



## BERKELEY COUNCIL OF CLASSIFIED EMPLOYEES

### AFT Local 6192, AFL-CIO

1432 University Avenue, Berkeley CA 94702

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#### MEMORANDUM OF AGREEMENT

#### HEALTH BENEFIT VESTING

This bilateral Agreement made and entered into this day August 15, 2016 by and between the parties: Berkeley Unified School District (BUSD) and The Berkeley Council of Classified Employees AFT Local 6192, AFL-CIO (BCCE)

Effective on the day of ratification, any bargaining unit member who has been employed 40 years or more of creditable service with the District shall be entitled upon retirement to the minimum health employer contribution set by Public Employees' Medical and Hospital Care Act (PEMHCA).

Only employees retiring on or after January 1, 2017 shall be subject to the years of service criteria defined in this agreement.

All members who have retired before the effective date of this memorandum are eligible for the minimum health employer contribution.

In order to receive the employer's contribution payable for post-retirement health benefits, annuitants who retire for disability must meet the credited years of service requirements set forth above.

Nothing in this Memorandum effects or requires a change to BUSD health benefits contribution to active employees and early retirees as defined in the BCCE collective bargaining agreement.

This Memorandum shall apply only if the District elects to participate in the CalPERS program and if the CalPERS program continues to mandate the vesting requirements herein.

Agreed to:

District Signature: \_\_\_\_\_

Title: \_\_\_\_\_

Bargaining Unit Signature: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

8/16/16

**Tentative Agreement  
between the  
Berkeley Unified School District  
and the  
Berkeley Council of Classified Employees  
August 15, 2016**

The Berkeley Unified School District (District) and the Berkeley Council of Classified Employees (BCCE) tentatively agree on the following changes to the collective bargaining agreement:

**Article 9 - Compensation and Benefits**

9.1 Each unit member working a regular assignment of five and one-half (5-1/2) hours a day (.73 FTE) or more shall be entitled to the following benefits on an ongoing basis during the term of their employment.

9.1.1 Effective January 1, 2015, the District contribution to the cost of the health plan selected by the unit member shall be increased by an amount equal to the cost of .5% salary increase for the unit as follows:

Level	District Contribution
Unit member only	\$880.71
Unit member plus one (1)	\$940.71
Unit member plus two (2) or more	\$1,073.90
Delta Dental (Status Quo)	\$66.15

Effective January 1, 2017, pursuant to Government Code section 22892 (b) and notwithstanding any other provision of this Agreement, the District contribution for active employees shall not be less than the CalPERS minimum required contributions (i.e., \$125/month for 2016).

Domestic partners are eligible dependents and the criteria for domestic partners shall be as defined in Appendix F.

All unit members will be given the opportunity to change carriers during the open enrollment period.

9.1.2 Dental Self-funding Benefits

For the current contract year the District will maintain the same level of benefits for dental care as has been in force for the 1989-96 contract through a self-funded dental plan. The cost of contributions by part-time unit members will be based on the current premium level. Unit member contributions to the dental plan shall be

modified as follows: A twenty-five dollar (\$25.00) deductible shall apply only to the dependents of the unit member to a maximum of fifty dollars (\$50.00) per family.

### 9.1.3 Life Insurance

Increase life insurance coverage to fifteen thousand dollars (\$15,000) for bargaining unit members whose assignment is for .5 FTE or more, effective July 1, 1996.

Implementation of this provision shall be subject to agreement by all other bargaining units or the agreement of the carrier to make separate provisions for BCCE unit members. In addition, unit members with life insurance coverage may continue coverage after retirement or separation at their own expense to the extent permitted by the insurance carrier and in accordance with any limitation, rules, regulation or conditions of the carrier.

### 9.1.4 Early Retirement

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#### (a) CalPERS Health Benefits

- (1) Effective January 1, 2017, retirees who are annuitants and purchase health benefits through CalPERS will receive a District monthly contribution for health benefits provided that they either:
  - i) retired before January 1, 2017, or
  - ii) they retired on or after January 1, 2017 and have been employed by the District for at least forty (40) years.
- (2) For 2017, this monthly contribution shall be one dollar (\$1). This monthly contribution shall be increased annually as required by Government Code section 22892 (c).
- (3) Retirees who do not meet the forty (40)-year requirement in section (1) above, but who are annuitants under CalPERS or STRS may purchase health benefits through CalPERS.
- (4) Retirees receiving CalPERS health benefits will have their share of the premium (i.e. the full premium minus the District monthly contribution as provided in sections (1) and (2) above) deducted from their annuitant check as required by CalPERS. Retirees may receive reimbursement for their share of the premium if they are eligible for supplemental benefits as provided in section 9.1.4 (b).

