

RESOLUTION NO. ____ -2015

RESOLUTION OF THE FORT BRAGG CITY COUNCIL ESTABLISHING A COMPENSATION PLAN AND TERMS AND CONDITIONS OF EMPLOYMENT FOR EXEMPT MID-MANAGEMENT CLASSIFICATIONS

WHEREAS, it is the desire of the City Council to provide an adequate level of compensation and to enumerate benefits and conditions of employment for exempt Mid-Management classifications; and

WHEREAS, exempt mid-management classifications covered by this resolution include: Associate City Engineer, Acting City Clerk, Senior Government Accountant, Special Projects Manager, Operations Manager, Police Lieutenant, and Noyo Center Executive Director, and

WHEREAS, exempt Mid-Management classifications covered by this resolution are exempt from overtime under Fair Labor Standards Act section 13(a)(1) and are part of the Personnel Merit System; and

WHEREAS, based on all the evidence presented, the City Council finds as follows:

1. It is necessary to rescind Resolution No. 3734-2014 which establishes a compensation plan and terms and conditions of employment for exempt mid-management classifications in order to add two new classifications: Acting City Clerk and Special Projects Manager.
2. It is appropriate to "band" the compensation schedule for all of the mid-management positions, excepting the Police Lieutenant and Operations Manager positions which have a much greater breadth of supervisory responsibilities than the other positions.
3. It is necessary to clarify the end date of the Noyo Center Executive Director position and its adjusted salary for the period between July 12, 2015 and September 5, 2015.
4. It is necessary to clarify the definition of "retiree" in Section 3.1(E) "Health and Dental Insurance on Retirement" to establish that the requisite "10 years of employment with the City" must be continuous. This clarification has been made in the MOUs and employment resolutions for all of the other employee groups.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Fort Bragg does hereby rescind the compensation and terms and conditions of employment for Mid-Management classifications as set forth in 3734-2014; and

BE IT FURTHER RESOLVED that the City Council of the City of Fort Bragg does hereby establish a compensation plan and terms and conditions of employment for Mid-Management classifications as follows.

The terms and conditions of employment as delineated below are in addition to the provisions of the City's Personnel Rules and Regulations of the City of Fort Bragg" as adopted by Resolution 3805-2015 and as amended from time to time. Should a conflict exist between this Resolution and Resolution 3805-2015, the provisions in this Resolution, or its successor, shall prevail.

SECTION 1.0 SALARY COMPENSATION

1.1 SALARY SCHEDULE EXEMPT MID-MANAGEMENT CLASSIFICATIONS

Position	Range/Month Effective July 13, 2014	Range/Month Effective first full pay period in July 2015	Range/Month Effective first full pay period in July 2016
Associate City Engineer	\$5,312-\$6,457	\$5,366-\$6,523	\$5,447-\$6,620
Acting City Clerk	n/a	\$5,366-\$6,523	\$5,447-\$6,620
Senior Government Accountant	\$5,287-\$6,426	\$5,366-\$6,523	\$5,447-\$6,620
Special Projects Manager	n/a	\$5,366-\$6,523	\$5,447-\$6,620
Operations Manager	\$5,578-\$6,780	\$5,661-\$6,882	\$5,746-\$6,985
Police Lieutenant	\$7,021-\$8,534	\$7,126-\$8,662	\$7,233-\$8,792
Noyo Center Executive Director (authorized through September 5, 2015)	\$5,165-\$6,278	\$5,242-\$6,372	

Salary ranges are established for exempt Mid-Management classifications which incorporate cost of living adjustments as follows: Effective July 13, 2014 - 1%; effective the first full pay-period in July 2015 – 1.5%; and effective the first full pay-period in July 2016 – 1.5%:

1.2 ONE-TIME PAYMENTS

One-time payments will be made to positions covered by this Resolution on the date and in the manner described below. These payments are not included in the City's Compensation Plan and are not considered "special compensation" under section 571 of the California Code of Regulations.

