

RESOLUTION NO. 2021-013

**A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN BUENAVENTURA PROVIDING FOR BENEFITS AND ADDITIONAL
COMPENSATION FOR UNREPRESENTED EMPLOYEES IN SALARY SCHEDULES
“E”, “M”, “C” AND “D”
EFFECTIVE JUNE 29, 2020
AND RESCINDING RESOLUTION NO. 2020-061**

BE IT RESOLVED by the Council of the City of San Buenaventura, as follows:

SECTION 1.0 - AUTHORITY. In accordance with the Charter of the City of San Buenaventura, Section 1002, the Council hereby provides for a standardization of benefits and additional compensation for unrepresented employees, specifically Executives (Salary Schedule “E”), Management (Salary Schedule “M”), Confidential (Salary Schedule “C”) and Police & Fire Recruits (Salary Schedule “D”) effective June 29, 2020. (See the currently adopted Salary Resolution and applicable MOU’s for listings of the specific classifications contained in each Salary Schedule.)

SECTION 2.0 - ESTABLISHMENT OF BENEFITS AND ADDITIONAL COMPENSATION FOR THE CITY MANAGER AND THE CITY ATTORNEY. The City Council may set the salary, benefits and other compensation elements of the City Manager and City Attorney by separate resolution or contract, which may incorporate, delete and or exceed benefits and additional compensation as contained in this Resolution. Pursuant to this Resolution, the City Manager and City Attorney shall also receive the benefits and compensation as designated for Salary Schedule “E,” unless specifically excluded by resolution or contract.

SECTION 3.0 - APPLICATION OF BENEFITS AND ADDITIONAL COMPENSATION. Benefits and additional compensation described herein apply to regular and probationary employees, hereinafter collectively referred to as “employees.” For purposes of this Resolution only, all at will (“exempt”) employees defined in Rule VI. Appointment, Section 1(d) of the Personnel Rules and Regulations shall be considered as “regular” employees. Eligibility for the benefits or additional compensation covered by this Resolution shall be designated by indicating the letter assigned to that Salary Schedule, e.g., Schedule “E”, or Schedule “M”, or Schedule “C”, or Schedule “D” and shall apply to employees in classifications assigned to that Salary Schedule. (See the adopted Salary Resolution for listings of the specific classifications contained in each Salary Schedule.)

SECTION 4.0 - RETIREMENT. For miscellaneous employees in Salary Schedules “E”, “M”, “C” and “D”, retirement contributions will be made as follows:

A. Retirement Contributions:

1. For, “Classic Members” as defined by the Public Employees’ Pension Reform Act of 2013 (PEPRA), the employee will contribute 7% of “member’s earnings”

as defined in the Public Employee's Retirement System law, into his/her retirement account.

2. For, "New Members" as defined by the Public Employee's Pension Reform Act of 2013 (PEPRA), the employee will pay at least 50 percent of the normal cost rate of "member's earnings" as defined in the Public Employee's Retirement System law, into his/her retirement account. Employee retirement contributions in excess of 50 percent of the normal cost rate will be determined by the City Council.
3. For Fire safety employees in Salary Schedule "E" or "M" retirement contributions will be made at the same levels as outlined in the Memorandum of Understanding between the City of Ventura and the Ventura City Firefighters' Association.
4. For Police safety employees in Salary Schedule "E" retirement contributions will be made at the same levels as outlined in the Memorandum of Understanding between the City of Ventura and the Ventura Police Management Association.

B. Retirement Benefit Formulas/Benefits:

1. For, "Classic Members" as defined by the Public Employees' Pension Reform Act of 2013 (PEPRA):
 - a. All employees who first became employed by the City *and* established CalPERS membership prior to July 23, 2011, will be enrolled in the Miscellaneous Tier I, 2% @ 55 Formula. Tier I includes a single highest year final compensation period, and Level IV 1959 Survivor Benefit.
 - b. All employees who first became employed by the City between July 23, 2011 and December 31, 2012, and for employees hired on or after January 01, 2013 who are considered "Classic Members" of CalPERS within the meaning of the Public Employees' Pension Reform Act of 2013 (PEPRA), will be enrolled in the Miscellaneous Tier II, 2% @ 60 Formula. Tier II includes an average three-year final compensation period and a Level IV 1959 Survivor Benefit.
2. For, "New Members" as defined by the Public Employees; Pension Reform Act of 2013 (PEPRA):
 - a. All employees who first became employed by the City and established CalPERS membership effective January 01, 2013 or later will be enrolled in the Miscellaneous Tier III, 2% @ 62 Formula. Tier III includes an average three-year final compensation period and a Level IV 1959 Survivor Benefit.

