ITEM 10 H.

MOORPARK CITY COUNCIL
AGENDA REPORT

TO: **Honorable City Council**

FROM: **Deborah S. Traffenstedt, Administrative Services Director** DST

DATE: **January 10, 2007 (CC Meeting of 1/17/07)**

SUBJECT: **Consider Approval of Resolution Adopting a Revised Benefit Program for Management Employees and Rescinding Resolution No. 2006-2528**

BACKGROUND AND DISCUSSION

Attached is a draft resolution that revises the City's management benefits resolution to add new and revised Management Employee position titles (see page 1 of the resolution) consistent with the Salary Plan adopted on December 20, 2006; revise the Retirement Health Savings Plan language in Sections 8 and 16 to also permit use of a 401(a) deferred compensation account and clarify beneficiary eligibility (in the case of an eligible employee dying prior to retirement); delete language that is no longer applicable pertaining to a grandfathered sick leave benefit in Section 8; add supplemental leave clarification language in Section 11; and delete Vacation Leave accrual language that is no longer applicable and revise the format in Section 16 to make it easier to read.

The proposed revisions are shown through the use of legislative format in the attached draft resolution.

If approved, the final resolution will be printed with the legislative format deleted.

STAFF RECOMMENDATION

Adopt Resolution No. 2007-____.

Attachment: Draft Management Benefits Resolution

RESOLUTION NO. 2007-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MOORPARK, CALIFORNIA, ADOPTING A REVISED BENEFIT PROGRAM FOR MANAGEMENT EMPLOYEES AND RESCINDING RESOLUTION NO. 2006-2528

WHEREAS, the City Council recognizes that the management employees of the City are required to perform additional services to the City within the scope of their assignments; and

WHEREAS, in recognition of the additional time management employees devote in their service to the City without additional compensation, the City Council finds that it is appropriate to provide management employees benefits in addition to those provided to the competitive service employees of the City; and

WHEREAS, Resolution No. 2006-2528 adopted on October 18, 2006, previously established a benefit program for management employees and is now proposed to be rescinded and a revised benefit program adopted to add new and revised Management Employee position titles, revise the Retirement Health Savings Plan language in Sections 8 and 16 to also permit use of a 401(a) deferred compensation account and clarify beneficiary eligibility, delete language that is no longer applicable pertaining to a grandfathered sick leave benefit in Section 8, add supplemental leave clarification language in Section 11, and delete Vacation Leave accrual language that is no longer applicable and revise the format in Section 16 to make it easier to read.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MOORPARK DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. DEPARTMENT HEAD DEFINITION. When used in this Resolution, the term "Department Head" shall include the classification positions of Administrative Services Director; Assistant City Manager; Assistant to City Manager/City Clerk; City Engineer/Public Works Director; Community Development Director; Parks, Recreation and Community Services Director; Deputy City Manager; Finance Director; Public Works Director; and such other classifications as the City Council may from time to time designate by resolution as being department head positions.

SECTION 2. MANAGEMENT EMPLOYEE DEFINITION. When used in this Resolution, the term "Management Employee" shall include the classification positions of Accountant I and II, Active Adult Center Supervisor, Assistant City Clerk, Assistant City Engineer, Assistant Engineer, Administrative Services Manager, Associate Civil Engineer, Budget and Finance Manager, Finance/Accounting Manager, Information Systems Manager, Information Systems Analyst, Information Systems Supervisor, Landscape/Parks Maintenance Superintendent, Management Analyst, Parks and Facilities Supervisor, Parks and Landscape Manager, Planning Manager, Principal Planner, Public Works Superintendent, Public Works Supervisor, Recreation/Community Services Manager, Redevelopment Manager, Senior Civil

Engineer, Senior Information Systems Analyst, Senior Management Analyst, and such other classifications as the City Council may from time to time designate by resolution as being management positions.

SECTION 3. ADMINISTRATIVE LEAVE. The Department Heads and the Management Employees of the City shall be entitled to the following Administrative Leave benefits:

Department Heads: Department Heads shall be granted Administrative Leave at the rate of ninety-six (96) hours per fiscal year, accrued at the rate of 3.6923 hours per pay period. On June 1 of each year following completion of one full year of service, the Department Head may, at his/her option, convert forty (40) hours of the annual Administrative Leave to cash, if a rating of "commendable" or higher was received on the most recent performance evaluation in the fiscal year. Any unused Administrative Leave balance at the end of a fiscal year may be approved by the City Manager to be converted to cash per the above provision; may be converted to Annual Leave or Vacation Leave, if the Department Head has used at least forty (40) hours of paid leave time in the prior fiscal year and if the maximum accumulated Annual Leave or Vacation Leave balance will not be exceeded; or the Administrative Leave may be extended for a period of up to four (4) months. Department Heads who terminate employment shall be paid for accumulated Administrative Leave based upon their then regular rate of pay.

