

RESOLUTION NO. 2011 - 010

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN BUENAVENTURA PROVIDING FOR BENEFITS AND ADDITIONAL COMPENSATION FOR UNREPRESENTED EMPLOYEES IN SALARY SCHEDULES "E", "M", "U", "C" AND "D" OF THE SALARY RESOLUTION

BE IT RESOLVED by the Council of the City of San Buenaventura, as follows:

SECTION 1.0 - AUTHORITY. In accordance with the Charter of the City of San Buenaventura, Section 1002, the Council hereby provides for a standardization of benefits and additional compensation for unrepresented employees, specifically Executives (Salary Schedule "E"), Management (Salary Schedule "M"), Administrative Confidential (Salary Schedule "U"), Confidential (Salary Schedule "C") and Police & Fire Recruits (Salary Schedule "D"). (See the currently adopted Salary Resolution for a listing of the specific classifications contained in each Salary Schedule.)

SECTION 2.0 - ESTABLISHMENT OF BENEFITS AND ADDITIONAL COMPENSATION FOR THE CITY MANAGER AND THE CITY ATTORNEY. The City Council may set the salary, benefits and other compensation elements of the City Manager and City Attorney by separate resolution or contract, which may incorporate, delete and or exceed benefits and additional compensation as contained in this Resolution. Pursuant to this Resolution, the City Manager and City Attorney shall also receive the benefits and compensation as designated for Salary Schedule "E," unless specifically excluded by resolution or contract.

SECTION 3.0 - APPLICATION OF BENEFITS AND ADDITIONAL COMPENSATION. Benefits and additional compensation described herein apply to regular and probationary employees, hereinafter collectively referred to as "employees." For purposes of this Resolution only, all at will ("exempt") employees defined in Rule VI, Section 1(d) of the Personnel Rules and Regulations shall be considered as "regular" employees. Eligibility for the benefits or additional compensation covered by this Resolution shall be designated by indicating the letter assigned to that Salary Schedule, e.g., Schedule "E", or Schedule "M", or Schedule "U", or Schedule "C", or Schedule "D" and shall apply to employees in classifications assigned to that schedule. (See the adopted Salary Resolution for a listing of the specific classifications contained in each Salary Schedule.)

Grant Funded Positions: Only employees (except employees in temporary appointments as listed in the Personnel Rules and Regulations, Rule VI(c)) are entitled to fringe benefits and additional compensation. Employees in Temporary - Limited Term or Temporary - Extended Term appointments funded by grants may be eligible for vacation leave, sick leave, holiday leave, City contribution towards medical, dental, life and vision insurance premiums, and optional benefit accruals if the terms of the grant allow for provision of such benefits and to the extent that funds are available in the grant to cover the full City cost of providing such benefits. The amount of such contribution and accruals shall be determined by the Salary Schedule to which the temporary grant-funded position is assigned. No other terms, conditions or benefits

shall accrue to such grant-funded employees and the provision of any benefits shall not change their employment appointment from a temporary status.

Members of the City Council and members of appointive boards, commissions and committees, independent contractors and volunteers are not employees.

SECTION 4.0 - EFFECT OF REGULAR PART-TIME APPOINTMENTS ON BENEFITS OR ADDITIONAL COMPENSATION. Regular part-time employees are defined as those with a regular work schedule less than 72 hours per bi-weekly pay period.

Regular part-time employees who are eligible for vacation, sick leave, personal leave, and holiday benefits shall earn at a rate proportionate to their regular work hours and based upon the salary schedule in which they are covered. All regular part-time employees hired, or who transitioned to a regular part-time appointment after December 1, 1993, shall receive prorated City contribution towards optional benefit and insurance amounts and vehicle allowance based on the salary schedule in which they are covered. If an employee's regular work hours are between 40 and 59 hours per bi-weekly pay period, the City's contribution will be one-half of the full-time contributions. If an employee's regular work hours are between 60 and 71 hours per bi-weekly pay period, the City's contribution will be three-quarters of the full-time contribution.

SECTION 5.0 - RETIREMENT CONTRIBUTIONS. For miscellaneous employees in Salary Schedules "E", "M", "U", and "C", retirement contributions will be made as follows:

- A. The City will pay a total of seven percent (7%) of "member's earnings" as defined in the Public Employees' Retirement System law, on behalf of the employee, into the employee's account.