SECTION 5.0 - DEFERRED COMPENSATION. This benefit shall only apply to deferred compensation plans offered through the City. The City will make contributions to deferred compensation in the method and amount as provided below:

Salary Schedule	Non-Matching Contribution per pay period	Matching Contribution per pay period
"E"	\$86.38	\$38.46
"M"	\$17.00	\$63.46
"C"	\$ 6.46	\$38.46

SECTION 6.0 - RETIREMENT HEALTH SAVINGS PLAN. The retirement health savings plan requires mandatory employee contributions by Salary Schedule of salary and/or leave payouts (which occur upon termination of employment) on a pre-tax basis to be used to help pay for health insurance costs when the employee is no longer working for the City.

For Salary Schedule "E", the following employee salary contributions are mandatory based years of service effective January 1, 2018:

Service Eligibility	Salary Contributions	Payout Contributions Upon Separation
Employees with less than 30 years of service:	1% contribution of base pay	100% of eligible sick leave payout
Employees with 30 or more years of service:	5% contribution of base pay	50% of eligible sick leave payout

No City contribution is made toward the cost of this plan. Further terms and conditions of the plan are set forth in the agreement between the City and the City's designated plan administrator.

The Retirement Health Savings contributions for the City Manager and City Attorney will be governed by their respective employment contracts with the City.

SECTION 7.0 - CAR ALLOWANCE. Employees in Salary Schedule "E", who are not assigned a City vehicle by the City Manager, shall receive a monthly allowance of \$350.00 per month subject to the limitations and restrictions of Administrative Regulations adopted by the City Manager. Employees in Salary Schedule "M", who are not assigned a City vehicle by the appointing authority, shall receive a monthly allowance of \$250.00 per month subject to the limitations and restrictions of the Administrative Policy and Procedures approved by the City Manager.

The car allowance for the City Manager and City Attorney will be governed by their respective employment contracts with the City.

SECTION 8.0 - MEDICAL AND DENTAL INSURANCE CONTRIBUTIONS. The City will provide a medical and dental contribution semi-monthly up to a maximum amount per active employee as follows. The exact amount of total City contribution per employee will depend on the insurance coverage selected by the employee and whether

dependent coverage is selected by the individual employee under the medical insurance plan:

**SALARY SCHEDULES "E" AND "M"
Maximum City Medical/Dental Contributions**

Employee Only	Employee + One	Family
Semi-Monthly	Semi-Monthly	Semi-Monthly
\$120.00	\$196.50	\$332.50

**SALARY SCHEDULE "C"
Maximum City Medical/Dental Contributions**

Employee Only	Employee + One	Family
Semi-Monthly	Semi-Monthly	Semi-Monthly
\$126.00	\$202.50	\$338.50

**SALARY SCHEDULE "D"
Maximum City Medical/Dental Contributions**

Employee Only	Employee + One	Family
Semi-Monthly	Semi-Monthly	Semi-Monthly
\$121.00	\$197.50	\$333.50

SECTION 9.0 - OPTIONAL BENEFIT PLAN. Employees in Schedules "E", "M", "C", and "D" shall be eligible to elect to apply a semi-monthly amount to a variety of optional benefits, including the option of receiving the same as cash. The options available under this plan shall be subject to the discretion and approval of the City Manager. The semi-monthly amounts shall be as provided below:

Salary Schedule "E"	\$274.50
Salary Schedule "M"	\$247.50
Salary Schedule "C"	\$241.50
Salary Schedule "D"	\$142.50

Employees in Salary Schedules "E", "M", and "C" who are hired after May 16, 2016 and employees in Salary Schedule "D" who are hired after August 01, 2016, who elect to waive the City's medical insurance coverage by providing the City with proof of alternate group health insurance coverage, shall not be eligible to receive a cash payment of unused optional benefit dollars.