Management Employees: Management Employees shall be granted Administrative Leave at the rate of forty-eight (48) hours per fiscal year, accrued at the rate of 1.8461 hours per pay period. The amount of Administrative Leave earned will be prorated if service is less than one year. Administrative Leave must be taken by the end of the fiscal year. It is the responsibility of the Management Employee to not permit the accumulated leave to remain after June 30 of any fiscal year. Any unused Administrative Leave balance at the end of a fiscal year may be approved by the City Manager to be converted to Annual Leave or Vacation Leave, if the Management Employee has used at least forty (40) hours of paid leave time in the prior fiscal year and if the maximum accumulated Annual Leave or Vacation Leave balance will not be exceeded; or the Administrative Leave may be extended for a period of up to four (4) months. Management Employees who terminate employment shall be paid for accumulated Administrative Leave based upon their then regular rate of pay.

On July 1 of each year, following completion of one full year of service, the Management Employee may be granted up to an additional twenty-four (24) hours of Administrative Leave based on the most recent performance evaluation by his/her Department Head if he/she received a rating of "commendable" or higher and the employee's Department Head has indicated that the employee has spent an inordinate amount of additional work hours in performance of service to the City during the prior fiscal year.

SECTION 4. ANNUAL LEAVE. All new Department Heads and Management Employees will accrue Annual Leave versus separate Vacation and Sick Leave accruals.

Department Heads: Annual Leave accrual rates for Department Heads shall be as follows:

1 to 60 Months – 7.0769 hours per pay period (equivalent to 23 eight-hour days per year);

61 to 72 Months – 7.3846 hours per pay period (equivalent to 24 eight-hour days per year);

73 to 84 Months – 7.6923 hours per pay period (equivalent to 25 eight-hour days per year);

85 to 96 Months – 8.0000 hours per pay period (equivalent to 26 eight-hour days per year);

97 to 108 Months – 8.3076 hours per pay period (equivalent to 27 eight-hour days per year);

109 to 120 Months - 8.6153 hours per pay period (equivalent to 28 eight-hour days per year);

121 to 132 Months – 8.9230 hours per pay period (equivalent to 29 eight-hour days per year);

133 and above Months – 9.2307 hours per pay period (equivalent to 30 eight-hour days per year, the maximum accrual rate).

In the event a Department Head was employed by another public agency (city, county, or special district) at the time or within one year of his/her appointment with the City, the Department Head may be offered at the time of appointment an Annual Leave accrual rate that is subject to the following restrictions: The Annual Leave rate must be at generally the same rate he/she was accruing Annual Leave at the other agency, or will be based on annual Vacation Leave accrual combined with 60 percent (60%) of annual Sick Leave accrual at the time he/she left that prior position, not to exceed the accrual rates listed herein above, and not to exceed a maximum of 8.6153 hours per pay period (equivalent to 28 eight-hour days per year), but in no event less than 7.0769 hours per pay period (equivalent to 23 eight-hour days per year). He/she will continue to accrue Annual Leave at that rate until such time as he/she would be eligible for the next increase in accrual rate based on cumulative years of service with the City of Moorpark, consistent with rates listed herein above. All accrual rates shall be calculated based on an eight-hour day.

Department Heads receiving Annual Leave may accrue up to a maximum of five hundred twenty (520) hours of Annual Leave. When a Department Head's accumulated Annual Leave balance reaches the maximum of 520 hours, accrual of Annual Leave shall cease. The Department Head shall not accrue further Annual Leave until such time as their accumulated Annual Leave balance again falls below the maximum. The

City Manager may approve in writing the accrual of an additional one hundred twenty (120) hours of Annual Leave based on City needs.

At any time during the period of January 1 through June 15 of each year, the Department Head may cash out up to eighty (80) hours of accumulated Annual Leave, if the Department Head has taken ten (10) days of paid leave time within the prior twelve (12)-month period.

