

**RESOLUTION NO. 09-317 N.C.**

**RESOLUTION OF THE COUNCIL OF THE CITY OF VALLEJO REVISING THE UNREPRESENTED EXECUTIVE MANAGEMENT EMPLOYEE COMPENSATION, LEAVE, AND BENEFITS (EXECUTIVE MANAGEMENT COMPENSATION PLAN)**

The Council of the City of Vallejo does hereby resolve as follows:

**Section I Intent.**

This Resolution is enacted in order to set forth certain compensation, leave, and benefits for executive management employees, as defined below, for the City of Vallejo.

**Section II Citation of Resolution.**

This Resolution shall be known and may be cited as the Executive Management Compensation Plan Resolution for the City of Vallejo.

**Section III Superseding Resolutions.**

The provisions of this Resolution may be superseded in whole or in part by resolutions adopted by the Council of the City of Vallejo. Each such resolution shall be effective on the first day of the City pay period next succeeding its adoption, unless such resolution provides otherwise. Any provision of this Resolution superseded by resolution of the City Council shall be deemed repealed upon effective date of the superseding resolution.

**Section IV Classes of Employment.**

The provisions of this Resolution shall apply to the following classifications: Assistant City Manager, Finance Director, Police Chief, Fire Chief, Public Works Director, Human Resources Director, Development Services Director, Assistant City Attorney I - Exempt, Human Resources Operations Manager, Executive Assistant to the City Manager, and Executive Assistant to the Mayor.

These classifications shall be referred to herein as the Executive Management Employees.

**Section V At-Will Employment.**

- A. Employees filling Executive Management Employee positions are at-will and serve at the pleasure of the City. At-will employees acquire no property interests in their positions and have no guarantees, either implied or express, regarding continued employment, nor any guarantee of any particular level of benefit whatsoever, nor any right to appeal termination of such employment or any disciplinary action. Nothing herein shall abrogate the at-will status of these employees.
- B. It is understood and agreed that the City possesses the sole right and authority to operate and direct the employees of the City and its various departments in all aspects, including but not limited to:

1. The right to determine its mission, policies, and to set forth all standards of service offered to the public;
2. To plan, direct, control and determine the operations or services to be conducted by employees of the City;
3. To change working conditions as deemed appropriate by the City;
4. To determine the methods, means, number of personnel needed to carry out the mission of the City or the mission of any department;
5. To direct the working forces;
6. To hire, promote, and assign or to transfer employees within the City or a department;
7. To lay-off, relieve employees due to lack of work or funds or for other reasons determined appropriate by the City;
8. To make, publish, and enforce rules and regulations;
9. To introduce new or improved methods, equipment, or facilities;
10. To contract out for goods and/or services.

#### **Section VI Salaries and Other Pays.**

- A. Wages. The salary of employees covered by this Resolution shall be set forth in the salary schedule attached as Exhibit A, which is attached hereto and incorporated herein by this reference, and shall remain in effect through June 30, 2011.
- B. Management Incentive Pay. Due to the unique nature of the positions covered by this Resolution, employees shall be eligible to receive a benefit equal to 120 hours of pay per year of compensation at the employee's base hourly rate. This will be paid in equal installments in the employees' regular paycheck. Employees who are hired, promoted or leave a position covered by this Resolution during a fiscal year shall have this benefit prorated according to the period of time actually worked in an eligible position.

#### **Section VII Retirement.**

- A. The City shall continue to participate in the State of California Public Employees Retirement System (CalPERS). Currently, employees covered by this Resolution are covered by the 2.7% at 55 retirement formula.
- B. As soon as a 2.0% or 2.5% at 55 retirement formula is implemented for non-safety miscellaneous employees, newly hired non-safety executive management and employees shall be covered by that same formula.
- C. As soon as a reduced formula is implemented for safety employees, newly hired safety executive management and exempt employees shall be covered by that same formula. This formula may be implemented separately for fire and police.
- D. Employee Contribution Rate to Retirement Plan. The employee contribution rate for the 2.7% at 55 plan shall be nine percent (9%). The employee contribution

rate for 3.0% at 50 shall be nine percent (9%). Such amount shall be deducted from the employee's paycheck pursuant to this Resolution.

