

RESOLUTION NO. 2902-2005

RESOLUTION OF THE FORT BRAGG CITY COUNCIL ESTABLISHING A COMPENSATION PLAN AND BENEFITS AND CONDITIONS OF EMPLOYMENT FOR MID-MANAGEMENT EMPLOYEES AND NON-BARGAINING CONFIDENTIAL EMPLOYEES

WHEREAS, it is the desire of the City Council to provide an adequate level of compensation and to enumerate the benefits and conditions of employment for mid-management and non-bargaining confidential classifications and

WHEREAS, mid-management classifications covered by this resolution include: Assistant Finance Director, Associate City Engineer, Planner III, Police Lieutenant, Public Works Supervisor, and Treatment Plant Superintendent; and

WHEREAS, mid-management classifications covered by this Resolution are exempt from overtime but are a part of the Personnel Merit System; and

WHEREAS, non-bargaining confidential and/or restricted (RES) classifications covered by this Resolution include: Administrative Secretary – RES and Administrative Secretary to the City Manager; and

WHEREAS, non-bargaining confidential classifications are non-exempt and shall be a part of the Personnel Merit System, and shall receive the benefits associated with the Fort Bragg Employee Organization (FBEO).

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Fort Bragg does establish compensation and reaffirm benefits, effective July 1, 2005 for mid-management and non-bargaining confidential employees as follows:

SECTION 1.0 SALARY COMPENSATION

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

1.1 SALARY SCHEDULE MID-MANAGEMENT EXEMPT CLASSIFICATIONS

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

	<u>Position</u>	<u>Range/Month</u>
1	Assistant Finance Director	\$3,784 – \$4,600
2	Associate City Engineer	\$4,355 – \$5,293
3	Planner III	\$4,083 – \$4,963

4	Public Works Supervisor	\$3,813 – \$4,635
5	Treatment Plant Superintendent	\$4,200 – \$5,105

1.2 SALARY SCHEDULE FOR INITIATIVE MEASURE D, ORDINANCE 672 MID-MANAGEMENT EXEMPT CLASSIFICATIONS

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

The following salary is effective January 1, 2005:

	<u>Position</u>	<u>Range/Month</u>
1.	*Police Lieutenant	\$4,997 – \$6,074

*Salary increases are subject to Ordinance 672

1.3 SALARY SCHEDULE FOR INITIATIVE MEASURE D, ORDINANCE 672 NON-BARGAINING CONFIDENTIAL NON-EXEMPT CLASSIFICATION

- A. The salary provisions of Initiative Measure D. Ordinance 672 as adopted by the voters on November 4, 1986, are hereby recognized as the policy document governing the salary of the Administrative Secretary - RES.
- 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.

The following salary range shall be effective January 1, 2005:

	<u>Position</u>	<u>Range/Month</u>
1.	Administrative Secretary - RES	\$2,650 – \$3,221

1.4 SALARY SCHEDULE FOR NON-BARGAINING CONFIDENTIAL NON-EXEMPT CLASSIFICATION

Salaries will be determined by and according to the Cost of Living Allowance (COLA) provided under the established Memorandum of Understanding established by and between the City Council and the Fort Bragg Employee Organization (FBEO).

The following salary range shall be effective July 1, 2005:

	<u>Position</u>	<u>Range/Month</u>
1.	Administrative Secretary to the City Manager	\$2,880 – \$3,500

SECTION 2.0 LEAVES OF ABSENCE (PAID AND UNPAID)

2.1 MANAGEMENT LEAVE

Each mid-management exempt employee shall receive 10 days (80 hours) of Management Leave annually accrued in total as of January 1. Management Leave for 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 recommended by the department head and verified by the City Manager.

If the Management 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. Management Leave must be taken as time off and is not compensable upon termination.

2.2 VACATION LEAVE

A. Accrual: All full-time mid-management 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 as follows:

- A maximum of 240 hours for 1 to 9 years of service;
- A maximum of 320 hours for 10 to 14 years of service;
- A maximum of 360 hours for 15 or more years of service.

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. 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 separation of employment. Such payment shall be received in his/her final paycheck from the City.

2.3 HOLIDAYS

- A. All mid-management 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)
3rd Monday in January (Martin Luther King Jr. Day) *
3rd Monday in February (Presidents Day)
Last Monday in May (Memorial Day)
July 4 (Independence Day)
1st Monday in September (Labor Day)
2nd Monday in October (Columbus Day)
November 11 (Veterans Day)
4th 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.

* For any year in which the Police Department administrative offices are open on Martin Luther King Jr. Day, the Administrative Secretary – RES will be allowed to take as a holiday either Martin Luther King Jr. Day or a floating holiday at the discretion of the Police Chief.

- 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 mid-management 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, 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 medical 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 Department Head or City Manager for absences of three consecutive work days 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, on a case-by-case basis.

G. Compensation on Separation: Upon separation after two or more years of service, an employee shall be paid for 30% of unused, accrued medical leave. Such compensation is not applicable if an employee is discharged for cause.