The City Council may unilaterally restrict the lump-sum cash out for any single fiscal year. In such case, the maximum accumulated Annual Leave for the Department Heads shall be increased by the eighty (80) hours until such time as said restriction is lifted. Unless the restriction is retroactively lifted, the maximum accumulated Annual Leave for the Department Heads shall remain at the new maximum accumulated rate. If the restriction is retroactively lifted, the maximum accumulated balance shall revert to the 520 hours. Should the Council impose a restriction for more than one consecutive year, and less than the full term of the restriction is lifted, the maximum accumulated leave balance shall be reduced only by that amount of time for which the restriction is lifted.

Management Employees: Annual Leave accrual rates for Management Employees shall be as follows:

1 to 60 Months – 6.1538 hours per pay period (equivalent to 20 eight-hour days per year);

61 to 72 Months – 7.3846 hours per pay period (equivalent to 24 eight-hour days per year);

73 to 84 Months – 7.6923 hours per pay period (equivalent to 25 eight-hour days per year);

85 to 96 Months – 8.0000 hours per pay period (equivalent to 26 eight-hour days per year);

97 to 108 Months – 8.3076 hours per pay period (equivalent to 27 eight-hour days per year);

109 to 120 Months - 8.6153 hours per pay period (equivalent to 28 eight-hour days per year);

121 to 132 Months – 8.9230 hours per pay period (equivalent to 29 eight-hour days per year);

133 and above Months – 9.2307 hours per pay period (equivalent to 30 eight-hour days per year, the maximum accrual rate).

In the event a Management Employee was employed by another public agency (city, county, or special district) at the time or within one year of his/her appointment with the City, the Management Employee may be offered at the time of appointment an Annual

Leave accrual rate that is subject to the following restrictions: The Annual Leave rate must be at generally the same rate he/she was accruing Annual Leave at the other agency, or will be based on annual Vacation Leave accrual combined with 60 percent (60%) of annual Sick Leave accrual at the time he/she left that prior position, not to exceed a maximum of 7.0769 hours per pay period (equivalent to 23 eight-hour days per year), but in no event less than 6.1538 hours per pay period (equivalent to 20 eight-hour days per year). He/she will continue to accrue Annual Leave at that rate until such time as he/she would be eligible for the next increase in accrual rate based on cumulative years of service with the City of Moorpark, consistent with rates listed herein above. All accrual rates shall be calculated based on an eight-hour day.

Management Employees may accrue up to a maximum of four hundred (400) hours. When a Management Employee's accumulated Annual Leave balance reaches the maximum of 400 hours, accrual of Annual Leave shall cease. The Management Employee shall not accrue further Annual Leave until such time as their accumulated Annual Leave balance again falls below the maximum. The City Manager may approve in writing the accrual of an additional eighty (80) hours of Annual Leave based on City needs.

SECTION 5. VACATION LEAVE AND SICK LEAVE. For those Department Heads and Management Employees that continue to receive separate vacation and Sick Leave accruals in lieu of Annual Leave, based on grandfathered benefits, the following Vacation Leave and Sick Leave accrual rates and provisions shall be applicable:

Vacation Leave

Department Heads: Eligible Department Heads shall accrue Vacation Leave with pay as follows:

> 133 and above Months – 7.3846 hours per pay period (equivalent to 24 eight-hour days per year, the maximum accrual rate).

Eligible Department Heads may accrue up to a maximum of five hundred and four (504) hours of Vacation Leave before accruals cease. The City Manager may approve a Department Head to accrue an additional one hundred twenty (120) hours of Vacation Leave based on City needs. Additional Vacation Leave accrual beyond 504 hours shall require the written approval of the City Manager. At any time during the period of January 1 through June 15 of each year, the Department Head may cash out up to eighty (80) hours of accumulated Vacation Leave, if the Department Head has taken ten (10) days of paid leave time within the prior twelve (12)-month period.

The City Council may unilaterally restrict the cash out for any single fiscal year. In such case, the maximum accumulated Vacation Leave for the Department Heads shall be increased by the eighty (80) hours until such time as said restriction is lifted. Unless the restriction is retroactively lifted, the maximum accumulated leave for the Department Heads shall remain at the new maximum accumulated leave rate. If the restriction is retroactively lifted, the maximum accumulated leave shall revert to the 504 hours

maximum. Should the Council impose a restriction for more than one consecutive year, and less than the full term of the restriction is lifted, the maximum accumulated leave shall be reduced only by that amount of time for which the restriction is lifted.

