

RESOLUTION NO. 73-10 OF THE CITY COUNCIL OF THE CITY OF PIEDMONT APPROVING A POLICY STATEMENT REGARDING MANAGEMENT PERSONNEL APPROVING AND AUTHORIZING A SPECIFIED COMPENSATION PROGRAM FOR THE **FIRE CHIEF** 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 MANAGEMENT PERSONNEL

The City Council wishes to acknowledge the special public service rendered by the City's management personnel. Management personnel consists of all department heads and the City Administrator. Under the operational coordination of the City Administrator, management personnel are responsible for producing the quality and effectiveness of City services, as required by the City Council. They organize subordinates into effective work units, administer ongoing programs, motivate personnel, resolve operational problems and apply the full range of modern management techniques. Management personnel often speak directly for the City government and, thus have 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 management personnel in their extensive public contacts.

Management personnel work 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 irregular hours and time expenditures for in excess of the conventional work week.

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 among other include the following:

- a. Maintaining a comparative and relative relationship with similar positions in other comparable public agencies within the City's local labor market area; and
- b. The City's budgetary considerations.

Levels of compensation shall be reviewed annually by the City Council in light of the foregoing considerations 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 exempt management employees will work as many hours per day as are necessary to fulfill the requirements of their position. The typical minimum workweek is 37.5 hours, except when vacation, sick or other approved leave is taken.

2.2 Personal Leave

The employee is authorized to receive up to eight (8) days of personal leave with pay each year upon the City Administrator's approval as recognition for management responsibilities. Any personal leave unused at December 31 of any year may not be carried over for use in a subsequent year, nor shall payment be made for unused leave for any reason.

2.3 Work Performed During Disaster

Work required by reason of civil disaster shall not be compensable. 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 Fire Chief shall be set as follows:

Effective August 30, 2010: \$13,333 per month

3.2 Retirement Plan

The employee shall be responsible for payment of nine percent (9%) employee's retirement contribution to the Public Employees Retirement System.

The retirement plan for the Fire Chief shall be PERS 3% @ 50, as sponsored by the California Public Employees' Retirement System.

Beginning January 1, 2004, if the Public Safety Employer PERS contribution rate is more than 37%, the amount above 37% will be shared equally between the City (50%) and the employee (50%) through payroll deductions. If at any time the rate exceeds 37%, but then at a later date drops below 37%, the City will resume paying 100% of the cost.

3.3 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 ½ 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	Christmas Eve (1/2 day)
DECEMBER 25	Christmas Day
EMPLOYEE'S BIRTHDAY	

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

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 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

Management employees may elect to convert for payment in cash accrued vacation based upon the following formula:

0-5	years employment	two weeks vacation buyback
Over	five years employment	three weeks vacation buyback

In no case shall the employee's remaining accrued vacation be less than two (2) weeks.

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). One year sick leave accrual shall be advanced upon the first day of employment. Additional sick time shall not accrue until sufficient time has passed to offset the amount of sick time that was advanced. In the event that the Fire Chief separates from employment with a deficit of sick time, said employee's final pay will be reduced by an amount corresponding to the negative balance of sick time.

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

If the employee desires a leave of absence without pay for any reason, he 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.

SECTION 8 HEALTH PLAN AND LIFE INSURANCE

8.1 Hospital-Medical-Surgical Insurance

Effective January 1, 1997, the City enrolled employees and their dependents in the PERS Medical program. Effective January 1, 1997, the City also enrolled in the PERS Medical program retirees and eligible survivors of retirees who subscribe for such coverage.

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 Fire Chief.

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.

Retiree medical insurance is available for eligible employees who retire from the City of Piedmont. The amount paid on behalf of retirees and/or their eligible survivors shall increase annually as required by PERS regulations until it reaches the amount paid for active employees and their dependents.

8.2 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).

8.3 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.

8.4 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.

8.5 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.

8.6 Vision Plan

The City shall pay the cost of providing each eligible employee and his/her eligible dependents vision coverage under a group insurance plan in effect at the time of this agreement.

SECTION 9 MISCELLANEOUS PROVISIONS

9.1 Auto Use

The Fire Chief shall be entitled to use of a City vehicle for purposed of travel to and from work and for transportation in connection with City business. The City shall pay for public liability, property damage and comprehensive insurance, and for the purchase, registration, operation, maintenance, repair and regular replacement of said vehicle. Although use of said vehicle is for the purpose described above, occasional personal use by the employee only is permitted for emergencies, or where it would be impractical to substitute the employee's personal vehicle. In no case shall such personal use include vacation use of the City vehicle, nor shall such vehicle be allowed for personal use at a distance more than twenty-five (25) miles from such employee's residence.

9.2 Termination Pay

Upon termination or resignation requested by the City Council, the City will provide the employee at least one (1) month's pay and benefit coverage as set forth in Sec. 3 hereof, or more at its discretion. This section would not apply in the event of the employee's voluntary resignation or removal from office involving conviction of a felony, gross negligence or dereliction of duty, dishonest or immoral conduct, intemperance which interferes with job performance or conviction of a misdemeanor involving moral turpitude.

If the Fire Chief position is eliminated due to a new contractual arrangement with another entity, and said entity does not offer the Chief a position within the organization, the City will provide the employee with six (6) months' severance pay.

9.3 Community Activity Reimbursement

Upon approval of the City Administrator the employee may be reimbursed up to a maximum of two hundred (\$200) per year for attendance at community activities.

9.4 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 one-thousand dollars (\$1,000.00) per fiscal year 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.

9.5 Schoolmates Program

The children of the Fire Chief are eligible to attend the Schoolmates program at no charge.

9.6 Uniform Allowance

The Fire Chief will receive a semi-monthly uniform allowance in the same amount provided to the Firefighters. The current semi-monthly allowance is \$50.

9.7 Relocation Assistance

The City will reimburse expenses up to a maximum of \$5,000, for moving household goods and personal effects from a former residence to a primary residence within the Alameda or Contra Costa Counties. Adequate documentation of expenses must be submitted to the finance department for reimbursement. All payments for moving expenses will be reported to payroll for inclusion on the employee's W2, per IRS Publication 521.

BE IT FURTHER RESOLVED that Resolution No. 93-08 is hereby rescinded, and that this resolution shall constitute the sole statement of compensation and benefits for the Fire Chief of the City of Piedmont until modified by the City Council.

I certify that the foregoing resolution was passed and adopted at a regular meeting of the Piedmont City Council on August 2, 2010, by the following vote:

Ayes: Barbieri, Chiang, Fujioka, Keating, Wieler

Noes: None

Absent: None

Attest: _____

Ann Swift, City Clerk