- A. Effective the pay period beginning July 13, 2014, each employee covered by this Resolution and whose hire date falls prior to July 13, 2014, shall receive on their regular paycheck a one-time payment of \$1,000, paid to the employee as taxable income to the extent required by law.
- B. Effective the first full pay period in July 2015, each employee covered by this Resolution and whose hire date falls prior to the beginning of the first full pay period in July 2015, shall receive on their regular paycheck a one-time payment of \$500, paid to the employee as taxable income to the extent required by law.
- C. Effective the first full pay period in July 2016, each employee covered by this Resolution and whose hire date falls prior to the beginning of the first full pay period in July 2016, shall receive on their regular paycheck a one-time payment of \$1,000, paid to the employee as taxable income to the extent required by law.

1.3 INITIATIVE MEASURE D, ORDINANCE 672

- A. The salary provisions of Initiative Measure D. Ordinance 672 as adopted by the voters on November 4, 1986, are hereby recognized as the basic policy document governing the salary of the Police Chief covered in this resolution.

- B. The salary adjustments as provided for in Ordinance 672 shall be implemented as soon as possible after January 1 of each year, and before January 31, unless there is a discrepancy. In these instances, the discrepancy shall be resolved, and the salary adjustments shall be implemented no later than February 28.

SECTION 2.0 LEAVES OF ABSENCE (PAID AND UNPAID)

2.1 MANAGEMENT LEAVE

Each exempt Mid-Management employee shall receive 10 days (80 hours) of Management Leave annually accrued in total as of January 1. Management leave for exempt Mid-Management employees hired after January 1 will be prorated. An additional 5 days (40 hours) of supplemental leave may be awarded at the discretion of the City Manager based on extended hours of work time and job performance as verified by the City Manager.

If the leave is not used by December 31 of each year, the unused balance will not carry forward unless approval by the City Manager is requested and received before December 31. The City Manager may authorize a carry-over of unused balance for up to 90 days past December 31. Any unused leave not taken within the 90-day extension period will be lost. Management Leave must be taken as time off and is not compensable upon termination.

2.2 VACATION LEAVE

- A. Accrual: All full-time exempt Mid-Management employees covered by this resolution shall accrue vacation as follows:

- 88 hours annually for 1 to 3 years of service (i.e. 0-36 months).
- 120 hours annually for 4 to 9 years of service (i.e. 37-120 months).
- 160 hours annually for 10 to 14 years of service (i.e. 121-180 months).
- 200 hours annually for 15 or more years of service (i.e. more than 180 months).

- B. Accumulation: Vacation time can be accrued as follows:

- A maximum of 240 hours for 1 to 9 years of service (i.e. 0-120 months).
- A maximum of 320 hours for 10 to 14 years of service (i.e. 121-180 months).
- A maximum of 360 hours for 15 or more years of service (i.e. more than 180 months).

The City Manager may authorize additional accumulation of vacation hours in situations where vacation time cannot be authorized due to work demands.

- C. Use: Vacation leave may be taken as it accrues. Accrued vacation time may be used, at a minimum, in blocks of one (1) hour or more. The date of vacation may be selected by the employee, but shall be approved by the department head, who shall consider the wishes of the employee and the needs of the Department.
- D. Vacation Buy-Back: Once during each fiscal year, and subject to the approval of the City Manager, a maximum of 40 hours of vacation leave may be bought out. At the time the buy-back option is exercised, a minimum of 40 hours of vacation leave must be retained. Buy out requests must be made in writing to the City Manager.

2.3 LEAVE OF ABSENCE WITHOUT PAY

The City Manager may grant leaves of absence for a maximum of ninety (90) working days, without pay to any employee if the circumstances of the particular case warrant.

2.4 SPECIAL ADMINISTRATIVE LEAVE

The exempt Mid-Management classification of Police Lieutenant shall be eligible for "special administrative leave" as outlined in the Fort Bragg Police Association (FBPA) MOU in effect at the time such leave is required.

2.5 TEMPORARY ASSIGNMENT PAY FOR WORKING IN A HIGHER CLASSIFICATION

When a Mid-Management employee is assigned to perform the duties of a department head for a period in excess of three (3) working days, said employee shall receive compensation equal to step 1 of the so assigned department head classification compensation schedule for the entire period of such assignment.

