

**City of Garden Grove  
INTER-DEPARTMENT MEMORANDUM**

<b>To:</b>	Matthew J. Fertal	<b>From:</b>	John D.R. Clark
<b>Dept:</b>	City Manager	<b>Dept:</b>	Human Resources
<b>Subj:</b>	RESOLUTION ESTABLISHING SALARY, WAGES, TERMS AND CONDITIONS OF EMPLOYMENT FOR MIDDLE MANAGEMENT EMPLOYMENT CLASSIFICATIONS	<b>Date:</b>	October 23, 2012

OBJECTIVE

The California Public Employees' Retirement System (PERS) conducted an audit of the City's contract in late 2011, with their final audit report issued in June, 2012. While the audit generally found us to be in good compliance with applicable statutes and regulations, PERS did direct the City to make several changes of a ministerial nature to its procedures. The recommended action, if adopted, would insure Garden Grove's continued compliance.

Because the "Middle Management" Resolution has been amended a number of times since its adoption in 2009, it is being readopted in total, repealing all prior resolutions. The substantive changes are detailed herein.

BACKGROUND

The City Council may recall that on October 11, 2011, it formally adopted the employee salary schedule and list of assignment pays in compliance with California Code of Regulations (CCR) §570.5 and CCR §571. From time to time it is necessary to amend either the salary schedule or assignment pays list to take into account changes in the staffing or operations of the City, particularly when we are in a period of downsizing, as we are now. CCR §570.5 and §571 require City Council approval for these changes. Section 7 of the Resolution specifically adds Administrative Secretary Premium, Computer Operations Premium, and Temporary Upgrade Premium as compensable assignment pays, consistent with current practice.

The second change is to add a new subsection 10 (g), adopting the language demanded by PERS concerning uniforms. The City buys uniforms for some members of this non-union group, notably Police Records Manager and Police Communications Manager, Public Works Supervisors, Public Works Foremen, and the Custodial Supervisor. The City buys the uniforms for the employees and reports this value to PERS every pay period, as required by Government Code § 20636 (c)(6). The PERS Audit cited Government Code § 20160 in directing the City to adopt the specific language contained herein.

FINANCIAL IMPACT

The recommended amendments represent no change in existing City practice and expenditure, and will have no fiscal impact.

RECOMMENDED ACTION

That the City Council take the following action:

- Approve the attached Resolution setting forth wages, terms and conditions of employment for employees in "Middle Management" classifications.



JOHN D.R. CLARK  
Human Resources Director/City Treasurer

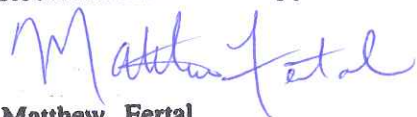
By:



LAURA J. STOVER  
Human Resources Manager

Attachment: Proposed Resolution

**Recommended for Approval**



**Matthew Fertal**  
City Manager

## GARDEN GROVE CITY COUNCIL

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE APPROVING SALARY, WAGES, AND FRINGE BENEFITS FOR MIDDLE MANAGEMENT EMPLOYEES OF THE CITY OF GARDEN GROVE; ESTABLISHING A SALARY PLAN AND EXEMPTING MIDDLE MANAGEMENT CLASSIFICATIONS FROM MUNICIPAL CODE SECTION 2.44.390 AS WELL AS OVERTIME, AND RESCINDING RESOLUTION NO. 8889-09, RESOLUTION NO. 8961-10, and RESOLUTION NO. 9100-12

WHEREAS, Chapter 2.44 of the Garden Grove Municipal Code, revised, Volume 1, provides that the City Council shall by resolution: (1) establish salary ranges and salary rates and the allocation of classes thereto; and (2) set forth the classification of full-time positions in the various City departments and offices; and

NOW, THEREFORE, BE IT RESOLVED that the City Council does rescind Resolution No. 8889-09, Resolution No. 8961-10, and Resolution No. 9100-12.

BE IT FURTHER RESOLVED that the City Council does establish the following:

SECTION 1: MANAGEMENT RECOGNITION

This Resolution relates to Middle Management (Supervisory and Administrative) classifications. Fringe benefits, leave policies, and the tuition reimbursement program as set forth in the Memorandum of Understanding of the group(s) supervised, will be offered to the classifications listed in this Resolution. Limitations, changes or modifications to these items shall be stated in this Resolution.

