



345



June 17, 2003

City Council
Sacramento, California

Honorable Members in Session



SUBJECT: Compensation and Policy Recommendations for Unrepresented Personnel

LOCATION/COUNCIL DISTRICT:

Citywide

RECOMMENDATION:

It is recommended that the City Council approve the following:

1. A Resolution approving the City Manager's report relating to compensation recommendations for unrepresented officers and employees.
2. A Resolution enacting a Personnel Resolution covering general administrative provisions, hours of work, and other terms and conditions of employment covering unrepresented officers and employees, repealing the superseded Resolution No. 2003-086, and repealing Resolution No. 87-208.

CONTACT PERSON:

Terrence L. Woods, Director of Human Resources, 264-7728

FOR COUNCIL MEETING OF:

June 24, 2003 (Afternoon session)

DEPARTMENT OF HUMAN RESOURCES

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SUMMARY:

This report recommends compensation and policy changes to the Personnel Resolution Covering Unrepresented Officers and Employees. Unless specified herein, the changes become effective June 28, 2003. Two major changes include:

1. A discretionary general salary adjustment of up to 2% that may be granted to confidential/administrative and exempt management employees. Appointing Authorities, and department heads under delegation, may approve such adjustments for employees consistent with merit based principles.
2. In April 2003, the City's Compensation Commission approved compensation packages covering the Mayor and members of the City Council. The Commission's action cause various sections of the Unrepresented Personnel Resolution to become obsolete. This action removes obsolete provisions of said Resolution.

Finally, this report recommends changes to other provisions of the Resolution as needed to clarify, add or delete provisions needed to update the Resolution.

This report includes a record of text changes, labeled as EXHIBIT "A." The specific changes to the exhibit are presented in two versions. The first version, beginning at handwritten page number 8 and ending at handwritten page number 38, depicts the changes that were made to original text of the Personnel Resolution Covering Unrepresented Officers and Employees. The second version, beginning at handwritten page number 39, and ending at handwritten page number 69, depicts those changes as new text that would appear in the Personnel Resolution Covering Unrepresented Officers and Employees if this resolution is adopted by the City Council.

COMMITTEE/COMMISSION ACTION:

In its meeting on June 17, 2003, the Personnel and Public Employees Committee accepted the recommendations cited above and approved referral to the full Council for adoption. The proposed action is also consistent with the City's Strategic Plan that includes a commitment to attract, retain, and develop a highly qualified and diverse workforce.

BACKGROUND INFORMATION:

This report recommends that the City Council approve the following recommendations for employees holding classifications covered by the Personnel Resolution Covering Unrepresented Officers and Employees:

Salary and Benefit Improvements

1. Exempt Management and Confidential/Administrative:

Subject to the discretion of the Appointing Authority, and as delegated to a department head, exempt management and confidential/administrative employees may be granted a salary adjustment of up to 2%, effective July 12, 2003.

2. Non-Career:

Effective July 12, 2003, a 2% general salary increase for all classifications designated as unrepresented non-career.

3. 401A Money Purchase Planning Vesting Period:

Effective January 1, 2004, the 5 year vesting period for the 4% of salary City contribution for exempt management employees will be eliminated. Thereafter, City contributions will be vested immediately.

4. Personnel Resolution Revisions:

In addition to the changes cited above in this report, the following changes are recommended:

a. Mayor and Council Salary and Benefit References: The Compensation Commission of the City of Sacramento enacted resolutions dated April 9, 2003, establishing salary and benefits for the Mayor and City Councilmembers. Accordingly, several Sections of the Personnel Resolution Covering Unrepresented Officers and Employees, or portions thereof, which contain references to the Mayor and Council salary and benefits have been deleted.

b. Appointing Authority in the Mayor/Council Offices: It is recommended that Section 1.1 be revised to establish the position of Council Operations Manager as an Appointing Authority for certain secretarial support positions in the offices of the Mayor and City Council. This proposal is consistent with authority that was formerly vested in the position of Mayor and City Council Office Manager that was later reclassified and re-titled Council Operations Manager. The Mayor and City Council retain sole appointing authority for professional staff to fill classifications assigned to their respective offices. Those classifications include Special Assistant to the Mayor, Chief of Staff to the Mayor and District Director.

c. Chief Assistant City Attorney Classification: Delete Section 1.6 referencing the Chief Assistant City Attorney Classification.

d. Retiree Benefits Extension: Extend the provisions of Section 2.4g, referencing retiree benefits, to June 25, 2004.

e. Exempt Management Technology Allowance: Add Section 4.8 establishing a monthly technology allowance of up to \$50 for certain exempt management employees as partial reimbursement for use of a personal cellular telephone in conducting City business. Such allowance is to be paid in lieu of using a City-provided cellular telephone. An eligible exempt management employee may choose to receive the allowance, subject to certain provisions and agreements, or use a City-provided cellular telephone. The Exempt Management Technology Allowance cost has been projected using the assumption that 153 exempt management employees that are not currently using a City-provided cellular telephone will be approved to receive a \$50 monthly allowance.

FINANCIAL CONSIDERATIONS

The Operating Budget for Fiscal Year 2003-2004 contains funding for the projected cost associated with the recommendations cited in this report. Specifically, the annualized cost, including payroll burden, is listed below:

<u>Recommendations</u>	<u>Projected Cost</u>
Exempt Management Salary Adjustments	\$920,000
Confidential/Administrative Salary Adjustments	\$288,000
Non-Career Salary Adjustments	\$246,000
Exempt Management Technology Allowance	\$91,800
Total	\$1,545,800

ENVIRONMENTAL CONSIDERATIONS

This report covers personnel issues. There are no proposals or projects that would potentially effect the environment as stated in related provisions of the California Environmental Quality Act.

POLICY CONSIDERATIONS

This report, and the proposals contained herein, promotes the City Council's intent as stated in our Strategic Plan. Specifically, the guiding principals include a commitment to attract, retain, and develop a highly qualified and diverse workforce.

ESBD CONSIDERATIONS

None applicable

Respectfully Submitted,



TERRENCE L. WOODS
Director of Human Resources

Recommendation Approved:



ROBERT P. THOMAS
City Manager

Attachments

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3.45

RESOLUTION NO. 2003-445
ADOPTED BY THE SACRAMENTO CITY COUNCIL

APPROVED
JUN 24 2003
OFFICE OF THE
CITY CLERK

ON DATE OF _____

A RESOLUTION APPROVING THE CITY MANAGER'S REPORT DATED JUNE 17, 2003,
RECOMMENDING COMPENSATION AND POLICY CHANGES FOR UNREPRESENTED
EMPLOYEES AND OFFICERS.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SACRAMENTO THAT:

The City Manager's report dated June 17, 2003, recommending compensation and policy changes for unrepresented employees and officers, is hereby approved in full.

MAYOR

ATTEST:

CITY CLERK

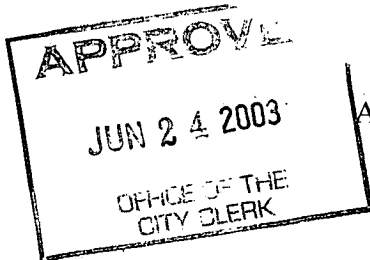
FOR CITY CLERK USE ONLY

RESOLUTION NO.: _____

DATE ADOPTED: _____

(6)

3.45B



RESOLUTION NO. 2003-446

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

A RESOLUTION AMENDING A PERSONNEL RESOLUTION COVERING GENERAL ADMINISTRATIVE PROVISIONS, HOURS OF WORK, AND OTHER TERMS AND CONDITIONS OF EMPLOYMENT FOR OFFICERS AND EMPLOYEES NOT REPRESENTED BY A RECOGNIZED EMPLOYEE ORGANIZATION, AND REPEALING RESOLUTION NUMBER 2003-086 AND RESOLUTION NUMBER 87-208 WHICH COVER THE SAME SUBJECT MATTERS, IN WHOLE OR IN PART.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SACRAMENTO AS FOLLOWS:

1. Resolution No. 2003-086 covering general administrative provisions, hours of work and other terms and conditions of employment for officers and employees not represented by a recognized employee organization is hereby repealed as of the effective date of this Resolution.
2. This resolution repeals Resolution No. 87-208 and any other resolution related to appointment authority for certain secretarial/clerical positions assigned to the Office of the Mayor or Members of the Council, as of the effective date of this Resolution.
3. The Personnel Resolution covering general administrative provisions, hours of work, and other terms and conditions of employment for officers and employees not represented by a recognized employee organization shall be as set forth in the attached Exhibit "A," effective June 28, 2003.
4. The City Manager is authorized to make minor changes or adjustments to this resolution in order to correct omissions and errors.

MAYOR

ATTEST:

CITY CLERK

FOR CITY CLERK USE ONLY

RESOLUTION NO.: _____

DATE ADOPTED: _____

EXHIBIT "A"

PERSONNEL RESOLUTION
COVERING
UNREPRESENTED OFFICERS AND EMPLOYEES

June 24~~February 21~~, 2003

ARTICLE 1
GENERAL ADMINISTRATIVE PROVISIONS

1.1 APPOINTING AUTHORITY

a. For the City of Sacramento, appointing authority is vested with the Mayor, City Council members, and Charter Officers and, for secretarial/clerical positions in the Mayor and Council office, the Council Operations Manager. Subject to the Rules and Regulations of the Civil Service Board, Council-adopted resolutions and administrative policy instructions, appointing authority provides for the ability to hire employees in classifications that are:

- 1) Unrepresented, (or represented);
- 2) Subject to Civil Service Rules and Regulations or exempt from such Rules;
- 3) Career or non-career; and
- 4) Exempt Management.

Subject to delegation of authority from the Mayor and City Council, the Council Operations Manager is authorized to appoint candidates who fill secretarial support positions assigned to the Mayor and Councilmember offices.

b. Consistent with the adopted City Classification Plan, appointing authority also provides for the ability to:

- 1) Allocate full-time equivalent positions to specific job classifications and to establish rates of pay for incumbents in those classifications, subject to the approved Budget Resolution and administrative policy;
- 2) Change the number of exempt management positions under their administrative jurisdiction, so long as their total exempt management salary budget does not increase; and
- 3) Adjust the salary of individual exempt managers or positions, so long as the total exempt management salary budget for each department does not increase.

1.2 RATE OF COMPENSATION UPON RETURN TO CITY SERVICE

An employee recalled after layoff, reinstated after a leave of absence, or reemployed after resignation shall return at the same rate of pay unless such rate is below the minimum of the classification salary range. This provision shall not be applicable to management employees.

1.3 SALARY CONTINUATION FOR ABSENCES LESS THAN ONE DAY

A salaried employee exempt from the minimum wage and overtime provisions of the Fair Labor Standards Act who works for only a portion of the day shall not have his/her salary reduced that day due to insufficient accrued, useable leave.

1.4 CHARTER OFFICER SALARIES

The salaries for the City Manager, City Attorney, City Treasurer, and City Clerk shall be modified only by City Council action and approval.

1.5 STAFF AIDE POSITIONS

The classification of Staff Aide, Exempt Management or Staff Aide, Confidential/Administrative, may be used when a classification is needed either pending establishment of a regular classification or a position is funded for a limited time and no appropriate classification exists. A person may be appointed to such classification for a maximum period of twelve (12) months. The salary shall be established by the City Manager.

~~1.6 CHIEF ASSISTANT CITY ATTORNEY CLASSIFICATION~~

~~Effective January 4, 2000, the classification of Chief Assistant City Attorney was created for a time certain as an exempt management position. Until such time as the classification is abolished, it shall be compensated at a rate of pay equivalent to the rate authorized for Deputy City Manager, provided such rate is at least five percent (5%) below rate for the City Attorney.~~

ARTICLE 2
FRINGE BENEFITS AND DEFERRED COMPENSATION

2.1 FRINGE BENEFIT PLAN

The fringe benefit plan for the ~~Mayor, City Councilmembers,~~ exempt management, and confidential/administrative employees shall be as follows:

a. Basic Life Insurance

City-paid basic life insurance shall be:

<u>Group</u>	<u>Amount</u>
Confidential/Administrative	\$10,000
Management	\$50,000
City Councilmembers Charter Officers	\$100,000
Mayor City Manager	\$150,000

b. Long-Term Disability Insurance

Management employees shall receive City-paid long-term disability insurance.

c. Health and Welfare Contribution (City Dollars)

~~(1) The Mayor, City Council members shall receive a monthly health and welfare contribution of \$695 which may be applied to City sponsored health and dental plans, member retirement contribution, and deferred compensation.~~

(12) The City Manager, City Attorney, City Clerk and City Treasurer shall receive a monthly health and welfare contribution and a ten percent (10%) of base salary optional benefit plan which should be combined and shall be applied, first, to a member's retirement contribution (if any), up to the maximum of such retirement contribution and, second, the premiums for City-sponsored health and dental plans and short-term disability plans for eligible employees and qualified dependents, if any. To the extent not applied toward the employee's retirement on behalf of an eligible employee under the City's flexible spending account pursuant to the City's Internal Revenue Code Section 125 Cafeteria Plan or paid in cash to the employee, as directed by the employee. If the City's contribution allocated to any pay period is less than the amount needed to pay for the employee's retirement contribution and insurance coverage, the City shall deduct on a pre-tax basis from the employee's paycheck the balance of the amount needed for such purposes.

(23) Optional Benefit Plan

(a) Police safety management employees shall receive a monthly health and welfare contribution and a nine percent (9%) of base salary optional benefit plan, and all other miscellaneous management employees shall receive a monthly health and welfare contribution and a seven percent (7%) of base salary optional benefit plan which shall be combined and shall be applied, first, to the employee's retirement contribution (if any), up to the maximum of such retirement contribution, and, second, the premiums for City-sponsored health and dental plans, and short-term disability plans for eligible employees and qualified dependents, if any. To the extent not applied toward the employee's retirement contribution or insurance coverage premiums, such contribution may be applied on behalf of an eligible employee under the City's flexible spending account pursuant to the City's Internal Revenue Code Section 125 Cafeteria Plan or paid in cash to the employee, as directed by the employee. If the City's contribution allocated to any pay period is less than the amount needed to pay for the employee's retirement contribution and insurance coverage, the City shall deduct on a pre-tax basis from the employee's paycheck the balance of the amount needed for such purposes.

(b) Effective June 30, 2001, for Fire safety management employees, the City will eliminate the nine percent (9%) optional benefit and thereafter shall pay up to nine percent (9%) of the member contribution to the PERS retirement plan on behalf of the

management employees. Such payments shall be reported to PERS as additional compensation for the purpose of retirement benefit calculations. In addition, Fire safety management employees shall receive a monthly health and welfare contribution, which shall be applied, first, to the employee's retirement contribution (if any), up to the maximum of such retirement contribution, and, second, the premiums for City-sponsored health and dental plans, and short-term disability plans for eligible employees and qualified dependents, if any. To the extent not applied toward the employee's retirement contribution or insurance coverage premiums, such contribution may be applied on behalf of an eligible employee under the City's flexible spending account pursuant to the City's Internal Revenue Code Section 125 Cafeteria Plan or paid in cash to the employee, as directed by the employee. If the City's contribution allocated to any pay period is less than the amount needed to pay for the employee's retirement contribution and insurance coverage, the City shall deduct on a pre-tax basis from the employee's paycheck the balance of the amount needed for such purposes.