At the discretion of the City Manager, when the Police Lieutenant is assigned to perform the duties of the Chief of Police for a period in excess of three (3) working days, said employee shall receive compensation equal to step 2 of the so assigned department head classification compensation schedule for the entire period of such assignment.

Such assignments must be documented in writing prior to the actual absence of the department head and shall be approved by the City Manager prior to the absence of the department head, unless the absence is due to an unanticipated or unexpected absence.

Temporary assignment pay shall not apply to any paid leave time (sick leave, vacation, holiday, management leave) taken during the temporary assignment. In the event that the employee is required to be available over the weekend or during a holiday to respond to work related issues (for example the Police Lieutenant may be temporarily assigned when the Chief is out of town for four days including a weekend) assignment pay will apply to holiday or weekend days.

SECTION 3.0 HEALTH, DENTAL, VISION, LONG TERM DISABILITY, LIFE INSURANCE, DEFERRED COMPENSATION, RETIREMENT AND CAFETERIA PLAN

3.1 HEALTH, DENTAL AND VISION INSURANCE

A. For purposes of this Section, the following definitions shall apply:

1. Legally Separated - A court action separating an employee from his/her spouse. This definition shall be used for the sole purpose of City covered health insurance purposes. The insurance Provider shall determine if the separated spouse is eligible for coverage under the City Health Plan(s)
2. Domestic Partner — A domestic partner as defined under California Family Code section 297.

B. Health and Dental Insurance

1. City shall provide health and dental insurance plans for employees and shall make such plan available for any dependents. The Insurance Provider shall determine if a legally separated spouse is eligible for coverage under the City's group health and dental plans.
2. Effective July 1, 2012, the City shall pay 80% and the employee shall pay 20% of the premiums required for the health and dental plans.

3. Employees enrolled in the High Deductible Health Plan will receive a total benefit allowance equal to 80% of the premium for the "traditional" health plan for payment of the High Deductible Health Plan premium with the balance, if any, to be paid into a Health Savings Account. Employees may choose to contribute additional funds to a Health Savings Account on a pre-tax basis via payroll deductions in accordance with IRS guidelines.

- C. Eligible employees may elect to opt out of the medical and dental plan completely, in which case the employee will receive a monthly contribution of \$250 if opting out of both medical and dental coverages and a pro-rated amount if opting out of only one type of coverage. The unused portion of the \$250 contribution will be paid to the employee as taxable income. To be eligible, employees must provide proof of other comparable coverage and the opt out shall be effective for the employee and any eligible dependents. The unused portion of the \$250 contribution will be paid to the employee as taxable income.

D. Vision Plan

1. The City shall provide a vision care program for both employee and dependents. The premium cost of said plan is paid entirely by the City.
2. Where and when the wearing of safety glasses is mandatory, the City shall provide reimbursement of the actual cost of required prescription safety glasses up to a maximum of \$225 per fiscal year per employee, or \$450 every other fiscal year.

E. Health and Dental Insurance on Retirement

For purposes of this section, the term "retiree" is defined as:

An employee who has a minimum of ten (10) years of continuous employment with the City, whose last day of employment preceding retirement through the California Public Employee Retirement System (CalPERS) was with the City, who immediately begins receiving CalPERS benefits upon retirement from the City, and who continuously maintains retiree status with CalPERS.

1. For employees hired on or before December 31, 1991:

- i) The City agrees to pay, for an eligible employee/retiree only, the costs of health and dental insurance in the City-approved plan(s) after retirement.
- ii) The City will make available health and dental insurance in the City-approved plan(s) for the spouse or domestic partner only of a retiree if retiree was married or in a domestic partnership at the time of retirement.
- iii) The City will pay the cost of spousal/partner health coverage based on the following schedule. Retirees must be at least sixty (60) years of age at retirement in order to receive this benefit. If an employee retires earlier than age 60 as allowed under the CalPERS retirement plan, the employee/retiree is responsible for 100% of the cost of spousal/partner health insurance coverage until the retiree reaches the age of sixty (60).

