENDA

CITY COUNCIL MEETING
Tuesday, February 16, 2016 – 7:00 p.m.
City Council Chambers

Meeting Location
El Cerrito City Hall
10890 San Pablo Avenue, El Cerrito

Greg Lyman – Mayor

Mayor Pro Tem Janet Abelson
Councilmember Jan Bridges

Councilmember Mark Friedman
Councilmember Gabriel Quinto

ROLL CALL

7:00 p.m. CONVENE CITY COUNCIL MEETING

1. PLEDGE OF ALLEGIANCE TO THE FLAG OR OBSERVATION OF MOMENT OF SILENCE – Mayor Pro Tem Janet Abelson.

2. COUNCIL / STAFF COMMUNICATIONS (*Reports of Closed Session, commission appointments and informational reports on matters of general interest which are announced by the City Council & City Staff.*)

3. ORAL COMMUNICATIONS FROM THE PUBLIC

All persons wishing to speak should sign up with the City Clerk. Remarks are typically limited to 3 minutes per person. The Mayor may reduce the time limit per speaker depending upon the number of speakers. Kindly state your name and city of residence for the record. Comments regarding non-agenda, presentation and consent calendar items will be heard first. Comments related to items appearing on the Public Hearing or Policy Matter portions of the Agenda are taken up at the time the City Council deliberates each action item. Individuals wishing to comment on any closed session scheduled after the regular meeting may do so during this public comment period or after formal announcement of the closed session.

4. PRESENTATIONS

A. Proclamation Commending Detective Aaron Leone for his Selection as Officer of the Year

Approve a proclamation commending and congratulating Detective Aaron Leone on the occasion of his recognition by the Richmond Elks Lodge No. 1251 – Peace Officer Appreciation Night and extending the City Council's sincere appreciation to Detective Aaron

Leone for his devotion to the mission, vision and values of the El Cerrito Police Department.

B. Contra Costa College Update – Presentation by Mojdeh Mehdizadeh, President.

Receive a presentation from Contra Costa College President, Mojdeh Mehdizadeh, on current construction projects and community engagement.

5. ADOPTION OF THE CONSENT CALENDAR – Item Nos. 5A and 5B

A. Approval of Minutes

Approve the February 16, 2016 Regular City Council meeting minutes.

B. Various Parking Revisions around Korematsu Middle School

Adopt a resolution authorizing the Public Works Director/City Engineer to: 1) Install sixty feet of green curb marking and associated signs on the north side of Donal Avenue, just east of Norvell Street in front of Korematsu Middle School; and 2) Remove the existing eighty-four feet of yellow curb marking and replace with green curb marking and associated signs on the east side of Norvell Street in front of Castro Park clubhouse. *Exempt from CEQA.*

6. PUBLIC HEARINGS - None

7. POLICY MATTERS

Study Session Regarding Paid Sick Leave and Service Charge Regulations Relating to the City's Minimum Wage Policy

Staff requests that the Council take the following actions: 1) Discuss the development of regulations for local Paid Sick Leave Benefits and Hospitality Service Charges and provide direction to staff; and 2) Adopt a resolution approving an appropriation of \$20,000 from the General Fund balance for FY 2015-16 including \$10,000 for a temporary part-time administrative clerk specialist and \$10,000 to cover outreach materials related to implementing the City's Minimum Wage Standards.

8. COUNCIL ASSIGNMENTS/LIAISON REPORTS

Mayor and City Council communications regarding local and regional liaison assignments and committee reports.

9. ADJOURN REGULAR CITY COUNCIL MEETING

The next City Council meeting is Tuesday, March 1, 2016.

The City of El Cerrito serves, leads and supports our diverse community by providing exemplary and innovative services, public places and infrastructure, ensuring public safety and creating an economically and environmentally sustainable future.

- Council Meetings can be heard live on FM Radio, KECG – 88.1 and 97.7 FM and viewed live on Cable TV - KCRT-Channel 28 and AT&T Uverse Channel 99. The meetings are rebroadcast on Channel 28 the following Thursday and Monday at 12 noon, except on holidays. Live and On-Demand Webcast of the Council Meetings can be accessed from the City's website <http://www.el-cerrito.org/ind-ex.aspx?NID=114>. Copies of the agenda bills and other written documentation relating to items of business referred to on the agenda are on file and available for public inspection in the Office of the City Clerk, at the El Cerrito Library and posted on the City's website at www.el-cerrito.org prior to the meeting.
- In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk, (510) 215-4305. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (28 CFR 35.102-35.104 ADA Title I).
- **The Deadline for agenda items and communications** is eight days prior to the next meeting by 12 noon, City Clerk's Office, 10890 San Pablo Avenue, El Cerrito, CA. Tel: 215-4305 Fax: 215-4379, email cmorse@ci.el-cerrito.ca.us
- IF YOU CHALLENGE A DECISION OF THE CITY COUNCIL IN COURT, YOU MAY BE LIMITED TO RAISING ONLY THOSE ISSUES YOU OR SOMEONE ELSE RAISED AT THE COUNCIL MEETING. ACTIONS CHALLENGING CITY COUNCIL DECISIONS SHALL BE SUBJECT TO THE TIME LIMITATIONS

CONTAINED IN CODE OF CIVIL PROCEDURE SECTION 1094.6.

- The City Council believes that late night meetings deter public participation, can affect the Council's decision-making ability, and can be a burden to staff. City Council Meetings shall be adjourned by 10:30 p.m., unless extended to a specific time determined by a majority of the Council.

EL CERRITO CITY COUNCIL PROCLAMATION

Commending and Congratulating Detective Aaron Leone for his recognition by the Richmond Elks Lodge No. 1251 Police Officer Appreciation Program and for his selection as Officer of the Year

WHEREAS, Aaron Leone assumed the position of Reserve Police Officer with the El Cerrito Police Department on September 5, 2001; and

WHEREAS, Aaron Leone was appointed to Police Officer on May 26, 2002; and

WHEREAS, Officer Aaron Leone was selected for the Detective assignment on July 9, 2006; and

WHEREAS, Detective Aaron Leone was assigned to be a Firearms Instructor on April 25, 2007; and

WHEREAS, Detective Aaron Leone, after rotating to Patrol was again selected for the Detective assignment on July 27, 2014; and

WHEREAS, Detective Aaron Leone was integral in the clearance of several high profile crimes of violence throughout the year 2015; and

WHEREAS, Detective Aaron Leone has displayed his dedication to his fellow men and women in Law Enforcement by working tirelessly to solve violent crime, to bring criminals to justice and possesses a commendable work ethic; and

WHEREAS, Detective Aaron Leone, through his performance during the year, has indeed been exemplary, and has been selected by his peers for special recognition.

NOW THEREFORE, the City Council of the City of El Cerrito does hereby commend and congratulate Detective Aaron Leone on the occasion of his recognition by the Richmond Elks Lodge No. 1251 – Police Officer Appreciation Night. The City Council extends sincere appreciation to Detective Aaron Leone for his devotion to the mission, vision and values of the El Cerrito Police Department.

Dated: February 16, 2016

Gregory B. Lyman, Mayor



CONTRA COSTA COLLEGE

Agenda Item No. 4(B)