- (34) Full-time career confidential/administrative employees shall receive a monthly health and welfare contribution and a three percent (3%) of base salary optional benefit plan which shall be combined and applied, first, to the employee's retirement contribution (if any), up to the maximum of such retirement contribution, and, second, the premiums for City-sponsored health and dental plans, short-term disability plans, and/or supplemental life insurance (in the amount of \$30,000) and additional supplemental life insurance (in the amount of \$10,000) for eligible employees and qualified dependents, if any. To the extent not applied toward the employee's retirement contribution or insurance coverage premiums, such contribution may be applied on behalf of an eligible employee under the City's flexible spending account pursuant to the City's Internal Revenue Code Section 125 Cafeteria Plan or paid in cash to the employee, as directed by the employee. If the City's contribution allocated to any pay period is less than the amount needed to pay for the employee's retirement contribution and insurance coverage, the City shall deduct on a pre-tax basis from the employee's paycheck the balance of the amount needed for such purposes.

(45) Amount of Contribution

Effective January 1, 2003, the City dollars will be contributed as follows:

- (a) For full-time confidential/administrative employees, the City shall contribute \$535 for employee only and employee plus one, and up to \$625 if enrolled in a health plan for employee plus two.
- (b) For exempt management employees, the City shall contribute \$565 for employee only and employee plus one, and up to \$655 if enrolled in a health plan for employee plus two.

- (c) For Charter Officers, the City shall contribute \$620 for employee only and employee plus one, and up to \$695 if enrolled in a health plan for employee plus two.
- (56) Employees in the classification of Fire Recruit and Student Trainee (Paramedic Intern) shall receive the same City monthly health and welfare contribution amount as provided for the classification of Firefighter. Employees in the classification of Police Cadet shall receive the same City monthly health and welfare contribution amount as provided for the classification of Police Officer. Employees in the classification of Dispatcher Recruit shall receive the same City health and welfare contribution amount as provided for the non-supervisory Dispatcher classification. Such health and welfare contributions may only be applied toward City-sponsored health and dental plans.
- (67) An employee who has a domestic partner, and is registered with the City Clerk, may cover the domestic partner under the employee's City-sponsored health plan. The employee will pay for the premium difference for the domestic partner coverage as an out-of-pocket employee cost. In no event will the City's monthly health and welfare contribution be used to pay for the cost of the domestic partner's coverage.
- (78) The definition of dependent child for purposes of health and dental insurance shall be an unmarried dependent child from birth to age 24 if the child qualifies as an exemption under Internal Revenue Service (IRS) rules and regulations. Dependent child includes a grandchild living in the employee grandparent's home, step-children, adopted children, wards and foster children provided they qualify as the subscriber's or subscriber's lawful spouse's dependent under IRS rules and regulations.

d. Cash-Back Limits

The cash-back of City dollars from the IRS Section 125 Plan shall be limited to career and exempt employees as follows:

- (1) For confidential/administrative employees, up to \$535 per month after retirement and IRS Section 125 benefits are deducted from that amount. Part-time employees shall be prorated.
- (2) For management employees, up to \$550 per month after retirement and IRS Section 125 benefits are deducted from that amount.
- (3) For Charter Officers, up to \$620 per month after retirement and IRS Section 125 benefits are deducted from that amount.

e. Insurance Over \$50,000

~~(1) The Mayor and City Councilmembers may purchase out-of-pocket supplemental life insurance in the amount of \$20,000 and additional supplemental life insurance in the amount of \$10,000.~~

(12) Management employees may purchase out-of-pocket supplemental life insurance in the amount of up to three (3) times annual salary and additional supplemental life insurance in the amount of \$10,000.

(23) Confidential/administrative employees may purchase out-of-pocket supplemental life insurance in the amount of up to three (3) times annual salary.

f. The fringe benefit plan shall be applicable to ~~the Mayor, City Councilmembers, and~~ full-time management and confidential/administrative employees. The fringe benefit plan, including management leave time, for employees who are less than full-time shall be established by the City Manager on a case-by-case basis, not to exceed the fringe benefit plan for comparable full-time employees.

2.2 FLEXIBLE SPENDING ACCOUNTS

The City has established the following Flexible Spending Accounts (FSA) as permitted by Internal Revenue Service Regulations:

- a. Out-of-pocket costs for City-sponsored health and dental insurance premiums; and
- b. Unreimbursed health care expenses up to \$4,800 per plan year effective each January 1; and
- c. Dependent care reimbursement.

Administrative costs shall be paid by the employees participating in (b) and (c).

2.3 DEFERRED COMPENSATION PLAN

~~The Mayor, City Councilmembers, m~~Exempt management, and confidential/administrative employees may participate in the City's Deferred Compensation 457 Plan as long as the deferred compensation salary limit is not exceeded.

2.4 RETIREES OR SURVIVOR DEPENDENTS

Eligible City retirees or survivor dependents shall receive City-paid health insurance contributions and dental insurance benefits under the following provisions:

a. Retiree Health Insurance Contribution Rates and Dental Insurance Benefits

Effective January 2002, the City will roll-in the available dental benefit to retiree health insurance and the City shall increase the total contribution to \$225 per month.

b. Employees Retiring on or After July 1, 1992

- (1) Except as provided below, to be eligible for the City contribution to health insurance and for the City-paid dental benefit for retiree only, the employee must retire from active service with a minimum of ten (10) full years of City service for a service or ordinary disability retirement, and be minimum age 55. Effective December 12, 2000, the minimum age shall be 50.
- (2) Employees retiring with thirty (30) or more years of service shall be eligible for the City's health insurance contribution and dental benefit effective with the date of retirement without regard to age.
- (3) The City's contribution for health insurance shall be as follows:
 - (a) Employees with a minimum of ten (10) full years of service but less than fifteen (15) full years of service shall be eligible to a maximum of fifty percent (50%) of the City's maximum health insurance contribution identified in subsection (a) above.
 - (b) Employees with a minimum of fifteen (15) full years of service but less than twenty (20) full years of service shall be eligible to a maximum of seventy-five percent (75%) of the City's maximum health insurance contribution identified in subsection (a) above.
 - (c) Employees with a minimum of twenty (20) full years of service shall be eligible for up to one hundred percent (100%) of the City's maximum health insurance contribution identified in subsection (a) above.
- (4) There shall be no eligibility for the City's health insurance contribution or dental benefit if the employee elects to take a deferred retirement.
- (5) There shall be no City-paid health insurance contribution or dental benefit for retirees with less than ten (10) full years of City retirement service.

c. Persons in Deferred Retirement Status as of January 1, 1991

Employees who have elected a deferred retirement prior to January 1, 1991 and who then elect to retire on or after July 1, 1992, shall be eligible for the City's health insurance contribution and dental benefit as follows:

- (1) A retiree with at least ten (10) full years of City service shall be eligible for fifty percent (50%) of the City's health insurance contribution as identified in subsection (a) above.

- (2) A retiree with twenty (20) full years or more of City service shall be eligible for one hundred percent (100%) of the City's health insurance contribution as identified in subsection (a) above.
- (3) Retirees must be at least 55 years of age. Effective December 12, 2000, retirees must be at least 50 years of age.
- (4) There is no eligibility to such health insurance contribution or dental benefit for retirees with less than ten (10) full years of City service or who have not attained the age minimum specified in subsection (b) above.

d. Industrial Disabled or Death in Line of Duty Survivors

Retirees who receive industrial disability pensions or death in-line-of-duty survivors will be entitled to one hundred percent (100%) of the City-paid health insurance contribution and dental benefit for retirees regardless of years of service.

e. Survivor Dependents Benefits

Survivor dependents of eligible employees or retirees shall be entitled to the same benefit amount, as the employee was eligible to at the time of death.

f. Medicare Supplement

In order to maintain eligibility for the City-paid retiree health insurance contribution, each eligible retiree shall enroll in Medicare Parts A and B immediately after becoming eligible for such benefits.

g. Limitation Clause

No employee or retiree shall have any rights provided by this Section 2.4 after June 25⁷, 2004³.

2.5 SECTION 401(A) MONEY PURCHASE PLAN

Effective January 3, 1998, the City shall establish an IRS Section 401(a) Plan, which shall be available as follows:

- a. For exempt management employees, the City will contribute four percent (4%) of salary to the 401(a) Plan and the employee shall contribute five percent (5%) of salary to the Plan. An employee may also contribute up to ten percent (10%) of additional after-tax dollars into the Plan. The vesting period for the City contribution shall be five (5) years with credit for prior continuous service. Effective January 1, 2004, the City shall amend this plan to eliminate the five (5) year vesting period.
- b. Employees must make an irrevocable election to participate in the Plan within ninety (90) days of employment and such election shall be final. If the election is to enter the Plan the effective date is retroactive back to the date of employment or January 3, 1998, whichever is later.

~~e. Effective June 30, 2001, the City will contribute \$175 per month to the Plan for the Mayor and Council members with no mandatory employee contribution. The Mayor and Council members may contribute up to ten percent (10%) of additional after tax dollars into the Plan. The City contribution shall be vested upon contribution. The Mayor and Council members shall be enrolled upon taking office.~~

2.6 PERS RETIREMENT PLAN AND CONTRIBUTION

a. Effective June 30, 2001, the City will amend its contract with the Public Employees Retirement System (PERS) for miscellaneous employees to provide for the following plan for all miscellaneous employees:

- Modified 2% at age 55
- One-year highest compensation
- 2% COLA
- 25% survivor continuation
- 50% industrial disability
- Military service credit
- Peace Corps service credit

b. Effective as soon as practicable, the City will amend its contract with the Public Employees Retirement System (PERS) for fire safety employees to provide for the following plan for fire safety management employees:

Tier I (PERS only)

- Modified 3% at age 55
- One-year highest compensation
- 2% COLA
- 50% survivor continuation
- 50% industrial disability
- Military service credit
- Peace Corps service credit

Tier II (SCERS Transferees)

- Modified 3% at age 55
- One-year highest compensation
- 3% COLA
- 50% survivor continuation
- 50% industrial disability
- Military service credit
- Peace Corps service credit

c. Effective as soon as practicable, the City will amend its contract with the Public Employees Retirement System (PERS) for police safety employees to provide for the following plan for police safety management employees:

- Modified 3% at age 50
- One-year highest compensation
- 2% COLA
- 50% survivor continuation
- 50% industrial disability
- Military service credit
- Peace Corps service credit

2.7 NON-CAREER BENEFITS

Except as provided herein, unrepresented non-career (+1,040) employees do not accrue benefits.

2.8 POOL SAFETY CLASSIFICATIONS

Effective June 30, 2001, employees holding classifications designated as pool safety positions may be eligible for additional compensation for qualifying work associated with the summer aquatics program. Such compensation is authorized solely for the purpose of recruiting and retaining qualified employees at City-operated swimming pools. Said employees shall be paid additional compensation as follows:

- a. Certification Fee Reimbursements. Upon submittal of documents showing successful completion of the required water safety courses and receipts showing fees paid, the City shall reimburse eligible employees up to \$200 for completing their certification course work.
- b. Recruitment Incentive. Upon successful completion of eighty (80) hours of work in a designated pool safety classification, the City shall pay eligible employees a lump sum amount of \$200.
- c. Retention Incentive. Upon successful completion of work during the entire summer aquatics season, the City shall pay eligible employees a lump sum amount of \$400.

2.9 POLICE BACKGROUND ASSISTANT

Retention Incentive. For the classification of Police Background Assistant, a retention program is authorized. The program provides an incentive payment of up to \$1440 per calendar year as needed to attract and retain employees in this classification. The payment shall be made in to equal parts, after 450 hours and then after 900 hours of paid ~~work~~-time actually worked during a calendar year.

2.10 LONGEVITY PAY

a. Employee Eligibility

For the purpose of determining the year of employee eligibility for longevity pay as provided under Section 108 of the City Charter, only continuous full-time service shall be considered.

- (1) Where beginning employment may be intermittent with separate periods of employment in relief, seasonal, limited-term, temporary or part-time positions, only that period of intermittent employment (but excluding employment in part-time positions) immediately preceding the date of regular full-time continuous employment and without loss of time shall be considered.
- (2) Leaves of absence without pay shall not constitute a break in service, except such time on leave without pay, when it exceeds twenty (20) working days in a calendar year, shall be deducted in determining the year for an employee's eligibility. Leaves of absence granted for military service shall be considered as full-time continuous service.
- (3) Time taken off without pay, where formal leave of absence is not required, aggregating twenty (20) or fewer days in a calendar year shall not constitute a break in service and shall be disregarded in computing the year for an employee's eligibility. However, if such time taken off without pay exceeds twenty (20) days in any calendar year, the total amount of time so taken off without pay shall be deducted in determining the year for an employee's eligibility, but shall not constitute a break in service.
- (4) Where employment is terminated by resignation or discharge and the employee is subsequently reemployed, such time accumulated prior to resignation or discharge shall be forfeited, unless the employee is reinstated, in which case the time absent from City service shall not be considered as a break in service, but shall be deducted in determining the year for an employee's eligibility.
- (5) A layoff shall not constitute a break in service and the time accumulated prior to the layoff shall be added to the time after reinstatement for determining the year for an employee's eligibility.
- (6) Persons who become City employees pursuant to the provisions of City Charter Section 93 shall receive credit for time accumulated in the employment of the district, for purposes of determining the year for employee eligibility.

b. Payment After Eligibility

Once it has been determined that an employee is eligible for longevity pay, he/she shall receive the allowance as prescribed.

- (1) When authorized leave of absence or time off aggregating twenty (20) or more working days is taken during any employment year, longevity payment in the July following shall be made on a pro rata basis.

- (2) Upon entrance of an employee into military service, or where an employee is granted a leave of absence following expiration of sick leave credits, such employee shall be paid, in the month of July following the date such leave begins, such longevity pay earned from his/her anniversary date of employment to the date such leave begins, on a pro rata basis, but not to exceed the maximum yearly allowance. Such employee shall not thereafter receive longevity pay until his/her return to City service, when he/she shall receive, in the month of July first following his/her return, the pro rata portion of longevity pay from the date of return.
- (3) Upon death or retirement of an employee, such employee shall be entitled to receive the pro rata portion of longevity earned on the date of death or retirement, but not to exceed the maximum yearly allowance; in all other cases of termination, longevity pay which would have been paid in the July following had employment continued, shall be forfeited, and there shall be no pro rata payment for longevity.
- (4) The longevity pay granted in July of any year shall be considered to have been earned during the preceding employment year ending on or prior to July 1 of each year.
- (5) All payments for longevity shall be made on the payday covering the first full pay period in July of each year, except as provided under (3) of this Section.