#### ~~(a)~~ (b) Supplemental Medical and Dental Benefits

- (1) Until age sixty-five (65), a unit member who has retired shall receive the same health and dental benefit coverage provided for other unit members covered by this Agreement, provided, however, that the carrier or carriers of such health and dental coverage for the other unit members covered by this Agreement shall provide such supplemental coverage for retirees. A unit member who has retired

is defined as a person who is retiring under Public Employees' Retirement System (PERS) or State Teachers' Retirement System (STRS) and has been employed by the District for at least ten (10) years and is at least fifty-five (55) years of age, the last five (5) years of which were consecutive and immediately prior to retirement. In the event that the present carrier or carriers of such health and dental coverage cancel said coverage for unit members who have retired, the District will provide, if available, such health and dental coverage for those retirees under a different carrier or carriers. If a unit member who has retired is employed in an occupation in which he or she is eligible to receive comparable health and dental benefit coverage, the District shall not provide such coverage for this retiree.

(b2) After age sixty-five (65), a retired unit member may enroll in a District medical plan, with the premium paid in advance by the retiree, provided the carrier provides such coverage. This provision applies to the unit member only.

(e3) Retirees who have served in the Berkeley Unified School District for twenty (20) or more years shall receive medical coverage for themselves only, until age sixty-seven (67). Retirees covered under this section may, at their own expense, pay for the group medical coverage for their spouse.

(e4) For those unit members not covered by (1a), (2b), or (3e), above, effective ~~November 1988~~ January 1, 2017, the District ~~contribution to~~ reimbursement for the cost of the supplemental health plan selected by the retiree shall be the average of the cost of the three health plan carriers with the lowest premiums. Retirees who opt to enroll in a health plan with premium costs greater than the amount provided by the District will not receive a reimbursement and will be required to pay the portion of the premium in excess of the above-referenced maximum annual premium. Payments shall be made ~~to the District~~ on a monthly basis, but at the option of the retiree, may be paid in advance. This section shall apply to unit members who retire after June 30, 1983. Unit members who retire prior to, or on June 20, 1988 shall not be affected by the provisions of this subsection.

(5) Effective January 1, 2017, retirees receiving supplemental health benefits will have their share of the premiums [i.e., the full premium minus the District monthly contribution as provided in sections 9.1.4 (a) and 9.1.4 (b)] deducted from their annuitant check as required by CalPERS and then receive reimbursement from the District by the end of the month to meet the District's obligations under section 9.1.4 (b). If requested, the retiree will submit proof of payment to the District or its designated administrator.

- (f6) All current and future retirees who have not turned age sixty-five (65) as of July 1, 2007 must enroll in Medicare as a condition to maintain District health benefits when they reach age sixty-five (65). Retirees at age sixty-five (65) must enroll in Medicare Parts A and B, and in their current carrier's Medicare senior plan. Retirees who are not yet sixty-five (65) but are nonetheless eligible for Medicare must also enroll in Parts A and B. The District shall pay the Medicare Part B premium for all retirees who comply with these requirements.

## 9.2 Benefits Entitlement

9.2.1 All unit members who work an average regular assignment of less than five and one-half (5-1/2) hours a day (.72 FTE or less) shall be entitled to health insurance coverage and dental insurance coverage on a pro-rated basis. Pro-ration will be established by the relationship of the unit member's average regular daily working hours (FTE) to a 7-1/2 hour day (1.00 FTE).

9.2.2 Effective January 1, 2017, all eligibility rules for health benefits for both active employees and retirees will be governed by CalPERS.

## 9.3 Mileage

Any unit member required to use his/her vehicle on District business shall be reimbursed at the highest rate per mile allowed by the IRS for all miles driven on behalf of the District.

## 9.4 Training Compensation

See Article 21.1.


## 9.5 In Lieu Benefits

Unit members, including unit members who are not eligible for CalPERS health benefits, who demonstrate alternate medical plan coverage may elect to have eighty percent (80%) of the District's contribution directed into an annuity fund. The amount of such contribution shall be calculated at the rate which the District would have contributed for the employee only, under the Kaiser Health plan ~~(High Option)~~ at the premium rate established as of December 1. Unit members exercising this option must submit written notification to the Business Office thirty (30) days prior to the discontinuance of health plan coverage. Unit members who wish to reactivate health plans may not do so until the next open enrollment period which is currently the month of November.

For BCCE:

Paula Phillips, President


Date:

  
8/16/16

For the District:

Delia Ruiz, Assistant Superintendent

Date:

  
08/16/16