SECTION 2: MIDDLE MANAGEMENT PERSONNEL CLASSIFICATIONS

For purposes of this Resolution, Middle Management positions are identified as follows:

<u>Personnel Classification</u>	<u>Salary Range</u>
Accounting Supervisor	M176
Administrative Analyst	M150
Administrative Secretary	M162
Assistant to the City Manager	M186
Benefits Supervisor	M171
Budget Manager	M194
Building Services Manager	M215
Business Tax Supervisor	M166
Cable Production Supervisor	M166
Chief of Collections	M171
City Clerk	M199
City Engineer	M224

<u>Personnel Classification</u>	<u>Salary Range</u>
Community Services Supervisor	M176
Custodial Supervisor	M160
Deputy City Clerk	M157
Deputy Director	M215
Division Manager	M204
Economic Development Manager	M215
Environmental Services Manager	M204
Facilities Manager	M204
Finance Manager	M204
Fire Battalion Chief	M220.2
Fire Division Chief	M230.2
Human Resources Manager	M199
Housing Supervisor	M171
Information Services Manager	M220
Permit Center Supervisor	M174
Personnel Analyst	M150
Planning Services Manager	M215
Police Communications Manager	M186
Police Fiscal Analyst	M171
Police Records Manager	M186
Police Services Supervisor	M166
Principal Accountant	M181
Principal Administrative Analyst	M186
Principal Personnel Analyst	M186
Program Specialist	M150
Project Engineer	M204
Project Planner	M186
Public Works Foreman	M155
Public Works Supervisor	M176
Purchasing Agent	M191
Real Property Manager	M199
Revenue Manager	M194
Senior Administrative Analyst	M166
Senior Civil Engineer	M211
Senior Information Technology Analyst	M194
Senior Personnel Analyst	M166
Senior Planner	M194
Senior Project Planner	M194
Senior Program Specialist	M166
Streets Division Manager	M199
Supervising Building Inspector	M179
Traffic Engineer	M211
Utilities Revenue Supervisor	M166

Personnel Classification

Salary Range

Water Services Manager

M215

### SECTION 3: EMPLOYEE BUYOUT

Full-time Middle Management employees may be offered a "buyout," which is defined as the payment of \$35,000 or 35% of an employee's base pay, whichever is greater, in exchange for said employee's voluntary resignation and release of all property rights in his employment, and a waiver of all claims relating to such employment and the termination thereof, if any, against the City. Such buyout will be subject to deductions and treated as taxable income pursuant to IRS regulations. The City Manager may offer this buyout to all Middle Management employees, or groups of Middle Management employees by either classification and/or department. The time period or periods for which this buyout is offered will be at the discretion of the City Manager. The City Manager or his designee shall notify in advance all employees eligible to participate in the buyout program of the program's commencement and termination dates.

To the extent permitted under the laws and regulations of the California Public Employees' Retirement System (PERS), it is the intent of the City of Garden Grove that any Middle Management employee may avail themselves of this buyout, if eligible, or the Two Years Additional Service Credit ("Golden Handshake"), permitted pursuant to Government Code Section 20903, if offered, but not both.

Temporary, part-time, limited term and interim employees are not eligible to participate in the Employee Buyout. PERS Retired annuitants working part-time pursuant to Government Code Section 21221 or Government Code Section 21224 are also not eligible to participate in the Employee Buyout.

### SECTION 4: EMPLOYEE FURLOUGH

The City Manager may, in his sole discretion, require Middle Management employees to take furlough time. Furlough time is defined as a set number of unpaid hours during some set period which the employee must take and not work. The furlough time may be a specified day, days, or other time period in which Middle Management employees are not permitted to work or a pre-approved unpaid time period taken at the discretion of the employee. In no event is an employee allowed to substitute or "fill in" furlough time with vacation time, sick leave, administrative leave, compensatory time, or any other form of paid time.

The Director of Human Resources shall promulgate such rules that are necessary to implement any furloughs directed by the City Manager.

## SECTION 5: CARRYOVER OF VACATION BALANCE

Middle Management employees may carry a vacation balance equal to twice their annual accrual plus 120 hours. The Director of Human Resources may authorize a temporary suspension of this limit for good cause.

## SECTION 6: RETIREMENT

- a. Effective January 1, 1994, the employee shall pay the employee's contribution to the Public Employees' Retirement System (PERS). The City shall allow these contributions to be treated as "pick-up" in accordance with Section 414 (h) 2 of the Internal Revenue Service and applicable Government Code Sections. These "pick-up" contributions, to the extent permissible, shall be treated as deferred income to the employee for federal and state tax purposes.

