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**CITY OF RED BLUFF  
RESOLUTION NO. 26-2015**

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**A RESOLUTION SETTING CERTAIN RULES AND REGULATIONS FOR THE  
MANAGEMENT AND MID-MANAGEMENT EMPLOYEES OF THE CITY OF RED BLUFF  
AND PROVIDING CERTAIN BENEFITS THEREFORE**

**WHEREAS:**

The City's existing bargaining group Memoranda of Understanding (MOU's) do not apply to Department Heads or Mid-Management employees; and

**WHEREAS:**

Section 10(b)(2) of Resolution No. 38-1970 Employer-Employee Relations provides that management and confidential employees are not to be represented in the same unit as non-management and non-confidential employees; and

**WHEREAS:**

The management and confidential employees should be identified by position titles; and

**WHEREAS:**

The duties, responsibilities, rights and privileges of such employees are set forth in the various chapters of the Code of the City of Red Bluff; and

**WHEREAS:**

The following sections are intended to set certain rules, regulations and benefits for the management and mid-management employees of the City of Red Bluff:

**NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**

**1. PRIOR RESOLUTION REPEALED.**

City of Red Bluff Resolution No. 21-2012 is repealed in its entirety and replaced with this Resolution. Except as otherwise noted herein, this Resolution applies to all management employment positions defined below as Management Group A and/or Management Group B.

## **2. DEPARTMENT HEADS.**

The following positions are department heads within Management Group A:

- Public Works Director/City Engineer
- Police Chief
- Fire Chief
- Finance Director
- Community Development Director

## **3. CONFIDENTIAL EMPLOYEES.**

The following position(s) are confidential employees within Management Group B:

- Executive Assistant to the City Manager/Deputy City Clerk
- Human Resources Analyst II
- Financial Management Specialist

## **4. MID-MANAGEMENT EMPLOYEES.**

The following Mid-Management positions are also included in Management Group B:

- Public Works Maintenance Supervisor
- Wastewater Division Supervisor
- Water Division Supervisor
- Associate Civil Engineer
- Assistant Engineer
- Fire Division Chief
- Fire Marshal
- Development Coordinator/Development Official
- Building Inspector
- Recreation Supervisor

## **5. AT WILL EMPLOYMENT STATUS.**

All Management Group A (Department Heads) and Management Group B employees are "At Will" employees who serve at the will of the City Manager. Either the City or the Employee may terminate the employment relationship at any time with or without cause by providing written notice of same.

## **6. MANAGEMENT GROUP HOLIDAYS.**

New Year's Day (January 1<sup>st</sup>),  
Martin Luther King (3<sup>rd</sup> Monday in January),  
Presidents Day (3<sup>rd</sup> Monday in February),  
Memorial Day (Last Monday in May),  
July 4<sup>th</sup>,  
Labor Day (1<sup>st</sup> Monday in September),  
Columbus Day (2<sup>nd</sup> Monday in October),  
Veterans Day (November 11<sup>th</sup>),  
Thanksgiving Day and Friday after (4<sup>th</sup> Thursday in November, 4<sup>th</sup> Friday in November),  
Christmas Eve (December 24<sup>th</sup>),  
Christmas Day (December 25<sup>th</sup>),  
½ day on December 31<sup>st</sup> (New Years Eve - Office closes at noon\*).

Any day proclaimed by the President or Governor and Mayor as a Public Holiday. When a holiday falls on Sunday, the following Monday shall be observed. When a holiday falls on Saturday, the proceeding Friday shall be observed. It is understood that these paid holiday provisions may necessitate amendment from time to time, due to negotiation results with non-management regular, full-time employees.

## **7. MANAGEMENT LEAVES.**

### **Composite Leave:**

In 2012, the City converted the prior Composite Leave to the vacation/sick leave described herein. Composite leave earned and accrued under the prior policy remains available for the employee's use. There shall be no minimum annual required use of composite leave. Employees may use composite leave for vacation or sick time off if so requested.

