

RESOLUTION NO. 2698

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHAFTER AUTHORIZING WAGE AND RELATED BENEFITS FOR NON-REPRESENTED FULL-TIME EMPLOYEES.

WHEREAS, the Charter of the City of Shafter, authorizes the City Council to provide wages and related benefits for employees of the City; and

WHEREAS, the City has established definitions of Full-time Employees and recognizes those employees not otherwise represented by the Shafter Corrections Officer Association (SCOA), the Shafter Police Officer Association (SPOA), or the Shafter Public Works Employee Association (SPWEA) bargaining units to be deemed as Non-Represented Full-Time Employees and covered within this Resolution (“employees” or “Covered Employees”).

NOW, THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of Shafter, California, that the wage and related benefit plan for Covered Employees described herein, shall be effective January 1, 2020 through December 31, 2020, upon adoption by the City Council as follows:

SECTION I - HOURS OF WORK AND OVERTIME

SECTION 1.1 HOURS OF WORK

a. Work Period

The normal work period shall be seven (7) days with a maximum non-overtime of forty hours (40). The Work Period shall commence at 0000-hour Saturday and end at 2400 hours Friday.

When mutually agreed upon, employees may be placed on alternative work schedules. Use of an alternative work schedule shall be on a trial basis not to exceed three (3) months. Extension may be granted at the sole discretion of the Department Head. The City reserves the right to terminate the alternative work schedule at any time if it is found unsatisfactory at the sole discretion of the Department Head. Employees may terminate the alternative work schedule if it is found unsatisfactory. Matters concerning work schedules are not subject to the grievance procedure.

The alternative work period shall be fourteen (14) consecutive days with a maximum non-overtime of eighty (80) hours. The work period shall commence at 0000 hours Saturday and end at 2400 hours Friday. Benefits such as vacation, holiday and sick leave accrue on an eight (8) hour day. Absences from a work day exceeding eight (8) hours require use of additional accrued leave.

b. Rest Periods

Rest periods will normally be provided to employees at the rate of fifteen (15) minutes for each four (4) hours worked. Rest periods are paid time, therefore nothing in this section provides for or implies any additional compensation or benefits if a rest period is not received.

SECTION 1.2 OVERTIME

a. Rate

Employees shall be paid overtime at the rate of time and one-half his/her regular rate of pay. All overtime shall be recorded and paid based on fifteen (15) minute increments. For each full fifteen (15) minute period worked, the employee shall be compensated for one quarter (1/4) hour at their overtime rate.

b. Hours Paid

Overtime shall be paid after forty (40) hours worked in a Work Period. Vacation leave, sick leave, and compensating time off constitute hours worked.

Overtime for Alternate workweek schedules shall be paid for hours worked in excess of eighty (80) hours in an alternative 14-day work period. Vacation leave, sick leave, and compensating time off constitute hours worked.

c. Compensating Time Off (CTO)

Notwithstanding the provisions of this section, employees may be granted CTO for overtime credit computed at time and one-half at the discretion of the Department Head and with due regard for the wishes of the employee. Employees may accrue a maximum of one-hundred twenty (120) hours in their CTO account. Requests to use CTO shall be granted with due regard for operational necessity such as staffing levels.

SECTION 1.3 CALLBACK PAY

The City will compensate employees for a minimum of two (2) hours or actual time worked, whichever is greater, at the overtime rate when they are called back for active duty and have previously departed the work site. Overtime when adjacent to the employee's regularly scheduled work hours, either immediately before, during or immediately following, is not subject to call back pay.

SECTION 1.4 STANDBY PAY REGULAR DAYS OFF

Employees directed to remain on call and available on his/her normal day off, shall be compensated at the rate of two (2) hours pay per day. All standby assignments shall be authorized in advance by the City Manager. Employees shall be paid the standby pay or the employee's regular hourly rate for time actually worked to the nearest half hour, whichever is greater.

ARTICLE II - PAY PROVISIONS

SECTION 2.1 SALARY

- a. No later than December 15, 2019, Non-represented Full-time Employees employed on or before November 30, 2019 shall receive a one-time, off schedule net compensation of \$1,500.