The employee shall indemnify and hold the City harmless from any and all claims, demands, suits, actions, liabilities, or judgments of any kind whatsoever arising out of or in connection with the actions to be taken and/or the "pick-up" contributions to be made pursuant hereto.

Any future income tax obligations resulting from the "pick-up" contributions shall be the exclusive responsibility of the employee. In the event the Internal Revenue Service shall change its current position and determine that such contributions constitute salary, not deferred income, any resulting tax obligations shall be the exclusive responsibility of the employee and the City shall not be held responsible therefore.

- b. The City currently contracts with PERS for the following benefits to the miscellaneous retirement plan:
  - 1) Section 21354.4 (2.5% at 55 Full formula for local miscellaneous members - Active members only)
  - 2) Section 20024.2 (Highest Year)
  - 3) Section 20862.8 (Credit for unused sick leave)
  - 4) Employees pay the entire Employee Contribution.
- c. Miscellaneous employees pay a total of eight percent (8%) Employee Contribution for the 2.5% at 55 Full formula.
- d. The City currently contracts with PERS to provide the following benefit to the Public Safety retirement plan, to sworn Police and Fire management employees:

- 1) Section 21362.2 (3% at 50 Full formula for local Public Safety members)
- 2) Section 20024.2 (Highest Year)
- 3) Section 20862.8 (Credit for Unused Sick Leave)
- 4) Sworn Public Safety Management employees pay the entire Employee Contribution.

#### SECTION 7: ADDITIONAL ASSIGNMENT PAY

The City Manager may authorize additional compensation (Administrative Secretary Premium, Computer Operations Premium, or Temporary Upgrade Premium) of up to five percent (5%) over base pay to an employee who has assumed additional job duties. The duration of this additional pay shall be at the sole determination of the City Manager.

#### SECTION 8: EDUCATION INCENTIVE

Employees in the classifications of Fire Battalion Chief, Fire Division Chief, Police Lieutenant and Police Captain are no longer eligible for the Education Incentive Program.

Effective January 1, 1999, all other Management employees not already qualifying and receiving benefits in the Education Incentive program shall no longer be eligible for that program. Any management employee receiving these benefits may participate in the Tuition Reimbursement program; however, they then are no longer eligible to participate and receive Education Incentive pay under this program.

#### SECTION 9: TUITION REIMBURSEMENT

All Management employees are eligible to participate in the Tuition Reimbursement Program.

#### SECTION 10: FRINGE BENEFITS

##### a. Cafeteria Benefit

For Middle Management employees enrolled in the cafeteria benefit plans, the monthly City contribution shall be a composite rate of \$858.50. Should another unit receive an increase in their monthly City contribution to composite rate, the same increase, on either a percentage or dollar amount basis, may be provided to Middle Management employees if authorized by the City Manager. The distribution of this monthly composite rate into tiers (e.g., single, two-

person, family, and waiver) shall be determined annually by the City Manager.

b. Health Insurance

The City shall contribute on behalf of each employee and each eligible retiree, the PERS mandatory amount per month toward the payment of premiums for health insurance under the PERS Health Insurance program. For calendar year 2006, the amount is \$64.60, for 2007 the amount will be \$80.80, and for 2008 the amount will be \$97.00. Beginning January 2009, the amount will be adjusted annually to reflect any change in the medical care component of the Consumer Price Index. This amount is included in the Cafeteria Benefit contribution listed in subsection (a) above.

Retiring employees and their dependents shall have available the ability to continue to participate in the PERS Health Insurance program. The eligibility of participation shall be determined by the PERS program.

c. Long-Term Disability

The plan will provide up to 2/3 of base salary after the employee has been disabled for 60 calendar days or has used all accrued sick leave, whichever is longer.

d. Retiree Healthcare Reimbursement Plan

Middle Management employees are eligible to participate in the City's Retiree Healthcare Reimbursement Plan.

e. Vacation Buy-Back

Middle Management employees who have taken a minimum of eighty (80) hours of vacation time off (which may include up to 40 hours administrative leave) in the previous calendar year and have a minimum of eighty (80) hours of vacation retained on account may receive, at the employee's option, a cash payment for any vacation amount in excess of those eighty (80) hours retained at any time during the calendar year.

f. Sick Leave Sell Back/Payoff

Middle Management employees who are eligible and meet the same conditions for annual sick leave sell back as other employees shall receive \$.70 on the dollar based upon the pay rate in effect as of June 30.