Effective January 2011, or as soon thereafter as is practicable, the employee will contribute to the seven percent (7%) of "member's earnings" as indicated in subsections 1 through 3 below:

1. Effective January 2011, or as soon thereafter as is practicable, the employee will contribute two percent (2%) of "member's earnings" into his/her retirement account.
2. Effective the first full pay period in July 2011, the employee will contribute an additional one and one-half percent (1.5%) for a total of three and one half percent (3.5%) of "member's earnings" into his/her retirement account.
3. Effective the first full pay period in July 2012, the employee will contribute an additional one percent (1%) for a total of four and one-half percent (4.5%) of "member's earnings" into his/her retirement account.

- B. The City shall provide for employee retirement benefits through participation in the Public Employees' Retirement System (PERS) as follows:

1. Two percent at fifty-five (2% @55) retirement formula and one-year final compensation for all current employees. Effective January 2011, or as soon thereafter as is practicable, a 2nd tier retirement formula of two percent at sixty (2% @60) and average three highest years will be implemented for all new hires employed after the effective date of the 2nd tier implementation.
2. The applicable portion of the value of Employer Paid Member Contributions (EPMC) will be reported as a benefit in compliance with Government Code Section 20636(c)(4) pursuant to Section 20691.
3. Additional contracted provisions include Military Service Credit, and Fourth Level 1959 Survivor Benefits.

For Fire safety employees in Salary Schedule "E" or "M" retirement contributions will be made at the same levels as outlined in the Memorandum of Understanding between the City of Ventura and the Ventura City Firefighters' Association.

For Police safety employees in Salary Schedule "E" retirement contributions will be made at the same levels as outlined in the Memorandum of Understanding between the City of Ventura and the Ventura Police Management Association.

SECTION 6.0 - DEFERRED COMPENSATION. This benefit shall only apply to deferred compensation plans offered through the City. The City will make contributions to deferred compensation in the method and amount as provided below:

Salary Schedule	Non-Matching Contribution per pay period	Matching Contribution per pay period
"E"	\$86.38	\$38.46
"M"	\$ 6.46	\$38.46
"U"	\$ 6.46	\$63.46
"C"	\$ 6.46	\$25.00

Effective January 2011 or as soon as practicable thereafter the amounts below will be provided:

Salary Schedule	Non-Matching Contribution per pay period	Matching Contribution per pay period
"E"	\$86.38	\$38.46
"M"	\$17.00	\$63.46
"U"	\$ 6.46	\$63.46
"C"	\$ 6.46	\$38.46

SECTION 7.0 - RETIREMENT HEALTH SAVINGS PLAN. The retirement health savings plan requires mandatory contributions by Salary Schedule of salary and/or leave payouts (which occur upon termination of employment) on a pre-tax basis to be used to help pay for health insurance costs when the employee is no longer working for the City.

For Salary Schedule "E", the following contributions are mandatory based on years of service:

Service Eligibility	Salary Contributions	Payout Contributions
Employees with less than 15 years of service:	1% contribution of base pay	100% of eligible sick leave payout
Employees with 15 or more years of service:	5% contribution of base pay	100% of eligible sick leave & 100% of eligible vacation leave payouts

No City contribution is made toward the cost of this plan. Further terms and conditions of the plan are set forth in the agreement between the City and the City's designated plan administrator.

SECTION 8.0 - CAR ALLOWANCE. Employees in Salary Schedule "E", who are not assigned a City vehicle by the City Manager, shall receive a monthly allowance of \$350.00 per month subject to the limitations and restrictions of Administrative Regulations adopted by the City Manager. Employees in Salary Schedule "M", who are not assigned a City vehicle by the appointing authority, shall receive a monthly allowance of \$250.00 per month subject to the limitations and restrictions of Administrative Regulations adopted by the City Manager.