Serving West Contra Costa County Since 1949

Community Update

El Cerrito City Council Meeting

February 16, 2016

Presented by: Mojdeh Mehdizadeh
Interim President



CONTRA COSTA COLLEGE





CONTRA COSTA COLLEGE

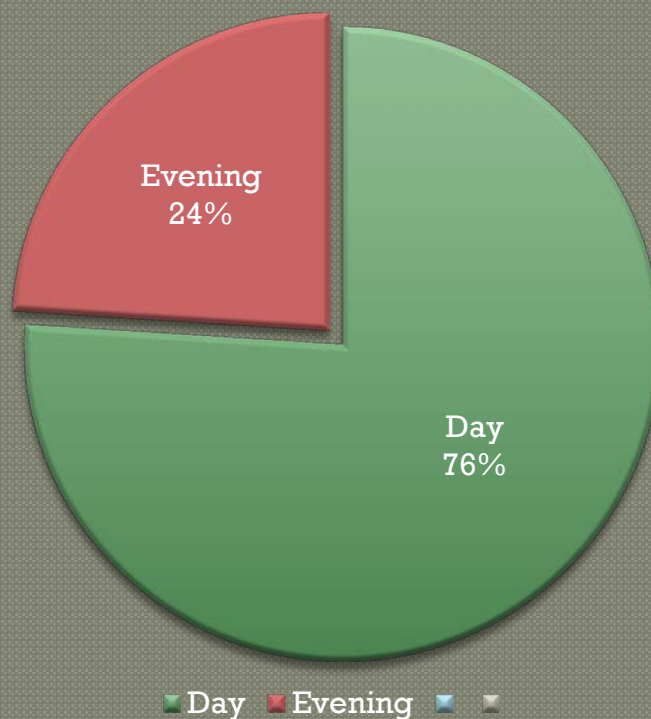
Annual Headcount

2012-13	2013-14	2014-15
11,108	10,875	10,119



CONTRA COSTA COLLEGE

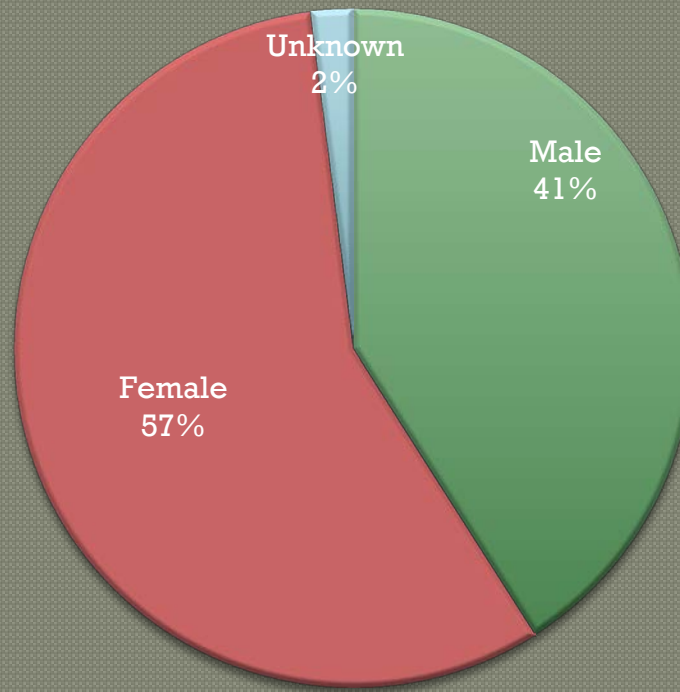
Day / Evening Enrollment, Fall 2014





CONTRA COSTA COLLEGE

Gender, Fall 2014

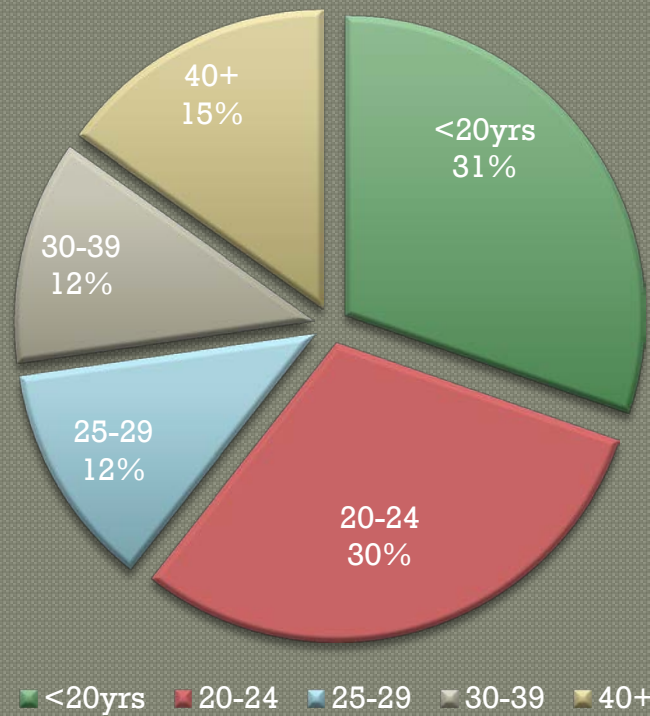


■ Male ■ Female ■ Unknown ■



CONTRA COSTA COLLEGE

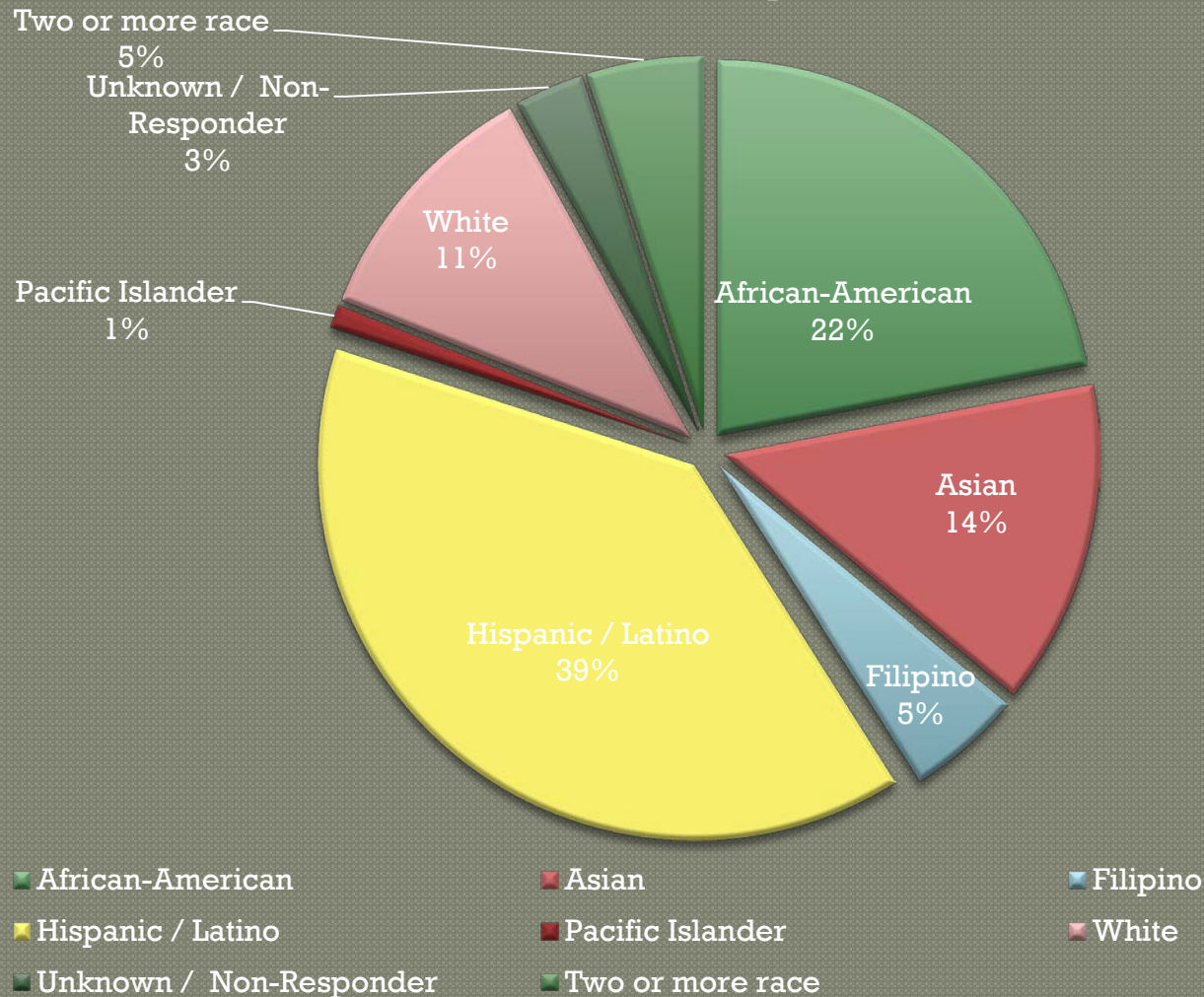
Age, Fall 2014





CONTRA COSTA COLLEGE

Race / Ethnicity, Fall 2014





CONTRA COSTA COLLEGE



Contra Costa College Strategic Plan 2015-2020



Vision 2020:
Equity and Access,
Engagement and Achievement,
Excellence and Accountability

Contra Costa College
2600 Mission Bell Drive
San Pablo, CA 94806



CONTRA COSTA COLLEGE

Mission

Contra Costa College is a public community college serving the diverse communities of West Contra Costa County and all others seeking a quality education, since 1949. The College equitably commits its resources using inclusive and integrated decision-making processes to foster a transformational educational experience and responsive student services that ensure institutional excellence and effective student learning.



CONTRA COSTA COLLEGE

Vision

Contra Costa College strives to be a premier college that celebrates innovation, collegiality and diversity, and is committed to transforming students' lives.



Strategic Directions

- 1) **Equitably Improve Student Access, Learning and Success**
- 2) **Strengthen Community Relationships and Partnerships**
- 3) **Promote Innovation, Create a Culture of Continuous Improvement and Enhance Institutional Effectiveness**
- 4) **Utilize Resources Effectively to Support Student Learning and Success**



College Highlights

- ◉ Campus Tours
- ◉ Outreach Activities
- ◉ Concurrent Enrollment
- ◉ Financial Aid
- ◉ 62 Degree and 45 Certificate Programs
- ◉ Committed Employees (appx 700)
- ◉ New Learning Spaces



Measure A

- Classroom Building – General Education
 - 15 Classrooms
 - 38 Faculty Offices
- Community Building – Fireside Hall
 - Capacity for 138
- College Complex - Student Activities and Administration Building
 - Veterans Lounge
 - Career/Transfer/Sparkpoint Center
 - Bookstore/Cafeteria/Restaurant



CONTRA COSTA COLLEGE

Coming Fall 2016



CONTRA COSTA COLLEGE



**Contra Costa College Center
Student Activities Building**



CONTRA COSTA COLLEGE



Contra Costa College Center
Classroom Building – West Entrance



CONTRA COSTA COLLEGE



Contra Costa College Complex
Student Activities Building - Recreation Room

tBP/Architecture





CONTRA COSTA COLLEGE



Contra Costa College Complex
Classroom Building - Tiered Lecture

tBP/Architecture





CONTRA COSTA COLLEGE





Measure E

- Construct a new science and allied health center, or modernize current spaces housing the science and allied health educational programs.
- Modernize the gym annex, gymnasium, locker rooms and other physical education facilities.