Management Employees: Eligible Management Employees shall accrue Vacation Leave as follows:

> 109 and above Months - 6.7692 hours per pay period (equivalent to 22 eight-hour days per year, the maximum accrual rate).

Eligible Management Employees may accrue up to a maximum of three hundred eighty-four (384) hours of Vacation Leave before accruals cease. The City Manager may permit a Management Employee to accrue an additional eighty (80) hours of Vacation Leave based on City needs. Additional vacation accrual beyond 384 hours shall not be permitted unless written approval is received from the City Manager.

Sick Leave

Eligible Department Heads and Management Employees shall accrue Sick Leave in accordance with the program approved by the City Council for Competitive Service employees, and shall be subject to such other rules and regulations pertaining to Sick Leave use and accrual as approved for Competitive Service employees in Section 13.6.2 of the Personnel Rules. Each eligible Department Head and Management employee shall accrue sick leave at the rate of 3.0769 hours per pay period, equivalent to ten (10) eight (8)-hour days per year.

SECTION 6. SALARY. The Department Heads and the Management Employees of the City shall be entitled to the following Salary Adjustment benefits:

Department Heads and Management Employees shall be subject to the Salary Plan adopted by the City Council resolution for Competitive Service and Non-Competitive Service employees. Department Heads and Management Employees shall be eligible for the same "cost-of-living" adjustments as may be granted from time to time by the City Council to Competitive Service employees. Nothing herein shall preclude the City Council from granting Department Heads and Management Employees adjustments above those granted to the Competitive Service employees.

SECTION 7. INSURANCE AND HEALTH BENEFITS. Department Heads and Management Employees of the City shall be entitled to the following insurance and health benefits:

A. Dental and Vision Insurance:

> City shall continue to pay one hundred percent (100%) of premiums for Department Head and Management Employees and eligible dependents' coverage for the dental and vision insurance programs, consistent with that coverage provided to Competitive Service employees.

B. Medical Insurance and Health Benefits:

The City's obligation for medical insurance and health benefits for Department Heads shall be as follows:

Department Heads:

Medical Insurance Cafeteria Plan: The City shall continue a cafeteria plan (Section 125 Premium-Only Plan) for medical insurance. Beginning with the first full pay period of July 2006, the City's contribution for each employee shall consist of a medical insurance allowance of up to a maximum of the PERS Care insurance Preferred Provider Organization (PPO) plan family rate, and such contribution shall be inclusive of the minimum CalPERS medical insurance payment amount as specified in Section 22892 et seq. of the Government Code. The medical insurance cafeteria plan contribution, as specified above, is intended to pay for medical insurance for the employee and eligible dependents. For the time period July 1, 2006 through June 30, 2007, an employee may convert up to a maximum of $275.00 of the medical insurance cafeteria plan allowance to cash or a deferred compensation payment each month, if not used for payment of CalPERS medical insurance costs for employee and/or eligible dependents (hereinafter referred to as in-lieu payment). Beginning July 1, 2007, an employee may receive a maximum in-lieu payment of $300.00 per month. For employees electing to waive medical insurance coverage for themselves, proof of alternative medical insurance coverage shall be provided at the time of open enrollment each year, and the employee shall certify he/she will continue such alternative coverage so long as he/she receives an in-lieu payment. City agrees to provide this in-lieu payment option only so long as provider does not object and this action is consistent with applicable federal and state laws. Once the employee has selected an option for insurance coverage and/or in-lieu payment that would begin January 1of the calendar year, he/she may not change his/her selected option until the next open enrollment date of the medical insurance plan, except as is permitted by law. All medical insurance costs that exceed the City's maximum allowance for the calendar year shall be paid by the employee through payroll deduction.

After completion of the first year of service with the City, Department Heads are eligible for a City-paid comprehensive physical examination every two (2) years, with a maximum, cumulative City contribution of seven hundred and fifty dollars ($750.00) for each pre-approved comprehensive physical examination, as a supplement for costs not covered or funded by medical insurance (including any specialized examinations, tests, and laboratory costs). To be eligible for the benefit, the Department Head shall obtain the prior written approval of the City Manager.

Those Department Heads and/or City Manager hired prior to April 1, 1986, that were exempted from payment of the Medicare portion of Social Security, shall have the option of either enrolling in the Medicare Program (if allowed by the Social Security Administration) with the City paying the employer's share of such

costs, or the eligible employee may choose not to enroll in Medicare and the City shall pay the equivalent amount of the employer's share as deferred compensation.

