ITEM 10.W.

MOORPARK CITY COUNCIL
AGENDA REPORT

TO: **Honorable City Council**

FROM: **Deborah S. Traffenstedt, Assistant City Manager** DST
Teri Davis, Program Manager

DATE: **June 29, 2016 (CC Meeting of 7/6/16)**

SUBJECT: **Consider Resolution Adopting a Revised Management Benefits Program and Rescinding Resolution No. 2016-3472**

BACKGROUND AND DISCUSSION

The Management Benefits Resolution is proposed to be updated as shown with legislative format in the attached draft resolution and as summarized below.

Section 4 (Annual Leave and Vacation Leave) was updated on pages 6, 7, 8, and 9 to reflect that a cash out of up to 20 hours of Annual Leave or Vacation Leave will continue to be permitted for the current fiscal year. Due to the leave balance requirements, not all employees will be eligible for this benefit, and some employees may not elect to cash out any leave.

Section 6 (Salary) was revised on page 13 to add language to clarify that merit raise increases may be deferred based upon unpaid leave.

Section 7 (Insurance and Health Benefits) was revised on page 13 to include updated benefit year references.

Section 12 (Car Allowance) was revised on page 21 to further clarify intent of terms and conditions for employees who receive a car allowance.

FISCAL IMPACT

The previously adopted 2016-17 Fiscal Year budget includes funding for the continuation of the leave cash-out benefit for eligible employees and the 1% cost of living increase specified in Resolution 2016- 3527, Salary Plan, which was adopted on June 15, 2016. While the City is not changing the medical benefit that is provided, the CalPERS medical insurance rates effective January 1, 2017 will increase by an average of approximately 6.06 percent. The adopted Fiscal Year 2016-17 Budget includes funding to pay the higher medical insurance rates.

STAFF RECOMMENDATION

Adopt Resolution No. 2016-____, rescinding Resolution No. 2016-3472.

Attachment: Draft Resolution

RESOLUTION NO. 2016-~~3472~~

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MOORPARK, CALIFORNIA, ADOPTING A REVISED BENEFIT PROGRAM FOR MANAGEMENT EMPLOYEES AND RESCINDING RESOLUTION NO. 201~~5~~6-34~~6~~372

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. 201~~5~~6-34~~6~~372 adopted on ~~December~~ January 20, 201~~5~~6, previously established a revised benefit program for management employees and is now proposed to be rescinded and a revised benefit program adopted to modify ~~position titles in Section 1 for consistency with the City's Salary and Classification Plan resolutions, and to modify language in Sections 12 and 14 to clarify continuation or discontinuation of car and cellular telephone allowances for a leave of absence~~ language in Sections 4, 6, 7, and 12.

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; Deputy City Manager; Finance Director; Parks and Recreation Director; Planning 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, Assistant to City Manager, Administrative Services Manager, Associate Civil Engineer, Budget and Finance Manager, City Clerk, Deputy Community Development Director, Deputy Finance Director, Economic Development and Housing Manager, Economic Development and Planning Manager, Finance/Accounting Manager, Human Resources Analyst, Information Systems Manager, Information Systems Analyst, Landscape/Parks Maintenance Superintendent, Management Analyst, Parks and Facilities Supervisor, Parks and Landscape Manager, Planning Manager, Principal Planner, Public Works Manager, Public Works Superintendent/Inspector, Public Works Supervisor, Recreation/Community Services

Manager, Recreation Services Manager, Recreation Supervisor, Senior Civil Engineer, Senior Housing Analyst, Senior Human Resources Analyst, 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 Employee 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 year, accrued at the rate of 3.6923 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 calendar year ending December 31. Any unused, accumulated Administrative Leave totaling sixteen (16) hours or less at the end of a calendar year will be automatically converted to Annual Leave or Vacation Leave (Vacation Leave is a grandfathered benefit as described in Section 4). Any accumulated Administrative Leave exceeding sixteen (16) hours at the end of a calendar year will not be carried over, and all Administrative Leave balances will be zero (0) at the beginning of each new calendar year. It is the responsibility of the Department Head to not permit the accumulated Administrative Leave exceeding sixteen (16) hours to remain after December 31 of any calendar year. Department Heads who terminate employment shall be paid for accumulated Administrative Leave as of their termination of employment date based upon their then regular rate of pay.

Management Employees: Management Employees at salary range 67 or higher shall be granted Administrative Leave at the rate of forty-eight (48) hours per year, accrued at the rate of 1.8461 hours per pay period. Management Employees at a salary range lower than range 67 shall be granted Administrative Leave at the rate of twenty-four (24) hours per year, accrued at the rate of .9231 hours per pay period. The City Manager may approve the Recreation Supervisor position at Range 62 to receive Administrative Leave at the rate of forty-eight (48) hours per year, accrued at the rate of 1.8461 hours per pay period, if the Recreation/Community Services Manager position is vacant and there is no Recreation Services Manager. 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 calendar year ending December 31. Any unused, accumulated Administrative Leave totaling eight (8) hours or less at the end of a calendar year will be automatically converted to Annual Leave or Vacation Leave. Any accumulated Administrative Leave exceeding eight (8) hours at the end of a calendar year will not be carried over, and all Administrative Leave balances will be zero (0) at the beginning of each new calendar year. It is the responsibility of the Management Employee to not permit the accumulated Administrative Leave exceeding eight (8) hours to remain after December 31 of any calendar year. Management

Employees who terminate employment shall be paid for accumulated Administrative Leave as of their termination of employment date based upon their then regular rate of pay.