- b. Effective January 1, 2020, Non-represented Full-time Employees shall receive a Cost of Living Adjustment (COLA) of two and a half (2.5%) percent, noting that the actual adjustment for each classification may vary slightly due to rounding.
- c. Local Miscellaneous employees hired on or after January 1, 2013, and identified as a "New Member" by the California Public Employees Retirement System, as defined in Government Code Section 7522.04(e,f), shall receive "New Member Premium Pay" equal to 50% of the annual normal cost rate for CalPERS 2%@62 Miscellaneous formula. The actual percentage may vary slightly due to rounding.
- d. Local Safety employees hired on or after January 1, 2013, and identified as a "New Member" by the California Public Employees Retirement System, as defined in Government Code Section 7522.04(e,f), shall receive "New Member Premium Pay" equal to 50% of the annual normal cost rate for CalPERS 2.7%@57 Safety formula. The actual percentage may vary slightly due to rounding.
- e. Salary step increases to Steps B, C, D and E shall be considered merit increases. Employees shall be eligible for salary advancement to the next step upon completion of twelve (12) months (or other time period approved by the City Manager) of satisfactory job performance and normally increasing job productivity at the present step, and upon recommendation of the Department Head and approval of the City Manager.

SECTION 2.2 EDUCATION INCENTIVE PAY

Employees shall be reimbursed up to three-thousand dollars (\$3000) in a calendar year for expenses incurred for taking college courses and other certification courses under the following conditions:

- a. Prior Department Head and City Manager approval is obtained.
- b. The course furthers a job related major as approved by the City Manager or his/her designee.
- c. College courses require a minimum three (3) units completed with a grade of "C" or better.

SECTION 2.3 BILINGUAL SPANISH INCENTIVE PAY

Employees shall receive incentive pay at eighty (\$80.00) dollars per month, in addition to base salary for having bilingual ability in Spanish to the satisfaction of the Department Head or his/her designee.

SECTION 2.4 RETIREMENT

- a. The City agrees to contract with California Public Employees Retirement System and agrees to pay the 7%-member contribution for Covered Employees defined as Local Miscellaneous and hired on or before December 31, 2012. The plan benefits consist of the 2% at 55 Full Formula; Limit Prior Service to Members Employed as of Contract Date (GC 20938); Credit for Unused Sick Leave (GC 20965); Local System Service Credit included in the basic death benefit (GC 21536); and One Year Final Compensation GC 20042.

- b. The City agrees to contract with California Public Employees Retirement System and agrees to pay the 9%-member contribution for Covered Employees who are sworn officers pursuant to PC 830.1 and hired on or before December 31, 2012. The plan benefits consist of the 3% at 55 Full Formula; Limit Prior Service to Members Employed as of Contract Date (GC 20938); Credit for Unused Sick Leave (GC 20965); Local System Service Credit included in the basic death benefit (GC 21536); and One Year Final Compensation GC 20042.
- c. Employees hired on or after January 1, 2013, who qualify as a new member in the California Public Employees Retirement System as defined in GC Section 7522.04(e,f), shall be subject to the California Public Employees Retirement plan 2%^{@62} Miscellaneous formula (GC Section 7522.20 (a)) or 2.7%^{@57} Safety formula (GC Section 7522.25(a,b,c,d)); three year final compensation (GG 7522.32(a)). Members shall contribute 50% of the annual normal cost rate to the retirement formula (GC Section 7522.30(c)).
- d. Employees hired on or after January 1, 2013, who qualify as a classic member of the California Public Employees Retirement System as defined in GC Section 7522.04(e,f), shall be subject to the retirement formula available on December 31, 2012: Local Miscellaneous 2%^{@55} full formula or Local Safety 3%^{@55} full formula. The City agrees to pay the member contribution.

SECTION 2.5 SICK LEAVE

- a. Sick leave accrues at a rate of 3.6923 hours bi-weekly. There is no limit to the accumulation; however, the maximum shall revert back to one hundred twenty (120) days in the event of legislation requiring cities to provide conversion rights.
- b. Employees with at least 480 hours of accrued sick leave shall be eligible for the Stay Well Bonus. For purposes of sick leave accounting, the annual period shall be December 1 through November 30. All unused sick leave above 480 hours will be used for calculating the employee's stay well bonus paid on or around December 15. Net sick leave earned and not used during the annual period will be divided in half. One-half will be paid to the employee at the employee's current base hourly rate and the remaining one-half shall remain as regular sick leave.

Except in the case of retirement, employees leaving City service who have at least 480 hours of accrued sick leave shall be paid a Stay Well Bonus, at the same time as their final payroll check, using the formula described above and based upon their accrued and used sick leave from the end of the last annual period through their date of separation. Employees may elect to be paid by separate check and/or contribute to the ICMA 457 Deferred Compensation Plan.