SECTION 9.0 - MEDICAL AND DENTAL INSURANCE CONTRIBUTIONS. The City will provide a dental and medical contribution semi-monthly up to a maximum amount per active employee as follows. The exact amount of total City contribution per employee will depend on the insurance coverages selected by the employee and whether dependent coverage is selected by the individual employee under the medical insurance plan:

Salary Schedule "E"	\$ 97.00
Salary Schedule "M"	\$ 97.00
Salary Schedule "U"	\$ 97.00
Salary Schedule "C"	\$ 109.00

SECTION 10.0 - OPTIONAL BENEFIT PLAN. Employees in Schedules "E", "M", "U", and "C" shall be eligible to elect to apply a semi-monthly amount to a variety of optional benefits, including the option of receiving the same as cash. The options available under this plan shall be subject to the discretion and approval of the City Manager. The semi-monthly amounts shall be as provided below:

Salary Schedule "E"	\$274.50
Salary Schedule "M"	\$217.50
Salary Schedule "U"	\$217.50
Salary Schedule "C"	\$221.50

Effective January 2011 or as soon as practicable thereafter the amounts below will be provided:

Salary Schedule "E"	\$274.50
Salary Schedule "M"	\$237.50
Salary Schedule "U"	\$237.50
Salary Schedule "C"	\$231.50

Effective the first pay period of the 2012 benefit plan year, i.e., pay period ending November 25, 2011, the amounts below will be provided:

Salary Schedule "E"	\$274.50
Salary Schedule "M"	\$247.50
Salary Schedule "U"	\$247.50
Salary Schedule "C"	\$241.50

SECTION 11.0 - VISION PLAN. For employees in Salary Schedules "E", "M", "U", and "C" the City shall provide a vision insurance plan for each employee and dependents. The premiums for such plan will be paid by the City.

SECTION 12.0 - LIFE INSURANCE. For employees in Schedules "E", "M", "U", and "C" the City shall contribute toward payment of term life insurance benefits an amount equal to the premium cost of one-times the employee's annual salary (rounded up to the next \$1,000). In addition the City will provide dependent life insurance for eligible dependents of each employee in an amount of \$2,000 per eligible dependent.

SECTION 13.0 - SHORT-TERM AND LONG-TERM DISABILITY. A Short-Term and Long-Term Disability Program will be provided to cover all employees in Salary Schedules "E", "M", "U", and "C" subject to the provisions and limitations of the carrier. The premiums for such plan will be paid by the City.

SECTION 14.0 - PHYSICAL EXAMINATION. Employees in Schedules "E" and "M" shall be eligible for a complete physical examination in accordance with the City's Physical Examination Policy.

SECTION 15.0 - CLOTHING ALLOWANCE. The Police Chief and Fire Chief shall be eligible for a \$550 per year clothing allowance for maintenance, repair and

cleaning of City-provided uniforms and/or all equipment and wear and tear of prescribed items of clothing for plainclothes.

SECTION 16.0 - BILINGUAL PAY. Employees in Salary Schedules "C", "M", and "U" in positions designated by the City, who demonstrate proficiency in a second language in accordance with policies approved by the City Manager, shall receive an additional \$25.00 per pay period.

SECTION 17.0 - FAIR LABOR STANDARDS ACT (FLSA) DESIGNATION. Employees in Salary Schedules "E", "M", and "U" are designated as exempt under the provisions of FLSA. Employees in Salary Schedule "C" are designated as non-exempt under the provisions of FLSA. Notwithstanding the above, employees may be eligible for compensatory time off or other overtime provisions as specifically provided for in this Resolution.

SECTION 18.0 - MINIMUM COMPENSATION FOR EMPLOYEES IN THE CONFIDENTIAL SALARY SCHEDULE. Employees in Salary Schedule "C" required to attend Council or Council-appointed advisory board or commission meetings which are held at other than regular working hours shall be paid at time-and-one-half their regular hourly rate with a minimum of two hours of pay for each meeting so attended.

SECTION 19.0 - COMPENSATORY TIME OFF. Schedule "U" employees are not eligible for overtime or compensatory time off. Schedule "U" employees may be granted administrative leave in accordance with Section 27.0. Schedule "U" employees who had accrued compensatory time off prior to their placement in Schedule "U" may continue to use the balance of their compensatory time. No payment shall be made at the time of termination for unused balances of compensatory time.

SECTION 20.0 - CALLBACK PAY.

- A. Employees in Schedule "C" who are called to duty during an off-duty period shall be compensated at the overtime rate of one-and-one-half times the Fair Labor Standards Act (FLSA) Regular Rate of pay for reporting to work on a call-back for a minimum of two hours pay for each call back.
- B. Upon the request of the Department Head, the City Manager may, in exceptional cases such as floods, fires, or prolonged periods of state of emergency, when deemed appropriate, authorize in writing overtime compensation up to one-and-one-half times the base hourly pay rate for employees in Salary Schedules "M" and "U".