CONTRA COSTA COLLEGE



Questions?



EL CERRITO CITY COUNCIL

MINUTES

CITY COUNCIL MEETING
Tuesday, February 2, 2016 – 7:00 p.m.
City Council Chambers

Meeting Location
El Cerrito City Hall
10890 San Pablo Avenue, El Cerrito

Greg Lyman – Mayor

Mayor Pro Tem Janet Abelson
Councilmember Jan Bridges

Councilmember Mark Friedman
Councilmember Gabriel Quinto

ROLL CALL

Present: Councilmembers Bridges, Friedman, Quinto and Mayor Pro Tem Abelson
Absent: Mayor Lyman

7:00 p.m.

CONVENE CITY COUNCIL MEETING

Mayor Pro Tem Abelson convened the regular City Council meeting at 7:00 p.m.

1. PLEDGE OF ALLEGIANCE TO THE FLAG OR OBSERVATION OF MOMENT OF SILENCE was led by Councilmember Gabriel Quinto.

2. COUNCIL / STAFF COMMUNICATIONS

Councilmember Quinto reported on his attendance at the Korematsu Middle School Grand Opening which was held on January 30, 2016. It was an amazing ceremony and very meaningful for Councilmember Quinto to see so many people from the Castro School area that he had not seen in many years. Karen Korematsu and many members of El Cerrito's Japanese-American community, including those who had been incarcerated in internment camps during World War II, were also in attendance. Councilmember Quinto also announced a Marin Clean Energy workshop on February 4 that will be held at the Richmond Civic Center.

Scott Hanin, City Manager, reported that Assistant City Manager Karen Pinkos is being considered for President of the California International City/County Management Association (ICMA) and will likely be appointed. Mr. Hanin also announced that Chief Sylvia Moir has accepted a great professional and personal opportunity to be Tempe, Arizona's next Police Chief. Mr. Hanin wished Chief Moir and her family the best.

Mayor Pro Tem Abelson said it has been a great experience having Chief Moir with the city and wished her well.

3. ORAL COMMUNICATIONS FROM THE PUBLIC

Tom Panas, El Cerrito, stated that he is happy for Chief Moir and knows that she will relish diving into her new role. Chief Moir will be just as successful in Tempe, Arizona as she was here. Many more people will benefit from her experience and training. Mr. Panas said he is also sad to be losing a person who he and many others looked up to and trusted. Chief Moir has been an inspiration for many. Mr. Panas thanked Chief Moir for her style, contributions and time with the City.

Howdy Goudey, El Cerrito, commented on Consent Calendar Item No. 5E, the vehicle purchase. Mr. Goudey encouraged the City Council to pull the item for further discussion and evaluation, particularly to address concerns and concerns sent previously to the City Council by Mr. Goudey which offered an alternative that is a superior choice. The four wheel drive is not well justified for its actual use. Mr. Goudey encouraged the City Council to authorize purchase of 1-2 slightly used electric vehicles to reduce carbon emissions and achieve consistency with the City's Climate Action Plan.

Nicholas Arzio, El Cerrito, stated that he seconded Mr. Goudey's ideas and encouraged the City Council to remove the item from the Consent Calendar for discussion. Mr. Arzio announced that the El Cerrito branch of the National Association for the Advancement of Colored People (NAACP) will be meeting at the St. Peters CME Church on February 20 at 10:00 a.m. and encouraged all to attend.

4. PRESENTATIONS - None

5. ADOPTION OF THE CONSENT CALENDAR – Item Nos. 5A through 5F

Moved, seconded (Friedman/Quinto; Ayes – Councilmembers Bridges, Friedman, Quinto and Mayor Pro Tem Abelson; Noes – None; Abstain – None; Absent – Mayor Lyman) and carried to approve Consent Calendar Item Nos. 5A through 5F in one motion as indicated below.

A. Approval of Minutes

Approve the January 19, 2016 Regular City Council meeting minutes.

Action: Approved minutes.

B. Proclamation Recognizing February as Black History Month

Approve a proclamation declaring February as Black History Month in the City of El Cerrito and inviting everyone to recognize this month to celebrate the diversity and character of our community and highlight the importance of sharing our culture, customs and traditions with those around us.

Action: Approved proclamation.

C. First Amendment to the Disposition Development and Loan Agreement with Eden Housing Inc. for City Housing Property Located at 10848 and 10860 San Pablo Avenue

Staff requests that the City Council, acting as Housing Successor to the former Redevelopment Agency, adopt a resolution authorizing the City Manager to execute a First Amendment to the Disposition Development and Loan Agreement with Eden Housing, Inc. and making findings and approvals pursuant to the California Community Redevelopment Law in connection with redevelopment of 10848 and 10860 San Pablo Avenue in the City of El Cerrito Redevelopment project area. *An EIR serves as the environmental documentation pursuant to CEQA for approval of the resolution and the First Amendment to the DDLA.*

Action: Adopted Resolution No. 2016-04

D. Application for Fiscal Year 2016-17 Transportation Development Act Article 3 Pedestrian and Bicycle Project Funding for Korematsu Middle School, Safe Route to Schools

Adopt a resolution approving a request to the Metropolitan Transportation Commission (MTC) by the City of El Cerrito for an allocation of Fiscal Year (FY) 2016-17 Transportation Development Act Article 3 Pedestrian and Bicycle Project funding in the amount of \$148,535 for Korematsu Middle School, Safe Routes to School Improvements, Phase I. *Exempt from CEQA.*

Action: Adopted Resolution No. 2016-05

E. New Vehicle Purchase

Adopt a resolution authorizing the City Manager to enter into a purchase agreement with Albany Ford-Suburu in the amount of \$26,404 for the purchase of a 2016 Ford Escape to be used by the Community Development Department for building inspections.

Action: Adopted Resolution No. 2016-06

F. Economic Development Committee Appointment

Approve an Economic Development Committee recommendation to appoint Mark Figone to the Economic Development Committee.

Action: Approved recommendation.

6. PUBLIC HEARINGS

Extension of Massage Establishment Ordinance

Conduct a public hearing and upon conclusion, adopt the attached interim urgency ordinance making findings and extending a temporary moratorium on the establishment or relocation of new and existing massage establishments for twelve months to become effective upon the expiration of the current moratorium. *Exempt from CEQA.*

Presenter: Margaret Kavanaugh-Lynch, Development Services Manager.

Mayor Pro Tem Abelson opened the public hearing. No speakers.

Moved, seconded (Friedman/Quinto; Ayes – Councilmembers Bridges, Friedman, Quinto and Mayor Pro Tem Abelson; Noes – None; Abstain – None; Absent – Mayor Lyman) and carried to close public hearing.

Action: Moved, seconded (Quinto/Friedman; Ayes – Councilmembers Bridges, Friedman, Quinto and Mayor Pro Tem Abelson; Noes – None; Abstain – None; Absent – Mayor Lyman) and carried to adopt Ordinance No. 2016-02.

7. POLICY MATTERS

Establish Council Subcommittee and Task Force for City's Centennial Celebration

Staff requests that the City Council take the following actions: 1) Adopt a resolution establishing a Centennial Celebration Planning Task Force, an advisory body charged with making a recommendation to the City Council regarding events and activities to carry out in 2017 to celebrate El Cerrito's 100 year history as an incorporated city; and 2) Establish a Council Subcommittee comprised of the Mayor and Mayor Pro Tem to work with the Centennial Celebration Planning Task Force.

Presenter: Suzanne Iarla, Assistant to the City Manager.

Actions: Moved, seconded (Friedman/Bridges: Ayes – Councilmembers Bridges, Friedman, Quinto and Mayor Pro Tem Abelson; Noes – None; Abstain – None; Absent – Mayor Lyman) and carried to adopt Resolution No. 2016–07 establishing a Centennial Celebration Planning Task Force.

Moved, seconded (Friedman/Bridges: Ayes – Councilmembers Bridges, Friedman, Quinto and Mayor Pro Tem Abelson; Noes – None; Abstain – None; Absent – Mayor Lyman) and carried to establish a subcommittee of the City Council consisting of Mayor Lyman and Mayor Pro Tem Abelson to work with Centennial Celebration Planning Task Force.

8. COUNCIL ASSIGNMENTS/LIAISON REPORTS

Mayor and City Council communications regarding local and regional liaison assignments and committee reports.

Councilmember Quinto reported that he attended the East Bay Division of the League of California Cities event in Oakland on January 28 in which a number of local public officials spoke about legislation they are working on. Councilmember Quinto said he was proud to attend the event with Mayor Lyman and Mayor Pro Tem Abelson and to know that our legislators understand what issues the cities are addressing such as affordable housing and programs for homelessness.

Mayor Pro Tem Abelson stated that she also attended the East Bay Division of the League of California Cities as the City’s representative and announced that the next two meetings will feature a candidate forum for open Senate and Assembly seats in the East Bay Division district. The next meeting is at the Mira Vista Country Club.

