

RESOLUTION NO. 2023-52

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, SETTING FORTH CERTAIN LEAVE AND COMPENSATION BENEFITS FOR MANAGEMENT AND CONFIDENTIAL EMPLOYEES AND RESCINDING RESOLUTION NO. 2022-30

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.

<u>A.</u>	<u>Level</u>	<u>Benefits</u>
	I - Executive Management	<ul style="list-style-type: none">a. Term Life Insurance and AD&D coverage totaling \$150,000b. 60 hours of Executive Leavec. 20 hours of Floating Holiday to be used by the end of each fiscal year (excludes Chief of Police).d. Long-term Disability Insurancee. The City shall provide the Employer Paid Member Contribution California Government Code Section 20636 (c) (4) pursuant to Section 20691 to the eligible City Manager, Assistant City Manager and civilian department heads at 8% and Chief of Police at 9%. This benefit is not available to CalPERS PEPRA members.f. The City shall pay the employee's portion of CalPERS retirement costs as collectively negotiated for CalPERS Classic Members. Classic Employees will pay 4% towards the employer's portion of CalPERS retirement costs. PEPRA Members will pay the statutory limit towards CalPERS retirement costs.g. Classic Members of Executive management will pay an amount equivalent to 4.6% of their CalPERS

eligible annual salary towards their Group Health Insurance (excludes City Manager). This provision does not apply to PEPRA Members.

- II - Senior Management and
III - Middle Management
 - a. Term Life Insurance and AD&D coverage totaling \$80,000, except the Police Captains and Lieutenants receive \$120,000
 - b. 1.5% City contribution to deferred compensation
 - c. 60 hours of Executive Leave
 - d. 20 hours of Floating Holiday to be used by the end of each fiscal year (excludes Police Captains and Police Lieutenants)
 - e. City-issued car for use in the performance of duties and for incidental personal use. (Police Captains only)

- IV - Supervisory Management
 - a. Term Life Insurance and AD&D coverage totaling \$80,000
 - 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. 20 hours of Floating Holiday to be used by the end of each fiscal year (excludes Police Sergeants).

- Confidential
 - a. Term Life Insurance and AD&D coverage totaling \$80,000
 - b. 1.5% City contribution to deferred compensation
 - c. 40 hours of Executive Leave
 - d. 20 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 the Director of Administrative Services 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 the Director of Administrative Services 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, provided they request and receive advanced approval in writing from the department director. Management leave is intended to provide periodic leave consideration to exempt employees, as required hours worked may exceed traditional work schedules, and approval is at the sole discretion of the department director. Other types of leave may be approved in-lieu of management and deducted from employee leave banks as approved by the department director. The decision of the department director is final and not grievable nor subject to any form of appeal. If the management leave is approved by the employee's department director, said leave usage may not be deducted from the employee's accrued vacation leave or sick leave balances. With department director approval, the employee may 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 department director 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 department director 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 department director, 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 and II 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 approval by the City Manager.
3. Vacation Cash-In: Level III, IV Management and Confidential employees shall have the option to cash-in up to 80 hours per calendar year (as defined in the Personnel Rules) as long as the employee has 100 hours of vacation time remaining on the books after cashing-in.

E. Automobile Allowance

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
3. Director of Community Development
4. Director of Finance
5. Director of Human Resources & Risk Management
6. Director of Library Services
7. Director of Parks, Recreation and Community Services
8. Director of Public Works

F. Professional Activities

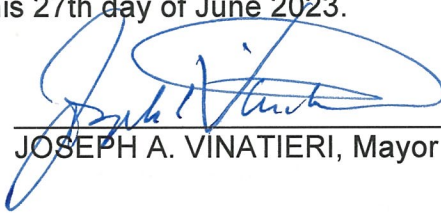
The City shall provide up to \$250.00 per fiscal year to the Chief of Police, Police Captains and Police Lieutenants as reimbursement for professional activities related to their employment with the City subject to the prior approval in writing of the City Manager. The decision of the City Manager is 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 their respective level 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 27th day of June 2023.



JOSEPH A. VINATIERI, Mayor

ATTEST:



RIGOBERTO GARCIA, JR. City Clerk
(seal)

I CERTIFY THAT THE FOREGOING RESOLUTION NO. 2023-52 was passed and adopted by the City Council of the City of Whittier at the regular meeting held on the 27th day of June 2023, by the following vote:

AYES: 4 Council Members: Dutra, Warner, O. Martinez, J. Martinez
NOES: 0
ABSTAIN: 0
ABSENT: 1 Council Member: Vinatieri



RIGOBERTO GARCIA JR., City Clerk
(seal)