SECTION 21.0 - OVERTIME PAY. Except as provided in Section 19.0, non-exempt employees in Salary Schedule "C" who are required by their supervisor or other authorized person to work in excess of forty (40) hours in one Fair Labor Standards Act (FLSA) designated work period or more than their regularly scheduled hours in one day for full time employees, shall be compensated at one-and-one-half times the regular rate for such periods worked, or may receive compensatory time off at one-and-one-half times the number of hours worked, provided that such periods consist of at least one quarter (1/4) hour at any one time unless otherwise authorized by their Department

Head. The foregoing provision shall not apply when the employee and the employee's supervisor agree that if the employee works in excess of the regular work shift, the employee may take off an amount of time equal to the hours worked in excess of the shift on another day within the designated work period without incurring overtime. No employee shall be allowed to accumulate more than forty (40) hours of compensatory time. Upon separation from employment, an employee shall be paid for accrued/unused compensatory time up to 40 (forty) hours.

SECTION 22.0 - OUT OF CLASS PAY (ACTING APPOINTMENTS). The policy regarding acting appointments for employees covered by the Personnel Rules and Regulations in Schedules "M", "U", and "C" is contained in the Personnel Rules and Regulations, as amended on June 10, 1991, which modified the maximum period of time an acting appointment may extend without Council approval from 180 days to 365 days.

SECTION 23.0 - VACATION LEAVE. Vacation time shall be accrued in hourly amounts according to the following schedule:

Schedule "E":

<u>Years of Service</u>	<u>Hours Earned Semi-Monthly</u>	<u>Use & Payout Maximum Accrual</u>
Upon employment	6.67 Hours	400 Hours

At the end of seven (7) years and again at the end of twelve (12) years of City service in a position in Salary Schedule "E" (not years of City employment), employees in Salary Schedule "E" shall be granted an additional two weeks (80 hours) of vacation accrual for that year.

Vacation Cash Out: If an employee in Salary Schedule "E" has taken all provided administrative leave and has taken 80 hours of vacation during the fiscal year, the employee is eligible to cash out up to 80 hours of accrued vacation in July each year.

Schedule "M":

<u>Years of Service</u>	<u>Hours Earned Semi-Monthly</u>	<u>Use & Payout Maximum Accrual</u>
Less than 5	5.00 Hours	400 Hours
5 or more	6.67 Hours	400 Hours

Schedule "U" and Schedule "C":

<u>Years of Service</u>	<u>Hours Earned Semi-Monthly</u>	<u>Use & Payout Maximum Accrual</u>
Less than 3	4.33 Hours	400 Hours
3 but less than 5	4.67 Hours	400 Hours
5 but less than 7	5.33 Hours	400 Hours
7 but less than 10	6.00 Hours	400 Hours
10 or more	6.67 Hours	400 Hours

Annual vacation time is earned according to consecutive months of full-time service beginning with the employee's initial employment date. The employment date for vacation purposes will not change except when a new employment date is assigned as in the case of a reinstatement.

The maximum vacation payout amount as noted above is available for payment only upon separation. Payment will be made at the hourly rate being earned at the time of separation. If a partial month's service is involved at the time of separation, the employee will receive credit for accrued vacation for that partial month based on the number of days worked in the month.

SECTION 24.0 - SICK LEAVE ACCRUAL. Employees in Salary Schedules "E", "M", "U", and "C" shall accrue sick leave as follows:

- A. A 96-hour bank will be given upon initial employment in lieu of an accrual for the first six months of employment.
- B. Upon the completion of six months of employment, sick leave will be accrued at the rate of two (2) hours semi-monthly up to a maximum accrual of 480 hours.
- C. Notwithstanding the foregoing, all employees within these schedules hired on or before August 1, 1977, may accrue up to a maximum of 1,440 hours.
- D. Notwithstanding the foregoing, Safety management employees promoted into Salary Schedule "E" shall retain their sick leave balance and may accrue up to the maximum allowed under the Safety Management MOU in effect at the time of their promotion.

SECTION 25.0 - SICK LEAVE PAYOUT. Employees in Salary Schedules "E", "M", "U", and "C" shall, after ten (10) years of continuous City service, be eligible to receive an amount equivalent to 25% of their accrued sick leave upon resignation, or retirement from employment, or in the case of death, to the employee's beneficiary.

