

RESOLUTION NO. 93-08 OF THE CITY COUNCIL OF THE CITY OF PIEDMONT APPROVING A POLICY STATEMENT REGARDING MID-MANAGEMENT **BUILDING OFFICIAL**, APPROVING AND AUTHORIZING SPECIFIED COMPENSATION AND SETTING FORTH OTHER TERMS AND CONDITIONS OF EMPLOYMENT.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PIEDMONT AS FOLLOWS:

**SECTION 1 POLICY STATEMENT REGARDING BUILDING OFFICIAL MID-MANAGEMENT PERSONNEL**

The City Council wishes to acknowledge the special public service rendered by the Building Official. Under the operational supervision of the department heads, the Building Official is responsible for producing high quality and effective City services, as required by the City Council. The Building Official will organize subordinates into effective work units, administer ongoing programs, motivate personnel, resolve operational problems and apply the full range of modern management techniques. The Building Official often speaks directly for the City government and, thus has a decisive effect on how the City is judged. The public's view of the City's ethical and administrative standards results from observation of the conduct and problem solving abilities of these individuals in their extensive public contacts.

The Building Official works whatever extra hours are required for appearances before Council, City boards and commissions, citizens' groups and intergovernmental bodies; for maintenance of essential services during emergencies; and for accomplishment of work assignments which often impose time expenditures for in excess of the conventional workweek.

Therefore, considering the special responsibilities inherent in the management role, the City Council adopts the following policy regarding management personnel compensation:

Compensation shall reflect the greater level of responsibility characteristic of managerial positions.

In determining compensation, consideration shall be given to various pertinent factors, which may include maintaining a comparative and relative relationship with similar positions in other comparable public agencies within the City's local labor market area; and as well as the City's budgetary considerations.

Levels of compensation shall be reviewed in July 2009 by the City Council and, if appropriate, suitable adjustments made upon consideration of the City Administrator's recommendation.

## **SECTION 2 HOURS OF WORK**

### 2.1 Workday and Workweek

It is expected that the Building Official will work as many hours per day as are necessary to fulfill the requirements of his/her position.

### 2.2 Personal Leave

The Building Official is authorized to receive ten (10) days of personal leave with pay each year upon the City Administrator's approval as recognition for management responsibilities.

### 2.3 Work Performed During Disaster

All employees shall have the duty and obligation to perform emergency work in the City of Piedmont upon proper authority declaring such emergency.

## **SECTION 3 SALARY ADMINISTRATION**

### 3.1 Salary - Monthly

The salary of the Building Official shall be set as follows:

Effective July 1, 2008:           \$9,812 per month

### 3.2 Retirement Plan

The retirement plan for miscellaneous employees is PERS 3% @ 60, sponsored by the California Public Employees' Retirement System. The City shall pay into the Public Employees' Retirement System the employee's eight percent (8%) contribution.

If the miscellaneous Employer PERS contribution rate to maintain 3% @ 60 is more than 24.42%, the amount above 24.42% will be shared equally between the City (50%) and the employee (50%) through payroll deductions. If any other miscellaneous bargaining unit is offered a shared rate higher than 24.42%, then the same higher shared rate will take effect for the Building Official.

### 3.3 Eligibility for Advancement in Pay

Employees normally shall be advanced from Step 1 through Step 5 in accordance with the time-in-step requirements outlined above. The above time-in-step requirements shall apply before an employee gains eligibility for advancement in pay, provided his/her work meets performance standards for the position.

Advancement in pay when approved shall be effective at the beginning of the first pay period immediately following completion of the time-in-step requirement outlined above. If an employee is on leave without pay for more than one month, the period shall be deducted from accumulated time in step.

When an employee demonstrates outstanding capacity in performing his/her duties advancement may be made by his/her supervisor with the City Administrator's concurrence

prior to completion of the above time-in-step requirements. Advancement in pay when approved shall be effective at the beginning of the first pay period immediately following approval.

