

## RESOLUTION NO. 2943-2006

### RESOLUTION OF THE FORT BRAGG CITY COUNCIL ESTABLISHING A COMPENSATION PLAN AND TERMS AND CONDITIONS OF EMPLOYMENT FOR EXEMPT AT-WILL EXECUTIVE 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 Executive classifications; and

**WHEREAS**, exempt at-will Executive classifications covered by this resolution include: City Clerk/Assistant to the City Manager, Community Development Director, Finance Director/City Treasurer, Human Resources Manager/Assistant to the City Manager, Police Chief, and Public Works Director; and

**WHEREAS**, exempt Executive classifications are not part of the Personnel Merit System and do not receive consideration as provided for others in that system; and

**WHEREAS**, all classifications covered by this resolution are at-will, serve at the pleasure of the City Manager and can be terminated with or without notice or cause and with no rights of appeal;

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Fort Bragg does establish compensation and benefits, effective July 1, 2005 for Executive classifications as follows:

#### **SECTION 1.0 SALARY COMPENSATION**

Salaries will be reviewed according to the Executive compensation policy established by the City Council. This review will occur once a year. Consideration of salary adjustments for exempt positions will occur only after City employee groups (Mid-Management and the Fort Bragg Employee Organization (FBEO)) have ratified or been approved for an adjustment, or a reasonable period for ratification has occurred.

#### **1.1 SALARY SCHEDULE**

The following salary ranges shall be effective 07/01/2005.

	<b><u>Position</u></b>	<b><u>Range/Month</u></b>
1.	City Clerk/Assistant to the City Manager	\$4,599 – \$5,590
2.	Community Development Director	\$5,601 – \$6,809
3.	Finance Director/City Treasurer	\$5,601 – \$6,809

4.	Human Resources Manager/Assistant to the City Mgr	\$4,599 – \$5,590
5.	*Police Chief	\$5,883 – \$7,156
6.	Public Works Director	\$5,601 – \$6,809

\*CLASSIFICATION SUBJECT TO INCREASE ACCORDING TO ORDINANCE 672.

**1.2 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 EXECUTIVE LEAVE**

Each exempt Executive employee shall receive 10 days (80 hours) of Executive Leave annually accrued in total as of January 1. Executive leave for exempt 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 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. Executive Leave must be taken as time off and is not compensable upon termination.

**2.2 VACATION LEAVE**

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

- 88 hours annually for 1 to 3 years of service;
- 120 " " " 4 to 9 years of service;
- 160 " " " 10 to 14 years of service;
- 200 " " " 15 or more years of service.

- B. Accumulation: Vacation time can be accrued up to a maximum of 360 hours. The City Manager may authorize additional accrual 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 80 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.
- E. Pay for vacation time: Upon termination of employment the employee shall receive all earned vacation on record based on the pay level of the employee at the time of the separation of employment. Such payment shall be received in his/her final paycheck from the City.

### **2.3 HOLIDAYS**

- A. All exempt Executive employees shall receive 12 designated paid holidays per year to be observed during each fiscal year (July 1-June 30). Specified holidays are as follows:
  - January 1 (New Year's Day)
  - 3<sup>rd</sup> Monday in January (Martin Luther King Jr. Day)
  - 3<sup>rd</sup> Monday in February (Presidents Day)
  - Last Monday in May (Memorial Day)
  - July 4 (Independence Day)
  - 1<sup>st</sup> Monday in September (Labor Day)
  - 2<sup>nd</sup> Monday in October (Columbus Day)
  - November 11 (Veteran's Day)
  - 4<sup>th</sup> Thursday in November (Thanksgiving)
  - Friday after Thanksgiving
  - December 24 (Christmas Eve)
  - December 25 (Christmas Day)

In addition, any day proclaimed by the Governor and recognized by the City Council as a public holiday, day of mourning or day of thanksgiving shall be provided as a holiday.

- B. Holiday Leave shall be administered as provided for in Rule V, Section 6 of the City of Fort Bragg Personnel Rules and Regulations, as amended.

### **2.4 SICK LEAVE AND FAMILY AND MEDICAL LEAVE**

- A. Accrual: All Executive employees shall accrue sick leave at a rate of eight hours per month beginning at the end of the first thirty-one days of employment and sick leave may be accrued with no maximum limit.
- B. Personal Use: Sick leave may be used as it is accrued. It is to be used for illness or injury and may not be used to supplement days off.