- A. Notwithstanding the foregoing, employees in Salary Schedule "E" shall, after twenty (20) years of continuous City service, be eligible to receive an amount equivalent to 50% of their accrued sick leave upon resignation, or retirement from employment, or in the case of death, to the employee's beneficiary.

- B. No payment of accrued sick leave shall be made to an employee who is discharged for cause.

SECTION 26.0 HOLIDAYS AND WINTER SHUTDOWN.

- A. Employees in Salary Schedules "E", "M", "U", and "C" shall receive nine (9) hours of paid holiday leave per calendar year for each of the ten (10) holidays listed below:

Designated Holidays:

New Year's Day
Martin Luther King Holiday
Presidents' Birthday
Memorial Day
Independence Day
Labor Day
Veteran's Day
Thanksgiving Day
Day after Thanksgiving
Christmas Day

When a holiday falls on a Sunday, the following Monday shall be observed. If the holiday falls on a Saturday, the preceding Friday shall be observed. If a holiday falls on an employee's regularly scheduled time off, equivalent holiday time off shall be granted.

Regular holiday time shall be granted to all employees who work or are on paid leave the workday before and the workday after the holiday.

- B. Optional Holidays:

In addition to the ten (10) designated holidays listed above, each eligible employee shall be granted 18 hours of "optional holiday" time for a consecutive twelve-month period. Optional holiday hours will be available in an employee's holiday leave bank beginning with Pay Period 1 (first pay period with a pay date in January), through the last pay period of the year (last pay period with a pay date in December).

All holiday hours must be utilized by the end of the last pay period with a pay-date in December. There shall be no carry over of any holiday hours beyond this time period. Accrual of the "optional holiday" time shall be prorated for employees as follows:

Proration of Optional Holiday Hours

<u>Date Hired</u>	<u>Hours</u>
Pay Period 1- February 29	18
March 1 - April 30	15
May 1 - June 30	12
July 1 - August 31	9
September 1 - October 31	6
November 1 - November 30	3
December 1 – thru last Pay Period in Dec	0

C. Minimum Staffing Days:

Christmas Eve Day
New Year's Eve Day

When City offices are scheduled to be open on these days, they will be designated as minimum staffing days. Arrangements will be made to allow as many employees as possible to take off the designated days. A sufficient number of employees must work those days to provide adequate service levels in each department.

An employee's advance request to take time off on Minimum Staffing Days is subject to prior approval by the employee's supervisor, but shall not be unreasonably denied. Employees who are granted time off may utilize accrued Optional Holiday Leave, Vacation Leave, Administrative Leave, Compensatory Time Off, Personal Leave, or Leave Without Pay, as eligible.

D. Additional Holiday Provisions:

All holiday hours for a given calendar year must be utilized by the end of the last pay period with a pay-date in December. There shall be no carryover of any holiday hours beyond this time period. No payment for unused holiday hours shall be made except as provided in subparagraph "E" below.

Time off shall be requested in advance and is subject to prior approval by the employee's supervisor, but shall not be unreasonably denied.

E. Holiday Pay Provisions:

An employee in Schedule "C" who is scheduled by his/her supervisor to work on a legally designated holiday as specified above shall be compensated at the rate of time-and-one-half for hours worked on a holiday. In addition, the employee's holiday accrual for that holiday shall remain available for the employee to request another day off by the last pay-period with a pay date in December, subject to prior approval by the employee's supervisor.

F. Winter Holiday Shutdown:

A mandatory closure of City facilities wherever practicable will occur during a designated period encompassing the approximate dates of December 26 through December 31. An employee may utilize Holiday Leave, Optional Holiday Leave, Vacation Leave, Administrative Leave, Compensatory Time Off, Personal Leave, or Leave Without Pay, as eligible.

Employees in Salary Schedules "E", "C", "M", and "U" who are impacted by the Winter Shutdown, shall be granted an additional 18 hours of holiday hours. The Department Head shall submit a Personnel Action Form notifying the Human Resources Department of impacted employees the pay period prior to the Winter Shutdown, and granting the additional hours.

SECTION 27.0 – PERSONAL LEAVE. Employees in Salary Schedules "C" and "U" shall accrue personal leave as follows:

- A. Effective the first full pay period of January 2011, or as soon thereafter as is practicable, the City will credit each employee hired on or before February 28, 2011 with 27 hours of personal leave, subject to sections B, C and D below.