During the month of January of each year, and following completion of one full year of Management service, a Management Employee may be approved by the City Manager to receive up to an additional twenty-four (24) hours of Administrative Leave if a rating of "commendable" or higher was received on his/her most recent performance evaluation and the employee's Department Head has submitted written verification to the City Manager that the employee has spent an inordinate amount of additional work hours in performance of service to the City during the prior calendar year.

SECTION 4. **ANNUAL LEAVE, VACATION LEAVE, AND SICK LEAVE**. All new Department Heads and Management Employees will accrue Annual Leave versus separate Vacation and Sick Leave accruals. Department Heads and Management Employees that receive grandfathered Vacation and Sick Leave in lieu of Annual Leave will be subject to the Vacation and Sick Leave accrual provisions in this resolution.

Annual Leave

Department Heads and Management Employees shall accrue Annual Leave in accordance with the accrual rates given below, with the exception of those employees with a grandfathered Vacation Leave/Sick Leave benefit. The dates for using Annual Leave may be selected by an employee, but shall be approved by the supervisor, department head, or City Manager, who shall consider the wishes of the employee and the service needs of the City. In the event that one or more municipal holidays fall within the requested Annual Leave time period, such holiday equivalent to eight hours shall not be charged as Annual Leave. Employees who terminate employment shall be paid for accumulated Annual Leave based upon their then current rate of pay. The estate of a deceased employee shall be paid the amount of that person's accumulated Annual Leave.

The dates for using annual leave may be selected by an employee, but shall be approved by the City Manager or his/her designee, who shall consider the wishes of the employee and the service needs of the City. Generally, use of Annual Leave shall require a minimum of one (1) pay period advance approval for use of Annual Leave, with the exception that two work days may be taken as Annual Leave in any calendar year with only two (2) work days advance approval. Employees would be allowed to use in a calendar year the equivalent of the amount of Annual Leave that would be accrued during six (6) months at the employee's then current rate of entitlement to attend to an illness of a child, parent, spouse, or domestic partner of the employee, consistent with the "Kin Care Law" (Labor Code Sections 233-234), and up to a maximum of three (3) days or twenty-four (24) hours of that same six (6) months accrual of Annual Leave for "Kin Care" may be used as permitted by the "Paid Sick Leave Law" (Labor Code Sections 245-249). This section does not extend the maximum period of leave to which an employee is entitled under Section 12945.2 of the Government Code

or under the federal Family and Medical Leave Act. For any unscheduled Annual Leave that exceeds three (3) consecutive work days, a supervisor may require a physician's written certificate, when in the judgment of the supervisor, the employee's reasons for being absent, because of alleged sickness or emergency, are inadequate. Unscheduled Annual Leave that exceeds the cumulative work days permitted by the "Kin Care Law" and the "Paid Sick Leave Law" in any calendar year may result in disciplinary action.

When Annual Leave has not been approved in advance, an employee shall at a minimum: 1) Provide their supervisor with a telephone message prior to or within one-half hour after the time set for the employee's work shift to begin; and 2) the employee shall speak to their supervisor, or if not available speak to the person designated by the department head or City Manager to receive such verbal notice, prior to or within two hours after the time set for the employee's work shift to begin. When Annual Leave is used without pre-approval for the purposes of a medical emergency, the employee shall be expected to remain at home during the hours for which Annual Leave is to be charged, with the exception of the time an employee needs to leave their residence for the purposes of a medical appointment, medical treatment, and/or related activities, and for the purpose of providing transportation (such as transportation to and from school or childcare) for their dependents, including a child, parent, spouse, or domestic partner of the employee.

Annual Leave shall be accrued per pay period on a pro-rata basis, with the exception of any unpaid leave of absence time, in accordance with the following accrual rates and maximum accrual amounts.

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

1 to 60 Months – 7.6923 hours per pay period (equivalent to 25 eight-hour days per year);

61 to 72 Months – 8.0000 hours per pay period (equivalent to 26 eight-hour days per year);

73 to 84 Months – 8.3077 hours per pay period (equivalent to 27 eight-hour days per year);

85 to 96 Months – 8.6154 hours per pay period (equivalent to 28 eight-hour days per year);

97 to 108 Months – 8.9231 hours per pay period (equivalent to 29 eight-hour days per year);

109 to 120 Months – 9.2308 hours per pay period (equivalent to 30 eight-hour days per year);

121 to 132 Months – 9.5385 hours per pay period (equivalent to 31 eight-hour days per year);

133 and above Months – 9.8462 hours per pay period (equivalent to 32 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 9.2308 hours per pay period (equivalent to 30 eight-hour days per year), but in no event less than 7.6923 hours per pay period (equivalent to 25 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. The minimum increment of Annual Leave that may be used is one quarter hour (15 minutes).