H. "Family and Medical Leave": Mid-management 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 Rule V, Section 7 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 Rule 1, Section 7 of 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 by the appointing authority within such limits as the appropriate military regulations may determine when leave is requested.

Every permanent classified 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 and if the department manager so recommends in writing.

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.

2.10 SPECIAL ADMINISTRATIVE LEAVE

The 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.

2.11 TEMPORARY ASSIGNMENT PAY FOR WORKING IN A HIGHER CLASSIFICATION

When a mid-management employee is assigned to perform the duties of a Department Head in excess of four (4) days, said employee shall receive additional compensation equal to step A of the so assigned department head classification compensation schedule, or 5% of their current salary, whichever is greater, for the entire period of such assignment provided that resultant pay shall not exceed that of the employee being replaced. Such assignment must be 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.

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. The 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 Mid-Management Employees:

Mid-management 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:

Mid-management 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 the 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.

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 7-1-2003

The City will pay the cost of health and dental insurance, in the City-approved plan, after the retirement of any employee who has a minimum of ten (10) years service until their 65th birthday or the date Medicare coverage becomes the primary insurance, at which time the City will only 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, including employees with a domestic partner.
- 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. Where and when the wearing of safety glasses is mandatory, the City shall provide reimbursement, up to a maximum of \$200.00 per year per employee, of the actual cost of prescription safety glasses.
- D. The City will provide no vision care plan for retirees or their spouses.

3.4 LONG TERM DISABILITY INSURANCE

- A. Mid-management employees covered under this resolution may participate in the group long-term disability insurance program. For an overview of the plan the certificate of insurance is 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.
- C. The classification of Police Lieutenant may participate in the Long Term Disability plan provided for sworn Officers pursuant to the FBPA MOU.

3.5 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.

3.6 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 July 1, 2003

The City agrees to pay the cost of employer and 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 July 1, 2003

The City shall pay the cost of the employer share of the CalPERS retirement contributions for all employees covered by this Resolution. Mid-Management employees hired on or after July 1, 2003 shall be responsible for the employee share of the contribution. The retirement plan shall incorporate those benefits included in the 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 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.

SECTION 4.0 PHYSICAL EXAMINATIONS

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

SECTION 5.0 AUTOMOBILE USE AND TRAVEL REIMBURSEMENT

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, 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.

The City will pay the travel and subsistence expenses of mid-management employees for travel, meetings and occasions required to pursue the official business of the City subject to approval by the City Manager. All such expenses shall be reimbursed or paid upon presentation of duly executed receipts.

SECTION 6.0 EDUCATION INCENTIVE

- A. No mid-management 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 7.0 HOURS OF WORK

- A. Salaries approved for 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, 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 mid-management employee work hours:
 - 1. Mid-management employees shall be expected to attend evening and weekend meetings and activities as may be required for the performance of 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 mid-management, with the exception of the non-bargaining, employees and are, therefore, exempt from overtime payment under the Fair Labor Standards Act.
 - 3. All employees covered under this resolution, with the exception of the non-bargaining employees, shall be eligible to use Management Leave during the calendar year as provided in Section 2.1 of this resolution.

SECTION 8.0 UNIFORM AND BOOT ALLOWANCE

The Associate City Engineer, Engineering Technician, Treatment Plant Superintendent and the Public Works Supervisor positions are eligible for the following:

- A. A boot allowance of \$ 200.00 per year for boots that are OSHA/ANS approved
- B. The wearing of the uniform provided by the City may be required.

SECTION 9.0 CERTIFICATION

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

SECTION 8.0 EQUIPMENT PURCHASE LOAN PLAN

All 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:

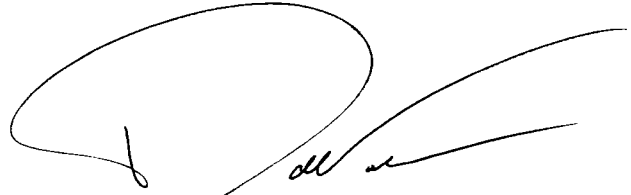
- A. The loan total shall not exceed \$3,000.00.
- B. Employee cannot add to an existing loan without the recommendation and express permission of the City Manager.
- C. Employee agrees to pay an interest rate equal to the lowest interest rate paid to the City, as of the date of the loan, plus .25 percent.
- 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. 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. City agrees to provide loan within 14 days of final approval of paperwork.

SECTION 9.0 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 of this resolution or its successor, shall prevail.

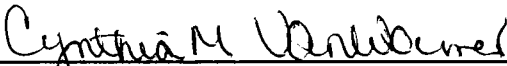
The above and foregoing Resolution was introduced by Councilmember Hammerstrom, seconded by Councilmember Gjerde, and passed and adopted at a regular meeting of the City Council of the City of Fort Bragg held on the 14th day of November, 2005, by the following vote:

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



**DAVE TURNER,
Mayor**

ATTEST:


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