9. ADJOURNED REGULAR CITY COUNCIL MEETING at 7:22p.m.



AGENDA BILL

Agenda Item No. 5(B)

Date: February 16, 2016
To: El Cerrito City Council
From: Melissa Tigbao, Engineering Manager/Senior Engineer
Yvetteh Ortiz, Public Works Director/City Engineer
Subject: Various Parking Revisions around Korematsu Middle School

ACTION REQUESTED

Adopt a resolution authorizing the Public Works Director/City Engineer to:

1. Install sixty feet of green curb marking and associated signs on the north side of Donal Avenue, just east of Norvell Street in front of Korematsu Middle School; and
2. Remove the existing eighty-four feet of yellow curb marking and replace with green curb marking and associated signs on the east side of Norvell Street in front of Castro Park clubhouse.

DISCUSSION

The West Contra Costa Unified School District is scheduled to open Korematsu Middle School at its new location at 7125 Donal Avenue on March 28, 2016. The City of El Cerrito, Public Works Department, has been working with the School District on parking revisions around this new location. The proposed parking restrictions are intended to provide a bus zone, passenger loading/unloading zones, and short-term parking zones adjacent to the school on Donal Avenue, Lawrence Street and Norvell Street, and thereby provide for safe student drop-off and pick-up activities when the school opens. These various parking zones have been part of the school development plans, have been reviewed by City staff and were also discussed at the September 2015 community meeting. This also includes an additional passenger loading/unloading zone on the east side of Norvell Street to provide parents and students several options for drop-off and pick-up and reduce the traffic impacts on any single street. The proposed parking restrictions are shown in Exhibit A.

The specific actions requiring City Council Approval are as follows:

- Installation of sixty feet of green curb marking and associated time limit signs on the north side of Donal Avenue, just east of Norvell Street to provide a short-term, 30-minute parking zone; and
- Replacement of existing eighty-four feet yellow curb marking with green curb marking and associated time limit signs on the east side of Norvell Street, in front of Castro Park clubhouse to provide a short-term, 30-minute parking zone.

Agenda Item No. 5(B)

As noted above, other parking modifications are needed around the school to provide for safe student drop-off and pick-up. Because El Cerrito Municipal Code Section 11.40.190 authorizes the City Engineer to establish bus zones and Section 11.40.150 authorizes the City Manager to establish loading/unloading zones, the following associated changes do not require action by City Council:

- Installation of 120 feet of white curb markings with associated passenger loading signs on west side of Lawrence Street north of Donal Avenue;
- Installation of 220 feet for bus zone demarcated with no stopping/bus only signs on north side of Donal Avenue just west of Gayle Court;
- Installation of 180 feet of white curb markings with associated passenger loading signs on north side of Donal Avenue between Lawrence Street and Gayle Court; and
- Installation of 120 feet of white curb marking with associated passenger loading signs on the east side of Norvell Street just north of Donal Avenue.

All signage will indicate that these parking restrictions will be in effect during school days only from 7:00 a.m. to 4:00 p.m. City and School District staff understand that educating parents and students regarding the use of these various parking zones is important for student safety and to minimize traffic impacts to the surrounding neighborhood, and are working on distributing information to parents and students before the new campus opens.

Property owners and residents within a 300-foot radius of the school received notification letters regarding these parking restrictions in December 2015 and January 2016 with details and an exhibit for reference. Staff did receive comments, none were against the installation of the parking restrictions, but more for concerns with the traffic circulation, potential violation of signs and marked curbs, and the need for re-evaluation once the school has opened. City staff responded with the appropriate contact information for reporting parking and traffic violations, and informed residents that the El Cerrito Police Department, Public Works Department and school staff will work closely together to monitor traffic and respond to resident concerns once the school opens. It is a practice of the Public Works Department to evaluate parking restrictions near schools and adjust as appropriate to improve student drop-off and pick-up activities and traffic circulation.

STRATEGIC PLAN CONSIDERATIONS

Approval of the various parking revisions around the Korematsu Middle School is consistent with the following El Cerrito Strategic Plan Goals:

- Goal A – *Deliver exemplary government services*, by working with the schools, residents and community groups, to develop a plan for traffic circulation and student loading/unloading around the new middle school; and
- Goal C – *Deepen a sense of place and community identity* by being a strong partner with schools; and
- Goal E – *Ensure the public's health and safety* by providing a safe loading/unloading zone for students and parents.

ENVIRONMENTAL CONSIDERATIONS

The project is categorically exempt from review under the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Existing Facilities) because the project is a minor alteration of existing public facility involving negligible or no expansion of use beyond that presently existing. More specifically, the installation of curb markings and signs will be done on existing highways and streets, sidewalks, gutters, bicycle and pedestrian trails, and similar facilities, which is exempt from CEQA.

FINANCIAL CONSIDERATIONS

The installation and modifications to curb markings and the installation of new signs will be paid for by the school district. Inspection will be performed by City staff.

LEGAL CONSIDERATIONS

El Cerrito Municipal Code Section 11.40.160 requires City Council approval of any modifications to yellow and green curb markings. The City Attorney has reviewed the proposed actions and found that legal considerations have been addressed.

Reviewed by:



Scott Hanin, City Manager

Attachments:

1. Accompanying Resolution including Exhibit A

RESOLUTION 2016-XX

**RESOLUTION OF THE EL CERRITO CITY COUNCIL AUTHORIZING VARIOUS
PARKING REVISIONS INCLUDING CURB MARKINGS AROUND KOREMATSU
MIDDLE SCHOOL LOCATED AT 7125 DONAL AVENUE**

WHEREAS, the City of El Cerrito Public Works Department, has been working with the West Contra Costa Unified School District on parking revisions around the new Korematsu Middle School to prepare for its opening on March 28, 2016, to provide a bus zone, passenger loading/unloading zones, and short-term parking zones adjacent to Korematsu Middle School on Donal Avenue, Lawrence and Norvell Streets; and

WHEREAS, the various parking zones have been part of the school development plans, have been reviewed by City staff and were also discussed at a September 2015 community meeting; which also included an additional passenger loading/unloading zone on the east side of Norvell Street; and

WHEREAS, El Cerrito Municipal Code Section 11.40.190 authorizes the City Engineer to establish bus zones and Section 11.40.150 authorizes the City Manager to establish loading/unloading zones; and

WHEREAS, El Cerrito Municipal Code 11.40.160 requires that any modification of yellow and green curb markings be approved by City Council Resolution.

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of El Cerrito hereby authorizes the Public Works Director/City Engineer to modify the yellow and green curb markings on Donal Avenue and Norvell Street along the frontage of Korematsu Middle School as shown in Exhibit A, incorporated by reference and attached hereto.

BE IT FURTHER RESOLVED, that the City Council of the City of El Cerrito finds that these parking revisions are categorically exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Existing Facilities) because they are minor alterations of existing public facilities involving negligible or no expansion of use beyond that presently existing. The installation of curb markings and signs will be done on existing highways and streets, sidewalks, gutters, bicycle and pedestrian trails, and similar facilities. (15301(c)).

BE IT FUTHER RESOLVED, that this Resolution shall become effective immediately upon its passage and adoption.

I CERTIFY that at a regular meeting on February 16, 2016, the City Council of the City of El Cerrito passed this Resolution by the following vote:

AYES:	COUNCILMEMBERS:
NOES:	COUNCILMEMBERS:
ABSTAIN:	COUNCILMEMBERS:
ABSENT:	COUNCILMEMBERS:

Agenda Item No. 5(B)
Attachment 1

IN WITNESS of this action, I sign this document and affix the corporate seal of the City of El Cerrito on February XX, 2016.