- C. Family Care Use: Accrued sick leave may be used for care of children, siblings and parents, (be they natural, adoptive, step or foster of the employee or their current spouse, if employee is married), or spouse or domestic partner, to a maximum of eighty hours in the calendar year of January 1 through December 31. It is further provided that an additional forty hours of accrued sick leave per calendar year may be used for such care in unusual or emergency cases with the approval of the City Manager.
- D. Documentation: Employee Leave/Overtime forms must be filed in all cases and a physician's certification may be required at the discretion of the City Manager for absences of three consecutive workdays or more.
- E. Conversion:
  - 1. Sick leave accrued in excess of eight hundred hours may be converted to vacation on the basis of three hours of vacation time for each ten hours of sick leave accrued and converted.
  - 2. Up to 25% of sick leave accrued in excess of one thousand hours may be converted to vacation on the basis of one hour of vacation time for each hour of sick leave accrued and converted.
  - 3. Conversions may be made once in each calendar year, and must be approved by the City Manager before December 31.
  - 4. No conversion of sick leave shall be allowed for any employee who is discharged for cause.
- F. Transfer: An employee may transfer accrued sick leave to another employee in cases of emergency, subject to review and approval by the City Manager pursuant to Section 18 of the Personnel Rules and Regulations.
- G. Compensation on Separation: Upon separation after two or more years of service, an employee shall be paid for 30% of unused, accrued sick leave. Such compensation is not applicable if an employee is discharged for cause.
- H. "Family and Medical Leave": Executive employees shall be entitled to leave as provided for in the Family and Medical Leave Act (FMLA) of 1993 and the California Family Rights Act (CFRA) as per Section 16 of the Personnel Rules and Regulations.
- I. 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.

## **2.5 BEREAVEMENT LEAVE**

When a death occurs in an employee's immediate family (see Section 15.2.6 of the Personnel Rules and Regulations for definition of "immediate family"), the employee shall be granted necessary time off, with compensation, for the purpose of attending the funeral and/or to personal affairs, of up to three consecutive work days. In the event of unusual travel time

requirements, the City Manager may approve up to a total of five workdays. Proof of relationship and/or death may be required.

## **2.6 JURY DUTY**

Any employee summoned to serve on jury duty during an on-duty day shall be entitled to leave of absence with full pay for such period of time as he/she may be required to attend the court in response to such summons. The employee may retain such payment as may be allowed for travel, lodging and meal expenses. The employee shall not be required to submit to the City compensation received from the court for jury duty in order to receive full pay and expenses referenced above.

## **2.7 MILITARY LEAVE**

Military leave shall be granted in accordance with the Military and Veteran's Code of the State of California as amended. All employees entitled to military leave shall be given such leave within such limits as the appropriate military regulations may determine when leave is requested.

Every permanent classified officer or employee of the City who is actually inducted into, or enters, any branch of military, Army, Navy, Air Force, Marines, National Guard, or Coast Guard Service of the United States of America, pursuant to and under the terms and conditions set forth in Section 395, et seq., as amended, of the Military and Veteran's Code shall be entitled to a military leave of absence from his City position and shall be entitled to receive regular compensation and benefits in accordance with state law and any current City Resolution.

## **2.8 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.

## **2.9 INDUSTRIAL ACCIDENT LEAVE**

The City agrees to comply with all State and Federal statutes, regulations and rulings with respect to compensation of employees who suffer industrial injury or illness.

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

### **3.1 HEALTH AND DENTAL INSURANCE**

- A. City shall provide a health and dental insurance plan for employees and shall make such plan available for any dependents, this includes employees with domestic partners.
- B. The City shall pay monthly premiums for each employee to a cap, which shall be equal to the cost of coverage for an individual employee.

- C. The City will pay 80% of the premium above the cap for the Employee + Spouse plan, the Employee + Family plan or the Employee + Child (ren) plan and each employee will pay the remaining balance of any premium due, through payroll deduction.
- D. Employees who fail to authorize payroll deduction or make payment pursuant to the approved schedule shall not be provided with dependent coverage.

### **3.2 HEALTH AND DENTAL INSURANCE ON RETIREMENT**

#### **A. Paid Insurance for All Qualifying Executive Employees:**

Executive employees covered by this resolution, who retire with a minimum of ten years of employment with the City, are entitled to paid health and dental insurance for the employee/retiree only in the City-approved plans after retirement. This provision shall only apply to those employees whose last day of employment preceding retirement was with the City and who are eligible to immediately begin receiving California Public Employee Retirement System (CalPERS) benefits upon retirement from the City.

