

RESOLUTION NO. 23-017 N.C.

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

WHEREAS, on December 11, 2018, the City Council adopted Resolution 18-111 revising the Management Compensation Plan and Salary Schedule for the Unrepresented Executive Management Employees; and

WHEREAS, on December 14, 2021, the City Council adopted Resolution 22-028 of the Council of the City of Vallejo Revising the Unrepresented Executive Management Employee Compensation, Leave and Benefits (Unrepresented Employees Salary Schedule and Management Compensation Plan); and

WHEREAS, subsequent to the adoption of the December 14, 2021 resolution, staff determined that unrepresented employees should be allowed to accumulate sick leave and convert unused sick leave in the same manner as members of CAMP ; and

WHEREAS, this revised resolution allows the new sick leave accrual rate for unrepresented employees to apply to all unrepresented employees; and

WHEREAS, staff added the new positions of Economic Development Director, Communication Operations Manager and Housing Director to Unrepresented.

NOW THEREFORE BE IT RESOLVED by the Council of the City of Vallejo as follows:

Section I Intent.

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

Section II Citation of Resolution.

The provision of this Resolution shall be known and may be cited as the Unrepresented Executive Management Employees Compensation Plan Resolution and Schedule for the City of Vallejo.

Section III Superseding Resolutions.

This Resolution supersedes Resolution Nos. 09-317 N.C., 17-126, 18-111, and 22-028. This Resolution may be superseded in whole or in part by other resolutions adopted by the Council of the City of Vallejo.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 Any provision of this Resolution superseded by resolution of the City Council shall be deemed repealed upon effective date of the superseding resolution.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:

1.	ASSISTANT CITY ATTORNEY I - EXEMPT	00004	UNREP	EXEMP T
2.	ASSISTANT CITY ATTORNEY II - EXEMPT	00003	UNREP	EXEMP T
3.	ASSISTANT CITY MANAGER	00010	UNREP	EXEMP T
4.	ASSISTANT FINANCE DIRECTOR - E	00131	UNREP	EXEMP T
5.	ASSISTANT HUMAN RESOURCES DIRECTOR	06010	UNREP	EXEMP T
6.	ASSISTANT TO THE CITY MANAGER	00011	UNREP	EXEMP T
7.	ASSISTANT PUBLIC WORKS DIRECTOR – CITY ENGINEER	00150	UNREP	EXEMP T
8.	ASSISTANT PUBLIC WORKS DIRECTOR – MAINTENANCE	00170	UNREP	EXEMP T
9.	CHIEF ASSISTANT CITY ATTORNEY	00005	UNREP	EXEMP T
10.	CHIEF INNOVATION OFFICER	06020	UNREP	EXEMP T
11.	CITY CLERK - E	00102	UNREP	EXEMP T
12.	COMMUNICATIONS/PUBLIC INFORMATION OFFICER	06030	UNREP	EXEMP T
13.	COMMUNITY DEVELOPMENT DIRECTOR	00070	UNREP	EXEMP T
14.	DEPUTY FINANCE DIRECTOR	00129	UNREP	EXEMP T
15.	DEPUTY FIRE CHIEF - UNREPRESENTED	00041	UNREP	EXEMP T
16.	DEPUTY POLICE CHIEF	06050	UNREP	EXEMP T
17.	ECONOMIC DEVELOPMENT DIRECTOR		UNREP	EXEMP T
18.	EMPLOYEE RELATIONS MANAGER	00189	UNREP	EXEMP T
19.	EXECUTIVE ASSISTANT TO THE CITY MANAGER - E	00092	UNREP	EXEMP T
20.	EXECUTIVE ASSISTANT TO THE MAYOR - E	00091	UNREP	EXEMP T

21.	FINANCE DIRECTOR	00050	UNREP	EXEMP T
22.	FIRE CHIEF	00040	UNREP	EXEMP T
23.	HOUSING DIRECTOR		UNREP	EXEMP T
24.	HUMAN RESOURCES DIRECTOR	00080	UNREP	EXEMP T
25.	HUMAN RESOURCES OPERATIONS MANAGER	00085	UNREP	EXEMP T
26.	HUMAN RESOURCES PROGRAM MANAGER - E	00141	UNREP	EXEMP T
27.	INFORMATION AND TECHNOLOGY DIRECTOR	00090	UNREP	EXEMP T
28.	LAW OFFICE SUPERVISOR	00216	UNREP	EXEMP T
29.	PLANNING AND DEVELOPMENT SERVICES DIRECTOR	00071	UNREP	EXEMP T
30.	POLICE CHIEF	00030	UNREP	EXEMP T
31.	PUBLIC WORKS DIRECTOR	00020	UNREP	EXEMP T
32.	RISK MANAGER AND SAFETY OFFICER	00142	UNREP	EXEMP T
33.	SPECIAL ADVISOR TO THE CITY MANAGER	06040	UNREP	EXEMP T
34.	WATER OPERATIONS MANAGER	00104	UNREP	EXEMP T
35.	WATER UTILITIES DIRECTOR	00022	UNREP	EXEMP T
36.	COMMUNICATION OPERATIONS MANAGER		UNREP	EXEMP T

Section V At-Will Employment.