Retiree Completed Years of Service	City-Paid Portion of Dependent Health Premiums
10 Years	10%

11 Years	20%
12 Years	30%
13 Years	40%
14 Years	50%
15 Years	60%
16 Years	70%
17 Years	80%
18 Years	90%
19 Years	100%

- iv) Part-time employees/retirees eligible for this benefit shall receive the prorated cost of health and dental insurance in accordance with the City's Personnel Rules.
 - v) The retiree is responsible for 100% of the cost of spousal/partner coverage in the City's dental plan.
2. For employees hired on or after January 1, 1992 but before July 1, 2003:
- i) The City agrees to pay, for an eligible employee/retiree only, the costs of health and dental insurance in the City-approved plan(s) after retirement.
 - ii) Part-time employees/retirees eligible for this benefit shall receive the prorated cost of health and dental insurance in accordance with the City's Personnel Rules.
3. For employees hired on or after July 1, 2003 but before July 1, 2007:
- i) The City agrees to pay, for an eligible employee/retiree only, the costs of health and dental insurance in the City-approved plan(s) after retirement until the retiree reaches the minimum required age for Medicare eligibility, at which time the City will only provide a supplemental prescription drug plan for the retiree.
 - ii) Part-time employees/retirees eligible for this benefit shall receive the prorated cost of health and dental insurance in accordance with the City's Personnel Rules.
4. For employees hired on or after July 1, 2007 but before July 1, 2011:
- i) The City agrees that employees/retirees only may remain on the City's health and dental insurance plans until retiree reaches minimum Medicare eligibility age. The retiree is responsible for the full cost of insurance premiums for retiree only coverage which shall be paid to the City in a timely manner.
5. For employees hired on or after July 1, 2011:
- i) Retirees are not eligible to participate in the City's post-employment health and dental insurance benefit plans.

3.2 LONG TERM DISABILITY INSURANCE

- A. Exempt Mid-Management employees covered under this resolution may participate in the group long-term disability insurance program. For an overview of the plan see the certificate of insurance on file in the City Human Resources Department.
- B. The City shall pay half the cost of the program with the balance to be paid by employees, through payroll deduction.

3.3 LIFE INSURANCE

The City agrees to provide a life insurance policy in the amount of \$100,000 for each Mid-Management employee covered under this resolution. The City agrees to pay all costs of such policies.

3.4 DEFERRED COMPENSATION

The City agrees to continue in effect the deferred compensation plans approved by resolution of the City Council. Participation is voluntary and no contribution is made by the City on the employee's behalf.

3.5 RETIREMENT

- A. For employees hired prior to December 31, 2012, and employees hired on or after January 1, 2013, who are "Classic Employees" as defined by CalPERS, the City offers the 2% @ 55 CalPERS Retirement Plan for all Miscellaneous employees covered by this resolution and the 2% @ 50 CalPERS Retirement Plan for all Safety employees covered by this resolution.
- B. Employees hired on January 1, 2013 or after, who are not "Classic Employees" as defined by CalPERS, the City offers the 2% @ 62 CalPERS Retirement Plan for all Miscellaneous Employees covered by this resolution and the 2.7% @ 57 CalPERS Retirement Plan for all Safety Employees covered by this resolution.
- C. For employees hired after March 13, 2006 and before January 1, 2013, (Eligible Employee), the City agrees to pay the cost of the employer share and to pay Employer Paid Member Contributions (EPMC) pursuant to Government Code Section 20691 according to the following time-in-grade schedule (pursuant to Government Code Section 20626(e)(1)):
 - Years 1 through 5 at 0%
- D. Once an Eligible Employee accrues five (5) years of total service to the City of Fort Bragg (either on a continuous or cumulative basis), s/he shall be entitled to payment of EPMC on the same terms that apply to all other employees covered by this resolution.
- E. Effective the first full pay period in July 2014, for employees covered by this resolution who are not subject to the time-in-grade exception, the City agrees to pay the full cost of the employer contribution and 1% of eligible earnings as EPMC pursuant to Government Code Section 20691 for Miscellaneous employees; and the City agrees to pay the full cost of the employer contribution and 3% of eligible earnings as EPMC pursuant to Government Code Section 20691 for Safety employees.
- F. Effective the first full pay period in July 2015, for employees covered by this resolution who are not subject to the time-in-grade exception, the City agrees to pay the full cost of the employer contribution and the employee will cover 100% of the employee contribution for Miscellaneous employees; and the City agrees to pay the full cost of the employer contribution and 2% of eligible earnings as EPMC pursuant to Government Code Section 20691 for Safety employees.
- G. Effective the first full pay period in July 2016, for Safety employees covered by this resolution who are not subject to the time-in-grade exception, the City agrees to pay the full cost of the employer contribution and 1% of eligible earnings as EPMC pursuant to Government Code Section 20691.