ARTICLE 3
LEAVES

3.1 VACATION

- a. Employees shall be entitled to vacation allowances pursuant to the provisions of Section 107 of the City Charter. Based on length of City service, the annual vacation allowances are:

<u>Annual Vacation Allowance</u>	<u>Length of Service</u>
10 days	1 to 5 years
15 days	6 to 15 years
20 days	16 or more years

- b. Vacation allowance administration shall be in accordance with the rules and regulations of the Civil Service Board, unless an exception is authorized by the City Manager under appropriate circumstances.



3.2 HOLIDAYS

a. Holiday Hours for Fire Management

- (1) Fire Battalion Chiefs and Fire Assistant Chiefs assigned to fire suppression duty shall receive holiday benefits equal to, and on the same terms and conditions as, those holiday benefits granted by the City to employees in the Fire Department Unit. Such employees shall not receive any other holiday benefits under this Section.
- (2) Fire Assistant Chiefs not assigned to fire suppression duty shall receive, for so long as they hold such assignments, 127.4 holiday hours per fiscal year, for which they shall be paid in cash, with their regular paycheck, in twenty-six (26) equal bi-weekly installments. Such employees shall be eligible to receive the recognized holidays but not the floating holidays under this Section.

b. Holiday Hours for Police Captains

Police Captains regularly scheduled to work on a recognized holiday shall receive holiday credit for the hours worked on the holiday. Holiday credit accumulations shall be limited to a maximum carry-over of forty (40) hours from the preceding calendar year. Effective the pay period which includes January 8 of each year, earned holiday hours in excess of forty (40) shall be paid to the employee in cash at the employee's regular rate of pay for that pay period, unless an exception is authorized by the City Manager under appropriate circumstances.

c. Recognized Holidays

Except as otherwise provided, the following shall be recognized holidays for eligible employees:

<u>Holiday</u>	<u>Date</u>
New Year's Day	January 1
Martin Luther King's Birthday	Third Monday in January
Washington's Birthday	Third Monday in February
Cesar Chavez' Birthday	Last Monday in March
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	First Monday in September
Veteran's Day	November 11
Thanksgiving Day	Fourth Thursday in November
Day after Thanksgiving	Friday after Thanksgiving
Christmas Eve (4 hours)	December 24
Christmas Day	December 25
New Year's Eve (4 hours)	December 31

d. Eligibility

- (1) To be eligible for holiday pay, the employee shall work the scheduled workday before and after the recognized holiday. Paid time on vacation, sick leave, compensating time off, or management leave time shall be considered hours worked for the purpose of holiday pay eligibility.
- (2) A part-time career employee, including an employee in a work-sharing program, or a non-career (+1,040) employee shall receive the recognized holiday benefit based upon the number of hours the employee was paid in that workweek as follows:

<u>Number of Recognized Holidays in the Workweek</u>	<u>Minimum Number of Paid Hours in the Workweek</u>	
	<u>50% Benefit</u>	<u>100% Benefit</u>
0.5	18	28.8
1.0	16	25.6
1.5	14	22.4
2.0	12	19.2

An employee paid for less than the minimum number of hours required for the 50% benefit shall receive no recognized holiday benefit.

- (3) Non-career (-1,040) employees shall not receive recognized holiday benefits.

e. Monday-Friday Schedule

If an employee's scheduled days off are Saturday and Sunday during a standard City workweek in which a recognized holiday falls, the following shall apply:

- (1) If the recognized holiday falls on a Saturday, the preceding Friday shall be considered the employee's holiday.
- (2) If the recognized holiday falls on a Sunday, the following Monday shall be considered the employee's holiday.

f. Weekend Schedule

If an employee's scheduled days off are other than Saturday and Sunday during the standard City workweek in which a recognized holiday falls, the following shall apply:

- (1) The actual dates as listed above shall be considered as the employee's holiday.
- (2) If the recognized holiday falls on the employee's scheduled day off, the employee shall accrue holiday credit for the hours of the holiday benefit.

g. Accrual of Leaves Over 24 Pay Periods

The accrual of leaves shall occur over twenty-four (24) pay periods per year, which shall be the first two (2) pay periods of each month. Leave accrual rates for each pay period in which accrual occurs shall be as specified in Section 3.2(i)(1), 3.4(a), and 3.11(a) and (b) below.

h. Holiday Credit Accumulation

Employees may accumulate holiday credit up to a maximum of eighty (80) hours. Holiday credit may be taken by the employee at the discretion of the department head.

i. Floating Holidays

(1) Accrual

(a) In addition to the recognized holidays specified above, except as provided below, employees shall receive the equivalent of two (2) floating holidays per fiscal year on an accrual basis as follows:

(i) Each full-time career or management employee shall accrue floating holiday credit at the rate of forty (40) minutes per pay period. The employee shall accrue floating holiday credit for each pay period for which the employee is paid one or more hours of salary.

(ii) A part-time career or management employee, including an employee in a work sharing program, or a non-career (+1,040) employee shall accrue floating holiday credit based upon the number of hours the employee was paid in that bi-weekly pay period: 64 or more hours paid = forty (40) minutes accrual; 40-63.9 hours paid = twenty (20) minutes accrual; less than 40 hours paid = 0 minutes accrual.

(b) Non-career (-1,040) employees shall not receive floating holiday benefits.

(2) Administration

(a) The scheduling of floating holiday time must be approved in advance by the Appointing Authority or designated representative.

(b) An employee may carry-over from the preceding calendar year a maximum of eight (8) hours of floating holiday accrual. Except for the eight (8) hour carry-over, all accumulated floating holiday time not used by the end of the pay period which includes January 8 shall be paid to the employee in cash at the straight-time rate on the payday covering that pay period.

(c) An employee terminating for any reason or going on a leave of absence without pay for a period exceeding ninety (90) days shall be paid for all accrued floating holiday time at the straight-time rate.

3.3 MANAGEMENT LEAVE TIME

- a. Management employees exempt from the provisions of the Fair Labor Standards Act shall not accrue compensating time off or earn overtime pay for time worked in excess of eight (8) hours per day or forty (40) hours per week, but shall be expected to devote as much time to their employment as may be necessary for the efficient operation of City government.
- b. Such employees shall be credited with forty (40) hours of management leave time on July 1 of each fiscal year. Employees appointed after July 1 of a fiscal year shall be entitled to a pro rata share of forty (40) hours of management leave time based upon the number of full months remaining in that fiscal year. Management leave time shall be useable upon being credited, subject to the approval of the immediate supervisor.
- c. Management leave time shall not accumulate from fiscal year to fiscal year. If an employee is unable to use all of his or her management leave time by the end of the pay period which is paid on the first paycheck in July, the employee shall be paid for the unused portion of such leave time at the regular rate of pay on that first paycheck.
- d. Upon separation from City service for any reason an employee shall be paid for all credited and unused management leave time at the employee's base hourly rate as of the date of separation.

3.4 SICK LEAVE

- a. A full-time employee shall accumulate sick leave credits at the rate of one day per month (4 hours per bi-weekly pay period) of employment which may be used at the discretion of the employee in the event of illness or injury which is not job-related; however, in accordance with the Rules of the Civil Service Board, one-third (1/3) of the accrued sick leave may be used after exhaustion of injury-on-duty time. Such usage shall not exceed the maximum amount of the employee's accumulation. A permanent part-time employee shall earn sick leave on a pro rata basis.
- b. An employee in active service of the City, eligible to accumulate sick leave credits, shall in January each year receive a cash payment for twenty-five percent (25%) of the unused portion of sick leave credits accumulated during the preceding calendar year from January 1 through December 31, provided the employee shall have to his/her credit on December 31 immediately preceding the date for payment, a total of at least sixty (60) sick leave days accumulated. The employee shall be paid for such percentage of sick leave accumulation at the rate of pay which the employee was receiving on January 1 of each year in which payment is made. The amount of time for which an employee is paid shall be deducted from the employee's total accumulation.

- c. Notwithstanding the above, an employee, otherwise eligible, may elect not to receive cash payments for accumulated sick leave by notifying the Department of Administrative Services, Payroll Section, in writing of such election no later than January 1 of each year.
- d. Upon termination of any employee eligible to accumulate sick leave credits for reasons of retirement, resignation, or layoff after service for a period of not less than two (2) years, or death, such employee (or those entitled by law to the possession of the estate of a deceased employee) shall receive payment for thirty-three and one-third percent (33-1/3%) of the total sick leave credits accumulated (to the nearest full day) by the employee on the date of such retirement, resignation, layoff, or death. No employee whose services are terminated by reason of discharge, or by reason of resignation or layoff prior to the completion of two (2) year's service, shall be eligible for payment of any portion of accumulated sick leave credits.
- e. Any employee who is laid off and receives payment for thirty-three and one-third percent (33-1/3%) of his/her total accumulated sick leave credits shall be credited with the remaining sixty-six and two-thirds percent (66-2/3%) of his/her accumulated sick leave credits if and when said employee is recalled. If said employee thereafter leaves City service after being recalled and is entitled to payment of his/her accumulated sick leave credits under this Section, said employee shall only receive payment for thirty-three and one-third percent (33-1/3%) of those sick leave credits which accrued after the date of recall.
- f. No payments made or sick leave credits accumulated shall be construed or deemed to constitute retirement benefits payable to employees of the City, or to create a contractual obligation between the City and its employees requiring future payments for accumulated sick leave, or to require that employees be granted leave of absence with pay during periods of illness. Sick leave benefits are not to be construed as a vested right.
- g. The Rules and Regulations of the Civil Service Board relating to the administration of sick leave privileges and benefits shall apply to all covered employees.

3.5 PARENTAL LEAVE

- a. The current Pregnancy Disability Leave Policy for female employees shall be replaced by a parental leave policy for both male and female employees with the following provisions:

- (1) Full-time career employees shall be eligible for a maximum City-paid parental leave of four (4) weeks consisting of up to one hundred-sixty (160) hours of continuous paid time off. Part-time career employees shall be eligible for up to eighty (80) hours of continuous City-paid time off during the four (4) week parental leave. Unused parental leave shall have no cash value. Non-career employees are not eligible for the four (4) weeks of City-paid parental leave.
- (2) To be eligible for the paid leave an employee hired on or before June 23, 1995 must have completed at least 2,080 hours of service from the most recent date of hire, or an employee hired on or after June 24, 1995 must have completed at least 6,240 hours of service from the most recent date of hire, preceding either (a) the birth of a child who resides with the employee and for whom the employee has legal custody, or (b) the adoption of a child under age four (4) who resides with the employee and for whom the employee has physical and legal custody. Court-appointed legal guardians and foster parents do not qualify for parental leave.
- (3) The use of parental leave must be initiated within four (4) months of childbirth or adoption.
- (4) Eligible employees shall have the right to only one leave of absence per pregnancy or adoption regardless of the number of children involved (e.g., twins). The duration of City-paid leave shall not change based on a change in employment status, such as from part-time to full-time career.
- (5) Upon return from parental leave on the date previously authorized, employees shall be reinstated in the former department and in the classification last held.
- (6) Eligible employees shall have the right to extend parental leave beyond the four (4) weeks of City-paid leave to the maximum six (6) months of leave by adding accrued and available hours of sick leave, vacation, compensatory time off (CTO), accrued holiday, and/or unpaid leave to their initial request for parental leave. The total period of absence from work, including the four (4) weeks of paid parental leave, shall not exceed six (6) months.
- (7) Paid parental leave shall be considered as time worked for purposes of eligibility for recognized holidays occurring during the leave.

3.6 INJURY-ON-DUTY

- a. The City Manager or designee shall administer the provisions of the City Charter governing benefits for City employees who incur injuries arising out of and in the course of their duties.
- b. In administering those provisions, the City Manager or designee shall determine the amount of credit to which the City is entitled as against workers' compensation benefits payable under the California Labor Code. In no event shall the credit so determined exceed that specified by the City Charter or the laws of the State of California.

- c. Where a career employee sustains an injury covered by workers' compensation and has utilized all of the one-year "injury-on-duty time" as provided under City Charter Section 253, or former City Charter Section 167, as the case may be, and consequently is receiving straight workers' compensation temporary disability payments, the employee will be allowed to utilize (while off work) accrued vacation time in addition to receiving workers' compensation payments. The employee must take a full day's vacation pay for each day off work. As a condition of so using such accrued vacation, however, the employee is required to continuously utilize accrued vacation until accrued vacation is exhausted or he/she returns to work, so that the employee is off the City payroll at the earliest possible date. This provision also applies to holiday pay accrued and vested.

3.7 COURT LEAVE

- a. When an employee is absent from work to testify in response to a properly served subpoena issued by a court of competent jurisdiction in a matter to which the employee is not a party, to serve on a jury, or to report for jury duty examination, the employee shall be granted pay for those hours which the employee is absent for such reason. The City may require the employee to elect to be on telephone alert for jury duty and remain on the job until such time as called to testify or serve jury duty. When an employee is required to be on telephone alert, the employee will cooperate with the court or jury commissioner and the City will be responsible to ensure that the employee is available. Pay for work time lost shall be computed at the employee's regular rate of pay at the time of such absence. The employee shall return all witness fees or jury remuneration received, less transportation allowance, to the City.
- b. If a swing shift or graveyard shift employee has served in excess of one-half the scheduled shift in court or on jury duty, the employee will notify the supervisor in advance of the start time so he/she will be excused from the shift. If the employee is in court or on jury duty less than one half the shift, the employee will be required to work.
- c. In lieu of the shift after service on court leave, a graveyard shift employee may request to take off the shift prior to court leave, provided that if the employee serves less than one-half of the shift, he/she will be required to use vacation or other leave accruals to cover the shift.
- d. To receive pay for work time lost, an employee must provide the City with a statement signed by an official of the court certifying the employee's service as a witness or juror or appearance in court for such purposes, the date or dates of attendance, the time released from attendance and the compensation paid exclusive of any transportation and subsistence allowance.
- e. When a non-career employee is regularly scheduled to work and is ordered to appear in court or report for jury duty, such employee shall be entitled to court leave benefits in accordance with the above-stated procedure.

3.8 DAILY HOUR VALUE

The hour value of a leave day for vacation, sick leave or other paid leave shall be 11.2 hours for Fire Battalion Chiefs and Fire Assistant Chiefs not assigned to fire suppression duty.