Department Heads receiving Annual Leave may accrue up to a maximum accumulated Annual Leave balance of four hundred eighty (480) hours of Annual Leave. When a Department Head's accumulated Annual Leave balance reaches the stated maximum number of 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 up to an additional one hundred twenty (120) hours of Annual Leave based on City needs. The City Manager may once in any fiscal year restore any Annual Leave not accrued as a result of exceeding the maximum accumulated Annual Leave balance if the use of Annual Leave has been delayed by the City due to unusual or emergency conditions as determined by the City Manager, so long as such restoration does not result in a total accumulated Annual Leave balance exceeding six hundred (600) hours of Annual Leave at any time.

After no less than three years (36 months) of employment with the City of Moorpark for a new Department Head and no less than two years (24 months) of employment as a Department Head following promotion from a City Management Employee position, the Department Head may cash out up to eighty (80) hours of accumulated Annual Leave at any time during the period of January 1 through June 15 of each year, if the Department Head has taken no less than fifteen (15) 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 maximum number of hours specified in this resolution. 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.

In Fiscal Year 201~~5~~6-1~~6~~7, a Department Head will also be eligible for a one-time cash out of up to twenty (20) hours of Annual Leave for either the first pay period beginning in September 201~~5~~6 or first pay period beginning in March 201~~6~~7, and provided that the requesting Department Head's accumulated Annual Leave balance is not less than sixty (60) hours before cash out.

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

1 to 60 Months – 6.7692 hours per pay period (equivalent to 22 eight-hour days per year);

61 to 72 Months – 8.0000 hours per pay period (equivalent to 26 eight-hour days per year);

73 to 84 Months – 8.3077 hours per pay period (equivalent to 27 eight-hour days per year);

85 to 96 Months – 8.6154 hours per pay period (equivalent to 28 eight-hour days per year);

97 to 108 Months – 8.9231 hours per pay period (equivalent to 29 eight-hour days per year);

109 to 120 Months – 9.2308 hours per pay period (equivalent to 30 eight-hour days per year);

121 to 132 Months – 9.5385 hours per pay period (equivalent to 31 eight-hour days per year);

133 and above Months – 9.8462 hours per pay period (equivalent to 32 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 7.6923 hours per pay period (equivalent to 25 eight-hour days per year), but in no event less than 6.7692 hours per pay period (equivalent to 22 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. The minimum increment of Annual Leave that may be used is one quarter hour (15 minutes).

Management Employees receiving Annual Leave may accrue up to a maximum accumulated Annual Leave balance of three hundred sixty (360) hours of Annual Leave. When a Management Employee's accumulated Annual Leave balance reaches the stated maximum number of 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 up to an additional one hundred and twenty (120) hours of Annual Leave based on City needs. The City Manager may once in any fiscal year restore any Annual Leave not accrued as a result of exceeding the maximum accumulated Annual Leave balance if the use of Annual Leave has been delayed by the City due to unusual or emergency conditions as determined by the City Manager, so long as such restoration does not result in a total accumulated Annual Leave balance exceeding four hundred eighty (480) hours of Annual Leave at any time.

In Fiscal Year 201~~5~~6-16~~7~~, a Management Employee will also be eligible for a one-time cash out of up to twenty (20) hours of Annual Leave for either the first pay period beginning in September 201~~5~~6 or first pay period beginning in March 201~~6~~7, and provided that the requesting Management Employee's accumulated Annual Leave balance is not less than sixty (60) hours before cash out.

Vacation Leave

Department Heads: Eligible Department Heads with a grandfathered Vacation Leave benefit, based on a hire date with the City prior to 1989, shall accrue Vacation Leave with pay as follows:

> 8.0000 hours per pay period (equivalent to 26 eight-hour days per year, the maximum accrual rate).

For eligible employees, Vacation Leave shall be accrued per pay period on a pro-rata basis, with the exception of any unpaid leave of absence time. The minimum increment of Vacation Leave that may be used is one quarter hour (15 minutes). The dates for using Vacation Leave may be selected by an employee, but shall be approved by the

City Manager, who shall consider the wishes of the employee and the service needs of the City.

In the event that one or more municipal holidays fall within the vacation time, such holiday equivalent to eight hours shall not be charged as Vacation Leave. Employees who terminate employment shall be paid for accumulated Vacation Leave based upon their then current rate of pay. The estate of a deceased employee shall be paid the amount of that person's accumulated Vacation Leave.

Eligible Department Heads receiving Vacation Leave may accrue up to a maximum accumulated Vacation Leave balance of four hundred and sixty-four (464) hours of Vacation Leave. When a Department Head's accumulated Vacation Leave balance reaches the stated maximum number of hours, accrual of Vacation Leave shall 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 the stated maximum number of hours shall require the written approval of the City Manager. The City Manager may once in any fiscal year restore any Vacation Leave not accrued as a result of exceeding the maximum accumulated Vacation Leave balance if the use of Vacation Leave has been delayed by the City due to unusual or emergency conditions as determined by the City Manager, so long as such restoration does not result in a total accumulated Vacation Leave balance exceeding five hundred eighty-four (584) hours of Vacation Leave at any time.

At any time during the period of January 1 through June 15 of each year, the Department Head with a grandfathered Vacation Leave benefit may cash out up to eighty (80) hours of accumulated Vacation Leave, if the Department Head has taken no less than fifteen (15) 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 maximum number of hours specified in this resolution. 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.