SECTION 10.0 - VISION PLAN. For employees in Salary Schedules “E”, “M”, “C”, and “D” the City shall provide a vision insurance plan for each employee and eligible dependents. The premiums for such plan will be paid by the City.

SECTION 11.0 - LIFE INSURANCE. For employees in Schedules “E”, “M”, and “C” the City shall contribute toward payment of term life insurance benefits an amount equal to the premium cost of one-times the employee's annual salary to the maximum limits per the applicable Schedule of Insurance (rounded up to the next \$1,000). For employees in Salary Schedule “D” the City shall contribute toward payment of term life insurance benefits an amount equal to the premium cost for \$10,000 of coverage. In addition, the City will provide dependent life insurance for eligible dependents of each employee in an amount of \$5,000 per eligible dependent.

SECTION 12.0 - SHORT-TERM AND LONG-TERM DISABILITY. A Short-Term and Long-Term Disability Program will be provided to cover all employees in Salary Schedules “E”, “M”, and “C” subject to the provisions and limitations of the carrier. The premiums for such plan will be paid by the City.

SECTION 13.0 - PHYSICAL EXAMINATION. Employees in Schedules “E” and “M” shall be eligible for a complete physical examination subject to the limitations and restrictions of the Administrative Policy and Procedures approved by the City Manager.

SECTION 14.0 - CLOTHING ALLOWANCE. The Police Chief and Fire Chief shall be eligible for a \$550 per year clothing allowance for maintenance, repair, and cleaning of City-provided uniforms and/or all equipment and wear and tear of prescribed items of clothing for plainclothes.

SECTION 15.0 - BILINGUAL PAY. Employees in Salary Schedules “C” and “M” in positions designated by the City, who demonstrate proficiency in a second language in accordance with policies approved by the City Manager, shall receive an additional \$25.00 per pay period.

SECTION 16.0 - FAIR LABOR STANDARDS ACT (FLSA) DESIGNATION. Employees in Salary Schedules “E” and “M” are designated as exempt under the provisions of FLSA. Employees in Salary Schedule “C” may be designated as exempt or non-exempt under the provisions of FLSA. Notwithstanding the above, employees may be eligible for compensatory time off or other overtime provisions as specifically provided for in this Resolution.

SECTION 17.0 - MINIMUM COMPENSATION FOR EMPLOYEES IN THE CONFIDENTIAL SALARY SCHEDULE. Non-exempt employees in Salary Schedule “C” required to attend Council or Council-appointed advisory board or commission meetings which are held at other than regular working hours shall be paid at time-and-one-half their regular hourly rate with a minimum of two hours of pay for each meeting so attended.

SECTION 18.0 - CALLBACK PAY.

- A. Non-exempt employees in Schedule "C" who are called to duty during an off-duty period shall be compensated at the overtime rate of one-and-one-half times the Fair Labor Standards Act (FLSA) Regular Rate of pay for reporting to work on a call-back with a minimum of two hours pay at 1.5 times the regular rate of pay for each call back.
- B. Upon the request of the Department Head, the City Manager may, in exceptional cases such as floods, fires, or prolonged periods of state of emergency, when deemed appropriate, authorize in writing overtime compensation up to one-and-one-half times the base hourly pay rate for employees in Salary Schedules "M."