### **SICK LEAVE:**

- A. Accrual rates – Full-time employees shall earn 8 hours of sick leave each month, pro-rated on a bi-weekly basis. Sick leave shall only be used in units of one (1) hour or longer. Total amount of sick leave earned/accumulated shall be unlimited.
- B. Usage – sick time shall not be considered as a right, which an employee may use at his/her discretion, but shall be allowed only in case of necessity for actual personal sickness or disability. Sick leave may only be used in the following cases:
  - (1) A bona fide illness or injury to the employee.
  - (2) Medical, dental, mental or eye care consultations.
  - (3) Injury or illness of an immediate family member as set forth herein.

- C. Sick Leave payoff. No employee is entitled to payment of any unused/accumulated sick leave upon separation from City employment. Employees retiring from the City are eligible to convert unused sick leave to PERS service credit in accordance with the City's contract with PERS.
- D. Family Sick Leave. Employees may use up to 48 hours of accrued sick leave each fiscal year because of sickness for members of his/her immediate family. The immediate family shall consist of the spouse, children, parents, and parents of spouse, brothers, sisters, guardians, wards or other individuals whose relationship to the employee is that of a dependent or near dependent. In each such case the City Manager shall grant sick leave only when, in his/her opinion, the relationship of the sick person to the employee warrants such use of sick leave. In no event shall an employee be granted sick leave to oversee (baby-sit) children who are not ill.
- E. Use of Composite Leave for Illness Purposes. At Employee's discretion, previously accrued Composite Leave may be used for illness subject to the restrictions set forth herein regarding use of sick leave.
- F. Doctor's Statements. The Dept. Head directly supervising the employee, and/or the City Manager shall, in any instance where deemed warranted, require that a Management Group employee submit a statement from a licensed physician setting forth the specifics which necessitate the Management Group employee's absence for illness or injury purposes and shall have the right to require examination by City-appointed medical personnel at no expense to the employee.
- G. Department Head Responsibility. Department Heads and Management Group members have a responsibility to seek medical attention when there is evidence they are either too ill to work or present a hazard to themselves, co-workers, or the public.
- H. Coordination with Worker's Compensation Payments and State Disability Insurance Payments. An employee receiving temporary disability payments under the Worker's Compensation Law and/or State Disability Insurance (SDI) Payments and/or Paid Family Leave Payments may use accumulated Vacation Leave, Sick Leave or Composite Leave in order to continue to maintain his/her regular income. Such payments will be endorsed over to the City during this period. The intent of integration of temporary disability, SDI, or paid family leave payments with employee benefit time is to provide an employee with combined benefits equal to, but not more than, their normal rate of pay, assuming they have sufficient accumulated benefit time.

**VACATION LEAVE:**

Vacation Accrual Rates. Full-time employees shall earn the following annual hours of vacation credit prorated on a bi-weekly basis. Vacation leave shall only be used in units of 2 hours or longer. Vacation time may only be taken following the completion of 6 months service.

<u>Years of Service</u>	<u>Group A- Bi-weekly</u>	<u>Group B- Bi-weekly</u>
0 through 3 years	5.538 hrs.(144hrs/yr)	4.923 hrs. (128 hrs/yr)
4 through 14 years	7.077 hrs.(184 hrs/yr)	6.462 hrs. (168 hrs/yr)
15 years and over	8.615 hrs.(224hrs/yr)	8.00 hrs. (208 hrs/yr)

Employees who are denied vacation use during the 12 months preceding reaching their maximum accumulation amount shall be given 90 calendar days following reaching said cap to use vacation before their accrual ceases.

Maximum Accumulation. No employee shall be entitled to accumulate more unused vacation than the equivalent of that which has been earned during the preceding 24 months period. No additional credit for vacation shall be earned by an employee so long as he has to his credit accumulated unused vacation in the foregoing maximum amount.

Use of Vacation or Composite Leave.The times during an accrual year at which a Management Group employee may take vacation shall be determined by the City Manager and relevant Department Head with due regard for the wishes of the Management Group employee and particular regard for the needs of public services.

No paid holiday that falls during the Management Group employee's scheduled vacation time may be charged against the employee as Composite Leave or Vacation Leave.