A. The classifications set forth in Section IV are unrepresented and at-will and may be terminated at any time for any lawful reason with or without notice. At-will employees acquire no property interests in their positions and have no guarantees regarding continued employment, nor any right to appeal termination of such employment or any disciplinary action. As employees in the above classifications are unrepresented, the City retains the sole discretion to modify any employment benefits at any time with or without notice. Nothing in this Resolution is intended to change the at-will and unrepresented status of the above-listed classifications.

- 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. Effective the first full pay period (December 18th, 2021) following City Council adoption of the December 14th, 2021 resolution, wages for employees covered by resolution 22-028, shall increase by two percent (2.0%).

Effective the first full pay period following July 1, 2022, wages for employees covered by resolution 22-028, shall increase by two percent (2.0%).

Effective the first full pay period following July 1, 2023, wages for employees covered by resolution 22-028, shall increase by three percent (3.0%).

- B. Market Equity Adjustments. All benchmark and related classifications determined through the 2020 Bryce market survey to be more than fifteen percent (15%) below the median for the jurisdictions surveyed, after the application of compensation terms effective in FY2021-22, shall receive an equity adjustment to bring them to fifteen percent (15%) below market the first full pay period after January 1, 2022.

In addition, for FY2022-23, all benchmark and related classifications determined through the 2020 Bryce market survey to be more than ten percent (10%) below the median for the jurisdictions surveyed (including those receiving adjustments in FY2021-22 under this section), after the application of compensation terms effective in FY2021-22 and FY2022-23, shall receive an equity adjustment to bring them to ten percent (10%) below market effective the first full pay period following January 1, 2023.

In addition, for FY2023-24, all benchmark and related classifications determined

through the 2020 Bryce market survey to be more than five percent (5%) below the median for the jurisdictions surveyed (including those receiving adjustments in FY2021-22 and FY2022-23 under this section), after the application of any negotiated compensation terms effective in FY2021-22, FY2022-23, and FY2023-24, shall receive an equity adjustment to bring them to five percent (5%) below market effective the first full pay period following January 1, 2024.

- C. One-Time Cash Payment. Effective the first full pay period (December 18th, 2021) following Council adoption of the December 14th, 2021 Resolution, all employees covered by Resolution 22-028, at the time of disbursement shall be entitled to a one-time lump sum payment of \$1,000. This payment shall not be considered as wages for purposes of retirement benefits.

Section VII Retirement.

- A. Classic Non-Safety Members. For those employees subject to this Resolution who were hired before January 1, 2013, or deemed by CalPERS to be “classic” or “legacy” members of the CalPERS system, the City shall continue to participate in the State of California Public Employees Retirement System (CalPERS). Currently, these employees covered by this Resolution are covered by the 2.7% at 55 retirement formula. Pursuant to Cal. Government Code section 20516 (Employee Sharing of Cost of Additional Benefit) the member contribution rate for all bargaining unit members who qualify as “classic” or “legacy” under the PEPRA shall be 9%, or the contribution rate as set forth in Government Code section 20516, as may be amended.
- B. New or “PEPRA” Non-Safety Members. For those employees subject to this resolution who were hired after January 1, 2013, or are “new”¹ to the CalPERS retirement system, the City shall provide the California Public Employee Retirement System Local Miscellaneous 2% at 62. In this and all other relevant respects, the City will comply with Cal. Government Code section 7522 et seq., including but not limited to the employee cost-share, the cap on pension benefits, and the three year average for calculating final compensation. “New” or “PEPRA” members shall pay a member contribution rate equal to 50% of the normal cost for their retirement benefit, as determined by PERS.
- C. Classic or Legacy Safety Employees. For those Public Safety Police employees subject to this resolution who were hired prior to January 1, 2013, or are deemed by CalPERS to be “classic” or “legacy” members, the City shall provide the California Public Employee Retirement System Safety 3% at 50. Classic or Legacy Public Safety Police members shall pay a member contribution rate of 9%. For those Public Safety Fire employees subject to this resolution who were hired by the City of Vallejo into the PERS Safety Fire membership prior to December 28, 2012 were, the City shall provide the 3% at 50 formula for the City of Vallejo Safety Fire

¹ “New” is defined by CalPERS as 1) never having been a member of CalPERS, OR 2) having been out of the system for six months or more. The City shall look to CalPERS in interpreting its own regulations and definitions with regard to retirement benefits.

Classic tier 1. Pursuant to Cal. Government Code section 20516 (Employee Sharing of Cost of Additional Benefit) the member contribution rate for all bargaining unit members who qualify as “classic” or “legacy” in the Safety Fire Classic tier 1 under the PEPRA shall be 13.4%. For those Public Safety Fire employees subject to this resolution who were hired on or after December 28, 2012 and before January 1, 2013 or are deemed by CalPERS to be “classic” member and new to the City of Vallejo plan, the City shall provide the Fire Safety Classic tier 2 plan with a 2% at 50 formula. Classic or Legacy Public Safety Fire tier 2 members shall pay a member contribution rate of 9%.