SECTION 19.0 - OVERTIME PAY. Except as provided in Section 18.0, non-exempt employees in Salary Schedule "C" who are required by their supervisor or other authorized person to work in excess of forty (40) hours in one Fair Labor Standards Act (FLSA) designated work period or more than their regularly scheduled hours in one day for full time employees, shall be compensated at one-and-one-half times the regular rate for such periods worked, or may receive compensatory time off at one-and-one-half times the number of hours worked, provided that such periods consist of at least one quarter (1/4) hour at any one time unless otherwise authorized by their Department Head. The foregoing provision shall not apply when the employee and the employee's supervisor agree that if the employee works in excess of the regular work shift, the employee may take off an amount of time equal to the hours worked in excess of the shift on another day within the designated work period without incurring overtime. No employee shall be allowed to accumulate more than sixty (60) hours of compensatory time. Accumulated compensatory time of 60 or less hours not taken off shall be paid out at the end of the calendar year or upon separation from employment whichever is sooner.

For those employees in Salary Schedule "D" who are required to work in excess of forty (40) hours in one Fair Labor Standards Act (FLSA) designated work period, he/she shall be compensated at one-and-one-half times the regular rate for such periods worked provided that such periods consist of at least one quarter (1/4) hour at any one time.

SECTION 20.0 - OUT OF CLASS PAY (ACTING APPOINTMENTS). The policy regarding acting appointments for employees covered by the Personnel Rules and Regulations in Schedules "M" and "C" is contained in the Personnel Rules and Regulations, as amended on June 10, 1991, which modified the maximum period of time an acting appointment may extend without Council approval from 180 days to 365 days.

Per Government Code Section 20480, when filling temporary vacancies, out-of-class appointments cannot exceed 960 hours per fiscal year (7/1 – 6/30). Any extension beyond 960 hours requires advance written approval from the City Manager.

SECTION 21.0 - VACATION LEAVE ACCRUAL. Vacation time shall be accrued in hourly amounts according to the following schedule:

Schedule "E":

<u>Years of Service</u>	<u>Hours Earned</u> <u>Semi-Monthly</u>	<u>Use & Payout</u> <u>Maximum</u> <u>Accrual</u>
Upon employment	6.67 Hours	480 Hours (6-30-20 thru 12-25-20) 400 Hours (12-26-20 - Return to Normal Max)

At the end of seven (7) years and again at the end of twelve (12) years of City service in a position in Salary Schedule "E" (not years of City employment), employees in Salary Schedule "E" shall be granted an additional two weeks (80 hours) of vacation accrual for that year.

Schedule "M":

<u>Years of Service</u>	<u>Hours Earned</u> <u>Semi-Monthly</u>	<u>Use & Payout</u> <u>Maximum</u> <u>Accrual</u>
Less than 5	5.00 Hours	480 Hours (6-30-20 thru 12-25-20) 400 Hours (12-26-20 - Return to Normal Max)
5 or more	6.67 Hours	480 Hours (6-30-20 thru 12-25-20) 400 Hours (12-26-20 - Return to Normal Max)

Effective March 08, 2021, at the discretion of the City Manager, a newly appointed Schedule "M" employee who meets all requirements set forth below, may receive the "5 or more" years of service vacation accrual from his or her date of hire.

- A. Employee is appointed to his or her Schedule "M" position immediately after leaving government employment with a city, county, state agency, federal agency, or special district with a combined five (5) or more years of consecutive service; and
- B. Employee has for five (5) or more consecutive years, held a government position comparable to the position to which he or she is being appointed by the City.

Employees who, upon hire, do not meet the requirements for placement in the higher accrual tier, or at the discretion of the City Manager are not granted the higher accrual tier, must complete five (5) years of service with the City of San Buenaventura before progressing to the "5 or more" accrual tier.

Schedule "C":

<u>Years of Service</u>	<u>Hours Earned Semi-Monthly</u>	<u>Use & Payout Maximum Accrual</u>
Less than 3	4.33 Hours	400 Hours
3 but less than 5	4.67 Hours	400 Hours
5 but less than 7	5.33 Hours	400 Hours
7 but less than 10	6.00 Hours	400 Hours
10 or more	6.67 Hours	400 Hours

Schedule "D":

<u>Years of Service</u>	<u>Hours Earned Semi-Monthly</u>	<u>Use & Payout Maximum Accrual</u>
Less than 3	3.33 Hours	Accrued Bank of Hours

Annual vacation time is earned according to consecutive months of full-time service beginning with the employee's service date. The service date for vacation purposes will not change except when a new service date is assigned as in the case of a reinstatement.