In Fiscal Year 201~~5~~6-1~~6~~7, a Department Head with a grandfathered Vacation Leave benefit will also be eligible for a one-time cash out of up to twenty (20) hours of Vacation Leave for either the first pay period beginning in September 201~~5~~6 or first pay period beginning in March 201~~6~~7, and provided that the requesting Department Head's accumulated Vacation Leave balance is not less than sixty (60) hours before cash out.

Management Employees: Eligible Management Employees with a grandfathered Vacation Leave benefit, based on a hire date with the City prior to 1989, shall accrue Vacation Leave as follows:

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

For eligible employees, Vacation Leave shall be accrued per pay period on a pro-rata basis, with the exception of any unpaid leave of absence time. The minimum increment of Vacation Leave that may be used is one quarter hour (15 minutes). The dates for using Vacation Leave may be selected by an employee, but shall be approved by the supervisor, department head, or City Manager, who shall consider the wishes of the employee and the service needs of the City.

Eligible Management Employees may accrue up to a maximum of three hundred forty-four (344) hours of Vacation Leave before accruals cease. The City Manager may permit a Management Employee to accrue an additional one hundred and twenty (120) hours of Vacation Leave based on City needs. Additional Vacation Leave accrual beyond 344 hours shall not be permitted unless written approval is received from the City Manager. The City Manager may once in any fiscal year restore any Vacation Leave not accrued as a result of exceeding the maximum accumulated Vacation Leave balance if the use of Vacation Leave has been delayed by the City due to unusual or emergency conditions as determined by the City Manager, so long as such restoration does not result in a total accumulated Vacation Leave balance exceeding four hundred sixty-four (464) hours of Vacation Leave at any time.

In Fiscal Year 201~~5~~6-1~~6~~7, a Management Employee with a grandfathered Vacation Leave benefit will also be eligible for a one-time cash out of up to twenty (20) hours of Vacation Leave for either the first pay period beginning in September 201~~5~~6 or first pay period beginning in March 201~~6~~7, and provided that the requesting Management Employee's accumulated Vacation Leave balance is not less than sixty (60) hours before cash out.

Sick Leave

Eligible Department Heads and Management Employees with a grandfathered Sick Leave benefit, based on a hire date with the City prior to 1989, shall accrue Sick Leave in accordance with the following provisions.

A. **Sick Leave Accrual.** The Employee shall accrue Sick Leave at the rate of 3.0769 hours per pay period (equivalent to 10 eight-hour days per year).

B. **Allowable Uses.** Use of Sick Leave shall be allowed consistent with California's Kin Care law (Labor Code Sections 233-234) and California's Paid Sick Leave Law (Labor Code Sections 245-249) and including to supplement Workers Compensation for a job related injury or illness.

C. General Provisions

The General Provisions of this section will be enforced with the exception of any provisions that are inconsistent with California's Kin Care law (Labor Code Sections 233-234) and California's Paid Sick Leave Law (Labor Code Sections 245-249).

1. In order to receive compensation while absent on Sick Leave, the Employee shall notify his/her immediate supervisor or the person designated by the supervisor, Department Head, or City Manager of his/her illness or injury and location. Such notice shall at a minimum require:

   a) That the supervisor or the person designated by the supervisor, Department Head, or City Manager to receive such verbal notice is provided a telephone message prior to or within one hour after the time set for the Employee's work shift to begin; and

   b) That the Employee speak to the supervisor, or if not available speak to the person designated by the supervisor, Department Head, or City Manager to receive such verbal notice, prior to or within one-half hour after the time set for the Employee's work shift to begin. The Employee shall remain at home during the hours for which Sick Leave is to be charged, with the exception of the time an Employee needs to leave their residence for the purposes of a medical appointment, medical treatment, and/or related activities. Employees using Sick Leave would also be permitted to leave their residence for the purpose of providing transportation for their immediate family members (such as transportation to and from school or childcare).

2. The supervisor, Department Head, or City Manager may at his/her discretion require an Employee to submit a physician's written certificate, when the Employee has been absent on Sick Leave for more than three (3) consecutive regular work shifts. When in the judgment of the City Manager the Employee's reasons for being absent because of alleged sickness are inadequate, the Employee will be required to use other accumulated Vacation or Administrative Leave for the absence.

3. An Employee who becomes ill or injured while on vacation may have the use of Sick Leave substituted for use of Vacation Leave, if a written request for substitution of Sick Leave is submitted and approved by the City Manager or his or her designee. The Employee may be required to submit a physician's written certificate as verification.

4. An Employee shall have the equivalent number of hours deducted from his/her accumulated Sick Leave time for each regularly scheduled work day that the Employee is on paid Sick Leave. In the event that an Employee becomes ill during working hours and is placed on paid Sick Leave prior to the close of the work day, such paid Sick Leave shall be calculated to the nearest one-quarter hour.

5. Observed holidays occurring during Sick Leave use shall not be charged against an Employee's accumulated Sick Leave.

6. In the event that an Employee uses all the Sick Leave he/she has accumulated, he/she shall then have Vacation Leave or Administrative Leave he/she has accumulated deducted for each work day he/she is absent due to qualifying medical reason. Vacation Leave or Administrative Leave shall continue to be deducted until the Employee either returns to work or all accumulated Vacation Leave and Administrative Leave is used. The Employee may apply to receive a leave of absence without pay, if the Employee does not have any accumulated Vacation Leave, Sick Leave, or Administrative Leave. This section does not extend the maximum period of leave to which an employee is entitled under Section 12945.2 of the Government Code or under the federal Family and Medical Leave Act.