At retirement, Middle Management employees shall be paid off at the 50% rate for all accumulated, but unused sick leave. At the written request of the employee, 100% of accumulated but unused sick leave hours may be used toward the extension of his or her service period under PERS rules and no payout will occur.

g. Uniforms

Employees may be required to wear uniforms issued by the City if so determined by their respective department director(s). The City will replace uniforms due to normal wear.

The cost of uniforms shall not constitute compensation for purposes of the regular rate calculation under the Fair Labor Standard Act. This policy shall remain in effect unless a change is dictated by applicable law.

The City shall report to CalPERS the monetary value of uniforms and uniform maintenance for those employees required to wear uniforms. The monetary value by classification is listed in Exhibit A, entitled "UNIFORM ALLOWANCE."

Uniform allowance is defined as compensation paid or the monetary value for the purchase, rental and/or maintenance of required clothing, including clothing made from specially designed protective fabrics, which is a ready substitute for personal attire the employee would otherwise have to acquire and maintain.

SECTION 11: FIRE DEPARTMENT LEAVE BENEFITS

Sworn Fire Management employees shall receive the same holiday benefits as other Management employees, based upon their workweek schedules, except those employees regularly assigned to Fire Suppression. Fire Management is not covered under the same "Annual Leave Program" as the Fire Unit. The vacation and sick leave accruals are the same as other managers and are adjusted for those assigned to a 56-hour shift schedule.

SECTION 12: POSITIONS EXEMPT FROM FAIR LABOR STANDARDS ACT (FLSA)

Employees in Middle Management positions are designated as exempt from the provisions of the Fair Labor Standards Act (FLSA) except as determined by the City Manager. Employees in the classifications of Administrative Secretary, Deputy City Clerk and Public Works Foreman are determined as non-exempt for FLSA purposes.

Sworn Fire Battalion Chiefs regularly assigned to Fire Suppression shall be eligible to receive overtime pay, at time and one-half the base hourly rate, for

hours worked for extra shifts (e.g., to cover absences) in addition to the employee's normal work schedule.

Those exempt Middle Management employees who have used all their accrued leave benefits and are absent for less than one (1) day, shall not have that time treated as an absence without pay. Employees in this category shall be subject to disciplinary actions involving unpaid time off in accordance with FLSA regulations.

#### SECTION 13: ADMINISTRATIVE LEAVE

The Middle Management positions listed in this resolution shall be exempt from all overtime provisions contained in the Municipal Code or in any Memorandum of Understanding in the group(s) supervised, except as specifically authorized by the City Manager.

Employees in Middle Management positions shall receive forty (40) hours of Administrative Leave each January. Upon the recommendation of the department director, the City Manager may approve additional Administrative Leave hours, not to exceed forty (40) hours, for employees involved in extraordinary major projects or assignments. The granting of additional leave time shall be at the sole determination of the City Manager.

Sworn Fire Battalion Chiefs regularly assigned to Fire Suppression shall instead receive forty (40) hours of Administrative Leave each January and will not be eligible to receive any additional leave hours.

Administrative Leave cannot be cashed out at any time. No employee may have more than forty (40) hours of Administrative Leave time on the books at any time without the City Manager's approval. The City Manager shall establish procedures for employees who are hired or who terminate during a calendar year.

#### SECTION 14: EXEMPT MIDDLE MANAGEMENT CLASSES

All classes listed in this Middle Management Salary Plan Resolution shall be designated as exempt and be considered to be exempt from the provisions of the Municipal Code Section 2.44.390.

The appointment and removal of Division heads and the primary assistants in the City Manager's Office are governed by the Municipal Code Section 2.08.100.

EXHIBIT "A"

MID-MANAGEMENT UNIFORM ALLOWANCE

<u>TITLE</u>		<u>REPORTED TO PERS EACH PAY PERIOD</u>
POLICE SERVICES SUPERVISOR	\$	6.65
POLICE RECORDS MGR	\$	6.65
POLICE COMMUNICATIONS MGR	\$	5.54
PUBLIC WORKS SUPV	\$	11.22
WATER SERVICES MANAGER	\$	13.16
PUBLIC WORKS FOREMAN	\$	11.22
CUSTODIAL SUPERVISOR	\$	11.22
FIRE BATTALION CHIEF	\$	54.21
FIRE DIVISION CHIEF	\$	54.21