3.9 CATASTROPHIC LEAVE PLAN

- a. A benefit-qualified employee may donate to or receive from another benefit-qualified employee, usable vacation, floating holiday, management leave, or compensating time off hours. Participation in this plan shall be voluntary. Sick leave may not be donated under this plan.
- b. All donations shall be made and accepted in writing using City-provided forms.
- c. The donation in any category must be a minimum of eight (8) hours of usable time.
- d. Donations shall be on an hour-for-hour basis, regardless of the pay rates of the donor and recipient, except hours transferred between employees on the Fire suppression (56 hours) schedule and the non-Fire suppression (40) hours schedule shall be adjusted by a factor of 1.4 to 1.
- e. Hours to be donated shall be kept in a pledge status until used. As needed, pledged hours shall be debited from the donor's leave balance and credited to the recipient's usable vacation accrual balance. Once credited, the donation becomes irrevocable. A donor terminating for any reason shall be paid for pledged but unused leave time.
- f. Management employees may only receive donations from management employees. A non-management employee may not receive donations from a subordinate employee where a direct supervisor/subordinate relationship exists. Any exception to this paragraph must be approved by the City Manager or designee.
- g. To be eligible to use donations, an employee must:
 - (1) Be incapacitated and unable to work due to a prolonged catastrophic non-industrial illness or injury that is estimated to last for at least thirty (30) calendar days;
 - (2) have exhausted all usable balances, including sick leave;
 - (3) be on an approved leave of absence.
- h. All donated hours must be used on a continuous and uninterrupted basis and will be paid at the rate of pay and normal work schedule of the recipient, along with all usable hours accrued, until the earliest of the following events occurs:
 - (1) All leave balances, including both donated and accrued leave, are exhausted;
 - (2) The employee returns to work at his/her normal work schedule; or
 - (3) The employee's employment terminates.

- i. Donations received while a recipient is still utilizing previously donated and related accrued leave time may be used immediately thereafter. Hours donated subsequent to exhausting all donated hours shall be accumulated and utilized along with related accrued leave hours in amounts equal to the recipient's normal bi-weekly work hours.
- j. Used donated leave time shall count toward the application of City service and benefits in the same manner as when the employee is on paid vacation leave.
- k. Used donated leave time shall be subject to the recipient's normal payroll deductions.
- l. The City shall promulgate a policy and procedure to implement and administer catastrophic leave.

3.10 SACRAMENTO HOUSING & REDEVELOPMENT AGENCY (SHRA) TRANSITION

Employees who are transferred from employment at SHRA to the City as a result of restructuring, reorganizing or removal of services to the City shall be allowed to transfer the following accrued benefits from SHRA to the City:

- a. Eighty percent (80%) of sick leave balances after cash-out pursuant to Agency policy.
- b. Vacation balances up to one year of accrual at the employee's current rate on transition to the City.

3.11 PERSONAL TIME OFF FOR CONFIDENTIAL/ADMINISTRATIVE EMPLOYEES

a. Non-Exempt Accrual

In addition to the floating holidays specified in Section 3.2, each non-exempt confidential/administrative employee shall receive the equivalent of twenty-four (24) hours of annual paid personal time off on an accrual basis as follows:

- (1) Each full-time employee shall accrue personal time off credit at the rate of one hour per pay period. The employee shall accrue such credit for each pay period for which the employee is paid one or more hours of salary.
- (2) A part-time employee, including an employee in a work sharing program, or a non-career (+1,040) employee shall accrue personal time off credit based upon the number of hours the employee was paid in that bi-weekly pay period: 64 or more hours paid = one hour accrual; 40-63.9 hours paid - 30 minutes accrual; less than 40 hours paid = 0 minutes accrual.

b. Exempt Accrual

In addition to the floating holidays specified above, each exempt confidential/administrative employee shall receive the equivalent of thirty-two (32) hours of annual paid personal time off on an accrual basis as follows:

- (1) Each full-time employee shall accrue personal time off credit at the rate of one hour and 20 minutes per pay period. The employee shall accrue such credit for each pay period for which the employee is paid one or more hours of salary.
- (2) A part-time employee, including an employee in a work sharing program, or a non-career (+1,040) employee shall accrue personal time off credit based upon the number of hours the employee was paid in that bi-weekly pay period: 64 or more hours paid = one hour and twenty minutes accrual; 40-63.9 hours paid - forty minutes accrual; less than 40 hours paid = 0 minutes accrual.

c. Non-Career

Non-career (-1,040) employees shall not receive personal time off benefits.

d. Administration

Personal time off shall be administered in the same manner as specified above for floating holidays, except the eight (8) hour maximum carry-over shall apply to both floating holidays and personal time off in the aggregate.

3.12 EFFECT OF LEAVE OF ABSENCE WITHOUT PAY UPON COMPENSATION

Time spent on leave of absence without pay of ten (10) or less consecutive workdays shall not affect the pay adjustment eligibility during a rating period. Such leaves in excess of ten (10) consecutive working days, may affect eligibility during a rating period at the discretion of the Appointing Authority.

ARTICLE 4 REIMBURSEMENTS AND ALLOWANCES

4.1 REIMBURSEMENTS AND EXPENSES

a. Reimbursement for Use of Privately-Owned Vehicles

- (1) The City Manager may offer up to \$500 per month as reimbursement for the use of privately-owned vehicles on City business or as compensation in lieu of the use of City vehicles on City business for management employees.
- (2) ~~The Mayor and City Councilmembers shall receive \$550 monthly vehicle allowance and City provided parking.~~ The City Manager shall receive \$500 monthly vehicle allowance and City-provided parking.
- (3) Exempt confidential/administrative employees are eligible for City-provided parking. With the authorization of the City Manager, other employees may receive up to \$100 per month with or without City-provided parking.

- (4) Reimbursement for out-of-town travel shall be at the general mileage reimbursement rate (minus 25 miles for individuals receiving a monthly vehicle allowance) or comparable coach airfare, whichever is lower.
- (5) Any automobile operated on City business by any of the officials mentioned for use of the monthly vehicle allowance shall be insured against liability in persons and property, including wrongful death, in an amount no less than the minimum State of California required automobile coverage for bodily injury and property damage. The monthly vehicle allowance shall be in lieu of the payment of all mileage, except for out-of-county travel on official business of the City, and in lieu of the use of City-owned vehicles.

b. Monthly Bus Transportation Reimbursement

(1) Sacramento Regional Transit District (SRTD)

Full-time career civil service, exempt management, and exempt confidential/administrative employees who utilize SRTD for home-to-work transportation are eligible to receive an 80% City-paid SRTD monthly non-zone sticker pass. Part-time career civil service and exempt employees shall be eligible for a fifty percent (50%) price discount on the monthly non-zone sticker pass. The employee must notify the Department of Finance Finance, Revenue Division, prior to the first day of the month to obtain the monthly pass discount for that next month.

(2) Other Public Transportation

Eligible full-time employees, as described above, who regularly utilize other public transportation regulated by the Public Utilities Commission or the equivalent for home-to-work commuting are eligible for monthly transit pass reimbursement up to 80% of the cost. Eligible part-time employees, as described above, shall be eligible for a fifty percent (50%) monthly reimbursement. The employee must present the required proof of purchase to the Department of Finance Administrative Services, Revenue Division, prior to the first day of the month to obtain reimbursement.

(3) Transportation Allowance for Employees Assigned Downtown

Eligible full-time confidential/administrative employees, as described above who work in the downtown area, shall receive a \$45.00 per month transportation allowance. Part-time career confidential/administrative employees who work in the downtown area shall receive \$25.00 per month transportation allowance. Non-career employees shall not be eligible for the allowance.

(4) Transportation Allowance for Employees Not Assigned Downtown

Effective September 1, 2000, eligible full-time confidential/administrative employees, as described above, who work outside of the downtown area shall receive \$15.00 per month transportation allowance. New employees hired after August 29, 2000 shall not be eligible for the allowance.

c. Expense and Subsistence Allowance

~~(1) The sum of \$525 per month is established as a City expense reimbursement allowance for the City Councilmembers, other than the Mayor, for which no vouchers need be furnished.~~

~~(2) The sum of \$900 per month is established as a secretarial expense allowance for the Mayor, for which no vouchers need be furnished.~~

~~(3) The sum of \$250 per month is established as an expense allowance for the Mayor to serve as the Chair of the Sacramento Housing and Redevelopment Agency for which no vouchers need be furnished.~~

(4) The sum of \$400 per month is established as a City expense reimbursement allowance for the City Manager for which no vouchers need be furnished. The sum of \$350 per month is established as a City expense reimbursement allowance for the City Attorney and the City Treasurer for which no vouchers need be furnished. The sum of \$100 per month is established as a City expense reimbursement allowance for the City Clerk for which no vouchers need be furnished.

~~(5) The sum of \$500 per month is established as a City technological/communications allowance for the Mayor and City Councilmembers for the purchase, service, and maintenance of telecommunications, computer equipment, and/or other business related electronic devices for which no vouchers need to be furnished.~~

4.2 SAFETY UNIFORM ALLOWANCE

a. Safety management personnel employed in the Police Department shall receive a uniform allowance equal to, and on the same terms and conditions as, the uniform allowance granted to employees in the Police Department Unit.

b. Safety management personnel employed in the Fire Department shall receive a uniform allowance equal to, and on the same terms and conditions as, the uniform allowance granted to employees in the Fire Department Unit.

c. The emergency communications managers, and the manager of the Police Department Records Division shall receive a uniform allowance equal to, and on the same terms and conditions as, the uniform allowance granted to dispatchers in the Police Department Unit.

4.3 TUITION REIMBURSEMENT

Career employees will be reimbursed for the cost of tuition up to a maximum of \$750.00 per calendar year, pursuant to the City's existing policy for such education reimbursement.

4.4 STATE OF CALIFORNIA BAR DUES

The actual cost of mandatory State Bar dues shall be paid for employees in attorney classifications in the City Attorney's Office. In the sole discretion of the City Attorney, the City Attorney may approve reimbursement, from the budget of the employing department, for other licensed city employee attorneys whose legal skills and abilities represent a significant benefit to the City. The City Attorney may authorize such reimbursement after the paying department has produced documentation showing payment was made by the employee receiving the reimbursement.

4.5 REQUIRED LICENSES AND CERTIFICATIONS

Where the City requires that an employee maintain a license and/or certification, the Department Head or designee may, on a case-by-case basis, reimburse the employee for costs associated with the renewal of such license. This action shall not apply to driver licenses.

4.6 CONTINUING EDUCATION

When the City requires that an employee maintain a license or certificate, which mandates continuing education (CEU) to maintain the license or certificate, the employee is responsible for obtaining the CEUs. The City may provide the needed CEUs or reimburse the employee for the cost of such training.

4.7 BILINGUAL PAY

- a. The City may authorize bilingual pay when it is determined to be necessary for the operation. The City shall determine what languages are appropriate for such pay and the number of employees to be certified. To be eligible for bilingual pay the employee must be determined to be verbally proficient, and if necessary for the assignment, proficient in the written language. The City will arrange the certification and testing process and authorize the bilingual pay.
- b. Bilingual pay shall be paid at the rate of \$20 bi-weekly for any pay period in which the employee is certified. An employee who is receiving bilingual pay may be required to provide assistance to any City operations.

4.8 TECHNOLOGY ALLOWANCE

- a. Effective August 9, 2003, or as soon as practicable thereafter, Charter Officers and all exempt management employees shall be authorized a monthly technology allowance of up to \$50. At the discretion of the Appointing Authority or, as delegated by the City Manager to a department head, a technology allowance may be approved for an exempt management employee in lieu of using a City-provided cellular telephone. Use of City-provided cellular telephones shall be discontinued upon receipt of the technology allowance by the employee.

- b. Upon approval of the monthly technology allowance, the employee shall obtain, at his or her own expense and as a private individual, a personal cellular telephone and monthly cellular service contract that may be used to conduct City-related business. The employee shall publish and/or provide the cellular telephone number to designated individuals and organizations with whom the employee normally conducts City-related business.
- c. The exempt management employee shall be generally accessible via his or her cellular telephone for the conduct of City-related business.

ARTICLE 5
HOURS OF EMPLOYMENT AND OVERTIME

5.1 HOURS OF EMPLOYMENT

- a. The work period for employees shall begin at 12:01 a.m. Saturday, and end at 12:00 midnight the following Friday. The normal workweek for full-time employees, except for management employees, shall consist of forty (40) hours of work during the seven (7) day work period.
- b. The normal workweek shall not apply to management employees exempt from the provisions of the Fair Labor Standards Act who are expected to work whatever time is required to perform the duties of their positions.
- c. The workweek for part-time employees shall be determined by the Appointing Authority.

5.2 VOLUNTARY WORK FURLOUGH/REDUCED WORKWEEK PROGRAM

The City's Voluntary Work Furlough/Reduced Workweek Program shall be applicable to unrepresented full-time career employees on the same terms as apply to represented employees. The optional benefit plan of eligible employees shall not be reduced or pro-rated by participation in such work reductions.

5.3 OVERTIME FOR CONFIDENTIAL/ADMINISTRATIVE EMPLOYEES

- a. Confidential/administrative and non-career employees who are required to work in excess of eight (8) hours per day or forty (40) hours per week or on a recognized holiday shall be compensated for such overtime with pay at one and one-half (1-1/2) times the applicable rate of pay in cash payment or compensating time off (CTO) as determined by the Appointing Authority.

- b. The Appointing Authority may, with prior agreement of a confidential/administrative employee, establish a flexible work schedule consisting of more than an eight (8) hour day in a forty (40) hour workweek. In such a schedule, the overtime rate after eight (8) hours per day as set forth above shall not apply.
- c. Absence with pay shall be counted as time worked. Time worked in excess of eight (8) hours in a day or on a recognized holiday shall not be included in determining whether an employee has worked in excess of forty (40) hours in a week.
- d. Employees may accrue up to one hundred and twenty (120) hours of CTO. The City may cash out those CTO hours accumulated in excess of eighty (80) hours at any time provided that the use of such time off has not been previously approved.
- e. The use of accrued CTO shall be at the discretion of the Appointing Authority. Employees who request use of accrued CTO shall be permitted to use such time within a reasonable period after making the request if the use of CTO does not unduly disrupt the operations of the work unit.
- f. Upon termination from City service, employees shall be paid for any unused CTO hours at the applicable rate of pay.

5.4 OVERTIME FOR NON-CAREER EMPLOYEES

- a. Non-career employees who are required to work in excess of forty (40) hours per week shall be compensated for such overtime with pay at one and one-half (1-1/2) times the applicable rate of pay in cash payment.
- b. The Appointing Authority may establish a flexible work schedule consisting of more than an eight (8) hour day in a forty (40) hour workweek.

ARTICLE 6 MISCELLANEOUS

6.1 OFF-DUTY EMPLOYMENT OF EXEMPT EMPLOYEES

- a. Exempt employees shall not engage in any other employment, work, profession, business or enterprise that is inconsistent, incompatible, in conflict with or adversely affects the performance of their duties, or that is inimical to the most effective performance of the mission of City management or the best interests of the City.
- b. Exempt employees shall not accept any off-duty employment without the express consent, in advance, of the City Manager or designated representative.
- c. An exempt employee shall not work:
 - (1) In any employment which will tend to bring discredit upon City management, or which is detrimental to City goals, or which will reduce an individual's efficiency or usefulness as a City employee.