Management Employees: Management Employees shall be eligible to participate in the same medical programs as are made available to Competitive Service employees with the same contributions from the City toward the program premiums as provided to Competitive Service employees.

C. Life Insurance:

Department Heads: Department Heads shall be provided term life insurance policies at one hundred thousand dollar ($100,000) face value, with the exception that Department Heads hired prior to July 1, 2004, who were issued life insurance policies totaling $125,000, shall retain such coverage until termination of employment with the City of Moorpark or Council action to revise this benefit. Department Heads hired on or after July 1, 2004, shall receive a $100,000 face value life insurance policy. Life insurance coverage for dependents of Department Heads shall be the same as that provided for Competitive Service employees.

Management Employees: Life insurance coverage for Management Employees and their dependents shall be the same as that provided for Competitive Service employees.

SECTION 8. SEPARATION BENEFITS. The Department Heads and the Management Employees of the City shall be entitled to the following Separation benefits:

Department Heads: Department Heads shall be eligible to receive the following paid severance benefits at his/her then current salary rate, for cumulative months of service with the City of Moorpark (unpaid leave of absence time shall be deducted), if involuntarily separated from service with the City of Moorpark for any reason other than if separated from service due to conviction of any misdemeanor concerning an act related to their official duties or moral turpitude or convicted of any felony:

1 to 36 Months of service –	480 hours of paid severance
37 to 48 Months of service –	560 hours of paid severance
49 to 60 Months of service –	640 hours of paid severance
61 to 72 Months of service –	720 hours of paid severance
73 to 84 Months of service –	880 hours of paid severance
85 or more Months of service –	960 hours of paid severance

~~If employed as a Department Head with the City of Moorpark for 61-180 cumulative months of service (unpaid leave of absence time shall be deducted), an eligible Department Head that accrues Sick Leave shall also be eligible to receive in cash payment twenty-five percent (25%) of his/her Sick Leave balance, accumulated as of~~

~~the effective date of the separation. The cash payment shall also be paid to any qualified beneficiaries, if the separation is due to the death of the employee.~~

In cases of voluntary separation from service with the City, including retirement under the City's retirement system ("Service Retirement"), or death of the employee, Department Heads shall not be eligible for the involuntary separation severance pay described in the preceding paragraphs of this section; however, Department Heads that accrue Sick Leave shall be eligible for a cash payment for accumulated Sick Leave as described in the following paragraph.

If employed by the City of Moorpark for more than 180 cumulative months of service (unpaid leave of absence time shall be deducted), the Department Head shall be eligible to receive in cash payment seventy-five percent (75%) of his/her Sick Leave balance, accumulated as of the effective date of the voluntary or involuntary separation for any reason other than if separated from service due to conviction of any misdemeanor concerning an act related to their official duties or moral turpitude or convicted of any felony. The cash payment shall also be paid to any qualified beneficiaries, if the separation is due to the death of the employee.

In the case of voluntary separation for retirement under the City's retirement system ("Service Retirement"), and after no less than ten (10) years ((120 months) of cumulative service with the City of Moorpark, the City shall pay $75.00 for each full month of service into the Department Head's Retirement Health Savings Plan (RHSP) or 401(a) deferred compensation account, and after no less than fifteen (15) years (180 months) of cumulative service with the City of Moorpark, the City shall pay $100.00 for each full month of service into the Employee's RHSP or 401(a) deferred compensation account. This health savings benefit payment shall also be paid to any qualified beneficiaries, if the separation occurs prior to retirement due to the death of the employee.

Management Employees: Management Employees that accrue Sick Leave shall be eligible to receive the following benefits if voluntarily or involuntarily separated from service with the City of Moorpark for any reason other than if separated from service due to conviction of any misdemeanor concerning an act related to their official duties or moral turpitude or convicted of any felony. If employed by the City of Moorpark for more than 180 cumulative months of service (unpaid leave of absence time shall be deducted), the Management Employee shall be eligible to receive in cash payment fifty percent (50%) of his/her Sick Leave balance, accumulated as of the effective date of the separation. The cash payment shall also be paid to any qualified beneficiaries, if the separation is due to the death of the employee.