3.4 Use of Performance Ratings in Determining Whether Step Advancement is Merited

Performance ratings shall determine whether step advancements have been earned. Performance ratings shall be completed by the supervisor of each employee on an annual basis, or more frequently as deemed necessary.

3.5 Withholding Step Advancement

Department heads shall have authority, upon the City Administrator's concurrence, to withhold an employee's step advancement if not merited. The City Administrator and department heads shall keep employees informed about their job performance, giving good work its proper recognition, noting deficient work, and attempting to assist toward improvement.

3.6 Probationary Period

A probationary period of twelve (12) consecutive months shall be established for new employees. Any approved leave of absence during this twelve (12) month period shall not be counted towards fulfilling the probationary requirement and such probationary period shall be extended accordingly. During such probationary period, an employee may be discharged for any reason which is just and sufficient.

3.7 Conversion of Salary to ICMA Deferred Compensation

The employee may convert salary to deferred compensation through ICMA to the extent allowed by law. Contributions to ICMA-DC are subject to federal tax deferral regulations.

**SECTION 4 HOLIDAYS**

4.1 Holidays Observed

There shall be 11 1/2 designated paid holidays:

JANUARY 1	New Year's Day
JANUARY (3rd Monday)	Martin Luther King's Birthday
FEBRUARY (3rd Monday)	President's Day
MAY (last Monday)	Memorial Day
JULY 4	Independence Day
SEPTEMBER (1st Monday)	Labor Day
NOVEMBER 11	Veteran's Day
NOVEMBER (4th Thursday)	Thanksgiving
NOVEMBER (4th Friday)	Day After Thanksgiving
DECEMBER 24 (1/2 day)	Christmas Eve
DECEMBER 25	Christmas Day
EMPLOYEE'S BIRTHDAY	

In addition to the above designated eleven and one-half paid holidays there shall be one floating paid holiday on a day mutually agreeable between the employee and the department head.

4.2 Employee's Birthday

The employee's birthday may be taken as a paid holiday on a date other than that on which the birthday falls, subject to approval of the City Administrator.

4.3 Holidays Observed as Workdays

In the event that any holiday listed above shall fall on a Saturday, such holiday shall be observed on the preceding Friday. In the event that any holiday listed above shall fall on a Sunday, such holiday shall be observed on the following Monday.

**SECTION 5 VACATION**

5.1 Vacation Accrual Rate

The employee shall accrue annual vacation leave as follows:

First 5 years	11 days per year
6 through 9 years	15 days per year
10 through 12 years	17 days per year
13 through 15 years	19 days per year
16 through 19 years	20 days per year
20 years and after	22 days per year

Employee shall be eligible for vacation leave after the completion of six (6) consecutive months of service.

5.2 Date When Vacation Credit Starts

Vacation credit shall begin as of the date of employment. In the event the date of employment is not the first (1st) day of the pay period, then the vacation credit for that pay period shall be prorated in accordance with the actual time worked in the pay period.

5.3 Holiday Falling During Vacation

In the event that a holiday specified above occurs during a period of authorized vacation leave, said holiday shall be charged as a holiday, not as a day of vacation leave.

5.4 Use of Sick Leave During Vacation

An employee who is injured or becomes ill while on vacation may be paid for sick leave in lieu of vacation.

5.5 Accumulation

An employee shall be allowed to accumulate a maximum of two (2) years' vacation accrual at any one (1) time.

5.6 Vacation Sellback

An employee may elect to convert for payment in cash a maximum of two weeks unused vacation days per year, computed at the employee's current salary rate, provided that the employee takes off for two weeks of vacation per year.

## **SECTION 6 SICK LEAVE**

6.1 Accrual

The employee shall accrue sick leave at the rate of 4.69 hours for each pay period of service (based upon a semimonthly pay period).

6.2 Usage

The employee is entitled to be paid for sick leave used, to a maximum of time accrued, under the following conditions:

- a. The employee's illness or injury prevents him or her from performance of duties.
- b. The employee's receipt of required medical or dental care or consultation.
- c. At the discretion of the City Administrator evidence of medical or dental care or consultation may be required of the employee.