- (2) In any employment requiring an affiliation, membership or allegiance tending to influence conduct in a manner inconsistent with the proper discharge of responsibilities to the City or the public interest.
 - (3) In any employment for any other municipality or political subdivision of the state or federal government (except by express permission of the City Manager).
 - (4) In any off-duty position while on sick leave or injured-on-duty status.
- d. An exempt employee may request authorization for off-duty employment by forwarding a letter of request in duplicate to his/her department head. The letter should provide details concerning the type of employment, expected duration of employment, and the employer's name. Department heads and members of the City Manager's immediate staff will submit personal requests directly to the City Manager for approval.
 - e. The department head will notify each exempt employee of action taken on the request for off-duty employment by indicating such action on the letter of request and returning it to the individual. A copy of the letter will be retained in the office of the department head. The City Manager will take similar action on personal requests by department heads and members of the City Manager's immediate staff.
 - f. Authorization for off-duty employment may be revoked by the department head at any time it has been determined that the provisions of this Section have not been followed. The department head will notify the employee, by letter, of actions taken to revoke previous authorization for off-duty employment.
 - g. Part-time, seasonal, or limited-term employees are not subject to the restrictions of this Section.

6.2 APPOINTMENTS

a. Non-Career Appointment to a Career Classification

A non-career employee appointed to a career classification may be released from his or her position at the discretion of the Appointing Authority at any time without right of appeal. Such release shall be confirmed in writing.

b. Exempt Appointments

Nothing in this Resolution shall be construed to be an express or implied covenant or contract, or to create a property right or tenure for any person appointed to positions that are exempt from the classified service. Exempt employees serve at the pleasure of the Appointing Authority. Consequently, just cause is not required for discipline, and there are no appeal rights.

c. Limited-Term Appointments

The City may, due to extraordinary circumstances, extend a twelve-month limited-term appointment to an additional twelve (12) months provided the City complies with the following:

- (1) The employee is not laid off after the expiration of the initial twelve-month appointment; and
- (2) The employee continues to be benefit-qualified for the duration of the extended appointment.

6.3 CITY VEHICLE RETENTION

The City Manager may authorize overnight home retention of City vehicles for public safety assignments, on-call assignments, and other special or emergency assignments.

6.4 PAYROLL ERRORS

- a. In the event an error has been made, including but not limited to the payment of an employee's salary, overtime payment or leave accruals, balances or usages, the City shall, for purposes of future compensation, adjust such compensation to the correct amount, giving written notice to the employee.
- b. In the event an employee received an overpayment, reimbursement to the City shall be accomplished by:
 - (1) Lump sum payment by the employee;
 - (2) A one-time deduction from useable vacation, compensating time off (CTO), or holiday credit balances equivalent to the overpayment at the employee's current hourly rate;
 - (3) A repayment schedule through payroll deduction; and/or
 - (4) Other means, as may be mutually agreed between the parties.

No repayment schedule shall exceed fifty-two (52) pay periods in duration, except that if the employee does not agree to a voluntary repayment schedule, the overpayment collection shall not exceed twenty-six (26) pay periods.

- c. No action shall be taken to enforce repayment of an overpayment, or to correct an underpayment, unless action is taken within two years from the ending date of the pay period in which the error is discovered. "Action is taken" as used in this Section shall mean written notice to the employee in the case of an overpayment, or written or oral notice to the City in the case of an underpayment error.

6.5 MODIFIED/ALTERNATIVE DUTY POLICY

A Modified/Alternative Duty Policy shall be applicable to eligible employees who have been injured on-the-job.

6.6 TELECOMMUTING PROGRAM

Confidential/administrative employees may participate, at the discretion of the Appointing Authority, in the City's Telecommuting Program.

6.7 DISCOUNTED PARKING RATES

Effective July 1, 2000, discounted parking will be available to confidential/ administrative employees, on a first-come, first-serve basis, for parking spaces on the fifth and sixth floors of Lot "I" at a cost of seventy percent (70%) of the regular monthly Lot "I" rate. This provision shall remain in effect until further notice by the City.

6.8 LETTER OF REPRIMAND

- a. A letter of reprimand issued to a civil service employee on or after June 24, 1995, shall not be appealable to the Civil Service Board, except the employee may have an administrative review of the reprimand by submitting a request in writing within seven (7) calendar days to the Director of Labor Relations. The Director or designee will schedule a private meeting within seven (7) calendar days of receipt of the written request to hear the employee's response. A final written decision will be rendered by the Director or designee within seven (7) calendar days of the meeting.
- b. Such letter will be withdrawn from an employee's official personnel file two (2) years from the date of issue provided there has not been additional formal discipline imposed during the two-year period.

6.9 RETIREE COURT APPEARANCE FEES

A retired City employee who is subpoenaed to appear in court on behalf of the City in his or her capacity as a former City employee shall receive a court appearance fee if the employee reports at the time specified for his or her particular testimony regardless of whether the employee is ultimately required to testify. The court appearance fee shall be one hundred twenty-five dollars (\$125) for a full day or seventy-five dollars (\$75) for a half day, which is defined as four (4) hours or less. Nothing herein shall serve to establish an employment relationship for any purpose, including, but not limited to, employee benefits, reimbursements, compensation, court cancellation fee, or any other rights.

6.10 APPLICABILITY

The terms of this Resolution shall apply to all unrepresented employees of the City, and where applicable, to elected officials.

PERSONNEL RESOLUTION
COVERING
UNREPRESENTED OFFICERS AND EMPLOYEES

June 24, 2003

ARTICLE 1
GENERAL ADMINISTRATIVE PROVISIONS

1.1 APPOINTING AUTHORITY

a. For the City of Sacramento, appointing authority is vested with the Mayor, City Council members, and Charter Officers and, for secretarial/clerical positions in the Mayor and Council office, the Council Operations Manager. Subject to the Rules and Regulations of the Civil Service Board, Council-adopted resolutions and administrative policy instructions, appointing authority provides for the ability to hire employees in classifications that are:

- 1) Unrepresented, (or represented);
- 2) Subject to Civil Service Rules and Regulations or exempt from such Rules;
- 3) Career or non-career; and
- 4) Exempt Management.

Subject to delegation of authority from the Mayor and City Council, the Council Operations Manager is authorized to appoint candidates who fill secretarial support positions assigned to the Mayor and Councilmember offices.

b. Consistent with the adopted City Classification Plan, appointing authority also provides for the ability to:

- 1) Allocate full-time equivalent positions to specific job classifications and to establish rates of pay for incumbents in those classifications, subject to the approved Budget Resolution and administrative policy;
- 2) Change the number of exempt management positions under their administrative jurisdiction, so long as their total exempt management salary budget does not increase; and
- 3) Adjust the salary of individual exempt managers or positions, so long as the total exempt management salary budget for each department does not increase.

1.2 RATE OF COMPENSATION UPON RETURN TO CITY SERVICE

An employee recalled after layoff, reinstated after a leave of absence, or reemployed after resignation shall return at the same rate of pay unless such rate is below the minimum of the classification salary range. This provision shall not be applicable to management employees.

1.3 SALARY CONTINUATION FOR ABSENCES LESS THAN ONE DAY

A salaried employee exempt from the minimum wage and overtime provisions of the Fair Labor Standards Act who works for only a portion of the day shall not have his/her salary reduced that day due to insufficient accrued, useable leave.

1.4 CHARTER OFFICER SALARIES

The salaries for the City Manager, City Attorney, City Treasurer, and City Clerk shall be modified only by City Council action and approval.

1.5 STAFF AIDE POSITIONS

The classification of Staff Aide, Exempt Management or Staff Aide, Confidential/Administrative, may be used when a classification is needed either pending establishment of a regular classification or a position is funded for a limited time and no appropriate classification exists. A person may be appointed to such classification for a maximum period of twelve (12) months. The salary shall be established by the City Manager.

ARTICLE 2
FRINGE BENEFITS AND DEFERRED COMPENSATION

2.1 FRINGE BENEFIT PLAN

The fringe benefit plan for exempt management, and confidential/administrative employees shall be as follows:

a. Basic Life Insurance

City-paid basic life insurance shall be:

<u>Group</u>	<u>Amount</u>
Confidential/Administrative	\$10,000
Management	\$50,000
Charter Officers	\$100,000
City Manager	\$150,000

b. Long-Term Disability Insurance

Management employees shall receive City-paid long-term disability insurance.

c. Health and Welfare Contribution (City Dollars)

- (1) The City Manager, City Attorney, City Clerk and City Treasurer shall receive a monthly health and welfare contribution and a ten percent (10%) of base salary optional benefit plan which should be combined and shall be applied, first, to a member's retirement contribution (if any), up to the maximum of such retirement contribution and, second, the premiums for City-sponsored health and dental plans and short-term disability plans for eligible employees

and qualified dependents, if any. To the extent not applied toward the employee's retirement on behalf of an eligible employee under the City's flexible spending account pursuant to the City's Internal Revenue Code Section 125 Cafeteria Plan or paid in cash to the employee, as directed by the employee. If the City's contribution allocated to any pay period is less than the amount needed to pay for the employee's retirement contribution and insurance coverage, the City shall deduct on a pre-tax basis from the employee's paycheck the balance of the amount needed for such purposes.

(2) Optional Benefit Plan

- (a) Police safety management employees shall receive a monthly health and welfare contribution and a nine percent (9%) of base salary optional benefit plan, and all other miscellaneous management employees shall receive a monthly health and welfare contribution and a seven percent (7%) of base salary optional benefit plan which shall be combined and shall be applied, first, to the employee's retirement contribution (if any), up to the maximum of such retirement contribution, and, second, the premiums for City-sponsored health and dental plans, and short-term disability plans for eligible employees and qualified dependents, if any. To the extent not applied toward the employee's retirement contribution or insurance coverage premiums, such contribution may be applied on behalf of an eligible employee under the City's flexible spending account pursuant to the City's Internal Revenue Code Section 125 Cafeteria Plan or paid in cash to the employee, as directed by the employee. If the City's contribution allocated to any pay period is less than the amount needed to pay for the employee's retirement contribution and insurance coverage, the City shall deduct on a pre-tax basis from the employee's paycheck the balance of the amount needed for such purposes.
- (b) Effective June 30, 2001, for Fire safety management employees, the City will eliminate the nine percent (9%) optional benefit and thereafter shall pay up to nine percent (9%) of the member contribution to the PERS retirement plan on behalf of the management employees. Such payments shall be reported to PERS as additional compensation for the purpose of retirement benefit calculations. In addition, Fire safety management employees shall receive a monthly health and welfare contribution, which shall be applied, first, to the employee's retirement contribution (if any), up to the maximum of such retirement contribution, and, second, the premiums for City-sponsored health and dental plans, and short-term disability plans for eligible employees and qualified dependents, if any. To the extent not applied toward the employee's retirement contribution or insurance coverage premiums, such contribution may be applied on behalf of an eligible employee under the City's flexible spending account pursuant to the City's Internal Revenue Code Section 125 Cafeteria Plan or paid in cash to the employee, as

directed by the employee. If the City's contribution allocated to any pay period is less than the amount needed to pay for the employee's retirement contribution and insurance coverage, the City shall deduct on a pre-tax basis from the employee's paycheck the balance of the amount needed for such purposes.

- (3) Full-time career confidential/administrative employees shall receive a monthly health and welfare contribution and a three percent (3%) of base salary optional benefit plan which shall be combined and applied, first, to the employee's retirement contribution (if any), up to the maximum of such retirement contribution, and, second, the premiums for City-sponsored health and dental plans, short-term disability plans, and/or supplemental life insurance (in the amount of \$30,000) and additional supplemental life insurance (in the amount of \$10,000) for eligible employees and qualified dependents, if any. To the extent not applied toward the employee's retirement contribution or insurance coverage premiums, such contribution may be applied on behalf of an eligible employee under the City's flexible spending account pursuant to the City's Internal Revenue Code Section 125 Cafeteria Plan or paid in cash to the employee, as directed by the employee. If the City's contribution allocated to any pay period is less than the amount needed to pay for the employee's retirement contribution and insurance coverage, the City shall deduct on a pre-tax basis from the employee's paycheck the balance of the amount needed for such purposes.

- (4) Amount of Contribution

Effective January 1, 2003, the City dollars will be contributed as follows:

- (a) For full-time confidential/administrative employees, the City shall contribute \$535 for employee only and employee plus one, and up to \$625 if enrolled in a health plan for employee plus two.
 - (b) For exempt management employees, the City shall contribute \$565 for employee only and employee plus one, and up to \$655 if enrolled in a health plan for employee plus two.
 - (c) For Charter Officers, the City shall contribute \$620 for employee only and employee plus one, and up to \$695 if enrolled in a health plan for employee plus two.
- (5) Employees in the classification of Fire Recruit and Student Trainee (Paramedic Intern) shall receive the same City monthly health and welfare contribution amount as provided for the classification of Firefighter. Employees in the classification of Police Cadet shall receive the same City monthly health and welfare contribution amount as provided for the classification of Police Officer. Employees in the classification of Dispatcher Recruit shall receive the same City health and welfare contribution amount as provided for the non-supervisory Dispatcher classification. Such health and welfare contributions may only be applied toward City-sponsored health and dental plans.

- (6) An employee who has a domestic partner, and is registered with the City Clerk, may cover the domestic partner under the employee's City-sponsored health plan. The employee will pay for the premium difference for the domestic partner coverage as an out-of-pocket employee cost. In no event will the City's monthly health and welfare contribution be used to pay for the cost of the domestic partner's coverage.
- (7) The definition of dependent child for purposes of health and dental insurance shall be an unmarried dependent child from birth to age 24 if the child qualifies as an exemption under Internal Revenue Service (IRS) rules and regulations. Dependent child includes a grandchild living in the employee grandparent's home, step-children, adopted children, wards and foster children provided they qualify as the subscriber's or subscriber's lawful spouse's dependent under IRS rules and regulations.

d. Cash-Back Limits

The cash-back of City dollars from the IRS Section 125 Plan shall be limited to career and exempt employees as follows:

- (1) For confidential/administrative employees, up to \$535 per month after retirement and IRS Section 125 benefits are deducted from that amount. Part-time employees shall be prorated.
- (2) For management employees, up to \$550 per month after retirement and IRS Section 125 benefits are deducted from that amount.
- (3) For Charter Officers, up to \$620 per month after retirement and IRS Section 125 benefits are deducted from that amount.

e. Insurance Over \$50,000

- (1) Management employees may purchase out-of-pocket supplemental life insurance in the amount of up to three (3) times annual salary and additional supplemental life insurance in the amount of \$10,000.
- (2) Confidential/administrative employees may purchase out-of-pocket supplemental life insurance in the amount of up to three (3) times annual salary.

f. The fringe benefit plan shall be applicable to full-time management and confidential/administrative employees. The fringe benefit plan, including management leave time, for employees who are less than full-time shall be established by the City Manager on a case-by-case basis, not to exceed the fringe benefit plan for comparable full-time employees.