#### **B. Spousal Insurance for Employees Hired Prior to 1-1-92:**

Executive employees hired prior to 1-1-92, who meet the requirements for paid health and dental insurance upon retirement outlined above, may be eligible to receive partially paid medical insurance for their spouse (if employee was married at the time of retirement) if the employee is immediately eligible to begin receiving regular CalPERS benefits upon retirement from the City. Spousal medical insurance coverage shall be as follows:

1. Employees must be at least fifty-five (55) years of age at retirement; however, an employee may retire earlier if permitted by CalPERS. In any case, the retiree and/or spouse will be responsible for the full cost of spousal insurance until retiree reaches the age of sixty (60).
2. The City shall pay 10% of the cost of spousal health coverage in the City-approved plan(s) if the employee/retiree has ten years of employment with the City, and shall pay an additional 10% for each full year of employment with the City thereafter. The retiree and/or spouse must pay any costs not paid by the City based on this formula.
3. Dental insurance for the retiree's spouse will be made available in City-approved plan(s), but any cost of such spousal coverage must be paid in full by the retiree and/or spouse, unless it is included in the retiree's plan and results in no additional cost to the City.

#### **C. Employees hired on or after July 1, 2003:**

The City agrees to pay the cost of health and dental insurance, in the City approved plan(s), after the retirement of any employee who has a minimum of ten (10) years service until their 65<sup>th</sup> birthday or the date Medicare coverage becomes the primary insurance, at which time the City will provide a supplemental prescription drug plan for the retiree.

### **3.3 VISION CARE**

- A. The City shall provide a vision care plan for employee and any dependents.
- B. The plan's Schedule of Service and Fees shall be based on the common scheduled service fees from within Fort Bragg. The City agrees to reevaluate the Schedule during the fourth quarter of each fiscal year, with that Schedule to be effective from July 1 through June 30 of each year.
- C. The City shall make available to any employee, who would under City policy be entitled to such insurance, group health benefits, coverage for domestic partners. This insurance coverage includes vision.
- D. The City will provide no vision care plan for retirees or their spouses.

### **3.4 LONG TERM DISABILITY INSURANCE**

- A. Executive 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 Finance Department.
- B. The City shall pay half the cost of the program with the balance to be paid by employees, through payroll deduction.

### **3.5 LIFE INSURANCE**

The City agrees to provide a life insurance policy in the amount OF \$150,000 for each Executive employee covered under this resolution. The City agrees to pay all costs of such policies.

### **3.6 DEFERRED COMPENSATION**

The City agrees to continue in effect the deferred compensation plans approved by resolution of the City Council.

### **3.7 RETIREMENT**

#### **A. Employees hired prior to March 13, 2006**

The City agrees to pay the cost of the employer and full employee share of CalPERS retirement contributions for all employees covered under this resolution. The retirement plan shall incorporate those benefits included for Miscellaneous employees (CalPERS Group Code 70002) as outlined for the 2% at 55 Plan for non-safety employees and the 2% at 50 Plan for safety employees). The retirement plan has been modified to incorporate those benefits contained in CalPERS Section 21024 (Military Service Credit as Public Service).

#### **B. Employees hired on or after March 13, 2006**

The City will adopt a resolution electing to pay full member contributions for all employees covered under this resolution hired on or after March 13, 2006 with a time-in-grade exception. The Time-in-Grade Exception provides that for years of employment one (1) through five (5)

the newly hired employee will pay the full share of their employee CalPERS retirement contributions. This resolution will further state that once a newly-hired employee accrues five (5) total years of service (either on a continuous or cumulative basis), s/he will be entitled to employer paid member contributions on the same terms that apply to all other employees in the group or class. The retirement plan shall incorporate those benefits included in the Miscellaneous employees (CalPERS Group Code 70002) as outlined for the 2% @ 55 Plan for non-safety employees, and the 2% @ 50 Plan for safety employees). The plan has been modified to incorporate those benefits contained in CalPERS Section 21024 (Military Service Credit as Public Service).

### **3.8 COBRA**

The Consolidated Omnibus Budget Reconciliation Act of 1985 requires the City to offer employees and their families an opportunity for a temporary extension of health coverage upon separation of employment. The separated employee must pay premiums in advance. The specific provisions and restrictions of the Act are available through the City Clerk's Office.

### **3.9 CAFETERIA PLAN ADMINISTRATIVE FEES**

The City shall pay \$2.25 per month toward administrative costs for employees enrolled in the plan.

### **3.10 WAIVER OF MEDICAL, DENTAL AND/OR OTHER COVERAGES FOR MANAGEMENT EMPLOYEES**

Upon the request and signature of the management employee, the City shall provide a waiver of group medical and/or dental, and/or other coverage(s) should the employee decline such coverage. All State of California requirements shall be followed should an employee decline medical coverage for themselves and/or their dependents. Employee shall be required to acknowledge and sign that they have read and understood the waiver of such coverage(s).