Each year thereafter, each eligible employee shall be granted 27 hours of personal leave time for a consecutive twelve month period subject to sections B, C and D below. Personal leave will be available in an employee's personal leave bank beginning with Pay Period 1 (first pay period with a pay date in January), through the last pay period of the year (last pay period with a pay date in December).

- B. All personal leave hours must be utilized by the last pay period with a pay date in December of each year. There shall be no carry over of any unused personal leave hours beyond this time period. No payment for unused personal leave hours shall be made.
- C. Time off shall be requested in advance and is subject to prior approval by the employee's supervisor. Scheduling and approval shall be subject to the primary needs of overall Department operations.
- D. New employees will be credited with a prorated amount of personal leave hours according to the table below:

Proration of Personal Leave Hours

Date Hired	Hours
Pay period 1 – Feb. 29	27
March 1 – April 30	22.5
May 1 – June 30	18
July 1 – August 31	13.5
Sept. 1 – Oct. 31	9
Nov. 1 – Nov. 30	4.5
Dec. 1 – last pay period paid in Dec.	0

SECTION 28.0 - ADMINISTRATIVE LEAVE. The City Manager may grant up to 80 hours of paid administrative leave per fiscal year to Department Heads in Salary Schedule "E". Department Heads or the City Attorney (in the case of attorney classifications) may grant up to 80 hours of paid administrative leave per fiscal year to employees in Schedule "M". Department Heads may grant Schedule "U" employees up to 40 hours of paid administrative leave per fiscal year. All such administrative leave days must be taken during the fiscal year in which they are granted and there shall be no carry over, unless authorized by the City Manager. No payment for unused days shall be made upon termination.

Administrative leave with pay may also be granted to cover short periods of absence (less than a full day) for which no accrued leave time is available for employees in Schedules "E", "M", and "U".

SECTION 29.0 - TUITION REIMBURSEMENT. Employees in Salary Schedules "E", "M", "U", and "C" shall be entitled to tuition reimbursement for approved courses in accordance with Administrative Regulations on file in the City Clerk's Office and available from the Human Resources Department.

SECTION 30.0 - RELOCATION ASSISTANCE. In those cases where it is deemed to be in the best interest of the City in competing in the labor market and as an essential motivating force necessary to ensure the recruitment of qualified and competent employees in Salary Schedules "E", "M", and "U" or other hard to recruit for classifications as recommended by the Human Resources Director and approved by the City Manager, and upon notification to the City Council, the City Manager (or the City Attorney in the case of attorney classifications) may authorize relocation assistance for such employees. Said relocation assistance shall be made available upon the following terms and conditions, not inconsistent with the following, which may be deemed reasonable by the City Manager (or the City Attorney in the case of attorney classifications):

- A. Any such relocation assistance shall constitute a benefit of employment in consideration for the employee's services, to be evidenced by a separate written agreement entered into at or near the time of initial appointment.
- B. The need for such assistance shall be reviewed on a case-by-case basis and is not to be deemed available as a right. In addition, the terms of each relocation assistance plan shall be negotiated based on the circumstances surrounding the appointment of such employee.

Further, it is expressly agreed that nothing contained herein shall be construed to provide a contract of employment. The City continues to maintain its sole discretion to terminate an employee's employment at any time and if the employee is covered by the City's Personnel Merit System any such termination shall be pursuant to applicable rules and regulations. The exercise of termination authority by the City shall not establish a cause of action for any money damages due to a loss of the relocation assistance authorized by any assistance agreement.

SECTION 31.0 EMPLOYER ASSISTED HOUSING PROGRAM (EAHP). This program is administered in accordance with the Loan Underwriting Guidelines – Second Mortgage Loan, Equity Share Loan and accompanying documents and Agreements for the Employer Assisted Housing Program as authorized per City Council Resolution No. 2007-045.

