

RESOLUTION NO. 8553

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, TO RESCIND RESOLUTION NO. 8491 AND TO SET FORTH CERTAIN LEAVE AND COMPENSATION BENEFITS FOR MANAGEMENT AND CONFIDENTIAL EMPLOYEES

THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, DOES RESOLVE AS FOLLOWS:

SECTION 1. This resolution is enacted in order to set forth certain leave and compensation benefits for management and confidential employees to recognize responsibilities unique to those employees.

SECTION 2. Classes of Employment. This resolution shall pertain to Level I, II, III and IV Management and Confidential classifications delineated in the City's Salary Resolution.

SECTION 3. Management Benefits. The supplemental leave and compensation benefits for Management and Confidential employees are indicated below.

A. <u>Level</u>	<u>Benefits</u>
I - Executive Management	<ul style="list-style-type: none">a. Term Life Insurance and AD&D of \$105,000 (plus \$20,000 coverage provided to benefited positions; total coverage \$125,000)b. City contribution to deferred compensation for Chief of Police of 1.7% retroactive to 3/8/11.c. 60 hours of Executive Leaved. 17 hours of Floating Holiday to be used by the end of each fiscal year (excludes Chief of Police).e. Long-term Disability Insurancef. The City shall provide the Employer Paid Member Contribution California Government Code Section 20636 (c) (4) pursuant to Section 20691 to the City Manager, Assistant City Manager and civilian department heads at 8% and Chief of Police at 9%.g. Effective the first pay period commencing on or after 10/1/11 and 10/1/12, will pay an additional 2.3% of salary toward their Group Health Insurance for each of the two years for a cumulative contribution of 4.6% (excludes City Manager, Chief Assistant City Manager and Chief of Police).h. Effective 10/1/12, will receive a 25 hour annual reduction to their vested leave accruals/balances of their choosing (excludes Chief of Police)

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| <ul style="list-style-type: none"> II - Senior Management and III - Middle Management | <ul style="list-style-type: none"> a. Term Life Insurance and AD&D of \$35,000 (plus \$20,000 coverage provided to benefited positions; total coverage \$55,000) except the Police Captains and Lieutenants receive \$75,000 (plus \$20,000 coverage provided to benefited positions; total coverage \$95,000) b. 1.5% City contribution to deferred compensation c. 60 hours of Executive Leave d. 17 hours of Floating Holiday to be used by the end of each fiscal year (excludes Police Captains and Police Lieutenants). |
| <ul style="list-style-type: none"> IV – Supervisory Management | <ul style="list-style-type: none"> a. Term Life Insurance and AD&D of \$35,000 (plus \$20,000 coverage provided to benefited positions; total coverage \$55,000) b. 1.5% City contribution to deferred compensation c. Police Sergeants receive 40 hours of Executive Leave. Every 20 hours can be converted to 1% salary (up to 2% max) d. 17 hours of Floating Holiday to be used by the end of each fiscal year (excludes Police Sergeants). |
| <ul style="list-style-type: none"> Confidential | <ul style="list-style-type: none"> a. Term Life Insurance and AD&D of \$35,000 (plus \$20,000 coverage provided to benefited positions; total coverage \$55,000) b. 1.5% City contribution to deferred compensation c. 40 hours of Executive Leave d. 17 hours of Floating Holiday to be used by the end of each fiscal year. |
- B. Executive Leave/Deferred Compensation Conversion
 Employees have the choice of receiving Executive Leave, deferred compensation or a combination of the two as described below;
1. Executive Leave Program
 - (a) Management Employees: Level I, II, III Management employees receive a maximum of 60 hours of Executive leave (approximating 3% of unadjusted base monthly salary) at the beginning of each fiscal year with the prior approval of their department head. Police Sergeants receive 40 hours of Executive Leave (approximating 2% of base salary). The year in which the leave may be taken commences on the first day of the first pay period through the last day of the last pay period in each fiscal year. This benefit will be

prorated for newly appointed personnel who would work less than the entire fiscal year.

- (b) **Unclassified Confidential Employees:** Unclassified Confidential employees receive a maximum of 40 hours of Executive Leave (approximating 2% of unadjusted base monthly salary) at the beginning of each fiscal year with the prior approval of their department head. The year in which the leave may be taken commences on the first day of the first pay period through the last day of the last pay period in each fiscal year. This benefit will be prorated for newly appointed personnel who would work less than the entire fiscal year.
- (c) Executive Leave that is not used within the appropriate fiscal year shall not be carried forward to the following fiscal year and shall not be subject to compensation.