Executive employees who decline medical coverage for themselves and/or dependents during the initial enrollment period may do so for cash payments in the amount that the City would otherwise pay for monthly premiums. After the initial enrollment period and then, more than 31 days later, such request for coverage will be considered to be late entrants and subject to an exclusion from coverage for a 12-month period as well as a 6-month preexisting-condition exclusion. The rules of a late entrant or exception to the late entrant shall be explained, agreed and signed by the management employee.

### **SECTION 4.0 PHYSICAL EXAMINATIONS**

Executive employees over the age of 40 years and covered by this resolution, may undergo, at City expense, annual physical examinations. All Executive employees covered by this resolution shall undergo a physical examination, at City expense, every two years.



**SECTION 5.0 SEVERANCE PAY**

All Executive employees covered by this resolution are at-will and serve at the pleasure of the City Manager. The City Manager retains the authority to terminate any Executive employee at any time with or without notice or cause.

Any Executive employee who is terminated after at least one year of employment during such time as that employee is willing and able to perform their duties, shall receive a lump sum payment equal to two months aggregate salary. If the Executive employee is terminated for cause, the City shall have no obligation to pay severance pay.

**SECTION 6.0 DUES AND SUBSCRIPTIONS, PROFESSIONAL AND OFFICIAL TRAVEL AND GENERAL EXPENSES**

- A. In order to provide the necessary support for each Executive employee to perform the necessary functions of their job duties, the City will pay for the costs of dues and subscriptions for professional/technical licensing and association membership as required and approved by the City Manager.
- B. The City will pay the travel and subsistence expenses of Executive employees for travel, meetings and occasions required to pursue the official business of the City subject to approval by the City Manager.
- C. The City shall cover costs for non-personal, job related expenses incurred by Executive employees in the course of employment. All such expenses shall be reimbursed or paid upon presentation of duly executed receipts.

**SECTION 7.0 AUTOMOBILE USE**

- A. The City shall provide a vehicle for the exclusive use of the Police Chief and the Public Works Director who are required to respond on short notice to a variety of operational incidents and emergencies. These positions shall not be eligible to receive reimbursement for use of their personal vehicle at all times when the City vehicle is available for their use.
- B. For all other Executive employees, 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, compensation shall be at the rate allowed by the Internal Revenue Service for mileage driven on City business.

Prior to the use of their private vehicle, Executive 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 of at least \$300,000.00.

**SECTION 8.0 EDUCATION INCENTIVE**

- A. No Executive employee covered by this resolution shall receive any additional pay as an educational bonus or "certificate pay" unless specifically provided for herein.

- B. The City shall make available \$750 annually for each employee covered by this resolution for purpose of continuing education. The annual training allowance may be accumulated to a maximum of \$1,500. Employees wishing to utilize this benefit must first submit an annual training plan to the City Manager, who may approve, modify or disapprove.

**SECTION 9.0 HOURS OF WORK**

- A. Salaries approved for Executive 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, 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 hours. The following shall serve as basic guidelines to be used in the management of management employee work hours:
  - 1. Executive employees shall be expected to attend all City Council and other evening or weekend meetings and activities as may be required by their job duties. Executive 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 Executive 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 executive 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.
- C. In recognition that exempt Executive employees are often required to attend early morning, lunch, and evening meetings and due to the fact that their work is result oriented without a specific workweek, a system of flexible time is available for their use.

Exempt Executive 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 Executive employees shall work a minimum of forty (40) hours a week, plus any additional work time reasonably required to discharge the duties and responsibilities of the position.

**SECTION 10.0 EQUIPMENT PURCHASE LOAN PLAN**

All 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 lowest interest 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.
- 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. The employee shall sign a payroll deduction authorization form for the amount calculated by the Finance Department.
- G. The employee shall receive approval prior to the purchase of any equipment for which this program is anticipated.
- H. City agrees to provide loan within 14 days of final approval of paperwork.

**SECTION 11.0 RELATIONSHIP TO PERSONNEL REGULATIONS**

The "Personnel Rules and Regulations of the City of Fort Bragg, as amended from time to time" and as presently adopted by resolution 2873-2005 provide policies and regulations governing aspects of employee compensation. In any conflict between this resolution and resolution 2873-2005, the provisions in this resolution, or its successor, shall prevail.

**The above and foregoing Resolution was introduced by Councilmember Baltierra, seconded by Councilmember Hammerstrom, and passed and adopted at a regular meeting of the City Council of the City of Fort Bragg held on the 13<sup>th</sup> day of March, 2006, by the following vote:**


- AYES:** Councilmembers Gjerde, Baltierra, Hammerstrom, Melo, and Mayor Turner.
- NOES:** None.
- ABSENT:** None.
- ABSTAIN:** None.



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**DAVE TURNER,**  
Mayor

**ATTEST:**



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**Cynthia M. VanWormer, CMC**  
City Clerk