- E. Social Security. Non-safety employees covered by this Resolution are covered by the Social Security Act. This benefit is in addition to the CalPERS Retirement Plan. The City and employee each pay the required amount required under the Social Security Act.
- F. Deferred Plans.
  - 1. 457 Plan. Employees covered by this Resolution may voluntarily participate in such plan.
  - 2. 401(A) Plan. Employees covered by this Resolution may voluntarily participate in such plan.
  - 3. IRS 125 Plan. Employees covered by this Resolution may voluntarily participate in such plan.
  - 4. PARS Plan. Employees covered by this Resolution may voluntarily participate in such plan.

#### **Section VII Holidays.**

- A. Declared Holidays. Employees covered by this Resolution shall observe the following eleven (11) holidays each fiscal year as set by the City Council in Resolution No. 99-26 N.C.:

Independence Day	July 4
Labor Day	First Monday in September
Columbus Day	Second Monday in October
Veteran's Day	November 11
Thanksgiving Day	Fourth Thursday in November
Day After Thanksgiving	Fourth Friday in November
Christmas Day	December 25
New Year's Day	January 1
Martin Luther King, Jr. Day	Third Monday in January
Washington's Birthday	Third Monday in February
Memorial Day	Last Monday in May

- B. When a holiday falls on a Saturday, the preceding Friday shall be deemed a holiday. When the holiday falls on a Sunday, the following Monday shall be deemed a holiday. When an employee is required to work on a holiday and with the consent of the Department Head and/or City Manager, as applicable, the employee may select another day in lieu of the holiday.

#### **Section VIII Work Schedule.**

- A. Employees covered by this Resolution are authorized to work a 9-80 schedule when workload permits and as approved by the Department Head and/or City Manager, as applicable.

#### **Section IX Annual Leave.**

- A. Effective January 1, 2010, employees covered by this Resolution shall accumulate vacation leave in accordance with the following schedule:

<u>Years of Continuous Service</u>	<u>Accrued Annual Leave</u>
Zero through 3	10 days or 2 weeks
3 through 9	15 days or 3 weeks
9 through 15	20 days or 4 weeks
15 plus years	25 days or 5 weeks

- B. Employees shall begin to accrue vacation leave from the first day of employment and shall be eligible to use vacation from the point at which it is accrued.
- C. Limitation on Accumulation. Current employees shall be eligible to accumulate annual leave up to that which can be accumulated in four (4) years. For employees hired on or after January 1, 2010, employees shall be eligible to accumulate annual leave up to that which can be accumulated in three (3) years. No employee shall accrue annual leave beyond the maximum allowed.
- D. Separation from Service. An employee who is laid off, resigns, retires or is otherwise separated from service of the City shall receive vacation pay for all of their accrued vacation upon separation from employment. The amount of payment for all unused vacation shall be calculated based on the employee's base hourly rate of pay in effect on the employee's last day of employment.

**Section X Sick Leave.**

- A. Employees covered by this Resolution shall accumulate sick leave at the rate of 8 hours per month. Employees begin accruing sick leave benefits on their first day of employment and shall be eligible to use sick leave from the point of accrual.
- B. Limitation on Accumulation. Employees shall be eligible to accumulate annual leave up to that which can be accumulated in three (3) years or 288 hours. For current employees, any leave accrued in excess to the maximum prior to 2009 shall be frozen and kept in a separate leave bank designated as "Pre-2009 Leave." Any sick leave accrued after the adoption of this Resolution shall be placed in a new leave bank. Sick leave shall first be deducted from the employee's Pre-2009 Leave bank prior to any deduction from the employee's new leave bank.
- C. Retirement from Service. Employees who retire from City service with Pre-2009 Leave may cash-out up to 50% of that leave balance. The remainder may be used to purchase PERS service credit. The amount of payment for Pre-2009 Leave shall be calculated based on the employee's base hourly rate of pay in effect on the employee's last day of employment. Any new sick leave hours or hours accrued after the adoption of this Resolution shall have no cash value and cannot be cashed-out upon retirement. Sick leave hours accrued after the adoption of this Resolution may be used to purchase PERS service credit.