SECTION 22.0 – VACATION LEAVE PAYOUT. The maximum vacation payout amount as noted above is available for payment only upon separation. Payment will be made at the hourly rate being earned at the time of separation. If a partial semi-monthly period of service is involved at the time of separation, the employee will receive credit for accrued vacation for that partial semi-monthly period based on the number of hours worked during that semi-monthly pay period.

SECTION 23.0 – ANNUAL VACATION LEAVE CASH OUT. If an employee in Salary Schedule "E" has taken forty (40) hours of vacation during the fiscal year beginning with the first pay period of the fiscal year (first pay period with a pay date in July), through the last pay period of the fiscal year (last pay period with a pay date in June), the employee is eligible to cash out up to eighty (80) hours of accrued vacation in July each year. A request for vacation payout must be submitted no later than June 30th of each year. Payment will be deposited into eligible employee accounts on or about July 31st of each year. *As a result of revenue shortfalls and increased expenses due to the worldwide COVID-19 emergency, annual vacation leave cash outs are suspended until December 11, 2020.*

If an employee in Salary Schedule "M" has used forty (40) hours of vacation leave during the prior fiscal year beginning with the first pay period of the fiscal year (first pay period with a date in July) through the last pay period of the fiscal year (last pay period with a pay date in June), a full-time employee may request to cash out up to sixty (60) hours of accrued vacation at their current hourly rate of pay in July of each year. A request for vacation payout must be submitted no later than June 30th of each year. Payment will be deposited into eligible employee accounts on or about July 31st of each year. An employee must have a minimum of eighty (80) hours of accrued vacation leave remaining in his/her bank after payment has been made, in order for the request to be processed. Part-time employees who are eligible to receive accrued vacation leave may cash out vacation leave on a pro-rated basis. *As a result of revenue shortfalls and increased expenses due to the worldwide COVID-19 emergency, annual vacation leave cash outs are suspended until December 11, 2020.*

If an employee in Salary Schedule "C," after seven (7) years of continuous City service in a regular appointment and upon using forty (40) hours of vacation leave during the prior twelve (12) months (first pay period with a pay date in November through the last pay period with a pay date in October), a full-time employee may request to cash out up to sixty (60) hours of accrued vacation leave at their current hourly rate of pay. A request for vacation cash out must be submitted no later than November 15th of each calendar year. Payment will be deposited into eligible employee accounts on or about December 31st of each year. An employee must have a minimum of eighty (80) hours of accrued vacation leave remaining in his/her bank after payment has been made, in order for the request to be processed. Part-time employees who are eligible to receive accrued vacation leave may cash out vacation leave on a pro-rated basis.

SECTION 24.0 - SICK LEAVE ACCRUAL. Employees in Salary Schedules "E", "M" and "C" shall accrue sick leave as follows:

- A. A 96-hour bank will be given upon initial employment in lieu of an accrual for the first six months of employment.
- B. Upon the completion of six months of employment, sick leave will be accrued at the rate of two (2) hours semi-monthly up to a maximum accrual of 480 hours.
- C. Notwithstanding the foregoing, Safety management employees promoted into Salary Schedule "E" shall retain their sick leave balance and may accrue up to the maximum allowed under the Safety Management MOU in effect at the time of their promotion.

Employees in Salary Schedule "D" shall accrue at a rate of 4.0 hours semi-monthly.

SECTION 25.0 - SICK LEAVE PAYOUT. Employees in Salary Schedules “E”, “M” and “C” shall, after ten (10) years of continuous City service, be eligible to receive an amount equivalent to 25% of their accrued sick leave upon resignation, or retirement from employment, or in the case of death, to the employee's beneficiary.

- A. Notwithstanding the foregoing, employees in Salary Schedule “E” shall, after twenty (20) years of continuous City service, be eligible to receive an amount equivalent to 50% of their accrued sick leave upon resignation, or retirement from employment, or in the case of death, to the employee's beneficiary.
- B. No payment of accrued sick leave shall be made to an employee who is discharged for cause.