SECTION 32.0 - SALARY SCHEDULE 'D' BENEFITS. For miscellaneous employees in Salary Schedule "D", retirement contributions will be made at the same levels as for the miscellaneous employees listed in Section 5.0. The City will contribute \$104.00 semi-monthly for dental and medical insurances. The City will pay the premium for a vision insurance plan for the employee and dependents, and will pay the premium for a term life insurance in the amount of \$10,000. Each employee in this schedule will be eligible for \$142.50 semi-monthly to be used, at the employee's option, to pay for medical premium costs under the City's group insurance program. If the employee selects the medical premium option, any amount not used to pay for medical premiums shall be paid out semi-monthly. In addition, employees shall be eligible to accrue vacation leave of 3.33 hours semi-monthly, sick leave of 4.00 hours semi-monthly, and holiday leave of 5.00 hours semi-monthly. No holiday hours will be carried over upon assignment to a different Salary Schedule. Employees assigned to this schedule are non-exempt for overtime purposes; and if an employee is required to work in excess of forty (40) hours in one Fair Labor Standards Act (FLSA) designated work period s/he shall be compensated at one-and-one-half times the regular rate for such periods worked provided that such periods consist of at least one quarter (1/4) hour at any one time.

SECTION 33.0 – LAYOFF SEVERANCE BENEFIT PACKAGE. Employees who are laid off will be offered the following severance package subject to the terms of a Release and Waiver Agreement:

- A. **Severance Pay Benefit.** Cash payment equal to one (1) week of salary for each year of service, plus one additional week with a maximum benefit of thirteen (13) weeks of salary. A partial year of service will be rounded up to the next whole year.
- B. **Health Insurance Benefit.** A cash payment equal to twelve (12) months of the average monthly Optional Benefit Cash provided to all employees, to allow for continuation of health insurance coverage.
- C. **Outplacement Services.** The City will provide one (1) month of access to professional outplacement services.

SECTION 34.0 – CITY RIGHTS. The rights of the City include, but are not limited to, the exclusive right to determine the mission of its constituent departments, commissions and boards; set standards of service; determine the procedures and standards of selection for employment and promotion; direct its employees; take disciplinary action; relieve its employees from duty because of lack of work or for other legitimate reasons; maintain the efficiency of governmental operations; determine the methods, means and personnel by which government operations are to be conducted; contract out work and transfer work out of the unit; determine the content of job

classifications; take all necessary actions to carry out its mission in emergencies; and exercise complete control and discretion over its organization and the technology of performing its work provided, however, that the exercise and retention of such rights does not preclude employees or their representatives from meeting and conferring over the practical consequences that decisions on these matters may have on wages, hours, and other terms and conditions of employment.

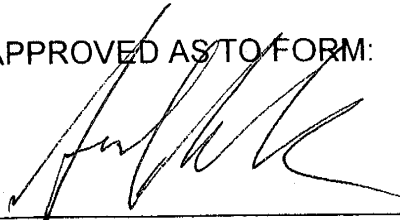
SECTION 35.0 - APPROVAL. By adoption of this Resolution, the Council approves the benefits and additional compensation set forth in this Resolution. Interim changes in benefits and additional compensation made by the City Manager, if they are or were within budgeted funds, and if deemed necessary by the City Manager, shall have interim approval until such time as a new Resolution is approved by the City Council. All references made herein to the City Manager shall also apply to the City Attorney in cases of City Attorney classifications or City Attorney staff.

SECTION 36.0 - DELEGATION OF AUTHORITY. When the term City Manager is used in this Resolution, it includes a delegate thereof, if the delegation is in writing and on file with the Human Resources Office.

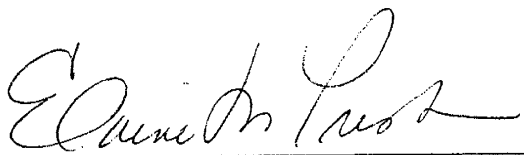
SECTION 37.0 - SEVERABILITY. If any portion of this Resolution is declared invalid, the remaining sections or portions are to be considered valid and unaffected by the determination of invalidity.

PASSED AND ADOPTED this 21st day of March, 2011.

APPROVED AS TO FORM:



Ariel Calonne, City Attorney



City Clerk

STATE OF CALIFORNIA)
COUNTY OF VENTURA) ss
CITY OF SAN BUENAVENTURA)

I, Sara A. Carver, Deputy City Clerk of the City of San Buenaventura, California, certify that the foregoing Resolution was passed and adopted by the City Council of the City of San Buenaventura at a regular meeting on March 21, 2011, by the following vote:

AYES: Councilmembers Brennan, Morehouse, Monahan, Deputy Mayor Tracy, and Mayor Fulton.

NOES: Councilmembers Weir and Andrews.

ABSENT: None.

WITNESS WHEREOF, I have set my hand and affixed the seal of the City of San Buenaventura on March 22, 2011.

Sara A. Carver

Deputy City Clerk