2. Executive Leave Conversion to Deferred Compensation Program

- (a) **Management Employees:** Part or all of the Executive Leave may be converted to deferred compensation. The City will contribute up to three percent (3%) of the employee's unadjusted base monthly salary into the deferred compensation plan in lieu of the executive leave benefit, by notifying their Department Head and City Controller in writing before January 31 for the following fiscal year, and/or the departmental budget has sufficient funds to cover this cost. Conversions of less than 3% shall be in whole percentages such as 1% = 20 hours. This benefit will be prorated for newly appointed personnel who would work less than the entire fiscal year.
- (b) **Unclassified Confidential Employees:** Part or all of the Executive Leave may be converted to deferred compensation. The City will contribute up to two percent (2%) of the employee's unadjusted base monthly salary into the deferred compensation plan in lieu of the executive leave benefit, by notifying their Department Head and City Controller in writing before January 31 for the following fiscal year, and/or their departmental budget has sufficient funds to cover this cost. Conversions of less than 2% shall be in whole percentages such as 1% = 20 hours. This benefit will be prorated for newly appointed personnel who would work less than the entire fiscal year.

C. Fair Labor Standards Act

1. All management and unclassified confidential classifications are exempt from the Fair Labor Standards Act.
2. Employees who are designated by the City as exempt for overtime purposes under the Fair Labor Standards Act and are not eligible to receive overtime compensation from the City, may be paid their regular base salary for any vacation and/or sick leave used that is less than one (1) entire regular work day. If the management leave is approved by the employee's supervisor, said leave usage shall not be deducted from the employee's accrued vacation leave or sick leave balances. With supervisor approval, the employee shall be paid for any vacation leave or management leave used that is less than one (1) entire regular work day even if he/she does not have any accrued vacation leave or sick leave, as may be appropriate. FLSA exempt employees who are off work for less than an entire regular work day shall obtain the approval of their supervisor in the same manner prescribed for such leave usage in the City's personnel rules (inclusive of SOP's, departmental rules, and related policies and procedures). If management leave is taken without supervisor approval, the employee's accrued vacation and/or sick leave balances may be deducted for the period of the employee's absence at the discretion of the employee's supervisor, and the employee may be subject to discipline.

D. Vacation Leave

1. Vacation Leave Accrual: After two (2) years of City service, Management and Confidential employees will accrue vacation leave at the rate of eight (8) hours per month (96 hours per year).
2. Vacation Cash-In: Level I Executive Management employees shall have the option to cash-in up to 100 hours of accrued vacation leave per fiscal year (July through June), subject to the individual being off work (such as on vacation) for at least 80 hours during the same time period unless this condition is waived in writing by the City Manager.
3. Vacation Cash-In: Level II, III, IV and Confidential employees shall have the option to cash-in 40 hours per calendar year without any stipulations. A second 40 hours per calendar year may be cashed-in (as defined in the Personnel Rules) as long as the employee used zero (0) hours of sick leave and has 100 hours of vacation time remaining on the books after cashing-in.

E. Automobile Allowance

Effective July 1, 2005, the City shall provide a car allowance of \$310.00 per month to employees in certain classifications for the use of their personal vehicles for City business as follows:

1. Assistant City Manager
2. City Clerk-Treasurer
3. City Controller/Director of Human Resources
4. Director of Community Development
5. Director of Parks, Recreation and Community Services
6. Director of Public Works
7. Library Director

F. Professional Activities

Effective July 1, 2002, the City shall provide up to \$250.00 per fiscal year to the Chief of Police, Police Captains and Police Lieutenants as reimbursement for professional activities related to their employment with the City subject to the prior approval in writing of the City Manager. The decision of the City Manager is final and is not grievable nor subject to appeal. Requests for reimbursement shall be submitted in the time and manner determined by the City. Professional activity funds not used within the appropriate fiscal year shall not be carried forward to a subsequent fiscal year. The defense of an administrative proceeding brought against an employee is regulated by California Government Code Section 995.6.

SECTION 4. Other Employee Benefits. Subject to the restrictions contained in other City policies, management and confidential employees shall receive the same benefits that non-management classified employees receive as follows:

- A. Civilian Management and Confidential employees shall receive the same benefits as classified non-management employees.
- B. Sworn Police Management employees shall receive the same benefits as classified police officers (except the contribution toward medical and dental insurance for the Police Chief, Captains and Lieutenants is the same as Civilian Management employees).

SECTION 5. Conflict Repealed. All resolutions and parts of resolutions in conflict herewith be and the same are hereby repealed.

SECTION 6. The City Clerk shall certify to the passage and adoption hereof.

APPROVED AND ADOPTED this 25th day of June 2013.

ATTEST:


BOB HENDERSON, Mayor


KATHRYN A. MARSHALL
City Clerk-Treasurer

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CITY OF WHITTIER)
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STATE OF CALIFORNIA)

I, Kathryn A. Marshall, City Clerk-Treasurer in and for the City of Whittier, California, hereby certify that the foregoing resolution was duly introduced and adopted at a regular meeting of the City Council of said City held on the 25th day of June 2013, by the following roll call vote:

AYES: J.A. Vinatieri F. Dutra O. Newcomer
 C. Warner R.L. Henderson

NOES: None

ABSENT: None

WITNESS my hand and the official seal of the City of Whittier, California, this

2nd day of July 2013.


KATHRYN A. MARSHALL
City Clerk-Treasurer

5