- D. “New” or “PEPRA” Safety Members. For those Public Safety employees subject to this resolution who were hired after January 1, 2013, and who are deemed by CalPERS NOT to be “classic” or “legacy” members, AB340 will apply imposing a 2.7% @ 57 pension formula. “New” or “PEPRA” members shall pay a member contribution rate equal to 50% of the normal cost for their retirement benefit, as determined by PERS
- E. With respect to retirement compensation and all other relevant respects, the City will comply with Cal. Government Code section 7522 et seq., including but not limited to the employee cost-share, the cap on pension benefits, and the three year average for calculating final compensation.
- F. Employee Retirement contribution amounts shall be deducted from the employee's paycheck pursuant to this Resolution.
- G. 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.
- H. 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 who elect to participate in the 457 plan are eligible for a City contribution to the 401(A) plan in an amount up to the equivalent of 1% of salary.
 - 3. IRS 125 Plan. Employees covered by this Resolution may voluntarily participate in such plan.
 - 4. PARS Plan. Employees covered by this Resolution and who were full-time employees on or after July 1, 2004 and hired before December 31, 2012, may voluntarily participate in such plan.

Section VIII Holidays.

- A. Declared Holidays. Employees covered by this Resolution shall observe the following twelve (12) holidays each fiscal year.:

Independence Day	July 4
Labor Day	First Monday in September
Indigenous Peoples' Day	Second Monday in October
Veterans 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
Juneteenth	June 19

- 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 IX 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 X Annual Leave.

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

<u>Pay Periods Completed</u>	<u>Accrued Annual Leave</u>
1 PP – 78 PP	80 hours
79 PP – 234 PP	120 hours
235 PP – 390 PP	160 hours
391 PP +	200 hours

- 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 Administrative Leave

- A. Effective January 1, 2019 employees covered by this Resolution shall receive 80 hours of administrative leave per calendar year. This leave must be used within the payroll calendar year, or be forfeited. There is no cash value to the leave.
- B. For employees that are hired during the year, the amount of leave they receive will be pro-rated based upon the number of pay periods remaining in the payroll calendar year.
- C. For employees that leave the City during the year, the amount of leave to which they are entitled will be adjusted according to the number of pay periods they worked in the payroll calendar year. If they have used more hours, the adjustment will be made as a part of their vacation payout.

Section XI Sick Leave.

- A. Employees covered by this Resolution shall accumulate sick leave at the rate of 12 hours per month, effective the first full pay period (February 25th, 2023) following Council adoption of the February 14th, 2023 Resolution. 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. Beginning with this fiscal year, all unrepresented employees who have used five days or less of sick leave shall be allowed to convert 25% of their unused sick leave to annual leave. For purposes of this resolution, unused sick leave shall be that sick leave earned during the fiscal year and not used by the employee during that fiscal year.
- 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 Resolution 22-028 shall have no cash value and cannot be cashed-out upon retirement. Sick leave hours accrued after the adoption of Resolution 22-028 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. Bereavement leave may also be used for the death of the parent, child, sibling, grandparent or grandchild of the employee's spouse or domestic partner.

Section XII 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 Region 1 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, 2019, or as soon as possible thereafter, the City contribution toward dental care premiums shall be 100% of the amount of the total premium.
- F. Vision. Effective January 1, 2010, or as soon as possible thereafter, the City contribution toward dental care premiums shall be 100% of the amount of the total premium.
- G. Life Insurance. Effective October 1, 2017, or as soon as possible thereafter, the City shall provide for coverage of each employee with Life/Accidental Death & Disability Insurance, at a coverage level of 2 times the employee's base salary, up to a maximum of \$250,000. Additionally, the City shall provide for coverage of each employee, except public safety employees with Long Term Disability insurance, with a benefit of 60% up to a maximum monthly benefit of \$10,000.
- H. Employee Assistance Program. The City shall continue to provide an Employee Assistance Program and pay the full cost of this coverage.

Section XIII 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, Deputy Fire Chief, Police Chief, and Deputy Police Chief once every two (2) years. The City shall replace daily uniforms for the Fire Chief, Deputy Fire Chief, Police Chief, and Deputy Police Chief as needed. The Fire Chief, Deputy Fire Chief, Police Chief, and Deputy Police Chief are responsible for maintaining uniforms in good and clean repair.

Section XIV Effective Date.

Unless otherwise stated herein, all provisions of this Resolution will be effective February 15, 2023.

Section XV Previous Resolutions.

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

Section XVI 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 February 14, 2023 with the following vote:

- AYES: Mayor McConnell, Councilmembers Bregenzer, Loera-Diaz, Matulac, and Palmares
- NOES: Councilmember Arriola
- ABSENT: Vice Mayor Verder-Aliga
- ABSTAIN: None

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 ROBERT H. MCCONNELL, MAYOR

ATTEST:

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 DAWN G. ABRAHAMSON, CITY CLERK