2.2 FLEXIBLE SPENDING ACCOUNTS

The City has established the following Flexible Spending Accounts (FSA) as permitted by Internal Revenue Service Regulations:

- a. Out-of-pocket costs for City-sponsored health and dental insurance premiums; and
- b. Unreimbursed health care expenses up to \$4,800 per plan year effective each January 1; and
- c. Dependent care reimbursement.

Administrative costs shall be paid by the employees participating in (b) and (c).

2.3 DEFERRED COMPENSATION PLAN

Exempt management, and confidential/administrative employees may participate in the City's Deferred Compensation 457 Plan as long as the deferred compensation salary limit is not exceeded.

2.4 RETIREES OR SURVIVOR DEPENDENTS

Eligible City retirees or survivor dependents shall receive City-paid health insurance contributions and dental insurance benefits under the following provisions:

a. Retiree Health Insurance Contribution Rates and Dental Insurance Benefits

Effective January 2002, the City will roll-in the available dental benefit to retiree health insurance and the City shall increase the total contribution to \$225 per month.

b. Employees Retiring on or After July 1, 1992

- (1) Except as provided below, to be eligible for the City contribution to health insurance and for the City-paid dental benefit for retiree only, the employee must retire from active service with a minimum of ten (10) full years of City service for a service or ordinary disability retirement, and be minimum age 55. Effective December 12, 2000, the minimum age shall be 50.
- (2) Employees retiring with thirty (30) or more years of service shall be eligible for the City's health insurance contribution and dental benefit effective with the date of retirement without regard to age.
- (3) The City's contribution for health insurance shall be as follows:
 - (a) Employees with a minimum of ten (10) full years of service but less than fifteen (15) full years of service shall be eligible to a maximum of fifty percent (50%) of the City's maximum health insurance contribution identified in subsection (a) above.

- (b) Employees with a minimum of fifteen (15) full years of service but less than twenty (20) full years of service shall be eligible to a maximum of seventy-five percent (75%) of the City's maximum health insurance contribution identified in subsection (a) above.
- (c) Employees with a minimum of twenty (20) full years of service shall be eligible for up to one hundred percent (100%) of the City's maximum health insurance contribution identified in subsection (a) above.
- (4) There shall be no eligibility for the City's health insurance contribution or dental benefit if the employee elects to take a deferred retirement.
- (5) There shall be no City-paid health insurance contribution or dental benefit for retirees with less than ten (10) full years of City retirement service.

c. Persons in Deferred Retirement Status as of January 1, 1991

Employees who have elected a deferred retirement prior to January 1, 1991 and who then elect to retire on or after July 1, 1992, shall be eligible for the City's health insurance contribution and dental benefit as follows:

- (1) A retiree with at least ten (10) full years of City service shall be eligible for fifty percent (50%) of the City's health insurance contribution as identified in subsection (a) above.
- (2) A retiree with twenty (20) full years or more of City service shall be eligible for one hundred percent (100%) of the City's health insurance contribution as identified in subsection (a) above.
- (3) Retirees must be at least 55 years of age. Effective December 12, 2000, retirees must be at least 50 years of age.
- (4) There is no eligibility to such health insurance contribution or dental benefit for retirees with less than ten (10) full years of City service or who have not attained the age minimum specified in subsection (b) above.

d. Industrial Disabled or Death in Line of Duty Survivors

Retirees who receive industrial disability pensions or death in-line-of-duty survivors will be entitled to one hundred percent (100%) of the City-paid health insurance contribution and dental benefit for retirees regardless of years of service.

e. Survivor Dependents Benefits

Survivor dependents of eligible employees or retirees shall be entitled to the same benefit amount, as the employee was eligible to at the time of death.

f. Medicare Supplement

In order to maintain eligibility for the City-paid retiree health insurance contribution, each eligible retiree shall enroll in Medicare Parts A and B immediately after becoming eligible for such benefits.

g. Limitation Clause

No employee or retiree shall have any rights provided by this Section 2.4 after June 25, 2004.

2.5 SECTION 401(A) MONEY PURCHASE PLAN

Effective January 3, 1998, the City shall establish an IRS Section 401(a) Plan, which shall be available as follows:

- a. For exempt management employees, the City will contribute four percent (4%) of salary to the 401(a) Plan and the employee shall contribute five percent (5%) of salary to the Plan. An employee may also contribute up to ten percent (10%) of additional after-tax dollars into the Plan. The vesting period for the City contribution shall be five (5) years with credit for prior continuous service. Effective January 1, 2004, the City shall amend this plan to eliminate the five (5) year vesting period.
- b. Employees must make an irrevocable election to participate in the Plan within ninety (90) days of employment and such election shall be final. If the election is to enter the Plan the effective date is retroactive back to the date of employment or January 3, 1998, whichever is later.

2.6 PERS RETIREMENT PLAN AND CONTRIBUTION

- a. Effective June 30, 2001, the City will amend its contract with the Public Employees Retirement System (PERS) for miscellaneous employees to provide for the following plan for all miscellaneous employees:
 - Modified 2% at age 55
 - One-year highest compensation
 - 2% COLA
 - 25% survivor continuation
 - 50% industrial disability
 - Military service credit
 - Peace Corps service credit
- b. Effective as soon as practicable, the City will amend its contract with the Public Employees Retirement System (PERS) for fire safety employees to provide for the following plan for fire safety management employees:

Tier I (PERS only)

- Modified 3% at age 55
- One-year highest compensation
- 2% COLA
- 50% survivor continuation
- 50% industrial disability
- Military service credit
- Peace Corps service credit

Tier II (SCERS Transferees)

- Modified 3% at age 55
- One-year highest compensation
- 3% COLA
- 50% survivor continuation
- 50% industrial disability
- Military service credit
- Peace Corps service credit

- c. Effective as soon as practicable, the City will amend its contract with the Public Employees Retirement System (PERS) for police safety employees to provide for the following plan for police safety management employees:

- Modified 3% at age 50
- One-year highest compensation
- 2% COLA
- 50% survivor continuation
- 50% industrial disability
- Military service credit
- Peace Corps service credit

2.7 NON-CAREER BENEFITS

Except as provided herein, unrepresented non-career (+1,040) employees do not accrue benefits.

2.8 POOL SAFETY CLASSIFICATIONS

Effective June 30, 2001, employees holding classifications designated as pool safety positions may be eligible for additional compensation for qualifying work associated with the summer aquatics program. Such compensation is authorized solely for the purpose of recruiting and retaining qualified employees at City-operated swimming pools. Said employees shall be paid additional compensation as follows:

- a. Certification Fee Reimbursements. Upon submittal of documents showing successful completion of the required water safety courses and receipts showing fees paid, the City shall reimburse eligible employees up to \$200 for completing their certification course work.
- b. Recruitment Incentive. Upon successful completion of eighty (80) hours of work in a designated pool safety classification, the City shall pay eligible employees a lump sum amount of \$200.
- c. Retention Incentive. Upon successful completion of work during the entire summer aquatics season, the City shall pay eligible employees a lump sum amount of \$400.

2.9 POLICE BACKGROUND ASSISTANT

Retention Incentive. For the classification of Police Background Assistant, a retention program is authorized. The program provides an incentive payment of up to \$1440 per calendar year as needed to attract and retain employees in this classification. The payment shall be made in to equal parts, after 450 hours and then after 900 hours of paid time actually worked during a calendar year.

2.10 LONGEVITY PAY

a. Employee Eligibility

For the purpose of determining the year of employee eligibility for longevity pay as provided under Section 108 of the City Charter, only continuous full-time service shall be considered.

- (1) Where beginning employment may be intermittent with separate periods of employment in relief, seasonal, limited-term, temporary or part-time positions, only that period of intermittent employment (but excluding employment in part-time positions) immediately preceding the date of regular full-time continuous employment and without loss of time shall be considered.
- (2) Leaves of absence without pay shall not constitute a break in service; except such time on leave without pay, when it exceeds twenty (20) working days in a calendar year, shall be deducted in determining the year for an employee's eligibility. Leaves of absence granted for military service shall be considered as full-time continuous service.
- (3) Time taken off without pay, where formal leave of absence is not required, aggregating twenty (20) or fewer days in a calendar year shall not constitute a break in service and shall be disregarded in computing the year for an employee's eligibility. However, if such time taken off without pay exceeds twenty (20) days in any calendar year, the total amount of time so taken off without pay shall be deducted in determining the year for an employee's eligibility, but shall not constitute a break in service.

- (4) Where employment is terminated by resignation or discharge and the employee is subsequently reemployed, such time accumulated prior to resignation or discharge shall be forfeited, unless the employee is reinstated, in which case the time absent from City service shall not be considered as a break in service, but shall be deducted in determining the year for an employee's eligibility.
- (5) A layoff shall not constitute a break in service and the time accumulated prior to the layoff shall be added to the time after reinstatement for determining the year for an employee's eligibility.
- (6) Persons who become City employees pursuant to the provisions of City Charter Section 93 shall receive credit for time accumulated in the employment of the district, for purposes of determining the year for employee eligibility.

b. Payment After Eligibility

Once it has been determined that an employee is eligible for longevity pay, he/she shall receive the allowance as prescribed.

- (1) When authorized leave of absence or time off aggregating twenty (20) or more working days is taken during any employment year, longevity payment in the July following shall be made on a pro rata basis.
- (2) Upon entrance of an employee into military service, or where an employee is granted a leave of absence following expiration of sick leave credits, such employee shall be paid, in the month of July following the date such leave begins, such longevity pay earned from his/her anniversary date of employment to the date such leave begins, on a pro rata basis, but not to exceed the maximum yearly allowance. Such employee shall not thereafter receive longevity pay until his/her return to City service, when he/she shall receive, in the month of July first following his/her return, the pro rata portion of longevity pay from the date of return.
- (3) Upon death or retirement of an employee, such employee shall be entitled to receive the pro rata portion of longevity earned on the date of death or retirement, but not to exceed the maximum yearly allowance; in all other cases of termination, longevity pay which would have been paid in the July following had employment continued, shall be forfeited, and there shall be no pro rata payment for longevity.
- (4) The longevity pay granted in July of any year shall be considered to have been earned during the preceding employment year ending on or prior to July 1 of each year.
- (5) All payments for longevity shall be made on the payday covering the first full pay period in July of each year, except as provided under (3) of this Section.

ARTICLE 3
LEAVES

3.1 VACATION

- a. Employees shall be entitled to vacation allowances pursuant to the provisions of Section 107 of the City Charter. Based on length of City service, the annual vacation allowances are:

<u>Annual Vacation Allowance</u>	<u>Length of Service</u>
10 days	1 to 5 years
15 days	6 to 15 years
20 days	16 or more years

- b. Vacation allowance administration shall be in accordance with the rules and regulations of the Civil Service Board, unless an exception is authorized by the City Manager under appropriate circumstances.

3.2 HOLIDAYS

a. Holiday Hours for Fire Management

- (1) Fire Battalion Chiefs and Fire Assistant Chiefs assigned to fire suppression duty shall receive holiday benefits equal to, and on the same terms and conditions as, those holiday benefits granted by the City to employees in the Fire Department Unit. Such employees shall not receive any other holiday benefits under this Section.
- (2) Fire Assistant Chiefs not assigned to fire suppression duty shall receive, for so long as they hold such assignments, 127.4 holiday hours per fiscal year, for which they shall be paid in cash, with their regular paycheck, in twenty-six (26) equal bi-weekly installments. Such employees shall be eligible to receive the recognized holidays but not the floating holidays under this Section.

b. Holiday Hours for Police Captains

Police Captains regularly scheduled to work on a recognized holiday shall receive holiday credit for the hours worked on the holiday. Holiday credit accumulations shall be limited to a maximum carry-over of forty (40) hours from the preceding calendar year. Effective the pay period which includes January 8 of each year, earned holiday hours in excess of forty (40) shall be paid to the employee in cash at the employee's regular rate of pay for that pay period, unless an exception is authorized by the City Manager under appropriate circumstances.

c. Recognized Holidays

Except as otherwise provided, the following shall be recognized holidays for eligible employees:

<u>Holiday</u>	<u>Date</u>
New Year's Day	January 1
Martin Luther King's Birthday	Third Monday in January
Washington's Birthday	Third Monday in February
Cesar Chavez' Birthday	Last Monday in March
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	First Monday in September
Veteran's Day	November 11
Thanksgiving Day	Fourth Thursday in November
Day after Thanksgiving	Friday after Thanksgiving
Christmas Eve (4 hours)	December 24
Christmas Day	December 25
New Year's Eve (4 hours)	December 31

d. Eligibility

- (1) To be eligible for holiday pay, the employee shall work the scheduled workday before and after the recognized holiday. Paid time on vacation, sick leave, compensating time off, or management leave time shall be considered hours worked for the purpose of holiday pay eligibility.
- (2) A part-time career employee, including an employee in a work-sharing program, or a non-career (+1,040) employee shall receive the recognized holiday benefit based upon the number of hours the employee was paid in that workweek as follows:

<u>Number of Recognized Holidays in the Workweek</u>	<u>Minimum Number of Paid Hours in the Workweek</u>	
	<u>50% Benefit</u>	<u>100% Benefit</u>
0.5	18	28.8
1.0	16	25.6
1.5	14	22.4
2.0	12	19.2

An employee paid for less than the minimum number of hours required for the 50% benefit shall receive no recognized holiday benefit.

- (3) Non-career (-1,040) employees shall not receive recognized holiday benefits.

e. Monday-Friday Schedule

If an employee's scheduled days off are Saturday and Sunday during a standard City workweek in which a recognized holiday falls, the following shall apply:

- (1) If the recognized holiday falls on a Saturday, the preceding Friday shall be considered the employee's holiday.
- (2) If the recognized holiday falls on a Sunday, the following Monday shall be considered the employee's holiday.

f. Weekend Schedule

If an employee's scheduled days off are other than Saturday and Sunday during the standard City workweek in which a recognized holiday falls, the following shall apply:

- (1) The actual dates as listed above shall be considered as the employee's holiday.
- (2) If the recognized holiday falls on the employee's scheduled day off, the employee shall accrue holiday credit for the hours of the holiday benefit.

g. Accrual of Leaves Over 24 Pay Periods

The accrual of leaves shall occur over twenty-four (24) pay periods per year, which shall be the first two (2) pay periods of each month. Leave accrual rates for each pay period in which accrual occurs shall be as specified in Section 3.2(i)(1), 3.4(a), and 3.11(a) and (b) below.

h. Holiday Credit Accumulation

Employees may accumulate holiday credit up to a maximum of eighty (80) hours. Holiday credit may be taken by the employee at the discretion of the department head.

i. Floating Holidays

(1) Accrual

- (a) In addition to the recognized holidays specified above, except as provided below, employees shall receive the equivalent of two (2) floating holidays per fiscal year on an accrual basis as follows:
 - (i) Each full-time career or management employee shall accrue floating holiday credit at the rate of forty (40) minutes per pay period. The employee shall accrue floating holiday credit for each pay period for which the employee is paid one or more hours of salary.