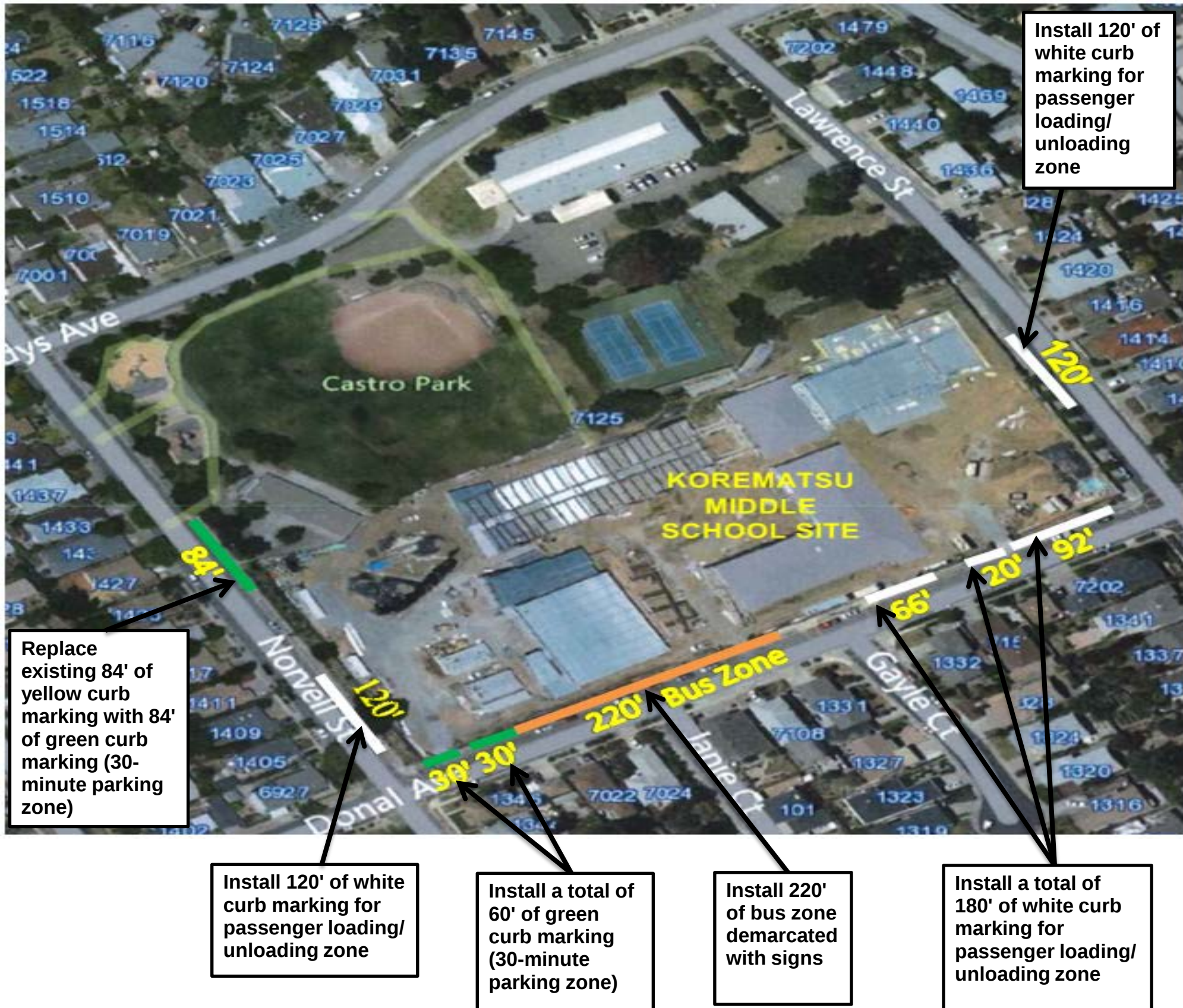
Cheryl Morse, City Clerk

APPROVED:

Gregory B. Lyman, Mayor

Exhibit A
Parking Revisions around Korematsu Middle School (7125 Donal Avenue)

Proposed Modifications to Yellow and Green Curb Markings require City Council Approval





AGENDA BILL

Agenda Item No. 7(A)

Date: February 16, 2016
To: El Cerrito City Council
From: Suzanne Iarla, Assistant to the City Manager
Subject: Study Session Regarding Possible Paid Sick Leave and Service Charge Regulations and Appropriation of \$20,000 to Implement the City's Minimum Wage Standards

ACTION REQUESTED

Staff requests that the Council take the following actions:

- 1) Discuss the development of regulations for local Paid Sick Leave Benefits and Hospitality Service Charges and provide direction to staff; and
- 2) Adopt a resolution approving an appropriation of \$20,000 from the General Fund balance for FY 2015-16 including \$10,000 for a temporary part-time administrative clerk specialist and \$10,000 to cover outreach materials related to implementing the City's Minimum Wage Standards.

BACKGROUND

In November 2015, the City Council adopted City Minimum Wage Standards (El Cerrito Municipal Code Title 6, Chapter 6.95) in an effort to provide greater economic stability to low-wage earners in our community. The Minimum Wage Standards ordinance was developed with support and input from *Ensuring Opportunity*, a local coalition of partners who are working toward a long-term effort to cut poverty in Contra Costa County by raising awareness and addressing the systemic and structural causes of poverty.

The inclusion of regulations on service charges collected by hospitality-industry employers and a local enhancement to California's paid sick leave benefits ("PSLB") were proposed by Ensuring Opportunity, however, at the August 18, 2015 study session on the minimum wage, at staff's request, the Council agreed these provisions could be addressed separately from the minimum wage.

ANALYSIS

Paid Sick Leave Benefits

During development of the Minimum Wage Ordinance, the City Council indicated interest in considering enhanced Paid Sick Leave Benefits (PSLB) above the provisions of State law.

California AB 1522

California, New Jersey and Rhode Island are the only three states in the United States to have a statewide paid family leave law. California Assembly Bill 1522, the “Healthy Workplaces, Healthy Families Act of 2014” went into effect on July 1, 2015. The law requires employers to provide eligible employees (both full-time and part-time) with a minimum of three days or 24 hours of paid sick leave per year. The Act includes detailed requirements and required many employers to update or change their payroll systems.

The State law dictates:

- Employees accrue sick leave from the first day of employment, but are not entitled to use it until they have been employed for 90 days, with certain exceptions
- Employees accrue one hour of sick leave for every 30 hours worked or, alternatively, employers can “front load” the benefit such that an employee has no less than 24 hours of accrued sick leave by the 120th calendar day of employment or of each calendar year or in each 12-month period
- Employees may carry over accrued but unused sick leave to the following year, but an employer may cap the accrual at 6 days or 48 hours
- The paid sick leave requirements are the minimum required by State law, however, employers are free to provide more generous benefits to their employees

An employee may file a complaint with the California Labor Commissioner against an employer who retaliates or discriminates against the employee for exercising these rights or other rights protected under the Labor Code. There are significant penalties and fines for employers that do not comply with the provisions of State law.

California's Paid Sick Leave law does not preempt or limit local laws that provide greater sick leave benefits to employees. The Cities of San Francisco, Oakland, and Emeryville established local PSLB regulations that went into effect prior to the State law, and provide more generous benefits than required by the State. The City of Berkeley is also currently considering the matter.

Benefit to Workers and Public Health

Nationally, there is economic inequality with workers in low-wage hourly positions and part-time positions being less likely to have paid leave compared to workers in high-wage jobs.

Paid Sick Leave is beneficial to workers—particularly low-wage hourly workers—since it provides paid time off work to care for themselves or a loved one.

Studies¹ show that access to PSLB benefits whole community because such policies:

- Help reduce the spread of illness in the workplace by helping contagious workers stay home when they are sick
- Increase productivity of individual workers by avoiding lost productivity and risk of workplace injuries
- Supports a work-life balance by allowing time to care for a sick family member

¹ Institute for Women's Policy Research “Access to Paid Sick Leave in Oakland, California” Briefing Paper (June 2014) available at <http://www.iwpr.org/publications/pubs/access-to-paid-sick-leave-in-oakland-california>

The draft model ordinance developed by *Ensuring Opportunity* for jurisdictions in Contra Costa County included the following PSLB features:

- Benefit shall accrue only in hour-unit increments; there shall be no accrual of a fraction of an hour of such leave
- For Employers with an average of 10 or more employees, there shall be a minimum cap of 72 hours of accrued Paid Sick Leave
- Accrued Paid Sick Leave for Employees carries over from year to year, but is limited to the aforementioned cap
- PSL may be used by employee to aid or care for the following persons when they are ill or injured or receiving medical care, treatment, or diagnosis: Child; parent; legal guardian or ward; sibling; grandparent; grandchild; and spouse, registered domestic partner under any state or local law, or designated person; definition includes biological relationships as well as relationships resulting from adoption; step-relationships; and foster care relationships; and the Employee may use all or any percentage of his or her Paid Sick Leave to aid or care for the aforementioned persons
- If the Employee has no spouse or registered domestic partner, the Employee may designate one person as to whom the Employee may use paid sick leave to aid or care for that person in lieu of a spouse or registered domestic partner; the opportunity to make such a designation shall occur during a specified period, and can be revised annually
- An Employer may only take reasonable measures to verify or document that an Employee's use of Paid Sick Leave is lawful, and shall not require an Employee to incur expenses in excess of five dollars in order to show his or her eligibility for such paid leave

Business Concerns

Staff has heard concerns from members of the business community that enhanced PSLB requirements in conjunction with the City's new local Minimum Wage may negatively impact some local businesses, particularly restaurants and independently-owned "mom & pop" stores already facing increased administrative burdens, labor costs and price-point competition from competitors outside of the city.

Additionally, the impact on the enterprise's productivity and the need to adjust the workload for absent workers is likely to be more difficult for businesses with a small number of employees or within certain industries.

It is unknown what the cumulative effect of increasing the minimum wage plus the addition of PSLB (and/or hospitality service charge regulations) will be on El Cerrito businesses. The City's initial wage rate, as well as the schedule to achieve \$15 per hour by 2019, is higher than the scenario studied by the Institute for Research on Labor and Employment at the University of California, Berkeley (Labor Center). Additionally, the scenario studied assumed all the cities in the county, as well as the county itself, would enact the wage standards.