- c. Upon service retirement, disability retirement, or death of active employees, such employees will be paid for all sick leave accrued in excess of 640 hours.
- d. Employees may use sick leave as defined in the City of Shafter Administrative Policy Sick Leave.
- e. Employees employed as of July 1 who do not use any sick leave during the period July 1 through June 30, shall be credited on July 1 of the following fiscal year, with one eight (8) hour floating

holiday. Sick leave paid according to Section 2.5 (b) shall not be considered as sick leave used for the purposes of determining eligibility for Section 2.5 (e). The floating holiday cannot be carried over to the next fiscal year. Use of a floating holiday must have prior department approval and shall be consistent with the efficient operation of the department.

SECTION 2.6 VACATION LEAVE

- a. Employees having less than one (1) year continuous employment shall not be entitled to vacation with pay unless approved by the City Manager.
- b. Vacation days are based on an 8-hour day and shall be accrued on a pro-rated basis as follows:
 - 1. Ten days (80 hours) of vacation after one (1) year of service. Accrual begins on date of hire.
 - 2. Fifteen days (120 hours) of vacation after five (5) years of service. New accrual rate begins at the completion of the 5th year of service.
 - 3. Seventeen days (136 hours) of vacation after ten (10) years of service. New accrual rate begins at the completion of the 10th year of service.
 - 4. Twenty days (160 hours) of vacation after fifteen (15) years of service. New accrual rate begins at the completion of the 15th year of service.
 - 5. Twenty-five days (200 hours) of vacation after twenty (20) years of service. New accrual rate begins at the completion of the 20th year of service.
- c. Additional vacation for management leave may be granted by the City Manager and will add to the maximum accrual levels as outlined in section 2.6 (d).
- d. Employees hired prior to July 1, 2000, may accrue no more than three times the annual accrual at their current accrual rate. Employees hired on or after July 1, 2000, may accrue no more than two times their annual accrual at their current accrual rate. Employees reaching their maximum accrual limit will stop accruing until the balance is below the maximum accrual limit. The table below is provided as an example of accrual rates and maximum accrual limits and may not be all inclusive. Additional accrual rates will be subject to the two- and three-year maximum accrual limits based on date of hire indicated above unless otherwise noted.

Date of Hire Prior to July 1, 2000		Date of Hire on or after July 1, 2000	
Bi-weekly Accrual Rate	Maximum Accrual	Bi-weekly Accrual Rate	Maximum Accrual
3.077	240 Hours	3.077	160
4.615	360 Hours	4.615	240
5.231	408 Hours	5.231	272
6.154	480 Hours	6.154	320
7.692	600 Hours	7.692	400

- e. The time during a year at which employees may take vacation shall be determined by the Department Head with regard for the wishes of the employee and particular regard for the needs

of the City.

- f. Employees who terminate employment shall be paid in a lump sum for all accrued vacation earned up to the effective date of termination.
- g. In the event one or more holidays fall within vacation leave, such holidays shall not be charged as vacation leave, and the vacation leave shall be extended accordingly.
- h. Employees who have accrued at least one hundred and twenty (120) hours of vacation time shall be allowed to cash-out up to a maximum of forty (40) hours of vacation time annually.

Employees who have accrued at least two hundred and forty (240) hours of vacation time shall be allowed to cash-out up to a maximum of eighty (80) hours of vacation time annually.

Payments will be made twice a year; on or before May 31st and November 30th. Requests must be received by Human Resources no later than the 15th of May and/or November. Accrual balance on May 15 and/or November 15 will be used to determine eligibility. Under no circumstances will the total number of hours eligible for cash-out exceed eighty (80) hours annually.

Employees may elect to be paid by separate check and/or contribute to the ICMA 457 Deferred Compensation Plan for all vacation cash-out hours eligible to be paid out.

SECTION 2.7 HOLIDAYS

- a. The following are city paid eight (8) hour holidays:

No.	Holiday	Date	Hours
1	New Year's Day	January 1	8
2	Washington's Birthday	3 rd Monday in February	8
3	Memorial Day	Last Monday in May	8
4	Independence Day	July 4	8
5	Labor Day	1 st Monday in September	8
6	Thanksgiving Day	4 th Thursday in November	8
7	Day after Thanksgiving	4 th Friday in November	8
8	Christmas Eve	December 24	8
9	Christmas Day	December 25	8
10	New Year's Eve	December 31	8
11	Martin Luther King Jr	Floating Holiday	8
12	Veterans Day	Floating Holiday	8

- b. The two floating holidays listed above are earned on a fiscal year, July 1 to June 30, and do not carry over to the next fiscal year. Employees hired on or before November 11 shall receive the two (2) floating holidays. Employees hired after November 11 shall receive one (1) floating holiday. Floating holidays must be used by June 30 with the approval of the department head and shall be consistent with the efficient operation of the department.
- c. In addition, any day proclaimed by the Shafter City Council as a holiday.
- d. Employees shall normally take a holiday off on the day it falls, except that when a holiday falls on a Saturday, the preceding Friday shall be observed. When a holiday falls on a Sunday, the following Monday shall be observed.
- e. Employees assigned to work on holidays shall be compensated in the pay period for which holidays are worked. Compensation shall be at time and one half.