3.6 CAFETERIA PLAN ADMINISTRATIVE FEES

The City shall pay the administrative costs for employees enrolled in the plan.

SECTION 4.0 PHYSICAL EXAMINATIONS

Exempt Mid-Management employees covered by this resolution, may undergo annual physical examinations. The City will reimburse any costs associated with deductible and co-pays. The employee must submit a copy of the health insurance explanation of benefits to the Human Resources Office for reimbursement of co-pays and deductibles.

SECTION 5.0 AUTOMOBILE USE AND TRAVEL REIMBURSEMENT

- A. In those instances where a City vehicle is not available for use and the employee is required to use his/her private vehicle on City business, travel expense reimbursement shall be at the rate allowed by the Internal Revenue Service for mileage driven on City business.
- B. Prior to the use of their private vehicle, employees must provide the City with a certificate of insurance, on the form provided by the City, which evidences that employee has comprehensive automobile liability insurance or business automobile liability insurance in an amount at least equal to the minimum requirements established by the City's liability insurance provider.
- C. Employees shall be reimbursed for expenses incurred while on assignment outside the Fort Bragg area as follows:
 - 1. Lodging: Maximum of \$89.00 per night, which shall include local taxes, but exclude tips, porter's fees, , room service, movies, valet, etc.
 - i. When traveling to a high cost area, the City Manager may approve a higher maximum than shown above.
 - ii. When an employee lodges at a hotel/motel at which the training program/meeting/seminar is being conducted, the employee shall be reimbursed for actual lodging costs if higher than the amount above. Approval of the Department Head or City Manager is required.
 - iii. Receipts are required for all lodging costs.
 - iv. When shared by others, only a pro rata share of the cost will be reimbursed. When furnished by a government agency or other source, or otherwise obtained without cost, (i.e. lodging with friends or relatives) there shall be no reimbursement.
 - 2. Meals: Per diem allowances for meals shall be provided and employees shall be eligible to claim for breakfast per diem (\$10.00) if they are in travel status as of 6:00 a.m.; employees shall be eligible to claim for lunch per diem (\$15.00) if they are in travel status between the hours of 11:00 a.m. and 2:00 p.m.; employees shall be eligible to claim for dinner per diem (\$25.00) if they are in travel status as of 6:00 p.m.
 - i. If some meals are furnished when traveling on a per diem, they may not be claimed and/or they will be deducted at the basic rate as provided above.
 - 3. Rental Cars: Size of rental cars must be justified if larger than compact. When using a rental vehicle, employee must keep log of daily mileage and pay for any mileage charge when car is used for personal business.

4. First Class Travel: First class travel cannot be used, unless the additional cost is paid by the employee.
5. Tickets: Copy of tickets used for travel must always be furnished with claim.
6. Fitness for Duty Examinations: City will pay mileage for personal car use to and from the out-of-town location of the city requested examination based on the same criteria as for other travel reimbursements.

SECTION 6.0 EDUCATION INCENTIVE

- A. No exempt Mid-Management employee covered by this resolution shall receive any additional pay as an educational bonus or "certificate pay."
- B. The City shall make available \$750 annually for each exempt Mid-Management employee covered by this resolution for purpose of continuing education and/or professional training. The annual training allowance may be accumulated to a maximum of \$1,500 and should be included in the departmental budget during the budget process when planning for training and professional development. The training allowance may be used for training and expenses incurred in obtaining training. Requests must be approved by the City Manager prior to incurring expenses. Reimbursement will be made upon evidence of successful completion of the training or class.