In the case of voluntary separation for retirement under the City's retirement system ("Service Retirement"), and after no less than fifteen (15) years (180 months) of cumulative service with the City of Moorpark, the City shall pay $75.00 for each full month of service into the Department Head's Retirement Health Savings Plan (RHSP) or 401(a) deferred compensation account, and after no less than twenty (20) years (240 months) of cumulative service with the City of Moorpark, the City shall pay $100.00 for each full month of service into the Employee's RHSP or 401(a) deferred compensation

account. This health savings benefit payment shall also be paid to any qualified beneficiaries, if the separation occurs prior to retirement due to the death of the employee.

SECTION 9. TUITION REIMBURSEMENT. The Department Heads and the Management Employees of the City shall be entitled to the following Tuition Reimbursement benefits:

Department Heads and Management Employees shall be eligible to receive tuition reimbursement for courses pre-approved by the City Manager and consistent with the rules, including tuition reimbursement rates, approved by the City Council for Competitive Service employees.

SECTION 10. LONGEVITY PAY. After completion of sixty (60) cumulative months of service, Department Heads and Management Employees shall be entitled to longevity pay benefits to be paid each pay period based on the gross base salary for that pay period, so long as the employee's performance evaluation is at least at a commendable level (7.0 or higher score) and the employee is not on unpaid leave. Longevity pay shall be calculated based on cumulative months of service as follows (and unpaid leave of absence time shall be deducted):

Department Heads:

61 to 120 Months of service – one percent (1.0%)

121 to 180 Months of service – one and one-half percent (1.5%)

181 to 240 Months of service – two percent (2.0%)

241 to 300 Months of service – two and one-half percent (2.5%)

301 or more Months of service – three percent (3.0%)

Management Employees:

121 to 180 Months of service – one percent (1.0%)

181 to 240 Months of service – one and one-half percent (1.5%)

241 to 300 Months of service – two percent (2.0%)

301 or more Months of service – two and one-half percent (2.5%)

SECTION 11. SUPPLEMENTAL LEAVE. Within the first 36 months of employment with the City, a Department Head may receive thirty (30) days of supplemental leave, which may be used only for a catastrophic illness or injury to the employee. The leave provided by this Section shall have no cash value at the time of separation of service from the City. Use of this leave shall be at the City Manager's sole

discretion, shall be used to supplement short-term disability insurance benefits, and only after exhaustion of all accumulated ~~Sick Leave,~~ Administrative Leave~~,~~ and Annual Leave~~, and Vacation Leave and~~ until the Department Head is eligible for the City's long-term disability benefits or is terminated from City employment, whichever comes first.

SECTION 12. CAR ALLOWANCE. A monthly car allowance shall be provided for the positions listed and for the amount listed as follows:

Assistant City Manager	$310.00
City Engineer/Public Works Director	$310.00
City Manager	$515.00
Community Development Director	$310.00
Parks, Recreation & Community Services Director	$310.00
Deputy City Manager	$310.00
Public Works Director	$310.00
Parks and Landscape Manager	$200.00

The monthly car allowance shall be continued through any approved and paid leave of absence.

SECTION 13. DEFERRED COMPENSATION AND RETIREMENT. The City Manager, Department Heads and Management Employees shall be entitled to the following deferred compensation payment:

The City Manager, Department Heads, and Management Employees shall be entitled to a deferred compensation contribution made by the City into an approved deferred compensation program, as follows: City Manager – Three percent (3.0%) of gross base salary, Department Head positions – Two and one-half percent (2.5%) of gross base salary, and Management Employees – Two percent (2.0%) of gross base salary.

Prior to the end of the first pay period in a calendar year, a Department Head with at least 24 months of service with the City and 240 hours of accumulated Annual Leave or Vacation Leave may elect, with the concurrence of the City Manager and consistent with Sections 3, 4, and 5 of this Resolution, to have the Administrative Leave, Annual Leave, and/or Vacation Leave cash-outs, as described in this Resolution, prorated over 26 pay periods in lieu of a one-time payment. If such option is selected, the Department Head may designate all or a portion to be contributed to his/her 401A deferred compensation plan and such payment shall be considered as an additional employer contribution to such 401A account. Once this option is selected, it may not be changed until the next calendar year.