Employees may use up to 50% of their annual sick leave accrual to care for their sick child, parent, spouse, registered domestic partner\* or the child of a registered domestic partner. Medical verification may be required.

*\*A registered domestic partnership requires filing an Affidavit of Domestic Partnership with the Human Resources Department of the City of Piedmont.*

6.3 Lapse

In the event of termination or resignation, all unused sick leave shall lapse and not carry over or be owed to the employee in cash or otherwise.

## **SECTION 7 LEAVES**

7.1 Funeral Leave

In the case of death within the immediate family of an employee, such employee shall be entitled to leave from duty with pay in order to attend the funeral or memorial service for a period of up to three (3) working days. The immediate family of any employee, for the

purpose of this section, shall be defined as: Wife, husband, mother, father, sister, brother, child, grandmother, grandfather, mother-in-law, father-in-law, daughter-in-law, son-in-law, grandchildren and registered domestic partner. Leave of absence with pay because of death in an employee's immediate family is allowed solely for the purpose of attending funeral and memorial services, and such leave shall not be charged against vacation or sick leave which an employee may be entitled to, but may be in addition thereto. The City Administrator may grant death leave in accordance with this section for the death of a person not included within the definition of the immediate family.

7.2 Leave of Absence Without Pay

Except for those leaves of absence required by law to be granted, an employee desiring a leave of absence without pay for any reason, shall secure permission from the City Council upon recommendation of the City Administrator.

7.3 Military Leave

Employees who are called upon to perform active annual training duty or temporary special services as a member of any Armed Forces reserve and who lose time from their regular scheduled workweek shall be paid the difference between the pay received from the federal or state government for such reserve duty and their normal weekly earnings not to exceed two (2) weeks annually.

7.4 Jury Duty

Any employee required to serve as a juror in a civil or criminal action pending in a superior, municipal or justice court of the State of California or any federal court convening in the State of California or any employee required to report for the selection of a jury in any of these courts shall receive pay for the time such service requires his/her absence from work up to a maximum of thirty (30) days annually; provided, however, that the City Administrator may require proof of the time such service was required and any monies received from jury service shall be deducted from the pay.

7.5 Maternity Leave

Maternity leave shall be granted in accordance with state and local law. Any disability suffered by an employee which is caused or contributed to by pregnancy, childbirth, miscarriage, abortion and recovery therefrom are for all job related purposes temporary disability and shall be treated as a condition of illness.

An employee with one year or more of continuous service shall be entitled to use sick leave, vacation or leave without pay to the cumulative total of four (4) months upon the birth of her child.

An employee desiring to take maternity leave must request such leave in writing no less than thirty (30) days prior to the beginning date of the leave period. Such request shall include a statement setting forth the employee's intention with respect to resuming her employment with the City. As a condition of accepting the leave the employee will be required to sign a statement that:

- (a) She must return to work from the leave on the date set forth in the approved leave request unless she is medically unable to do so; and
- (b) She understands and agrees that failure to return from leave will constitute a constructive resignation and will terminate her employment relationship with the City.

## **SECTION 8 INJURY PAY**

An employee who first loses time from work as the result of a work related illness or injury shall receive their normal salary for the duration of the disability or thirty (30) working days whichever is the lesser. If the employee is disabled for a period in excess of thirty (30) working days, such excess period shall be compensated by paid benefits pursuant to State Workers' Compensation laws. The employee shall be entitled to use accrued sick leave, compensatory time or vacation to supplement such worker's compensation benefits. In no case shall the employee be entitled to receive more than 100% of the normal salary.

An employee who has returned to work after a period of disability as the result of an original injury and subsequently loses time from work again as the result of an aggravation of or reoccurrence of the original injury shall in no case receive their normal salary for a period of time to exceed thirty (30) working days including those days first lost from work as the result of the original injury.