D. Sick Leave Approval

1. An Employee using more than the equivalent of the amount of Sick Leave that would be accrued during six months at the employee's then current rate of entitlement n a calendar year may be notified that a physician's certificate is to be provided to the supervisor with each absence due to illness or injury until his/her Sick Leave balance reaches forty (40) hours. This provision will not normally be invoked if the circumstances, which cause the Employee's Sick Leave use, included extended illness or recovery from surgery, and a physician's certificate was already provided, and if the Sick Leave use is found to be consistent with California's Kin Care law (Labor Code Sections 233-234) and California's Paid Sick Leave Law (Labor Code Sections 245-249).

2. Use of Sick Leave following notice of resignation shall require the Employee to provide a physician's certificate to verify need for the absence from work, with the exception of Sick Leave use that is found to be consistent with California's Kin Care law (Labor Code Sections 233-234) and California's Paid Sick Leave Law (Labor Code Sections 245-249).

E. Conversion of Sick Leave

So long as an Employee has at least 280 accumulated Sick Leave hours as of December 31 of any year, the Employee may choose to convert up to forty (40) hours of the accumulated Sick Leave to Vacation Leave. The Employee must submit his/her written declaration to convert up to forty (40) hours of accumulated Sick Leave to accumulated Vacation Leave to the City Manager between January 1 and January 31 following the qualifying annual conversion period ending December 31 of the prior year. Once the Sick Leave is converted to Vacation Leave, it shall be subject to the maximum accumulated Vacation Leave permitted by this resolution.

SECTION 5. **OTHER LEAVE BENEFITS**. Department Heads and Management Employees are entitled to receive the same leave of absence, military leave, holidays, jury duty, bereavement leave, pregnancy disability leave, family and medical leave, and California Family Rights Act leave benefits provided to Competitive Service employees, as described in the City's adopted Personnel Rules.

SECTION 6. **SALARY**. The Department Heads and the Management Employees of the City shall be entitled to the following Salary 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 and Spanish language bilingual pay 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 and bilingual pay above those granted to the Competitive Service employees.

Department Heads and Management Employees may be considered annually for a merit raise increase in salary according to the following provisions:

A. Any salary increase or denial of salary increase shall require the specific recommendation of the employee's department head and/or immediate supervisor and the approval of the City Manager following completion of a written performance evaluation.

B. The City Manager shall have authority to establish and modify written performance evaluation procedures, including the evaluation form(s) to be used and minimum overall score required to obtain a merit raise, and the written procedures shall be applied consistently to all Department Head and Management Employees. The maximum annual merit raise is five percent (5%), not to exceed the highest step of the applicable salary range.

C. Any salary increase granted pursuant to this Section shall be effective as of the first calendar day of the pay period in which the anniversary date occurs, unless a merit raise is not approved or is deferred, as recommended by the Department Head, and as determined by the City Manager based on performance or discipline, and may also be deferred based on unpaid leave. Salary range advancement shall not be automatic.

Payment for Spanish language bilingual pay shall be consistent with the City's adopted Salary Plan, subject to qualification as determined by the City Manager at his or her sole discretion.

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

During Fiscal Year 201~~5~~6-1~~6~~7, 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. City reserves the right to change the benefit provider, but agrees to maintain generally the same level of dental and vision insurance coverage for employee and dependents during Fiscal Year 201~~5~~6-1~~6~~7, although the specific benefits may vary to some extent based on the package of benefits offered and the approved provider network for dental and vision insurance.

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:

1. Medical Insurance Cafeteria Plan

a) Employed by City as Department Head Prior to July 1, 2010:

The City shall continue a cafeteria plan (Section 125 Premium-Only Plan) for medical insurance. The City's contribution for each employee shall consist of a medical insurance allowance of up to a maximum of ninety percent (90%) of the average of the 2013 and 2014~~5~~6 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. An employee may convert up to a maximum of $300.00 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). The in-lieu payment shall be prorated over twenty-~~six~~four (2~~6~~4) pay periods in a calendar year; and upon termination of employment, the in-lieu payment shall be prorated for the final paycheck, based on actual days worked, including any use of paid accumulated leave or holiday pay in that final pay period.

For employees electing to waive medical insurance coverage for themselves and eligible dependents, 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, including the Affordable Care Act. Once the employee has selected an option for insurance coverage and/or in-lieu payment that would begin January 1 of 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.

b) Employed by City as Department Head after July 1, 2010:

A Department Head employed by the City after July 1, 2010, 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.

2. **Comprehensive Physical Examination**: After completion of the first year of service with the City, all Department Heads are eligible for a City-paid comprehensive physical examination every two (2) years prior to age 50, and every year after age 50, with a maximum, cumulative City contribution of nine hundred dollars ($900.00) for each pre-approved comprehensive physical examination, as a supplement for costs not covered or funded by medical insurance (including any specialized examinations, tests, follow-up tests, and laboratory costs). To be eligible

for the benefit, the Department Head shall obtain the prior written approval of the City Manager.

3. **Grandfathered Medicare Exemption**: 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 fifty thousand dollar ($150,000) face value. Life insurance coverage for dependents of Department Heads shall be the same as that provided for Competitive Service employees.