SECTION 26.0 – HOLIDAYS.

- A. Employees in Salary Schedules “E”, “M” and “C” shall receive nine (9) hours of paid holiday leave per calendar year for each of the ten (10) holidays listed below:

Designated Holidays
New Year's Day
Martin Luther King Holiday
Presidents' Birthday
Memorial Day
Independence Day
Labor Day
Veteran's Day
Thanksgiving Day
Day after Thanksgiving
Christmas Day

When a holiday falls on a Sunday, the following Monday shall be observed. If the holiday falls on a Saturday, the preceding Friday shall be observed. If a holiday falls on an employee's regularly scheduled time off, equivalent holiday time off shall be granted.

Regular holiday time shall be granted to all employees who work or are on paid leave the workday before and the workday after the holiday.

- B. Optional Holidays:

In addition to the ten (10) designated holidays listed above, each eligible employee shall be granted 18 hours of “optional holiday” time for a consecutive twelve-month period. Optional holiday hours will be available in an employee's holiday leave bank beginning with Pay Period 1 (first pay period with a pay date in January), through the last pay period of the calendar year (last pay period with a pay date in December).

All holiday hours must be utilized by the end of the last pay period with a pay-date in December. There shall be no carryover of any holiday hours beyond this time period. Accrual of the "optional holiday" time shall be prorated for employees as follows:

Proration of Optional Holiday Hours

<u>Date Hired</u>	<u>Hours</u>
Pay Period 1- February 29	18
March 1 - April 30	15
May 1 - June 30	12
July 1 - August 31	9
September 1 - October 31	6
November 1 - November 30	3
December 1 – thru last Pay Period in Dec	0

C. Minimum Staffing Day:

Christmas Eve Day

When City offices are scheduled to be open on this day, it will be designated as a minimum staffing day. Arrangements will be made to allow as many employees as possible to take the designated day off work. A sufficient number of employees must work to provide adequate service levels in each department.

An employee's advance request to take time off on a Minimum Staffing Day is subject to prior approval by the employee's supervisor, but shall not be unreasonably denied. Employees who are granted time off may utilize accrued Optional Holiday Leave, Vacation Leave, Administrative Leave, Compensatory Time Off, Personal Leave, or Leave Without Pay, as eligible.

D. Additional Holiday Provisions:

All holiday hours for a given calendar year must be utilized by the end of the last pay period with a pay-date in December. There shall be no carryover of any holiday hours beyond this time period.

Time off shall be requested in advance and is subject to prior approval by the employee's supervisor, but shall not be unreasonably denied.

E. Holiday Pay Provisions:

A non-exempt employee in Schedule "C" who is scheduled by his/her supervisor to work on a legally designated holiday as specified above shall be compensated at the rate of time-and-one-half for hours worked on a holiday. In addition, the employee's holiday accrual for that holiday shall remain available for the employee to request another day off by the last pay-period with a pay date in December, subject to prior approval by the employee's supervisor.

F. Winter Holiday Hours:

During the period between Christmas and New Year's Day, City facilities that do not provide vital services, such as City Hall, will be closed. City facilities providing vital services such as Water, Wastewater Treatment, Police and Fire will remain open.

Employees in Salary Schedules "E", "M" and "C" shall be granted 18 Winter Holiday Hours, which will be available to employees beginning with Pay Period 1 (first pay period with a pay date in January), through the last pay period of each fiscal year (last pay period with a pay date in June). Employees may elect to use other available banks of time during the Winter Holiday, with the exception of sick leave.

Winter Holiday Hours not utilized during the Winter Holiday break can be taken off through the last pay period of each fiscal year (last pay period with a pay date in June) with prior approval by the employee's supervisor. There shall be no carry over of the 18 Winter Holiday Hours beyond the last pay period of the fiscal year, and the hours are not subject to payout.

G. Salary Schedule "D":

Employees in Salary Schedule "D" will receive 5.0 hours of holiday leave semi-monthly. No hours will be carried over upon reassignment to a different salary schedule.

SECTION 27.0 - PERSONAL LEAVE. Employees in Salary Schedule "C" shall be granted personal leave as follows:

- A. Each year eligible employees shall be granted 27 hours of personal leave time for a consecutive twelve-month period subject to sections B, C and D below. Personal leave will be available in an employee's personal leave bank beginning with Pay Period 1 (first pay period with a pay date in January), through the last pay period of the year (last pay period with a pay date in December).

All personal leave hours must be utilized by the last pay period with a pay date in December of each year. There shall be no carryover of any unused personal leave hours beyond this time period. No payment for unused personal leave hours shall be made.

- B. Time off shall be requested in advance and is subject to prior approval by the employee's supervisor. Scheduling and approval shall be subject to the primary needs of overall Department operations.

- C. New employees will be credited with a prorated amount of personal leave hours according to the table below:

Proration of Personal Leave Hours

<u>Date Hired</u>	<u>Hours</u>
Pay period 1 – Feb. 29	27
March 1 – April 30	22.5
May 1 – June 30	18
July 1 – August 31	13.5
Sept. 1 – Oct. 31	9
Nov. 1 – Nov. 30	4.5
Dec. 1 – last pay period paid in Dec.	0

SECTION 28.0 - ADMINISTRATIVE LEAVE. The City Manager may grant up to 80 hours of paid administrative leave per fiscal year to Department Heads in Salary Schedule “E”. Department Heads or the City Attorney (in the case of attorney classifications) may grant up to 80 hours of paid administrative leave per fiscal year to employees in Schedule “M”. Administrative leave will be available in an employee’s administrative leave bank beginning with the first pay period of the fiscal year (first pay period with a pay date in July). All such administrative leave must be taken by the end of the last pay period of the fiscal year (last pay period with a pay date in June). There shall be no carry over unless authorized by the City Manager. No payment for unused days shall be made upon termination.

Administrative Leave with pay may also be granted to cover short periods of absence (less than a full day) for which no accrued leave time is available for employees in Schedules “E” and “M”.

SECTION 29.0 - TUITION REIMBURSEMENT. Employees in Salary Schedules “E”, “M” and “C” shall be entitled to tuition reimbursement for approved courses subject to the limitations and restrictions of the Administrative Policy and Procedures approved by the City Manager.

SECTION 30.0 - RELOCATION ASSISTANCE. In those cases where it is deemed to be in the best interest of the City in competing in the labor market and as an essential motivating force necessary to ensure the recruitment of qualified and competent employees in Salary Schedules "E" and "M" or other hard to recruit for classifications as recommended by the Human Resources Director and approved by the City Manager, and upon notification to the City Council, the City Manager (or the City Attorney in the case of attorney classifications) may authorize relocation assistance for such employees. Said relocation assistance shall be made available upon the following terms and conditions, not inconsistent with the following, which may be deemed reasonable by the City Manager (or the City Attorney in the case of attorney classifications):

- A. Any such relocation assistance shall constitute a benefit of employment in consideration for the employee's services, to be evidenced by a separate written agreement entered into at or near the time of initial appointment.
- B. The need for such assistance shall be reviewed on a case-by-case basis and is not to be deemed available as a right. In addition, the terms of each relocation assistance plan shall be negotiated based on the circumstances surrounding the appointment of such employee.

Further, it is expressly agreed that nothing contained herein shall be construed to provide a contract of employment. The City continues to maintain its sole discretion to terminate an employee's employment at any time and if the employee is covered by the City's Personnel Merit System any such termination shall be pursuant to applicable rules and regulations. The exercise of termination authority by the City shall not establish a cause of action for any money damages due to a loss of the relocation assistance authorized by any assistance agreement.

SECTION 31.0 - LAYOFF SEVERANCE BENEFIT PACKAGE. Employees who are laid off will be offered the following severance package subject to the terms of a Release and Waiver Agreement:

- A. **Severance Pay Benefit.** Cash payment equal to one (1) week of salary for each year of service, plus one additional week with a maximum benefit of thirteen (13) weeks of salary. A partial year of service will be rounded up to the next whole year.
- B. **Health Insurance Benefit.** A cash payment equal to twelve (12) months of the average monthly Optional Benefit Cash provided to all employees, to allow for continuation of health insurance coverage.