## **SECTION 9 HEALTH PLAN AND LIFE INSURANCE**

### **9.1 Hospital-Medical-Surgical Insurance**

Effective January 1, 2009, the City will pay the increased cost of the Kaiser health insurance premiums, up to 12% per year. Any increase in premium above 12% to a maximum of 18% per year shall be borne equally between the employee and the City (50/50). Employee contribution shall be made by payroll deduction. If any other bargaining unit in the City of Piedmont shares in costs above the 12% threshold, the same higher threshold will take effect for the Building Official.

If the employee or the employee and dependents chose to enroll in a plan other than PERS Kaiser North and the cost of such plan exceeds the Kaiser rate, the employee shall be responsible to pay the amount of the cost which exceeds the cost of PERS Kaiser North. Such contribution shall be made by payroll deduction.

The City shall pay \$1.00 per month for each eligible retiree and/or eligible survivor of a retiree who subscribes for coverage. The amount paid on behalf of retirees and/or their eligible survivors shall increase annually at a rate of five percent (5%) as required by PERS regulations until it reaches the amount paid for active employees and their dependents.

9.2 Dental Insurance Plan

The City shall pay the cost of providing each eligible employee and his/her eligible dependents dental care benefits under a group insurance plan in effect at the time of this resolution. Orthodontic care is included in the group policy, and covers up to 70% of the cost for adults and children (lifetime maximum of \$5,000).

9.3 Life Insurance

The City shall pay the cost of providing each employee with a group term life insurance policy in effect at the time of this resolution in an amount equal to twice the employee's gross annual salary, rounded to the nearest one thousand dollar (\$1,000) increment. The City's payment shall cease upon the employee's separation from City service, but the employee may elect to retain such policy (if conversion is available) at his/her sole expense.

9.4 Alternative Coverage

In the event that it may be possible to provide an alternative hospital-medical, life insurance and dental coverage as nearly comparable as possible to the benefits in effect at the date of this resolution without additional cost to the City or the employees, the City may substitute new insurance carriers. Employee will have the opportunity to review the coverage afforded under such substitute plans before they are implemented.

9.5 Disability Insurance

The City shall continue in effect at no cost to the employee, the salary continuance disability insurance policy in effect at the time of this resolution or any other such successor program which provides essentially comparable benefit, which provides disability benefits equal to sixty (60) percent of any employee's current gross salary following a sixty (60) day absence due to non job related injury or illness.

9.6 Vision Plan

The City of Piedmont shall pay the cost of providing each eligible employee and his/her eligible dependents vision coverage.

## **SECTION 10 MISCELLANEOUS PROVISIONS**

10.1 Tuition Reimbursement

The City shall reimburse an employee for tuition and books for courses of study at an approved and accredited college or junior college in an off-duty status not to exceed two-thousand dollars (\$2,000.00) per fiscal year for the Building Official if the subject matter content of the course is related to the employee's work assignment promotional opportunities, transfer opportunities, or is a course required for the attainment of a degree or certificate program.

The employee must have his/her request approved by the City Administrator, which approval is subject to available budgeted funds, prior to enrolling in the course in order for the employee to be assured of reimbursement. Upon completion of this course, the

employee must submit appropriate receipts for books and tuition in order to be eligible for reimbursement.

10.2 Auto Allowance

The Building Official shall be compensated in the amount of \$550 per month, for the use of his/her automobile for official business.

10.3 Schoolmates Program

The children of the Building Official are eligible to attend the Schoolmates program at no charge.

BE IT FURTHER RESOLVED that Resolution No. 35-07 is hereby rescinded, and that this resolution shall constitute the sole statement of compensation and benefits for the Building Official of the City of Piedmont until June 30, 2009.

I certify that the foregoing resolution was passed and adopted at a regular meeting of the Piedmont City Council on November 17, 2008, by the following vote:

Ayes: Barbieri, Chiang, Fujioka, Keating

Noes: None

Absent: Friedman

Attest: \_\_\_\_\_

Ann Swift, City Clerk