Management Employees: Management Employees shall be provided life insurance policies at seventy-five thousand dollar ($75,000) face value. Life insurance coverage for dependents of Management Employees 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

A. Involuntary Separation without Cause.

1. **Paid Severance.** 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 cause, including but not limited to conviction of any

misdemeanor concerning an act related to their official duties or moral turpitude or convicted of any felony:

0 to 12 Months of service	-	4 weeks of paid severance
13 to 24 Months of service	-	6 weeks of paid severance
25 to 36 Months of service	-	9 weeks of paid severance
37 to 48 Months of service	-	12 weeks of paid severance
49 to 60 Months of service	-	14 weeks of paid severance
61 to 72 Months of service	-	16 weeks of paid severance
73 to 84 Months of service	-	18 weeks of paid severance
85 to 96 Months of service	-	22 weeks of paid severance
97 to 240 Months of service	-	24 weeks of paid severance
241 or more Months of service	-	25 weeks of paid severance

2. **Sick Leave Accrual Benefit.** Department Heads with a grandfathered Sick Leave accrual benefit shall be eligible for a cash payment for accumulated Sick Leave of seventy-five percent (75%) of his/her Sick Leave balance, accumulated as of the effective date of the involuntary separation. The cash payment shall also be paid to any qualified beneficiaries, if the separation is due to the death of the employee.

3. **Retirement Health Savings Benefit for Employees Hired Prior to January 1, 2014.** In the case of involuntary separation after no less than fifteen (15) years (180 months) of cumulative service with the City of Moorpark, the City shall pay a retirement health savings benefit payment of $75.00 for each full month of service into the Department Head's 457 and/or 401(a) deferred compensation accounts at the time of separation of employment; 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 457 and/or 401(a) deferred compensation account(s) at the time of separation of employment. If the Department Head has already reached the maximum contribution limit for the year in their deferred compensation plan account(s), including catch-up provision, he/she may elect to receive the retirement health savings benefit payment in cash upon written approval of the City Manager. The retirement health savings benefit shall be paid to any qualified beneficiaries, based on the eligibility established for a

voluntary separation, if the separation occurs prior to retirement due to the death of the employee. This retirement benefit applies only to employees hired prior to January 1, 2014.

B. Voluntary Separation.

1. **No Eligibility for Severance Pay.** 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 without Cause paid severance for Department Heads described in Section 8.A.1. on the prior page.

2. **Accumulated Sick Leave Benefit.** Department Heads with a grandfathered Sick Leave accrual benefit shall be eligible for a cash payment for accumulated Sick Leave of seventy-five percent (75%) of his/her Sick Leave balance, accumulated as of the effective date of the voluntary separation. The cash payment for accumulated Sick Leave shall also be paid to any qualified beneficiaries, if the separation is due to the death of the employee.

3. **Retirement Health Savings Benefit for Employees Hired Prior to January 1, 2014.** 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 a retirement health savings benefit payment of $75.00 for each full month of service into the Department Head's 457 and/or 401(a) deferred compensation accounts, 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 457 and/or 401(a) deferred compensation account(s). If the retiring Department Head has already reached the maximum contribution limit for the year in their deferred compensation plan account(s), including catch-up provision, he/she may elect to receive the retirement health savings benefit payment in cash upon written approval of the City Manager. The retirement health savings benefit shall be paid to any qualified beneficiaries, based on the eligibility established for a voluntary separation, if the separation occurs prior to retirement due to the death of the employee. This retirement benefit applies only to employees hired prior to January 1, 2014.

Management Employees

A. Involuntary Separation without Cause.

1. **Paid Severance.** Management Employees who sign an employment agreement with the City at the time of hire, promotion, or reclassification, shall be eligible to receive the following paid severance benefit 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 cause, including but not limited to conviction of any misdemeanor concerning an act related to their official duties or moral turpitude or convicted of any felony:

37 to 48 Months of service	–	4 weeks of paid severance
49 to 60 Months of service	–	5 weeks of paid severance
61 to 72 Months of service	–	6 weeks of paid severance
73 to 84 Months of service	–	7 weeks of paid severance
85 to 96 Months of service	–	8 weeks of paid severance
97 or more Months of service	–	9 weeks of paid severance

2. **Accumulated Sick Leave Benefit.** Management Employees with a grandfathered Sick Leave accrual benefit shall be eligible for a cash payment for accumulated Sick Leave of fifty percent (50%) of his/her Sick Leave balance, accumulated as of the effective date of the involuntary separation. The cash payment for accumulated Sick Leave shall also be paid to any qualified beneficiaries, if the separation is due to the death of the employee.

3. **Retirement Health Savings Benefit for Employees Hired Prior to January 1, 2014.** In the case of involuntary separation after no less than twenty (20) years ((240 months) of cumulative service with the City of Moorpark, the City shall pay a retirement health savings benefit payment of $75.00 for each full month of service into the Management Employee's 457 and/or 401(a) deferred compensation accounts at the time of separation of employment; and after no less than twenty-five (25) years (300 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 457 and/or 401(a) deferred compensation account(s) at the time of separation of employment. If the Management Employee has already reached the maximum contribution limit for the year in their deferred compensation

plan account(s), including catch-up provision, he/she may elect to receive the retirement health savings benefit payment in cash upon written approval of the City Manager. The retirement health savings benefit shall be paid to any qualified beneficiaries, based on the eligibility established for a voluntary separation, if the separation occurs prior to retirement due to the death of the employee. This retirement benefit applies only to employees hired prior to January 1, 2014.