Employees in Salary Schedule "E", "M" and "C" hired after May 16, 2016, and employees in Salary Schedule "D" hired after August 01, 2016, who elect to waive the City's medical insurance coverage by providing the City with proof of alternate group health insurance coverage, will not be eligible to receive this cash benefit.

- C. **Outplacement Services.** The City will provide one (1) month of access to professional outplacement services.

SECTION 32.0 – FURLOUGH. As a result of revenue shortfalls and increased expenses due to the worldwide COVID-19 emergency, employees in Salary Schedule “E”, “M” and “C” must take forty (40) hours of unpaid furlough beginning as early as June 21, 2020 and continuing through December 25, 2020. Employees will not report to work when unpaid furlough hours are taken. Unpaid furlough hours must be taken in increments of at least four (4) hours. Employees in Salary Schedule “C” shall schedule their unpaid furlough in advance, with supervisory approval, so as to ensure proper staffing coverage levels are maintained without the use of overtime to backfill the absence. There will not be any impact on City paid benefits or leave accruals due to unpaid, furloughed hours. Any new employee hired into the “E”, “M”, and “C” groups on or after the date of this Resolution is not subject to this provision.

SECTION 33.0 - CITY RIGHTS. The rights of the City include, but are not limited to, the exclusive right to determine the mission of its constituent departments, commissions and boards; set standards of service; determine the procedures and standards of selection for employment and promotion; direct its employees; take disciplinary action; relieve its employees from duty because of lack of work or for other legitimate reasons; maintain the efficiency of governmental operations; determine the methods, means and personnel by which government operations are to be conducted; contract out work and transfer work out of the unit; determine the content of job classifications; take all necessary actions to carry out its mission in emergencies; and exercise complete control and discretion over its organization and the technology of performing its work provided, however, that the exercise and retention of such rights does not preclude employees or their representatives from meeting and conferring over the practical consequences that decisions on these matters may have on wages, hours, and other terms and conditions of employment.

SECTION 34.0 - APPROVAL. By adoption of this Resolution, the Council approves the benefits and additional compensation set forth in this Resolution. Interim changes in benefits and additional compensation made by the City Manager, if they are or were within budgeted funds, and if deemed necessary by the City Manager, shall have interim approval until such time as a new Resolution is approved by the City Council. All references made herein to the City Manager shall also apply to the City Attorney in cases of City Attorney classifications or City Attorney staff.

SECTION 35.0 - DELEGATION OF AUTHORITY. When the term City Manager is used in this Resolution, it includes a delegate thereof, if the delegation is in writing and on file with the Human Resources Office.

SECTION 36.0 - SEVERABILITY. If any portion of this Resolution is declared invalid, the remaining sections or portions are to be considered valid and unaffected by the determination of invalidity.

PASSED AND ADOPTED this 8th day of March 2021.



Sofia Rubalcava, Mayor

ATTEST:



Antoinette M. Mann, MMC, CRM
City Clerk

APPROVED AS TO FORM:
Gregory G. Diaz, City Attorney



3/3/21

Andy H. Viets, Senior Assistant City Attorney

**EXHIBIT A
BENEFITS RESOLUTION
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SECTION 4.0	RETIREMENT CONTRIBUTIONS
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CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF VENTURA) SS.
CITY OF SAN BUENAVENTURA)

I, ANTOINETTE M. MANN, City Clerk of the City of San Buenaventura, DO HEREBY CERTIFY that the foregoing is a full, true, and correct copy of Resolution No. 2021-013 which was duly and regularly passed and adopted by said City Council at a regular meeting held March 8, 2021, by the following vote:

AYES: Councilmembers Sanchez-Palacios, Brown, Johnson, Halter, Friedman, Deputy Mayor Schroeder, and Mayor Rubalcava

NOES: None

ABSENT: None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of San Buenaventura, California.

Antoinette M. Mann
Antoinette M. Mann, City Clerk
City of San Buenaventura, California

March 11, 2021
Date Attested