- D. Bereavement Leave. Employees may use sick leave for the purpose of bereavement up to a maximum of three (3) working days per bereavement for the death of the employee's spouse, domestic partner, parent, brother, sister, child, grandparent or grandchild provided that the employee notifies the Department Head or City Manager of the purpose of his/her absence on the first day of such absence and, if requested, the employee furnishes proof satisfactory to the Department Head or City Manager of the death, and the employee's relationship to the deceased.

#### **Section XI Health Benefits and Other Insurance.**

- A. Group Health Insurance. Effective February 1, 2010, the City shall cap its Public Employees Medical and Hospital Care Act ("PEMHCA") contribution toward medical premiums for employees and eligible dependents at \$300.00.
- B. The City shall provide the difference between \$300.00 and up to maximum of seventy-five (75%) of the Kaiser Bay Area/Sacramento rate at each level of coverage, i.e., employee only, employee plus one, or employee plus two or more to each employee through an IRS section 125 ("cafeteria") plan payment. If an employee selects a plan with a greater premium, the employee shall be responsible for the difference between the selected plan and the maximum City contribution. For example, if the Kaiser family rate is \$1000.00/month and an employee with family coverage chooses a plan costing \$1500.00/month, the City will pay \$750.00 (75% of the Kaiser premium) and the employee will pay \$750.00 (the difference between the selected plan and the City's maximum contribution) each month.
- C. Retiree Health Insurance. The City shall continue to participate in the retiree-annuitant portion of the PEMHCA provided for in Government Code section 22750 *et seq.* Retirees and current employees who retire from Vallejo and qualify under the PEMHCA shall continue to receive the same PEMHCA contribution as active employees (\$300.00/month effective February 1, 2010). If a retiree-annuitant and/or eligible dependent is enrolled in both Part A (Hospital) and Part B (Medical) of Medicare, the retiree-annuitant shall participate in the Medicare supplementary program as provided for in Government Code sections 22831, 22844, and 22859.
- D. Medical Insurance Flex. Employees shall be eligible to receive up to \$250.00/month in lieu of medical insurance premium contributions paid for by the City. In order to be eligible for this payment, the employee must decline coverage under the City's plan and prove to the City's satisfaction that they have medical coverage.
- E. Dental. Effective January 1, 2010 or as soon as possible thereafter, the City shall cap its contribution toward dental care premiums to 75% of the amount of the total premium. Employees shall be responsible for the other 25% of the premium costs.
- F. Vision. Effective January 1, 2010 or as soon as possible thereafter, the City shall cap its contribution toward dental care premiums to 75% of the amount of the total premium. Employees shall be responsible for the other 25% of the premium costs.

- G. Life Insurance. Effective January 1, 2010 or as soon as possible thereafter, the City shall eliminate its contribution toward life insurance premiums. Employees may elect life insurance coverage by purchasing coverage under the City group rate, but employees are responsible for the full premium.
- H. Employee Assistance Program. The City shall continue to provide an Employee Assistance Program and pay the full cost of this coverage.

**Section XII Miscellaneous Provisions.**

- A. Reimbursement for Mileage. Employees covered by this Resolution shall be reimbursed for all business miles driven at the rate set by the Internal Revenue Service.
- B. Uniform Replacement. The City shall replace dress uniforms for the Fire Chief and Police Chief once every two (2) years. The City shall replace daily uniforms for the Fire Chief and Police Chief as needed. The Fire Chief and Police Chief are responsible for maintaining uniforms in good and clean repair.

**Section XIII. Effective Date.**

Unless otherwise stated herein, all provisions of this Resolution is effective January 1, 2010.

**Section XIV. Previous Resolutions.**

All previous resolutions and parts of previous resolutions in conflict herewith are hereby repealed and replaced by this Resolution.

**Section XV. Distribution.**

The City Clerk shall certify to the adoption of this Resolution and provide for the appropriate distribution thereof.

ADOPTED by the City Council of the City of Vallejo at a regular meeting held on December 15, 2009 by the following vote:

- AYES: Mayor Davis, Vice Mayor Gomes, Councilmembers Hannigan, Schivley, Sunga and Wilson
- NOES: Councilmember Brown
- ABSENT: None
- ABSTENTIONS: None

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//s//  
OSBY DAVIS, Mayor

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ATTEST: AILEEN WEDDELL, Interim City Clerk