B. Voluntary Separation.

1. **No Eligibility for Severance Pay.** 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, Management Employees are not eligible for the Involuntary Separation without Cause paid severance for Management Employees described in Section 8.A.1., on the prior page.

2. **Accumulated Sick Leave Benefit.** A Management Employee with a grandfathered Sick Leave accrual benefit shall be eligible for a cash payment for accumulated Sick Leave of fifty percent (50%) of his/her Sick Leave balance, accumulated as of the effective date of the voluntary separation. The cash payment for accumulated Sick Leave shall also be paid to any qualified beneficiaries, if the separation is due to the death of the employee.

3. **Retirement Health Savings Benefit for Employees Hired Prior to January 1, 2014.** 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 a retirement health savings benefit payment of $75.00 for each full month of service into the Management Employee's 457 and/or 401(a) deferred compensation account(s), 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 457 and/or 401(a) deferred compensation account(s). If the retiring Management Employee has already reached the maximum contribution limit for the year in their deferred compensation plan account(s), including catch-up provision, he/she may elect to receive the retirement health savings benefit payment in cash upon written approval of the City Manager. The retirement health savings benefit shall be paid to any qualified beneficiaries, based on the eligibility established for a voluntary separation, if the separation occurs prior to retirement due to the death of the employee. This retirement benefit applies only to employees hired prior to January 1, 2014.

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 FOR EMPLOYEES HIRED PRIOR TO JANUARY 1, 2015**. Only Department Head and Management employees hired by the City of Moorpark prior to January 1, 2015, will be eligible for longevity pay as a grandfathered benefit, subject to reaching the required cumulative and complete months of service as follows: For Department Heads, the minimum cumulative months of service is sixty (60), and for Management Employees, the required minimum cumulative and complete months of service is one hundred twenty (120), and all unpaid leave of absence time shall be deducted. Longevity pay for Department Head and Management Employees employed by the City prior to January 1, 2015, shall be calculated based on cumulative and complete 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 and shall be used to supplement short-term disability insurance benefits, and only after exhaustion of all accumulated Administrative Leave and Annual Leave, 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
Deputy City Manager	$310.00
Parks and Recreation Director	$310.00
Public Works Director	$310.00
Assistant City Engineer	$200.00
Parks and Landscape Manager	$200.00
Planning Director	$200.00
Economic Development and Housing Manager	$150.00
Economic Development and Planning Manager	$150.00
Information Systems Manager	$150.00
Recreation/Community Services Manager	$150.00

Receipt of a car allowance is dependent upon Employee maintaining a valid California automobile driver's license and also providing proof of automobile insurance for Employee's private vehicle used for City business in compliance with all related City Manager administrative procedures and City Council policies. In addition, Employee receiving the car allowance shall operate any vehicle used in connection with the performance of his/her duties in a safe manner and in observance of all established traffic safety laws. The City Manager shall suspend the car allowance if Employee is not permitted to drive on City business for any reason.

An Employee receiving a car allowance is required to drive and use their personal vehicle for all City work activities that require driving a vehicle, and are also required to obtain a substitute vehicle, such as a rental car, if their personal vehicle will be unavailable for more than two work days in a calendar month, such as when the vehicle is being repaired. An Employee receiving a car allowance may not drive a City pool vehicle, unless City Manager advance written approval has been obtained. An Employee receiving a car allowance is not permitted to substitute a motorcycle in lieu of a car.

The monthly car allowance shall be continued through any approved and paid leave of absence not exceeding twelve weeks ~~for Family and Medical leave~~ in any twelve-month period. The monthly car allowance shall be discontinued or suspended for an unpaid leave of absence for which an employee has no remaining accumulated leave.

SECTION 13. **DEFERRED COMPENSATION AND RETIREMENT.**

A. Deferred Compensation. 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.

To the extent permitted by the City's 457 and 401A deferred compensation plans, 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 Section 4 of this Resolution, to have the Annual Leave or Vacation Leave cash-out, as described in this Resolution, deposited to his/her 457 or 401A deferred compensation plan(s), so long as the maximum contribution for the year is not exceeded.

B. CalPERS Retirement.

Classic Member Benefit. For Department Head and Management Employees defined by the California Public Employees Retirement System (CalPERS) as a "Classic Member", the City shall pay the employee CalPERS contribution, not to exceed seven percent (7%) of base salary and maintain the current level of benefits, which includes the following:

Section 20938 – The provisions of Section 20938 apply to limit prior service to members employed on CalPERS contract date.

Section 21354 - Local Miscellaneous Member 2 percent (2%) at age 55 CalPERS retirement benefit.

Section 21548 - Optional Pre-Retirement Settlement 2 death benefit.

Section 21574 - Fourth Level of 1959 Survivor Benefits.

Section 21623.5 - $5,000 Retired Death Benefit.

The City shall report the value of Employer Paid Member Contributions (EPMC) to CalPERS as additional compensation pursuant to Government Code Section 20636(c) and California Code of Regulations Section 571(a)(1).