Table 1: Wage Schedule		
Year	Rate Studied by Labor Center	El Cerrito Minimum Wage Rate
2016	\$10.20	\$11.60
2017	\$11.40	\$12.25
2018	\$12.60	\$13.60
2019	\$13.80	\$15.00
2020	\$15.00	Adjusted by CPI

County & State Context

There may be an initiative on the State ballot in November 2016 to increase the State Minimum Wage. Two different branches of the Service Employees International Union (SEIU) have submitted different proposals:

“The Fair Wage Act of 2016”

- Proposed by SEIU United Health Care Workers West (UHW)
- \$15 minimum wage by: 2020 (all employers)
- No additional paid sick leave
- Ballot Measure Status: Signatures gathered; awaiting certification by Secretary of State

“The Raise California’s Wage and Paid Sick Days Act of 2016”

- Proposed by SEIU State Council
- Includes 3 additional days paid sick leave (in addition to the 3 days now required by the State.)
- \$15 minimum wage by 2020 for large businesses (26+ employees) and by 2021 for smaller business
- Ballot Measure Status: Ballot language submitted; approved for circulation, need to gather signatures to qualify

Locally, *Ensuring Opportunity* has shifted their efforts away from promoting an increase in the minimum wage across Contra Costa County through individual city ordinances, to supporting both of the proposed SEIU ballot initiatives. Staff is not aware of any significant discussions by other cities in Contra Costa County since El Cerrito’s adoption of local Minimum Wage Standards last November, however, the City of Berkeley discussed both increasing their Minimum Wage and PSLB at their February 9, 2016 City Council meeting.

PSLB Discussion Points:

Since there may be an initiative on the State ballot in November 2016 that would increase PSLB statewide, staff recommends the City Council postpone developing a local ordinance until after the outcome of the election is known. If the Council would like to consider PSLB regulations this year, staff will guide the City Council through a discussion on the following specific provisions:

Agenda Item No. 7(A)

- Does the City Council want to consider requiring local businesses to offer enhanced PSLB?
 - If so, when should it go into effect?
- Should the minimum accrual of sick leave or number of sick days be increased compared to State law?
- Should the State law cap on the use of sick leave be preempted to be more generous to workers?
- Should the definition of covered family members be consistent with State law or, should the local benefit be extended to a broader definition of family members?
- Should the local benefit differ for "Small Businesses" or be the same for all employers regardless of the number of employees?
 - How should "small businesses" be defined?

Hospitality Service Charges

During development of the City's Minimum Wage Ordinance, the City Council indicated interest in considering regulating service charges separately from the Minimum Wage Ordinance. Examples of a "mandatory service charge" within the hospitality industry include a charge in addition to the bill for large tables of diners or a private party, or, delivery of a pizza or catering order, room service charges at a hotel, a portage fee to carry a guest's luggage to or from their hotel room, etc.

The model ordinance for local minimum wage standards presented by *Ensuring Opportunity* included provisions to regulate service charges, specifically to require hospitality employers (i.e., a restaurant, hotel, or banquet facility) to pass on the service charges collected to the worker(s) actually performing the services.

Advocates of Hospitality Service Charge regulations say that this type of policy ensures that the worker performing the customer service task receives the mandatory service charge. A representative from the California Restaurant Association spoke out against service charge regulations on behalf of some local food service businesses and expressed concern that such policies disregard other workers who are in an indirect or support role, such as the person who handles booking and sales for a caterer, or the worker who loads the van but does not deliver the food to the catering site.

Additionally, advocates of Hospitality Service Charge regulations have concerns that customers may misunderstand a mandatory service charge to be in lieu of a gratuity, or that the employer may adopt a "no tips" policy, either of which may result in lower take-home pay for certain workers. Staff is not aware of many businesses choosing to adopt a "no tip" policy and moving to a mandatory service charge model.

A mandatory Hospitality Service Charge or automatic gratuity is not the same as a tip, and has tax implications for both the employer and the employee. Under Federal and California law, a "mandatory service charge" is considered to be part of the contract between the patron and the establishment, not a gratuity voluntarily left for the employee to acknowledge good service by an employee. If an employer chooses to pay out any portion of mandatory service charges to employees, the IRS treats that money as wages, not tips.

Staff is concerned that a provision requiring Hospitality Service Charges goes beyond mandating a minimum rate of pay and instead precludes business owners from deciding how to manage their businesses, as such a provision limits how a business can spend revenue from the service charge if they choose to collect such a fee.

Further, since the City of El Cerrito does not have the same concentration of restaurants and hotels as Oakland and Emeryville, staff's recommendation is to not pursue hospitality service charge regulations at this time. If, in the future, this provision becomes the norm for other nearby communities, or if Hospitality Service Charges become the norm for many El Cerrito hospitality employers, then the City could consider adding such a provision to the Minimum Wage ordinance at that time.

Service Charge Discussion Points:

Staff does not believe that Hospitality Service Charge regulations are necessary in El Cerrito at this time, and recommends the City Council takes a "wait and see" approach whereby the Council could discuss establishing an ordinance if it is demonstrated in the future that it would benefit local hospitality workers.

If the City Council would like to consider Hospitality Service Charge regulations this year, staff will guide the Council through a discussion and is seeking direction on the following specific provisions and when the regulations should go into effect.

STRATEGIC PLAN CONSIDERATIONS

Adoption of Paid Sick Leave Benefits and Hospitality Service Charge regulations to strengthen the City's new local Minimum Wage ordinance falls within Goal E, "Ensure the Public's Health and Safety." Specifically, adoption of such regulations may contribute to achieving the strategy to *"Explore innovative and best practices for promoting public health."*

FINANCIAL CONSIDERATIONS

As an employer, the City is already complying with State law, and the City does not cap use of accrued PSLB for any employee group except seasonal/temporary employees; therefore, the estimated cost to the City as an employer would be low. However, administrative procedures for tracking and reporting requirements for a local PSLB would need to be developed, which would require additional staff training and would require an update of the City's payroll system.

In order to implement the City's Minimum Wage Standards that the Council adopted in November, staff is recommending approval of an appropriation of \$20,000 from the General Fund balance, including \$10,000 for a temporary part-time administrative clerk specialist and \$10,000 to cover outreach materials. In the longer term, staff anticipates making a recommendation as part of the upcoming budget process for a full-time management assistant (or similar position) to assist with carrying out the program.

If the City Council does decide to pursue PSLB and Hospitality Service Charge regulations and chooses to implement those provision(s) to be in sync with the existing Minimum Wage rate schedule, the outreach/notification of these provisions would be included in the planned outreach regarding the Minimum Wage increase.

Agenda Item No. 7(A)

To administer local Paid Sick Leave Benefits and/or Hospitality Service Charge Regulations, additional staff time would be required for dealing with complaints, conducting investigations, and handling enforcement for employers within the City, tasks that are currently handled at the State level. As mentioned during the discussions regarding the Minimum Wage Standards, staff believes that local enhanced Paid Sick Leave Benefits would be more complex to investigate and enforce compared to Minimum Wage Standards. If directed to prepare these regulations, these needs will be taken into account when proposing new staffing during the upcoming budget process.

Reviewed by:



Scott Hanin, City Manager

Attachments:

1. California Paid Sick Leave: Frequently Asked Questions from the California Dept. of Industrial Relations
2. Snapshot of Industry Type, Wages and Employment for Companies in El Cerrito
3. Resolution



California Paid Sick Leave: Frequently Asked Questions

This document contains answers to questions that are frequently asked about California's new Paid Sick Leave law (AB 1522, operative January 1, 2015, and as amended in AB 304 effective July 13, 2015).

DIR has updated the FAQ list originally posted in February 2015 to reflect new requirements under AB 304. This newer document also clarifies previous responses given in answer to questions received from members of the public.

Eligibility for Paid Sick Leave Under the New Law

1. When does the new law take effect?

The state's new sick leave law went into effect on January 1, 2015. However, the right to begin accruing and taking sick leave under this law did not go into effect until July 1, 2015. Note that many employers already had sick leave policies in place for covered employees before the new law was adopted. If those existing sick leave policies already satisfied the requirements of the new law, there may not have been any required changes to an employee's right to accrue and take sick leave as a result of the new law.

2. How do I qualify for paid sick leave?

To qualify for sick leave, an employee must:

- Work for the same employer, on or after January 1, 2015, for at least 30 days within a year in California, and
- Satisfy a 90-day employment period (similar to a probationary period) before taking any sick leave

3. What if I work less than 30 days in California within a year?

If you work less than 30 calendar days within a year for the same employer in California, then you are not entitled to paid sick leave under this new law.

4. What if I work more than 30 days in California within a year but less than 90 days?

The 90 calendar day period works like a probationary period. If you work less than 90 days for your employer, you are not entitled to take paid sick leave.

5. When am I entitled to take paid sick leave?

A qualifying employee begins to accrue paid sick leave beginning on July 1, 2015, or if hired after that date on the first day of employment. An employee is entitled to use (take) paid sick leave beginning on the 90th day of employment.

6. Why does the law take effect January 1, 2015 if I don't begin accruing until July 1, 2015?

The different dates are a result of the general effective dates of new legislation (on January 1 following enactment of the law) and the way the law was drafted, making some of its provisions operative on a specified date (July 1, 2015). The qualifying period that determines which employees are eligible for paid sick leave, and the qualifying period for employee notice required by Labor Code 2810.5 both became effective on January 1, 2015; however the law provides that employees' right to accrue and take sick leave did not begin until July 1, 2015.

7. Does paid sick leave apply to all employees who work in California?

All employees who work at least 30 days for the same employer within a year in California, including part-time, per diem, and temporary employees, are covered by this new law with some specific exceptions. Employees exempt from the paid sick leave law include:

- Providers of publicly-funded In-Home Supportive Services (IHSS)
- Employees covered by collective bargaining agreements with specified provisions
- Individuals employed by an air carrier as a flight deck or cabin crew member, if they receive compensated time off at least equivalent to the requirements of the new law
- Retired annuitants working for governmental entities.