Effective with CalPERS Compensation Review Unit approval, and beginning no earlier than the first full pay period in July 2006, the City will report the value of Employer Paid Member Contributions (EPMC) to CalPERS as additional compensation for all City Department and Management employees that receive PERS retirement, pursuant to Government Code Section 20636(c) and California Code of Regulations Section 571(a)(1)

SECTION 14. CELLULAR TELEPHONE ALLOWANCE. A monthly cellular telephone (cell phone) allowance of $70.00 shall be provided for the City Manager and for each Department Head position. The City Manager may approve a monthly cell phone allowance of $45.00 for a Management Employee whose duties, as determined by the City Manager, necessitate access to a cell phone. Employees receiving a cell phone allowance shall be subject to compliance with cell phone standards to be approved by the City Manager. Such standards shall include, but not be limited to, the cell phone company to be used, the service area, and voice mail and paging capabilities. In addition to the monthly allowance, the City shall reimburse the City Manager, Department Heads, and designated Management Employees up to a maximum of $125.00 every two years upon submittal of an invoice showing proof of payment for a new cell phone that is in compliance with the established cell phone standards. City Manager approval is required prior to an employee receiving the monthly allowance and the cell phone acquisition reimbursement. The monthly cell phone allowance shall be continued through any approved and paid leave of absence.

SECTION 15. INCONSISTENT ACTIVITIES AND OUTSIDE EMPLOYMENT. Department Head and Management employees shall not engage in regular outside employment, activity or enterprise for compensation ("outside employment") without the express written approval of the City Manager. In making a determination as to the consistency or inconsistency of outside employment, activity, or compensation ("outside employment"), the City Manager shall consider the provisions of Government Code Section 1126, including whether the employment involves:

A. The use for private gain or advantage of City time, facilities, equipment and supplies, or

B. Receipt or acceptance by the employee of any money or other consideration from anyone other than the City for the performance of an act which the employee, if not performing such act, would be required or expected to render in the regular course or hours of his/her employment with the City or as a part of his/her duties as a City employee, or

C. The performance of an act in other than his/her capacity as a City employee which act may later subject directly or indirectly to the control, inspection, review, audit, or enforcement of any other officer or employee of the City, or

D. Such time demand as would render performance of his/her duties as a City employee less efficient.

Employees may be allowed to engage in outside employment if such secondary employment meets the following standards, as determined by the City Manager at his/her sole discretion:

A. The outside employment is not inconsistent with the employee's employment with the City;

B. The employee certifies that they will not contract with nor perform any services directly or indirectly with a developer, property owner, firm, partnership, and/or public agency(ies) owning property and/or processing an entitlement application for property in the City or its Area of Interest while employed by the City of Moorpark unless written consent is obtained from the City Manager;

C. The employee certifies that he/she will not provide any services whether for remuneration or not to any person or organization for any land use entitlement or public or private improvement to real property including civil and structural engineering services, or appear before any elected body or appointed commission, committee or board of a general purpose government (city or county) or special district located within the County of Ventura, on behalf of any person or entity except the City of Moorpark.

D. The outside employment will not be demanding on the employee or carry over into his/her regular duties;

E. The outside employment is such that no problem will arise as to the City's responsibility for injury incurred on the outside job;

F. The outside employment will never be allowed to interfere with the policy that the employee is always readily accessible in case of emergencies;

G. Employee would be required to notify the outside employer that he/she may need to return to his/her regular duties immediately upon call;

H. The basis for approval by the City Manager is:

1. The employee is required to sign a waiver in regard to injuries occurring in outside employment. This waiver shall specifically waive any rights he/she would have against the City or any retirement system which the City might adopt as to disability which would be caused from, or arising out of, the outside employment for which the request is made. The employee shall also waive any rights to Worker's Compensation benefits or sick leave because of injury or sickness caused by, or arising out of, his/her outside employment.

2. An employee whose leave record indicates excessive absenteeism or excessive tardiness, as determined by the City Manager at his/her sole discretion, will not be allowed to continue outside employment.

I. The City Manager shall notify the employee of either the approval of the outside employment request or denial based on a determination not to

allow the requested outside employment and the grounds therefore. The decision of the City Manager shall be final.

SECTION 16. CITY MANAGER. In addition to applicable provisions of the Municipal Code, or other Council policy, the provisions of Sections 3, 4, 5, 6, 7, 9, and 10 of this resolution pertaining to Department Heads and Sections 12, 13, and 14 shall also apply to the position of City Manager, with the following exceptions:

In Section 3, Administrative Leave accrual shall be ~~accrued~~ revised to accrue at the rate of one hundred and twenty (120) hours per fiscal year, accrued at the rate of 4.6154 hours per pay period and 48 hours may be converted to cash.