SECTION 2.8 BEREAVEMENT LEAVE

- a. Employees shall be entitled to three (3) days bereavement leave in the case of death of his/her spouse, child, stepchild, parent, stepparent, grandparent, spouse's grandparent, grandchild, son-in-law, brother-in-law, sister-in-law, daughter-in-law, mother-in-law, father-in-law, brother, stepbrother, sister, stepsister and registered domestic partner.
- b. Employees may be granted five (5) days bereavement leave as approved by the City Manager in case of the death of an above covered individual when the funeral takes place out of State or over 200 miles from Shafter.

SECTION 2.9 MILITARY LEAVE

Military leave shall be granted according with the provisions of State law. Employees shall give the Department Head an opportunity within the limits of military regulations to determine when such leave shall be taken.

SECTION 2.10 OUT OF CLASS PAY

Employees assigned by the Department Head to a higher paying position for a period of more than ten (10) consecutive normal workdays, or as approved by the City Manager, shall be paid at the out of class rate for all days worked in that position.

The out of class rate shall provide a 5% increase above the employee's base wage except in no case shall the employee receive higher than the E step of the higher paid position.

SECTION 2.11 PROFESSIONAL FEES

The City agrees to pay 100% of the fees for certifications and license as may be required as a condition of employment.

SECTION 2.12 CERTIFICATION INCENTIVE PAY

The City may provide an incentive to obtain a level of specialized certification beyond what is required by the job, provided the certification is job-related and provides a clear, on-going benefit to the City. Interim certification is excluded. Specific Certifications or levels of Certifications eligible for Incentive Pay must be recommended by the Department Head and approved by the City Manager prior to inclusion in the Incentive Pay Program. Eligible specific Certifications must be directly related to an employee's job duties but NOT a qualifying requirement of the position. Incentives are cumulative; however, no combination of Incentive Pay certifications shall result in a total Incentive greater than 5% of Base Pay.

Employees working in a department with Memorandum of Understanding (MOU) representation, but not covered by the MOU shall receive certification incentive pay at the rate defined within their department MOU.

SECTION 2.13 CELL PHONE ALLOWANCE

Cell phone allowance is determined by separate policy and requires the approval of the department head and the City Manager.

SECTION 2.14 USE OF CITY OWNED AND PRIVATELY-OWNED VEHICLES

Use of City owned, and privately-owned vehicles is determined by separate policy and requires the approval of the City Manager.

SECTION 2.15 PAY SCHEDULE

- a. Employee pay shall operate on a bi-weekly pay schedule; including 80-hour work periods with 26 work periods per year.
- b. The payroll cut-off for both, overtime and regular time, shall be one week prior to payday with the first cut-off being January 10, 2020.
- c. Employees shall be paid for actual hours worked (or paid time off used) during the pay period.
- d. Payday shall be on the Friday following the payroll cut-off date with the first payday being January 17, 2020. If payday falls on a holiday, employees shall be paid on the business day before the holiday.
- e. The City will pay each employee the additional hours necessary to bring that employees first work period to 80 hours. In most cases this will be 16 hours per employee.
- f. Employees shall be subject to mandatory participation in the direct deposit of their City payroll checks to a bank account of their choice.

SECTION 2.16 PERFORMANCE BONUSES

The City Manager may, at his or her sole discretion, grant performance-based bonuses to Covered Employees for good performance. However, the total amount of the performance bonuses that the City Manager may grant under this provision in fiscal year 2020 shall not exceed Twenty thousand dollars (\$20,000.00) for all employees.