SECTION 7.0 HOURS OF WORK

- A. Salaries approved for exempt Mid-Management employees recognize the advanced level of skills possessed by these employees, the high level of responsibility delegated to these employees and the potential for longer working hours necessitated by meeting attendance, response to emergency situations, and attendance at court and/or the necessity for meeting project deadlines.
- B. There is no specific compensation for hours worked beyond the minimum workweek of forty (40) hours. The following shall serve as basic guidelines to be used in the management of exempt Mid-Management employee work hours:
 1. Exempt Mid-Management employees shall be expected to attend City Council and other evening or weekend meetings and activities as may be required by their job duties. Mid-Management employees shall not receive compensatory time off or additional compensation in any other form for attendance at such meetings/activities.
 2. All employees covered under this resolution are exempt Mid-Management employees and are, therefore, exempt from overtime payment under the Fair Labor Standards Act.
 3. All employees covered under this resolution shall be eligible to use Management Leave during the calendar year as provided in Section 2.1 of this resolution or to adjust work days and hours in recognition of extended hours worked.
 4. In recognition that exempt Mid-Management employees are often required to attend early morning, lunch, and evening meetings a system of flexible time is available for their use. Exempt Mid-Management employees may work prior to the regular starting time or beyond the regular ending time, or may occasionally take an extended lunch or may work a weekend in lieu of a workday. However, it is expected that exempt Mid-Management employees shall work a minimum of eighty (80) hours per pay period, plus any additional work time reasonably required to discharge the duties and responsibilities of the position.

SECTION 8.0 UNIFORM AND BOOT ALLOWANCE

The Associate City Engineer and Operations Manager are eligible for a boot allowance of \$200.00 per year for boots that are OSHA/ASTM approved.

The Operations Manager is eligible for a uniform allowance of \$500 per year for boots and clothing appropriate for performing work at the City's treatment plants and performing other responsibilities of the position.

Pursuant to City Council Resolution 2764-2004, the Police Lieutenant will receive the uniform allowance as provided to police officers.

SECTION 9.0 CERTIFICATION AND DUES

The City agrees to pay for any certifications required in the performance of job duties for all mid-management positions.

To support each employee covered by this resolution in performing the necessary functions of their job duties, the City will pay for dues and subscriptions for professional/technical licensing and association membership as recommended by the Department Head and approved by the City Manager.

SECTION 10.0 EQUIPMENT PURCHASE LOAN PLAN

All exempt Mid-Management employees covered by this resolution shall have the option of entering into an equipment purchasing loan plan with the City, which may be utilized to assist the employee to purchase equipment that may be used, both on or off duty, to improve the employee's job performance. This plan has the following limitations:

- A. The loan total shall not exceed \$3,000.00.
- B. Employee cannot add to an existing loan without the recommendation and express permission of the City Manager.
- C. Employee agrees to pay an interest rate equal to the Local Agency Investment Fund (LAIF) rate paid to the City, as of the date of the loan, plus .25 percent.
- D. Loans shall be repaid via payroll deductions. Loans of less than \$1,000.00 shall be repaid in twenty-six equal installments. Loans of \$1,000.00 or more but less than \$2,000.00 shall be repaid in fifty-two equal installments. Loans of \$2,000.00 or more shall be repaid in seventy-eight equal installments. In no case shall deductions be more than \$50.00 per paycheck, except in the event of separation when the balance of the loan will be deducted from the final paycheck.
- E. The employee shall provide documentation, such as an invoice or receipt, prior to issuance of the loan, to serve as proof of purchase.
- F. Employee shall sign a payroll deduction authorization form for the amount calculated by the Finance Department.
- G. Employee shall receive approval prior to the purchase of any equipment for which this program is anticipated.
- H. Once all necessary documentation has been supplied and the employee signs all equipment loan documents, issuance of the loan will be processed within fourteen (14) days of final approval of all approved paperwork.

The above and foregoing Resolution was introduced by Councilmember _____, seconded by Councilmember _____, and passed and adopted at a regular

meeting of the City Council of the City of Fort Bragg held on the 13th day of July, 2015, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

DAVE TURNER,
Mayor

ATTEST:

Brenda Jourdain,
Administrative Assistant