8. What if I am employed by a staffing agency?

Employees of a staffing agency are covered by the new law. Therefore, whoever is the employer or joint employer is required to provide paid sick leave to qualifying employees.

How qualifying employees accrue and take paid sick leave**9. If I qualify, how much paid sick leave can I take and be paid for?**

It depends on what kind of plan your employer chooses to offer in order to comply with the new law. Some employers already have paid time off or sick leave policies that meet the requirements of the new law, and for employees who are covered by those existing plans, the amount of sick leave you are entitled to take

will not change. In general terms, the law requires employers to provide and allow employees to use at least 24 hours or three days of paid sick leave per year.

Employers adopting new policies to comply with the law may choose whether to have an “*accrual*” policy or a “*no accrual/up front*” policy.

An *accrual* policy is one where employees earn sick leave over time, with the accrued time carrying over in each year of employment. In general terms (and subject to some exceptions), employees under an accrual plan must earn at least one hour of paid sick leave for each 30 hours of work (the 1:30 schedule).

Although employers may adopt or keep other types of accrual schedules, the schedule must result in an employee having at least 24 hours of accrued sick leave or paid time off by the 120th calendar day of employment.

Although employees may accrue more than three days of paid sick leave under the one hour for every 30 hours worked (or under an alternative accrual standard) under an accrual method, the law allows employers to limit an employee’s **use** of paid sick leave to 24 hours or three days during a year. The law also allows an employer to limit an employee’s total accrued paid sick leave to no more than 48 hours or six days.

A *no accrual/up front* policy makes the full amount of sick leave for the year available immediately at the beginning of a year-long period, except for initial hires where it must be available for use by the 120th day of employment. The employer must provide at least 24 hours or three days of paid sick leave per year and the full amount of this leave must be available for the employee’s use from the beginning of each year of employment, calendar year, or 12-month period. Note: the employer determines how the year will be calculated, whether it tracks a typical calendar year, fiscal year, or other 12-month period).

Lastly, the law allows certain types of existing sick leave policies to be “grandfathered,” if the policy was in existence prior to January 1, 2015. These policies are deemed to comply with the new law if:

- The accrual provides no less than one day or 8 hours of accrued paid sick leave or paid time off within three months of employment per year, and
- The employee was eligible to earn at least three days or 24 hours of paid sick leave or paid time off within 9 months of employment.

Any modification to a grandfathered sick leave or paid time off policy will nullify its qualification as a grandfathered policy and the employer will be required to comply with the requirements under the new law.

10. How is the year measured?

Because paid sick leave accrues beginning on July 1, 2015, or the first day of employment if hired after July 1, 2015, the 12 month period will vary by hire date for those employees hired after July 1, 2015. Therefore, the measurement will mostly be tracked by the employee’s anniversary date.

11. Can my employer provide or advance paid sick leave to me prior to my accrual of sufficient paid leave time or prior to meeting the 90-day employment requirement?

Yes. An employer may elect to advance sick leave to an employee before it is accrued, but there is no requirement for an employer to do so under this law.

12. Why does the law let me accrue more time than I could use in a year?

Accrual, carryover, and use are all distinct concepts.

Accrual: Accrual of paid sick leave is based on the number of hours an employee works

Carryover: The amount of paid sick leave carried over to the next year; may be subject to a cap if the employer establishes a cap by policy.

Use: The use of paid sick leave may be limited to 3 days or 24 hours per year.

13. What happens if I am a seasonal employee and I only work 60 days one year but return to the same employer within one year and work another 60 days?

The paid sick leave law requires that your accrued and unused sick leave be restored to you if you return to the same employer within 12 months from the previous separation.

Note: An employer is not required to restore previously accrued and unused paid time off (PTO), if the sick leave was provided pursuant to a PTO policy covering sick leave which was paid or cashed out to the employee at the end of the previous employment with that employer.

14. What happens if I return to work for the same employer after more than one year?

The paid sick leave law does not require that your accrued sick leave be restored to you.

15. If I work part time, six hours per day, I have accrued 24 hours of paid sick leave and I take three paid sick days, can my employer refuse to allow me to take any more sick leave in that same year?

It will depend on the facts but generally speaking, no. The statute provides that an employer may limit the amount of sick leave to 24 hours or three days per year. Since you work 6 hours per day, you have only used 18 of your 24 hours. You still have 6 hours left to take and be paid for during the year because an employer must allow an employee to use at least three days or 24 hours, whichever is more (refer to [DLSE Opinion Letter](#) 2015.08.07).

Employer policies can provide more paid sick leave but not less**16. What happens when an employer has its own Paid Time Off (PTO) plan?**

The new law establishes minimum requirements for paid sick leave, but an employer may provide sick leave through its own existing sick leave or paid time off plan, or establish different plans for different categories of workers. Each plan must satisfy the accrual, carryover, and use requirements of the new law. In general terms, the minimum requirements under the new law are that an employer must provide at least 24 hours or three days of paid sick leave per year. A paid time off (PTO) plan that employees may use for the same purposes of paid sick leave, and that complies with all applicable minimum requirements of the new law, may continue to be used.

In general terms, the new law provides that, employers who adopt an accrual plan for paid sick leave, employees must accrue at least 1 hour of paid sick leave for each 30 hours of work. An employer may use a different accrual method, as long as the accrual is on a regular basis and results in the employee having no less than 24 hours of accrued sick leave or paid time off by the 120th calendar day of employment, or each calendar year, or in each 12-month period.

The law also has a “grandfather” clause, which allows employers with paid sick leave policies or paid time off policies that were in existence prior to January 1, 2015, to maintain those policies and be deemed in compliance as long as they meet the following requirements:

- The accrual provides no less than one day or 8 hours of accrued paid sick leave or paid time off within three months of employment per year, and
- The employee was eligible to earn at least three days or 24 hours of paid sick leave or paid time off within 9 months of employment.

Sick leave or annual leave provided to governmental employees pursuant to either certain Government Code provisions or a memorandum of understanding meet the accrual requirements.

17. How does an employer satisfy the provision for putting the full amount of leave into my leave bank under the alternative “up-front” (or advance) method for providing paid sick leave?

The law states that an employer is not required to have an accrual or carryover policy for paid sick leave if the “full amount of leave” is provided to employees at the beginning of each year of employment, calendar year or 12-month period. The “full amount of leave” that an employer is required to provide under this provision is at least 24 hours or three days of paid sick leave.

For initial hires, however, the employee must still meet the 90-day employment requirement prior to taking any paid sick leave.

18. Under the accrual method, can I carry over unused sick leave from one year to the next?

Yes, but an employer may limit or cap the overall amount of sick leave an employee may accrue to 6 days or 48 hours.

19. My employer provides paid time off which I can use for vacation or illness. Will my employer have to provide additional sick leave?

No, as long as your employer provides the minimum of at least 24 hours or three days per year of paid leave that can be used for health care and that meets other requirements in the law.

20. My company offers unlimited time off. How does the new law affect me?

Most employers with this new but growing policy do not track how much time employees take off or for what reason. Although the new law requires that employers separately track sick leave accrual and use, for employers with unlimited paid time off plans, the notice, itemized pay stub or separate written statement provided with the payment of wages meets this requirement by indicating the paid sick leave is “unlimited”.

For what purposes can an employee take paid sick leave

21. What can I use paid sick leave for?

You can take paid sick leave for yourself or a family member, for preventive care or diagnosis, care or treatment of an existing health condition, or for specified purposes if you are a victim of domestic violence, sexual assault or stalking.

- Family members include the employee’s parent, child, spouse, registered domestic partner, grandparent, grandchild, and sibling.
- Preventive care would include annual physicals or flu shots.

The employee may decide how much paid sick leave he or she wants to use (for example, whether you want to take an entire day, or only part of a day). Your employer can require you to take a minimum of at least two hours of paid sick leave at a time, but otherwise the determination of how much time is needed is left to the employee.

22. Do I have to notify my employer before taking sick leave?

The employee must notify the employer in advance if the sick leave is planned, as may be the case with scheduled doctors’ visits. If the need is unforeseeable, the employee need only give notice as soon as practical, as may occur in the case of unanticipated illness or a medical emergency.

Payment and tracking of earned and taken leave**23. When I take paid sick leave, will I get paid as I normally do for the applicable pay period?**

The new law requires that an employer provide payment for sick leave taken by an employee no later than the payday for the next regular payroll period after the sick leave was taken. This does not prevent an employer from making the adjustment in the pay for the same payroll period in which the leave was taken, but it permits an employer to delay the adjustment until the next payroll. For example, if you did not clock in for a shift and therefore were not paid for it but utilized your paid sick leave, your employer would have to pay you not later than the following pay period and account for it in the wage stub or separate itemized wage statement for that following regular pay period.

24. How much will I get paid?

It depends on whether you are an “exempt” or “non-exempt” employee. For non-exempt employees, you will be paid your regular or normal non-overtime hourly rate for the amount of time that you took as paid sick leave. For example, if you took two hours of paid sick leave to attend a doctor’s appointment, you will be paid for those two hours at the same non-overtime hourly rate you would have earned if you had been working.

To determine the rate of pay, the employer may either:

- Calculate your regular, non-overtime rate of pay for the workweek in which you used paid sick leave, whether or not you actually worked overtime in that workweek (in general terms, this is usually done by dividing your total non-overtime compensation by the total non-overtime hours worked), or
- Divide your total compensation for the previous 90 days (excluding overtime premium pay) by the total number of non-overtime hours worked in the full pay periods of the prior 90 days of employment

For exempt employees, paid sick leave is calculated in the same manner the employer calculates wages for other forms of paid leave time (for example, vacation pay, paid-time off).

25. How will I know how much sick leave I have accrued?

Employers must show how many days of sick leave you have available on your pay stub, or on a document issued the same day as your paycheck. If an employer provides unlimited paid sick leave or unlimited paid time off, the employer may indicate “unlimited” on your pay stub or other document provided to you the same day as your wages.

Employers also must keep records showing how many paid sick day you earned and used for three years. This information may be stored on documents available to employees electronically.

26. Does my employer have to document the reason I use paid sick leave?

The law states that an employer is not obligated to inquire into, or record, the purposes for which an employee uses paid sick leave or paid time off.

27. How does the new law fit in with local sick leave ordinances?

If employees are subject to local sick leave ordinances, the employer must comply with both the local and California laws, which may differ in some respects. The employer must provide the provision or benefit that is most generous to the employee.

28. What if I work an alternative work schedule of four 10-hour days and I take paid sick leave. How much should I be paid?

The paid sick leave law allows employees to decide how much paid leave time to take, subject to their employer's ability to set a two-hour minimum.

For example, if an employee has accrued ten hours, he or she can request to be paid for ten hours. If the employee decides to take less time than that in paid sick leave, then he or she will be paid for the number of hours that they chose to take. Be advised, employees must take a minimum of two hours when they choose to take sick leave if the employer sets a two-hour minimum.

If an employee on an alternative work schedule is sick for three days and has accrued only 24 hours of paid sick leave, the employer will pay for the 24 hours accrued. However, if the employee has accrued 30 hours of paid sick leave they must be paid for the full 30 hours, or three days, of work (refer to [DLSE Opinion Letter](#) 2015.08.07).

29. Do I have the right to cash out my unused sick days, like I can with vacation and paid time off?

No, not unless your employer's policy provides for a payout. If you leave your job and get rehired by the same employer within 12 months, you can reclaim (restore) what you had accrued in paid sick leave, provided it was not paid out pursuant to a paid time off policy at termination.

Required information to be provided to employees**30. How will I learn of my rights to paid sick leave from my employer?**

Beginning January 1, 2015, employers are required to display a [poster](#) in a conspicuous place at the workplace.

The workplace posting must contain the following information:

- That an employee is entitled to accrue, request, and use paid sick days;
- The amount of sick days provided for and the terms of use of paid sick days;
- That retaliation or discrimination against an employee who requests paid sick days or uses paid sick days or both is prohibited; and
- That an employee has the right under this law to file a complaint with the Labor Commissioner against an employer who retaliates or discriminates against an employee

The new law required the Labor Commissioner to develop such a poster, and it is now available on the Labor Commissioner's website.

After January 1, 2015, employers are required to provide most employees with an individualized Notice to Employee (required under Labor Code section 2810.5) that includes paid sick leave information. A [Notice to Employee](#) form revised to reflect the new sick leave law by the Labor Commissioner's Office must be used for employees hired after January 1, 2015. For employees hired prior to January 1, 2015, the employer is required to provide a revised Notice to Employee or otherwise inform each employee of the information regarding paid sick leave, using any of the alternative methods specified in Labor Code section 2810.5(b).

The Notice to Employee provisions of Labor Code section 2810.5 do not apply to exempt employees, most government employees, or to employees covered by a valid collective bargaining agreement that meets certain specifications.

31. How will I know if my employer's policy has different terms from the paid sick leave law?

The state law providing for paid sick leave creates *minimum* standards for paid sick leave. Employers may use their existing policies so long as the policy complies with the minimum requirements of the law. The revised [Notice to Employee](#) form includes a check box to inform an employee of an employer's own existing paid time off or paid sick leave policy that meets or exceeds the requirements of the new law.

To avoid misinformation or misunderstanding regarding an employer's paid time off or paid sick leave policy, employers are encouraged to ensure that employees are made fully aware of the terms and conditions of their policy. Although the notice requirements of Labor Code section 2810.5 do not apply to employees who are exempt from the payment of overtime, employees who are exempt from the payment of overtime are covered by this new paid sick leave law.

32. Does my employer have to issue new notices to employees who were hired prior to January 1, 2015?

In general, yes. Unless the notice requirement in Labor Code section 2810.5 does not apply (exempt employees, public employees, and employees covered under certain collective bargaining agreements are excluded), or if the paid sick leave does not apply under one of the exceptions stated in Labor Code section 245.5(a), an employer must notify all employees hired prior to January 1, 2015 of changes to terms and conditions of employment that relate to paid sick leave within 7 days of the actual change. A revised [Notice to Employee](#) may be used for providing individual notice to these existing employees unless the employer chooses an authorized alternative method.

33. If I already work under an existing paid leave policy or sick leave policy which is in writing and my employer states it complies with the new law and will not be changed as a result of this law, will I still get individual notice?

Although an existing paid sick leave or paid time off policy may already satisfy the minimum requirements of the law, and the policy may have been previously provided to an employee or contained in an employer's policy manual available to employees), employers must provide some form of notice of the employee's rights under the new law.

The Labor Commissioner's Office has advised employers that it is a best practice to provide an individual notice containing information about the new paid sick leave law on the [revised DLSE notice form](#) to existing employees.

Whether an employer elects to use the DLSE revised form or another kind of written document, such notice must contain information about the employee's rights under new paid sick leave law, and ideally should include details on how the employer intends to meet the requirements of the new law for the particular employee. For example, a written statement provided to the employee which refers to or summarizes the employer's existing sick leave policy and contains the points of information as specified in the revised notice form that is provided to each employee would be the recommended best practice.

Quarter Census of Wages and Employment (QCEW)
2014 Annual Average

As defined by FIPS code: 21796

Data Extracted On: 09/23/15 by Employment Development Department, Labor Market Information Division

2014 Annual Average Census of Wages and Employment for Companies in El Cerrito				
NAICS	Industry	Companies	Employment	Wages
44	Retail Trade	67	1,490	45,290,293
92	Government	11	739	38,485,834
72	Accommodation and Food Services	54	676	12,056,416
62	Health Care and Social Assistance	67	551	25,290,385
81	Other Services (except Public Administration)	34	287	8,875,714
61	Educational Services	10	246	9,958,342
71	Arts, Entertainment, and Recreation	7	197	7,438,710
54	Professional, Scientific, and Technical Services	66	178	9,097,881
23	Construction	38	166	8,218,032
52	Finance and Insurance	21	109	5,249,639
42	Wholesale Trade	16	102	8,872,276
56	Admin. & Support & Waste Mgmt. & Remediation Svcs	16	94	2,087,178
53	Real Estate and Rental and Leasing	17	53	1,852,603
51	Information	5	40	2,191,071
31	Manufacturing	7	31	1,348,148
48	Transportation and Warehousing	5	18	411,470
	total:	453	5,035	189,634,034

Excludes NAICS 814-Private Households

Excludes NAICS 624120-Services for the Elderly and Persons with Disabilities

Excludes NAICS (55) Management of Companies and Enterprises - confidential

Excludes NAICS (99) Not Elsewhere Classified - confidential

RESOLUTION NO. 2016-XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO AUTHORIZING AN APPROPRIATION OF \$20,000 FROM GENERAL FUND BALANCE TO IMPLEMENT THE CITY'S MINIMUM WAGE STANDARDS FOR FISCAL YEAR 2015-16

WHEREAS, in November 2015, the City Council adopted City Minimum Wage Standards (El Cerrito Municipal Code Title 6, Chapter 6.95) in an effort to provide greater economic stability to low-wage earners in our community; and

WHEREAS, the City needs to conduct public outreach to both employers and workers regarding the new wage standards before they go into effect on July 1, 2016; and

WHEREAS, the City needs to develop wage bulletin notices to provide to local employers and have those notices translated into other languages; and

WHEREAS, the City needs to develop administrative procedures to handle inquiries, complaints, and investigations related to the Minimum Wage Standards; and

WHEREAS, it is anticipated that there will be a high volume of inquiries by employers and workers regarding the Minimum Wage Standards, as well as verification of a work site's location within the city limits; and

WHEREAS, staff is requesting an appropriation of \$20,000 to fund a temporary employee for the remainder of FY 2015-16 to assist with the tasks necessary to implement the Minimum Wage Standards, as well as fund the outreach, materials, and notices.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of El Cerrito appropriates \$20,000 from the General Fund balance for Fiscal Year 2015-16 to implement the City's Minimum Wage standards.

I CERTIFY that at the regular meeting on February 19, 2016, the El Cerrito City Council passed this resolution by the following vote:

AYES: COUNCILMEMBERS
NOES: COUNCILMEMBERS
ABSTAIN: COUNCILMEMBERS
ABSENT: COUNCILMEMBERS

IN WITNESS of this action, I sign this document and affix the corporate seal of the City of El Cerrito on February ___, 2016.

Cheryl Morse, City Clerk

APPROVED:

Gregory B. Lyman, Mayor