ARTICLE III - HEALTH AND WELFARE

SECTION 3.1 HEALTH, LIFE AND COBRA BENEFITS

- a. The City agrees to pay one hundred percent (100%) of the medical, dental, and vision premiums on the base plans for employees and eligible dependents from January 1, 2020 through December 31, 2020.
- b. The City shall provide employees a life insurance plan equal to the employee's annual base salary plus \$17,000, spouse death benefit of \$5,000 and dependent death benefit of \$1,000-\$1,500.
- c. Subject to IRS Code 125 and insurance plan eligibility, the City shall pay \$353 monthly to employees who decline participation in the City's medical insurance plan. Proof of other insurance coverage is required. Retired employees are excluded.
- d. For all employees who retire under CalPERS, the City will pay one hundred percent (100%) of the City's group medical and dental premiums for eligible retired employees plus one eligible dependent for a period of up to twelve (12) months immediately following the effective date of retirement. For the purposes of this subsection, eligible employees are those employees who retire from active status on a normal service retirement or disability (excluding deferred retirement) with at least 10 years of continuous full-time city service. For the purposes of this subsection, continuous full-time city service shall mean uninterrupted employment as a full-time employee. Authorized leaves of absence shall not be considered as a break in service. This benefit shall not apply to employees who are terminated.
- e. For all employees who are eligible for 12 months of City paid COBRA benefits as defined in 3.1(c) paragraph 1 of this resolution and are eligible members of an established ICMA Retirement Health Savings (RHS) group so specifying, the City shall contribute to the employee's RHS account an amount equal to 12 months of the base medical, dental, and vision plans, plus any applicable COBRA administrative fees. Said payment shall be based on the City's cost of insurance for the "employee plus one dependent" rate as of the date of separation of employment. The base medical, dental, and vision plans are defined as those respective plans offered to employees with the highest cost to the City and that do not require an employee contribution.

SECTION 3.2 UNIFORM ALLOWANCE

- a. The City shall provide uniforms, allowances or reimbursement for uniforms, to those positions designated by the Department Head and approved by the City Manager, upon hire, and annually

thereafter. At the recommendation of the Department Head and approval of the City Manager, the list of qualified positions, allowances and reimbursement may be modified as deemed necessary. The City reserves the right to determine the uniform and shoe style and color.

The positions listed below currently qualify for provided uniforms:

- MCCF Nurse and Cook - five (5) uniforms and one (1) pair of shoes.
 - All non-represented, full-time Public Works employees - work pants, work shirt, and city patches
 - Animal Shelter Workers – five (5) City shirts
- b. Employees who are required to furnish and maintain City uniforms shall be compensated annually as follows:
- Chief of Police, Police Captain, Police Lieutenant - \$900
 - Police Services Technician - \$850
 - Police Records Clerk - \$475
 - Chief of Corrections, Assistant Chief of Corrections, Corrections Lieutenant, Corrections Sergeant - \$900
- c. Police Department sworn officers shall be paid two hundred dollars (\$200) annually for standard uniform equipment.
- d. The City shall provide level IIIa bullet proof vests to Police Department sworn officers requiring such protection. The City shall also provide personal protective equipment in compliance with the Occupational Safety and Health Administration (OSHA) requirements.
- e. Police Department sworn officers shall seek restitution through the courts, with all practical diligence, to replace uniforms and standard uniform equipment damaged while on duty. If restitution is denied by the courts, the employee may submit a Damaged Equipment Claim Form to the Department Head or designee, for review and consideration of replacement by the City. Upon approval, the Department Head or designee shall determine the appropriate rate of reimbursement to replace the damaged uniform or standard uniform equipment.
- f. Uniform and safety equipment allowance shall be paid in an annual lump sum on or near July 1 of each year. When employees leave city service, the annual uniform and safety equipment allowance is prorated, and any unearned portion shall be deducted from the final paycheck.
- g. Employees who are provided uniforms, are required to wear these uniforms and report to work with them being clean and neat in appearance, unless this requirement is expressly waived by the City.
- h. All items as provided in Section 3.2(a) remain City property and are only to be used in accordance with City policy. Upon separation, all items must be returned by the employee. A prorated amount of the uniforms not returned will be deducted from the employee's final paycheck.
- i. The City will provide a voucher to a designated vendor or reimburse Department Head approved employees for expenses related to the purchase of work-related jacket and/or boots,

insoles/boot support/inserts in the amount not to exceed \$300 per fiscal year. This benefit is pro-rated monthly for new employees. Employees who terminate employment are not eligible for payment of any unused portion of the benefit.

ARTICLE IV - CLOSING PROVISIONS

SECTION 4.1 TERM


This resolution shall commence on January 1, 2020 and expire on December 31, 2020.

PASSED, APPROVED AND ADOPTED THIS 3rd DAY OF DECEMBER, 2019.



Cesar Lopez, Mayor Pro Tem 12/3/19
Date

ATTEST:



Yazmina Pallares, City Clerk 12/3/19
Date