Payment for Vacation and Composite Leave on Separation. Any employee who separates from City employment shall be paid for all unused vacation leave and Composite Leave then on the books, if any, at the time of separation. Payment shall be made at the employee's then current rate of pay.

**BEREAVEMENT LEAVE.** Not more than 40 hours of paid leave each fiscal year may be taken in case of an employee's immediate family member's death. The immediate family shall consist of the spouse, children, parents, and parents of spouse, brothers, sisters, guardians, wards or other individuals whose relationship to the employee is that of a dependent or near dependent.

**ADMINISTRATIVE LEAVE.** Upon the commencement of each fiscal year, Management Employees as designated herein shall be credited with 5 days (40 hours) of administrative leave which must be used prior to the end of the fiscal year (i.e., use it or lose it). Employees may not accrue more than 5 days (40 hours) of Administrative Leave. Administrative Leave has no cash value and no employee is entitled to payment of any unused/accumulated Administrative Leave upon separation from City employment.

**LEAVE OF ABSENCE WITHOUT PAY.** The City Manager may, at his or her discretion, grant a Management Group employee leave of absence without pay or seniority loss for not to exceed three months. No such leave shall be granted except upon written request of the employee, setting forth the reason for the request, and the approval will be in writing. Upon expiration of an approved leave or within 14 calendar days after notice to return to duty, the employee shall be reinstated in the position held at the time leave was granted. Failure on the part of an employee on leave to report promptly at its expiration or within 14 calendar days after notice to return to duty shall be cause for discharge.

The City Council may, upon the recommendation of the City Manager, grant additional leave of absence without pay beyond the three month period.

**JURY LEAVE.** Every Management Group employee of the City who is called or required to serve as a trial juror shall be entitled to absent himself/herself from his/her duties with the City during the period of such service or while necessarily being present in court as a result of such call. Such absence will not result in any loss of pay.

**8. PERS RETIREMENT** . Each Management Employee shall pay the employee's PERS contribution (currently: 9% Safety, 7% Miscellaneous). Assembly Bill (AB) 340 became law on September 12, 2012 and the provisions were effective January 1, 2013. Effective January 1, 2013 PERS "Miscellaneous" employees defined by PEPRAs as "new members" shall pay 50% of the total normal costs for the new "Miscellaneous" pension formula 2% @ 62, with a 3-year final compensation period. "Safety" employees (Police) defined by PEPRAs as "new members" shall pay 50% of the total normal cost for the new "Safety" pension formula 2% @ 57, with a 3-year final compensation period.

2.7%

"Classic Miscellaneous members," defined as those employees hired prior to January 1, 2013, will retain the 2% @ 55 Miscellaneous PERS formula, with a 7% member contribution, with a 1 – year final compensation period.

"Classic Safety (Police Tier II) members," defined as those employees (hired between May 17, 2011 and December 31, 2012) will retain the 3% @ 55 Safety PERS formula with a 9% member contribution, with a 1-years final compensation period. "Classic Safety (Police) members," hired prior to May 17, 2011, will retain the 3% @ 50 Safety PERS formula, with a 9% member contribution, with a 1-year final compensation period.

Employee member contributions shall be on a pre-tax basis pursuant to Section 414(h)(2) of the Internal Revenue Code.

The PEPRA defines a "new member" as:

- a. A new hire who is brought into CalPERS membership for the first time on or after January 1, 2013, and who has no prior membership in any California public retirement system.
- b. A new hire who is brought into the CalPERS membership for the first time on or after January 1, 2013, and who is not eligible for reciprocity with another California public retirement system.
- c. A member who first establish CalPERS membership prior to January 1, 2013, and who is rehired by a different CalPERS employer after a break in service of greater than six months.

**9. HEALTH PLAN**

Employee Health Plan Eligibility. All regular full-time Management Employees and the employee's dependents shall be entitled to participate in the City-sponsored Flexible Benefits Plan as established herein.

Eligible employees enrolling in the program within thirty (30) days following their appointment will be covered subject to contract limitations with the carrier. Coverage shall commence when the employee is eligible for coverage under PERS and the health plan carriers' rules. Employees enrolling after the thirty (30) day enrollment period will be approved only upon evidence of insurability or during open enrollment opportunities as determined by the carrier.