(ii) A part-time career or management employee, including an employee in a work sharing program, or a non-career (+1,040) employee shall accrue floating holiday credit based upon the number of hours the employee was paid in that bi-weekly pay period: 64 or more hours paid = forty (40) minutes accrual; 40-63.9 hours paid = twenty (20) minutes accrual; less than 40 hours paid = 0 minutes accrual.

(b) Non-career (-1,040) employees shall not receive floating holiday benefits.

(2) Administration

(a) The scheduling of floating holiday time must be approved in advance by the Appointing Authority or designated representative.

(b) An employee may carry-over from the preceding calendar year a maximum of eight (8) hours of floating holiday accrual. Except for the eight (8) hour carry-over, all accumulated floating holiday time not used by the end of the pay period which includes January 8 shall be paid to the employee in cash at the straight-time rate on the payday covering that pay period.

(c) An employee terminating for any reason or going on a leave of absence without pay for a period exceeding ninety (90) days shall be paid for all accrued floating holiday time at the straight-time rate.

3.3 MANAGEMENT LEAVE TIME

a. Management employees exempt from the provisions of the Fair Labor Standards Act shall not accrue compensating time off or earn overtime pay for time worked in excess of eight (8) hours per day or forty (40) hours per week, but shall be expected to devote as much time to their employment as may be necessary for the efficient operation of City government.

b. Such employees shall be credited with forty (40) hours of management leave time on July 1 of each fiscal year. Employees appointed after July 1 of a fiscal year shall be entitled to a pro rata share of forty (40) hours of management leave time based upon the number of full months remaining in that fiscal year. Management leave time shall be useable upon being credited, subject to the approval of the immediate supervisor.

c. Management leave time shall not accumulate from fiscal year to fiscal year. If an employee is unable to use all of his or her management leave time by the end of the pay period which is paid on the first paycheck in July, the employee shall be paid for the unused portion of such leave time at the regular rate of pay on that first paycheck.

- d. Upon separation from City service for any reason an employee shall be paid for all credited and unused management leave time at the employee's base hourly rate as of the date of separation.

3.4 SICK LEAVE

- a. A full-time employee shall accumulate sick leave credits at the rate of one day per month (4 hours per bi-weekly pay period) of employment which may be used at the discretion of the employee in the event of illness or injury which is not job-related; however, in accordance with the Rules of the Civil Service Board, one-third (1/3) of the accrued sick leave may be used after exhaustion of injury-on-duty time. Such usage shall not exceed the maximum amount of the employee's accumulation. A permanent part-time employee shall earn sick leave on a pro rata basis.
- b. An employee in active service of the City, eligible to accumulate sick leave credits, shall in January each year receive a cash payment for twenty-five percent (25%) of the unused portion of sick leave credits accumulated during the preceding calendar year from January 1 through December 31, provided the employee shall have to his/her credit on December 31 immediately preceding the date for payment, a total of at least sixty (60) sick leave days accumulated. The employee shall be paid for such percentage of sick leave accumulation at the rate of pay which the employee was receiving on January 1 of each year in which payment is made. The amount of time for which an employee is paid shall be deducted from the employee's total accumulation.
- c. Notwithstanding the above, an employee, otherwise eligible, may elect not to receive cash payments for accumulated sick leave by notifying the Department of Administrative Services, Payroll Section, in writing of such election no later than January 1 of each year.
- d. Upon termination of any employee eligible to accumulate sick leave credits for reasons of retirement, resignation, or layoff after service for a period of not less than two (2) years, or death, such employee (or those entitled by law to the possession of the estate of a deceased employee) shall receive payment for thirty-three and one-third percent (33-1/3%) of the total sick leave credits accumulated (to the nearest full day) by the employee on the date of such retirement, resignation, layoff, or death. No employee whose services are terminated by reason of discharge, or by reason of resignation or layoff prior to the completion of two (2) year's service, shall be eligible for payment of any portion of accumulated sick leave credits.
- e. Any employee who is laid off and receives payment for thirty-three and one-third percent (33-1/3%) of his/her total accumulated sick leave credits shall be credited with the remaining sixty-six and two-thirds percent (66-2/3%) of his/her accumulated sick leave credits if and when said employee is recalled. If said employee thereafter leaves City service after being recalled and is entitled to payment of his/her accumulated sick leave credits under this Section, said employee shall only receive payment for thirty-three and one-third percent (33-1/3%) of those sick leave credits which accrued after the date of recall.

- f. No payments made or sick leave credits accumulated shall be construed or deemed to constitute retirement benefits payable to employees of the City, or to create a contractual obligation between the City and its employees requiring future payments for accumulated sick leave, or to require that employees be granted leave of absence with pay during periods of illness. Sick leave benefits are not to be construed as a vested right.
- g. The Rules and Regulations of the Civil Service Board relating to the administration of sick leave privileges and benefits shall apply to all covered employees.

3.5 PARENTAL LEAVE

- a. The current Pregnancy Disability Leave Policy for female employees shall be replaced by a parental leave policy for both male and female employees with the following provisions:
 - (1) Full-time career employees shall be eligible for a maximum City-paid parental leave of four (4) weeks consisting of up to one hundred-sixty (160) hours of continuous paid time off. Part-time career employees shall be eligible for up to eighty (80) hours of continuous City-paid time off during the four (4) week parental leave. Unused parental leave shall have no cash value. Non-career employees are not eligible for the four (4) weeks of City-paid parental leave.
 - (2) To be eligible for the paid leave an employee hired on or before June 23, 1995 must have completed at least 2,080 hours of service from the most recent date of hire, or an employee hired on or after June 24, 1995 must have completed at least 6,240 hours of service from the most recent date of hire, preceding either (a) the birth of a child who resides with the employee and for whom the employee has legal custody, or (b) the adoption of a child under age four (4) who resides with the employee and for whom the employee has physical and legal custody. Court-appointed legal guardians and foster parents do not qualify for parental leave.
 - (3) The use of parental leave must be initiated within four (4) months of childbirth or adoption.
 - (4) Eligible employees shall have the right to only one leave of absence per pregnancy or adoption regardless of the number of children involved (e.g., twins). The duration of City-paid leave shall not change based on a change in employment status, such as from part-time to full-time career.
 - (5) Upon return from parental leave on the date previously authorized, employees shall be reinstated in the former department and in the classification last held.

- (6) Eligible employees shall have the right to extend parental leave beyond the four (4) weeks of City-paid leave to the maximum six (6) months of leave by adding accrued and available hours of sick leave, vacation, compensatory time off (CTO), accrued holiday, and/or unpaid leave to their initial request for parental leave. The total period of absence from work, including the four (4) weeks of paid parental leave, shall not exceed six (6) months.
- (7) Paid parental leave shall be considered as time worked for purposes of eligibility for recognized holidays occurring during the leave.

3.6 INJURY-ON-DUTY

- a. The City Manager or designee shall administer the provisions of the City Charter governing benefits for City employees who incur injuries arising out of and in the course of their duties.
- b. In administering those provisions, the City Manager or designee shall determine the amount of credit to which the City is entitled as against workers' compensation benefits payable under the California Labor Code. In no event shall the credit so determined exceed that specified by the City Charter or the laws of the State of California.
- c. Where a career employee sustains an injury covered by workers' compensation and has utilized all of the one-year "injury-on-duty time" as provided under City Charter Section 253, or former City Charter Section 167, as the case may be, and consequently is receiving straight workers' compensation temporary disability payments, the employee will be allowed to utilize (while off work) accrued vacation time in addition to receiving workers' compensation payments. The employee must take a full day's vacation pay for each day off work. As a condition of so using such accrued vacation, however, the employee is required to continuously utilize accrued vacation until accrued vacation is exhausted or he/she returns to work, so that the employee is off the City payroll at the earliest possible date. This provision also applies to holiday pay accrued and vested.

3.7 COURT LEAVE

- a. When an employee is absent from work to testify in response to a properly served subpoena issued by a court of competent jurisdiction in a matter to which the employee is not a party, to serve on a jury, or to report for jury duty examination, the employee shall be granted pay for those hours which the employee is absent for such reason. The City may require the employee to elect to be on telephone alert for jury duty and remain on the job until such time as called to testify or serve jury duty. When an employee is required to be on telephone alert, the employee will cooperate with the court or jury commissioner and the City will be responsible to ensure that the employee is available. Pay for work time lost shall be computed at the employee's regular rate of pay at the time of such absence. The employee shall return all witness fees or jury remuneration received, less transportation allowance, to the City.

- b. If a swing shift or graveyard shift employee has served in excess of one-half the scheduled shift in court or on jury duty, the employee will notify the supervisor in advance of the start time so he/she will be excused from the shift. If the employee is in court or on jury duty less than one half the shift, the employee will be required to work.
- c. In lieu of the shift after service on court leave, a graveyard shift employee may request to take off the shift prior to court leave, provided that if the employee serves less than one-half of the shift, he/she will be required to use vacation or other leave accruals to cover the shift.
- d. To receive pay for work time lost, an employee must provide the City with a statement signed by an official of the court certifying the employee's service as a witness or juror or appearance in court for such purposes, the date or dates of attendance, the time released from attendance and the compensation paid exclusive of any transportation and subsistence allowance.
- e. When a non-career employee is regularly scheduled to work and is ordered to appear in court or report for jury duty, such employee shall be entitled to court leave benefits in accordance with the above-stated procedure.

3.8 DAILY HOUR VALUE

The hour value of a leave day for vacation, sick leave or other paid leave shall be 11.2 hours for Fire Battalion Chiefs and Fire Assistant Chiefs not assigned to fire suppression duty.

3.9 CATASTROPHIC LEAVE PLAN

- a. A benefit-qualified employee may donate to or receive from another benefit-qualified employee, usable vacation, floating holiday, management leave, or compensating time off hours. Participation in this plan shall be voluntary. Sick leave may not be donated under this plan.
- b. All donations shall be made and accepted in writing using City-provided forms.
- c. The donation in any category must be a minimum of eight (8) hours of usable time.
- d. Donations shall be on an hour-for-hour basis, regardless of the pay rates of the donor and recipient, except hours transferred between employees on the Fire suppression (56 hours) schedule and the non-Fire suppression (40) hours schedule shall be adjusted by a factor of 1.4 to 1.
- e. Hours to be donated shall be kept in a pledge status until used. As needed, pledged hours shall be debited from the donor's leave balance and credited to the recipient's usable vacation accrual balance. Once credited, the donation becomes irrevocable. A donor terminating for any reason shall be paid for pledged but unused leave time.

- f. Management employees may only receive donations from management employees. A non-management employee may not receive donations from a subordinate employee where a direct supervisor/subordinate relationship exists. Any exception to this paragraph must be approved by the City Manager or designee.
- g. To be eligible to use donations, an employee must:
 - (1) Be incapacitated and unable to work due to a prolonged catastrophic non-industrial illness or injury that is estimated to last for at least thirty (30) calendar days;
 - (2) have exhausted all usable balances, including sick leave;
 - (3) be on an approved leave of absence.
- h. All donated hours must be used on a continuous and uninterrupted basis and will be paid at the rate of pay and normal work schedule of the recipient, along with all usable hours accrued, until the earliest of the following events occurs:
 - (1) All leave balances, including both donated and accrued leave, are exhausted;
 - (2) The employee returns to work at his/her normal work schedule; or
 - (3) The employee's employment terminates.
- i. Donations received while a recipient is still utilizing previously donated and related accrued leave time may be used immediately thereafter. Hours donated subsequent to exhausting all donated hours shall be accumulated and utilized along with related accrued leave hours in amounts equal to the recipient's normal bi-weekly work hours.
- j. Used donated leave time shall count toward the application of City service and benefits in the same manner as when the employee is on paid vacation leave.
- k. Used donated leave time shall be subject to the recipient's normal payroll deductions.
- l. The City shall promulgate a policy and procedure to implement and administer catastrophic leave.

3.10 SACRAMENTO HOUSING & REDEVELOPMENT AGENCY (SHRA) TRANSITION

Employees who are transferred from employment at SHRA to the City as a result of restructuring, reorganizing or removal of services to the City shall be allowed to transfer the following accrued benefits from SHRA to the City:

- a. Eighty percent (80%) of sick leave balances after cash-out pursuant to Agency policy.
- b. Vacation balances up to one year of accrual at the employee's current rate on transition to the City.

3.11 PERSONAL TIME OFF FOR CONFIDENTIAL/ADMINISTRATIVE EMPLOYEES

a. Non-Exempt Accrual

In addition to the floating holidays specified in Section 3.2, each non-exempt confidential/administrative employee shall receive the equivalent of twenty-four (24) hours of annual paid personal time off on an accrual basis as follows:

- (1) Each full-time employee shall accrue personal time off credit at the rate of one hour per pay period. The employee shall accrue such credit for each pay period for which the employee is paid one or more hours of salary.
- (2) A part-time employee, including an employee in a work sharing program, or a non-career (+1,040) employee shall accrue personal time off credit based upon the number of hours the employee was paid in that bi-weekly pay period: 64 or more hours paid = one hour accrual; 40-63.9 hours paid - 30 minutes accrual; less than 40 hours paid = 0 minutes accrual.

b. Exempt Accrual

In addition to the floating holidays specified above, each exempt confidential/administrative employee shall receive the equivalent of thirty-two (32) hours of annual paid personal time off on an accrual basis as follows:

- (1) Each full-time employee shall accrue personal time off credit at the rate of one hour and 20 minutes per pay period. The employee shall accrue such credit for each pay period for which the employee is paid one or more hours of salary.
- (2) A part-time employee, including an employee in a work sharing program, or a non-career (+1,040) employee shall accrue personal time off credit based upon the number of hours the employee was paid in that bi-weekly pay period: 64 or more hours paid = one hour and twenty minutes accrual; 40-63.9 hours paid - forty minutes accrual; less than 40 hours paid = 0 minutes accrual.

c. Non-Career

Non-career (-1,040) employees shall not receive personal time off benefits.

d. Administration

Personal time off shall be administered in the same manner as specified above for floating holidays, except the eight (8) hour maximum carry-over shall apply to both floating holidays and personal time off in the aggregate.

3.12 EFFECT OF LEAVE OF ABSENCE WITHOUT PAY UPON COMPENSATION

Time spent on leave of absence without pay of ten (10) or less consecutive workdays shall not affect the pay adjustment eligibility during a rating period. Such leaves in excess of ten (10) consecutive working days, may affect eligibility during a rating period at the discretion of the Appointing Authority.

ARTICLE 4 REIMBURSEMENTS AND ALLOWANCES

4.1 REIMBURSEMENTS AND EXPENSES

a. Reimbursement for Use of Privately-Owned Vehicles

- (1) The City Manager may offer up to \$500 per month as reimbursement for the use of privately-owned vehicles on City business or as compensation in lieu of the use of City vehicles on City business for management employees.
- (2) The City Manager shall receive \$500 monthly vehicle allowance and City-provided parking.
- (3) Exempt confidential/administrative employees are eligible for City-provided parking. With the authorization of the City Manager, other employees may receive up to \$100 per month with or without City-provided parking.
- (4) Reimbursement for out-of-town travel shall be at the general mileage reimbursement rate (minus 25 miles for individuals receiving a monthly vehicle allowance) or comparable coach airfare, whichever is lower.
- (5) Any automobile operated on City business by any of the officials mentioned for use of the monthly vehicle allowance shall be insured against liability in persons and property, including wrongful death, in an amount no less than the minimum State of California required automobile coverage for bodily injury and property damage. The monthly vehicle allowance shall be in lieu of the payment of all mileage, except for out-of-county travel on official business of the City, and in lieu of the use of City-owned vehicles.

b. Monthly Bus Transportation Reimbursement

(1) Sacramento Regional Transit District (SRTD)

Full-time career civil service, exempt management, and exempt confidential/administrative employees who utilize SRTD for home-to-work transportation are eligible to receive an 80% City-paid SRTD monthly non-zone sticker pass. Part-time career civil service and exempt employees

shall be eligible for a fifty percent (50%) price discount on the monthly non-zone sticker pass. The employee must notify the Department of Finance , Revenue Division, prior to the first day of the month to obtain the monthly pass discount for that next month.

(2) Other Public Transportation

Eligible full-time employees, as described above, who regularly utilize other public transportation regulated by the Public Utilities Commission or the equivalent for home-to-work commuting are eligible for monthly transit pass reimbursement up to 80% of the cost. Eligible part-time employees, as described above, shall be eligible for a fifty percent (50%) monthly reimbursement. The employee must present the required proof of purchase to the Department of Finance , Revenue Division, prior to the first day of the month to obtain reimbursement.

(3) Transportation Allowance for Employees Assigned Downtown

Eligible full-time confidential/administrative employees, as described above who work in the downtown area, shall receive a \$45.00 per month transportation allowance. Part-time career confidential/administrative employees who work in the downtown area shall receive \$25.00 per month transportation allowance. Non-career employees shall not be eligible for the allowance.

(4) Transportation Allowance for Employees Not Assigned Downtown

Effective September 1, 2000, eligible full-time confidential/administrative employees, as described above, who work outside of the downtown area shall receive \$15.00 per month transportation allowance. New employees hired after August 29, 2000 shall not be eligible for the allowance.

c. Expense and Subsistence Allowance

The sum of \$400 per month is established as a City expense reimbursement allowance for the City Manager for which no vouchers need be furnished. The sum of \$350 per month is established as a City expense reimbursement allowance for the City Attorney and the City Treasurer for which no vouchers need be furnished. The sum of \$100 per month is established as a City expense reimbursement allowance for the City Clerk for which no vouchers need be furnished.

4.2 SAFETY UNIFORM ALLOWANCE

- a. Safety management personnel employed in the Police Department shall receive a uniform allowance equal to, and on the same terms and conditions as, the uniform allowance granted to employees in the Police Department Unit.

- b. Safety management personnel employed in the Fire Department shall receive a uniform allowance equal to, and on the same terms and conditions as, the uniform allowance granted to employees in the Fire Department Unit.
- c. The emergency communications managers, and the manager of the Police Department Records Division shall receive a uniform allowance equal to, and on the same terms and conditions as, the uniform allowance granted to dispatchers in the Police Department Unit.

4.3 TUITION REIMBURSEMENT

Career employees will be reimbursed for the cost of tuition up to a maximum of \$750.00 per calendar year, pursuant to the City's existing policy for such education reimbursement.

4.4 STATE OF CALIFORNIA BAR DUES

The actual cost of mandatory State Bar dues shall be paid for employees in attorney classifications in the City Attorney's Office. In the sole discretion of the City Attorney, the City Attorney may approve reimbursement, from the budget of the employing department, for other licensed city employee attorneys whose legal skills and abilities represent a significant benefit to the City. The City Attorney may authorize such reimbursement after the paying department has produced documentation showing payment was made by the employee receiving the reimbursement.

4.5 REQUIRED LICENSES AND CERTIFICATIONS

Where the City requires that an employee maintain a license and/or certification, the Department Head or designee may, on a case-by-case basis, reimburse the employee for costs associated with the renewal of such license. This action shall not apply to driver licenses.

4.6 CONTINUING EDUCATION

When the City requires that an employee maintain a license or certificate, which mandates continuing education (CEU) to maintain the license or certificate, the employee is responsible for obtaining the CEUs. The City may provide the needed CEUs or reimburse the employee for the cost of such training.

4.7 BILINGUAL PAY

- a. The City may authorize bilingual pay when it is determined to be necessary for the operation. The City shall determine what languages are appropriate for such pay and the number of employees to be certified. To be eligible for bilingual pay the employee must be determined to be verbally proficient, and if necessary for the assignment, proficient in the written language. The City will arrange the certification and testing process and authorize the bilingual pay.

- b. Bilingual pay shall be paid at the rate of \$20 bi-weekly for any pay period in which the employee is certified. An employee who is receiving bilingual pay may be required to provide assistance to any City operations.

4.8 TECHNOLOGY ALLOWANCE

- a. Effective August 9, 2003, or as soon as practicable thereafter, Charter Officers and all exempt management employees shall be authorized a monthly technology allowance of up to \$50. At the discretion of the Appointing Authority or, as delegated by the City Manager to a department head, a technology allowance may be approved for an exempt management employee in lieu of using a City-provided cellular telephone. Use of City-provided cellular telephones shall be discontinued upon receipt of the technology allowance by the employee.
- b. Upon approval of the monthly technology allowance, the employee shall obtain, at his or her own expense and as a private individual, a personal cellular telephone and monthly cellular service contract that may be used to conduct City-related business. The employee shall publish and/or provide the cellular telephone number to designated individuals and organizations with whom the employee normally conducts City-related business.
- c. The exempt management employee shall be generally accessible via his or her cellular telephone for the conduct of City-related business.

ARTICLE 5 HOURS OF EMPLOYMENT AND OVERTIME

5.1 HOURS OF EMPLOYMENT

- a. The work period for employees shall begin at 12:01 a.m. Saturday, and end at 12:00 midnight the following Friday. The normal workweek for full-time employees, except for management employees, shall consist of forty (40) hours of work during the seven (7) day work period.
- b. The normal workweek shall not apply to management employees exempt from the provisions of the Fair Labor Standards Act who are expected to work whatever time is required to perform the duties of their positions.
- c. The workweek for part-time employees shall be determined by the Appointing Authority.

5.2 VOLUNTARY WORK FURLOUGH/REDUCED WORKWEEK PROGRAM

The City's Voluntary Work Furlough/Reduced Workweek Program shall be applicable to unrepresented full-time career employees on the same terms as apply to represented employees. The optional benefit plan of eligible employees shall not be reduced or pro-rated by participation in such work reductions.

5.3 OVERTIME FOR CONFIDENTIAL/ADMINISTRATIVE EMPLOYEES

- a. Confidential/administrative and non-career employees who are required to work in excess of eight (8) hours per day or forty (40) hours per week or on a recognized holiday shall be compensated for such overtime with pay at one and one-half (1-1/2) times the applicable rate of pay in cash payment or compensating time off (CTO) as determined by the Appointing Authority.
- b. The Appointing Authority may, with prior agreement of a confidential/administrative employee, establish a flexible work schedule consisting of more than an eight (8) hour day in a forty (40) hour workweek. In such a schedule, the overtime rate after eight (8) hours per day as set forth above shall not apply.
- c. Absence with pay shall be counted as time worked. Time worked in excess of eight (8) hours in a day or on a recognized holiday shall not be included in determining whether an employee has worked in excess of forty (40) hours in a week.
- d. Employees may accrue up to one hundred and twenty (120) hours of CTO. The City may cash out those CTO hours accumulated in excess of eighty (80) hours at any time provided that the use of such time off has not been previously approved.
- e. The use of accrued CTO shall be at the discretion of the Appointing Authority. Employees who request use of accrued CTO shall be permitted to use such time within a reasonable period after making the request if the use of CTO does not unduly disrupt the operations of the work unit.
- f. Upon termination from City service, employees shall be paid for any unused CTO hours at the applicable rate of pay.

5.4 OVERTIME FOR NON-CAREER EMPLOYEES

- a. Non-career employees who are required to work in excess of forty (40) hours per week shall be compensated for such overtime with pay at one and one-half (1-1/2) times the applicable rate of pay in cash payment.
- b. The Appointing Authority may establish a flexible work schedule consisting of more than an eight (8) hour day in a forty (40) hour workweek.

ARTICLE 6 MISCELLANEOUS

6.1 OFF-DUTY EMPLOYMENT OF EXEMPT EMPLOYEES

- a. Exempt employees shall not engage in any other employment, work, profession, business or enterprise that is inconsistent, incompatible, in conflict with or adversely affects the performance of their duties, or that is inimical to the most effective performance of the mission of City management or the best interests of the City.

- b. Exempt employees shall not accept any off-duty employment without the express consent, in advance, of the City Manager or designated representative.
- c. An exempt employee shall not work:
 - (1) In any employment which will tend to bring discredit upon City management, or which is detrimental to City goals, or which will reduce an individual's efficiency or usefulness as a City employee.
 - (2) In any employment requiring an affiliation, membership or allegiance tending to influence conduct in a manner inconsistent with the proper discharge of responsibilities to the City or the public interest.
 - (3) In any employment for any other municipality or political subdivision of the state or federal government (except by express permission of the City Manager).
 - (4) In any off-duty position while on sick leave or injured-on-duty status.
- d. An exempt employee may request authorization for off-duty employment by forwarding a letter of request in duplicate to his/her department head. The letter should provide details concerning the type of employment, expected duration of employment, and the employer's name. Department heads and members of the City Manager's immediate staff will submit personal requests directly to the City Manager for approval.
- e. The department head will notify each exempt employee of action taken on the request for off-duty employment by indicating such action on the letter of request and returning it to the individual. A copy of the letter will be retained in the office of the department head. The City Manager will take similar action on personal requests by department heads and members of the City Manager's immediate staff.
- f. Authorization for off-duty employment may be revoked by the department head at any time it has been determined that the provisions of this Section have not been followed. The department head will notify the employee, by letter, of actions taken to revoke previous authorization for off-duty employment.
- g. Part-time, seasonal, or limited-term employees are not subject to the restrictions of this Section.

6.2 APPOINTMENTS

a. Non-Career Appointment to a Career Classification

A non-career employee appointed to a career classification may be released from his or her position at the discretion of the Appointing Authority at any time without right of appeal. Such release shall be confirmed in writing.

b. Exempt Appointments

Nothing in this Resolution shall be construed to be an express or implied covenant or contract, or to create a property right or tenure for any person appointed to positions that are exempt from the classified service. Exempt employees serve at the pleasure of the Appointing Authority. Consequently, just cause is not required for discipline, and there are no appeal rights.

c. Limited-Term Appointments

The City may, due to extraordinary circumstances, extend a twelve-month limited-term appointment to an additional twelve (12) months provided the City complies with the following:

- (1) The employee is not laid off after the expiration of the initial twelve-month appointment; and
- (2) The employee continues to be benefit-qualified for the duration of the extended appointment.

6.3 CITY VEHICLE RETENTION

The City Manager may authorize overnight home retention of City vehicles for public safety assignments, on-call assignments, and other special or emergency assignments.

6.4 PAYROLL ERRORS

- a. In the event an error has been made, including but not limited to the payment of an employee's salary, overtime payment or leave accruals, balances or usages, the City shall, for purposes of future compensation, adjust such compensation to the correct amount, giving written notice to the employee.
- b. In the event an employee received an overpayment, reimbursement to the City shall be accomplished by:
 - (1) Lump sum payment by the employee;
 - (2) A one-time deduction from useable vacation, compensating time off (CTO), or holiday credit balances equivalent to the overpayment at the employee's current hourly rate;
 - (3) A repayment schedule through payroll deduction; and/or
 - (4) Other means, as may be mutually agreed between the parties.

No repayment schedule shall exceed fifty-two (52) pay periods in duration, except that if the employee does not agree to a voluntary repayment schedule, the overpayment collection shall not exceed twenty-six (26) pay periods.

- c. No action shall be taken to enforce repayment of an overpayment, or to correct an underpayment, unless action is taken within two years from the ending date of the pay period in which the error is discovered. "Action is taken" as used in this Section shall mean written notice to the employee in the case of an overpayment, or written or oral notice to the City in the case of an underpayment error.

6.5 MODIFIED/ALTERNATIVE DUTY POLICY

A Modified/Alternative Duty Policy shall be applicable to eligible employees who have been injured on-the-job.

6.6 TELECOMMUTING PROGRAM

Confidential/administrative employees may participate, at the discretion of the Appointing Authority, in the City's Telecommuting Program.

6.7 DISCOUNTED PARKING RATES

Effective July 1, 2000, discounted parking will be available to confidential/ administrative employees, on a first-come, first-serve basis, for parking spaces on the fifth and sixth floors of Lot "I" at a cost of seventy percent (70%) of the regular monthly Lot "I" rate. This provision shall remain in effect until further notice by the City.

6.8 LETTER OF REPRIMAND

- a. A letter of reprimand issued to a civil service employee on or after June 24, 1995, shall not be appealable to the Civil Service Board, except the employee may have an administrative review of the reprimand by submitting a request in writing within seven (7) calendar days to the Director of Labor Relations. The Director or designee will schedule a private meeting within seven (7) calendar days of receipt of the written request to hear the employee's response. A final written decision will be rendered by the Director or designee within seven (7) calendar days of the meeting.
- b. Such letter will be withdrawn from an employee's official personnel file two (2) years from the date of issue provided there has not been additional formal discipline imposed during the two-year period.

6.9 RETIREE COURT APPEARANCE FEES

A retired City employee who is subpoenaed to appear in court on behalf of the City in his or her capacity as a former City employee shall receive a court appearance fee if the employee reports at the time specified for his or her particular testimony regardless of whether the employee is ultimately required to testify. The court appearance fee shall be one hundred twenty-five dollars (\$125) for a full day or seventy-five dollars (\$75) for a half day, which is defined as four (4) hours or less. Nothing herein shall serve to establish an employment relationship for any purpose, including, but not limited to, employee benefits, reimbursements, compensation, court cancellation fee, or any other rights.

6.10 APPLICABILITY

The terms of this Resolution shall apply to all unrepresented employees of the City, and where applicable, to elected officials.