New Member Benefit: For City Department Head and Management Employees hired on or after January 1, 2013, the CalPERS retirement benefit shall comply with the requirements of Assembly Bill 340 approved by the Governor on September 12, 2012 (Public Employees Pension Reform Act), Government Code Sections 7522 – 7522.74, and as may be subsequently amended.

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 texting 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 City Manager's established cell phone standards. In lieu of receiving the $125.00 reimbursement for a standard cell phone, the City Manager, Department Heads, and those Management Employees approved by the City Manager, may receive reimbursement up to a maximum of $325.00 for a smartphone.

City Manager written approval is required prior to an employee receiving the monthly cell phone allowance and prior to cell phone/smartphone acquisition to verify compliance with established standards and the reimbursement amount. Prior to the purchase of a smartphone, written approval must also be received from the Information Systems Manager to confirm that the smartphone is compatible with Microsoft Outlook software.

The monthly cell phone allowance shall be continued through any approved and paid leave of absence, not exceeding twelve weeks for Family and Medical leave in any twelve-month period. The monthly cell phone allowance shall be discontinued or suspended for an unpaid leave of absence for which an employee has no remaining accumulated leave. The City Manager at his/her sole discretion may approve continuance of a cell phone allowance for a paid or unpaid leave of absence beyond the restrictions described in this section, if continuing cell phone communication with the employee is required during the leave of absence for the benefit of the City.

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.

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, 8, 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 4, the maximum accumulated Annual Leave shall be seven hundred forty-four (744) hours of Annual Leave, and the maximum accumulated Vacation Leave shall be seven hundred twenty (720) hours of Vacation Leave. As long as the City Manager has at least three hundred sixty (360) hours of Annual Leave or two hundred forty (240) hours of Vacation Leave accumulated, forty (40 hours of such accumulated leave may be cashed out as deferred compensation in January of each year.

In Section 7, the amount of the City Manager reimbursement for a comprehensive physical examination shall be twelve hundred dollars ($1,200.00), and the amount of the City Manager term life insurance policy shall be two hundred fifty thousand dollars ($250,000).

In Section 8, Sections 8.A.1 and 8.B.1 do not apply to a City Manager. Severance Pay for a City Manager shall be consistent with the provisions of Section 2.12.100 of the Moorpark Municipal Code. 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.

In the case of voluntary separation for retirement under the City's retirement system ("Service Retirement"), or involuntary separation, and after no less than ten (10) years (120 months) of cumulative service with the City of Moorpark, for a City Manager employed prior to January 1, 2014, the City shall pay a retirement health savings benefit payment of $75.00 for each full month of service into the City Manager's 457 and/or 401(a) deferred compensation account(s); 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 457 and/or 401(a) deferred compensation account(s). If the retiring City Manager has already reached the maximum contribution limit for the year in their deferred compensation plan account(s), including catch-up provision, he/she may elect to receive the retirement health savings benefit payment in cash. 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.

In Section 10, Longevity Pay for a City Manager hired prior to January 1, 2015, with 361 or more months of service shall be three and one-half percent (3.5%).

SECTION 17. **EMERGENCY CALL-OUT MILEAGE REIMBURSEMENT**. For a Department Head or Management Employee that does not receive a car allowance, the City will reimburse for private vehicle use round trip mileage for the home to work site and the return work site to home trip, not to exceed a total of 60 miles for the round trip, for an emergency call-out that occurs outside of the regular work schedule. An emergency call-out shall not include reporting to work as a result of activation of the City's Emergency Operations Center. In addition, this reimbursement shall not apply to a pre-planned work assignment outside of the regular work schedule, for which the home to work site and return trip would not be reimbursed, except as permitted by City Council policy. This reimbursement shall be limited to four (4) times per month. The mileage expense reimbursement for the use of a personal vehicle for travel shall be at the rate currently allowed by the Internal Revenue Service, and as verified by the

Finance Director annually. The City Manager may terminate this reimbursement at any time with 30 days notice to affected employees.

SECTION 18. **REQUIREMENTS FOR BENEFIT REIMBURSEMENT FOR CONVICTION OF A CRIME INVOLVING AN ABUSE OF OFFICE OR POSITION**. On or after January 1, 2012, any contract of employment executed or renewed between a Department Head or Management Employee and the City shall include the language required by Government Code Sections 53243 – 53243.4, providing that the employee fully reimburse the City for certain payments in the event that the employee is convicted of a crime involving the abuse of his or her office or position (which as of the effective date of this resolution would require full reimbursement for paid leave salary offered by the City to an employee pending an investigation, for payment of the legal criminal defense of an employee, and for cash settlement related to the termination of employment). On or after January 1, 2012, in the absence of a contractual obligation for any of the applicable payments described in Government Code Sections 53243 – 53243.4, a Department Head or Management Employee receiving any payments provided for those purposes shall be required to fully reimburse the City in the event that the employee is convicted of a crime involving the abuse of his or her office or position, consistent with Government Code Section 53243.3.

SECTION 19. **RESCIND PRIOR RESOLUTION AND IMPLEMENTATION**. Resolution No. 2015-3463 is rescinded and this resolution shall become effective upon adoption.

SECTION 20. **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 ~~20~~6th day of ~~January~~July, 2016.

_____
Janice S. Parvin, Mayor

ATTEST:

_____
Maureen Benson, City Clerk