In Section 4, accrual rates for Annual Leave shall be revised to add~~ed, and~~: 145-156 Months (year 13) of City employment shall be 9.5384 hours per pay period (equivalent to 31 eight-hour days per year), the accrual rate for 157 to 168 Months (year 14) of City employment shall be 9.8461 hours per pay period (equivalent to 32 eight-hour days per year), the accrual rate for 169 to 180 Months (year 15) of City employment shall be 10.1538 hours per pay period (equivalent to 33 eight-hour days per year), the accrual rate for 181 to 192 Months (year 16) of City employment shall be 10.4615 hours per pay period (equivalent to 34 eight-hour days per year), and the accrual rate for 193 and above Months (year 17 and above) of City employment shall be 10.7692 hours per pay period (equivalent to 35 eight-hour days per year); and the maximum accumulated Annual Leave shall be seven hundred and eighty-four (784) hours.

In Section 5, the accrual rates for Vacation Leave for a City Manager with a grandfathered Vacation Leave benefit shall be ~~added, and 145-156 Months (year 13) of City employment shall be 7.6923 hours per pay period (equivalent to 25 eight-hour days per year), the accrual rate for 157 to 168 Months (year 14) of City employment shall be 8.0000 hours per pay period (equivalent to 26 eight-hour days per year), the accrual rate for 169 to 180 Months (year 15) of City employment shall be 8.3077 hours per pay period (equivalent to 27 eight-hour days per year), the accrual rate for 181 to 192 Months (year 16) of City employment shall be 8.6154 hours per pay period (equivalent to 28 eight-hour days per year), and the accrual rate~~ revised for 193 and above Months (year 17 and above) of City employment ~~shall be~~to 8.9231 hours per pay period (equivalent to 29 eight-hour days per year); and the maximum annual accumulated Vacation Leave shall be seven hundred and sixty (760) hours.

In Sections 4 and 5, the amount of the Annual Leave and Vacation Leave cash out shall be revised ~~He/she may cash out~~to up to one hundred twenty (120) hours of accumulated leave (Annual Leave or Vacation Leave) so long as he/she has taken ten (10) days of paid leave in the prior twelve (12)-month period; and as long as at least two hundred forty (240) hours of Vacation Leave (or 360 hours of Annual Leave) are accumulated, forty (40) hours of such accrual may be cashed out as deferred compensation in January of each year~~; and~~.

~~i~~In Section 7, ~~herein,~~ the amount of the term life insurance policy shall be revised to two hundred thousand dollars ($200,000), with the exception that a City Manager hired prior to July 1, 2004, who was issued life insurance totaling $225,000, shall retain such coverage until termination of employment with the City of Moorpark or Council action to revise this benefit.

~~In addition, if the City Manager has been employed with the City of Moorpark for more than 180 months (unpaid leave of absence shall be deducted),~~ In Section 8, for a City Manager with a grandfathered sick leave benefit, he/she shall be eligible to receive in cash payment seventy-five percent (75%) of his/her Sick Leave balance accumulated as of the effective date of his/her voluntary or involuntary separation from City service or upon his/her death. The cash payment shall also be paid to any qualified beneficiaries, if the separation is due to the death of the employee.

Consistent with Section 8, ~~I~~in the case of voluntary separation for retirement under the City's retirement system ("Service Retirement"), and after no less than ten (10) years ((120 months) of cumulative service with the City of Moorpark, the City shall pay $75.00 for each full month of service into the City Manager's Retirement Health Savings Plan (RHSP) or 401(a) deferred compensation account, and after no less than fifteen (15) years (180 months) of cumulative service with the City of Moorpark, the City shall pay $100.00 for each full month of service into the City Manager's RHSP or 401(a) deferred compensation account. This health savings benefit payment shall also be paid to any qualified beneficiaries, if the separation occurs prior to retirement due to the death of the employee.

SECTION 17. RESCIND PRIOR RESOLUTION. Resolution No. 2006-2528 is hereby rescinded, and the implementation of this new resolution for payroll purposes, shall be applicable beginning with the paycheck dated January 26, 2007.

SECTION 18. CERTIFICATION. The City Clerk shall certify to the adoption of this resolution and shall cause a certified resolution to be filed in the book of original resolutions.

PASSED AND ADOPTED this 17th day of January, 2007.

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Patrick Hunter, Mayor

ATTEST:

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Deborah S. Traffenstedt, City Clerk