Participation Levels.

**CORE PLAN**

In addition to the amounts set forth below, the City will pay a PERSHealth Contribution of \$160/month of the premium for the medical coverage selected through PERS. If the employee elects dental coverage, then the employee must participate in a vision plan option.

The City will pay to the Employee's Flexible Benefit Account the following Amounts:

January 2015	January 2016
Employee only: \$ 466.39	Employee Only: \$ 547.51
Employee plus one: \$ 986.50	Employee plus one: \$ 1,148.74
Family:\$ 1,268.77	Family: \$1,479.68
Total City Contribution equal:	Total City Contribution equal:
Employee only: \$ 626.39	Employee only: \$ 707.51
Employee plus one: \$ 1,146.50	Employee plus one: \$ 1,308.74
Family: \$1,428.77	Family: \$ 1,639.68

Effective January 2016, through December, 2016 only, the City contributions to the employee Flexible Benefit Account shall be as set forth above, determined by the addition of 100% of the PERS Select premium increase effective January 2016. Effective January 2017, and each January 1st thereafter, the City contributions to the Employee Flexible Benefit Account set forth above will be increased by an amount equal to 50% of the increase in the PERS Select Medical Plan. In addition, the City contributions set forth above will be increased by an amount equal to 50% of the increase in the City's dental and vision plans at the point of any increase during the term of this Agreement.

### FLEXIBLE BENEFIT OPTION

Employees who elect not to participate in the Core Plan will be asked to sign a waiver and will be required to provide proof of medical insurance (see Section 14.04). They will have an opportunity to participate in the Flexible Benefit Option listed in Appendix A. The City will provide a cash back option of one hundred (\$100) dollars per month for employees who elect the Flexible Benefit Option.

Employees who elect not to participate in the Core Plan and do not have other medical insurance are not eligible to participate in the Flexible Benefit Option.

Administration. No benefits will be paid to employees until proof of current, valid insurance is on file in the Personnel Office.

### **RETIRED EMPLOYEE OPTIONS**

City agrees to pay one hundred sixty dollars (\$160) per month of a qualified retiree's PERS medical premium in accordance with PERS regulations.

Section 125 Plan - The City agrees to maintain the Internal Revenue Section 125 Premium Only Plan.

### **10. SEVERABILITY.**

Should any of the provisions or terms of this Resolution be determined illegal, invalid, or unenforceable by any court or governmental agency of competent jurisdiction, validity of the remaining parts, terms, or provisions, shall not be affected thereby.

### **11. SEVERANCE PAY.**

Department Heads (Management Group A) who are involuntarily terminated or asked to resign may receive severance pay at the discretion of the City Manager in accord with their length of service as follows: the equivalent of one month of pay for 1-12 months of City service, the equivalent of two months of pay for 13-24 months of service, the equivalent of three months of pay for 25 or more months of service. Severance pay is not mandatory and will only be granted when, in the opinion of the City Manager, it is in the best interests of the City. Normally, severance pay, if offered, will be contingent on the departing

Department Head's agreement to waive all claims associated with City employment and the termination thereof.

**12. SALARY.**

Management salaries shall be in an amount set by the City Manager within the salary range established by the City Council for the applicable employment position, or as otherwise authorized by the City Council.

Effective the first full pay period following adoption of this Resolution, Management Groups A and B shall receive a 1.5% salary increase. Effective the first full pay period following July 1, 2016, Management Groups A and B shall receive a subsequent 1.5% salary increase.

**13. DEFERRED COMPENSATION**

The City will provide a cash match up to a maximum of \$75 per pay period of an employee's deferred compensation contribution into a City sponsored plan.

**BE IT FURTHER RESOLVED:**

That this Resolution shall be effective on the date passed.

The foregoing resolution was passed and adopted at a regular meeting of the Red Bluff City Council on the 1<sup>st</sup> day of December, 2015, by the following vote:

AYES: Councilmembers: Jones, Parker and Patel

NOES : Councilmember(s): Jackson and Schmid

ABSENT OR NOT VOTING None

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk