

RESOLUTION NO. 6332

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDENA, CALIFORNIA, FIXING AND ESTABLISHING BENEFITS FOR ALL UNREPRESENTED POSITIONS WHICH ARE NOT COVERED UNDER AN APPROVED MEMORANDUM OF UNDERSTANDING WITH A COLLECTIVE BARGAINING GROUP, REPEALING RESOLUTION NO. 6051

WHEREAS, on August 14, 2012, the City Council approved Resolution No. 6051 setting forth the rate of compensation and/or benefits for all unrepresented employee positions; and

WHEREAS, the City Council now desires to approve a new resolution setting forth the rate of compensation and/or benefits for all unrepresented employees who are not covered under an approved Memorandum of Understanding ("MOU") with a recognized employee labor organization, or an employment agreement as approved by the City Council; and

WHEREAS, this Management Resolution repeals Resolution No. 6051.

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

SECTION 1. CITY COUNCIL PAY POLICY: It is the intent of the City Council to establish and maintain a Compensation Plan that attracts and maintains skilled management, technical and professional employees, promotes efficiency and economy, and supports the selection, maintenance, and compensation of employees designated herein based on merit, skill, and internal equity for both represented and unrepresented employees.

For the determination of benefits for employees not specifically addressed in this Management Resolution, Non-Sworn Management and Confidential Employees, designated herein, may be considered part of any of the employee represented organizations formally recognized by the City.

SECTION 2. UNREPRESENTED POSITIONS: Elected, appointed, executive management confidential, and any other positions not represented by a designated labor group for the purposes of establishing wages, benefits and working conditions shall be covered by the terms of this Management Resolution. For the purposes of this Management Resolution, these position categories shall be defined as follows:

1. **ELECTED POSITIONS** shall include the positions of Mayor, City Councilmember, City Clerk and City Treasurer.
 - a. For purposes of determining benefits, City elected officials shall be deemed to be classified as Unrepresented Executive Management Employees and accordingly shall receive the same benefits available and paid to Executive Management Employees.
2. **APPOINTED POSITIONS** shall include the Deputy City Clerk and the Deputy City Treasurer.
 - a. Appointed positions serve under the authority of the City Manager and at the will of the elected official making the appointment.
3. **EXECUTIVE MANAGEMENT POSITIONS** shall include City Manager, City Attorney, Chief of Police, Department Head, Police Captain, Police Lieutenant, and any other position established by the City Manager as a member of the Executive Management Team.

4. **CONFIDENTIAL POSITIONS** shall mean an employee who, in the course of his/her duties, is (1) privy to decisions of the City Council or management affecting employer-employee relations; (2) has access to or possesses information relating to the City's employer-employee relations; or (3) who has access to confidential employee and financial records and/or other confidential information not generally available to the public.
- a. Any position permanently assigned to work in the Elected and City Manager's Office that meets the definition of Confidential Position as stated shall be designated as "Confidential" by the City Manager without the obligation to meet and confer.
 - b. If an incumbent employee represented by a bargaining group is determined to be in a position that should be classified as "Confidential," the Human Resources Officer will meet and confer with the representative bargaining group prior to changing the affected employee's classification. Upon designation as "Confidential," a represented employee will be removed from the bargaining group and will become an unrepresented employee.
5. **TRANSITIONAL POSITIONS:**
- a. It is the intent of the City Council to attract and maintain skilled management, technical, and professional employees in transitional positions which are funded by federal, state and/or funding sources other than the City General Fund and City Enterprise Funds, who are not represented by an employee labor organization and not covered under an approved MOU (herein referred to as "Grants Employees").
 - b. Transitional positions include any employee appointed to a position which is funded by federal, state or any funding source other than the City General Fund or Enterprise Funds or any position. Such positions are considered unrepresented for purposes of compensation and benefits. The City Manager at his discretion may designate any position in the City as transitional to meet organizational needs.
 - c. The position title, salary range and benefits of such positions shall be set in accordance with the terms of the agreement and available funding of said funding agency and if practical be aligned with similar positions in the City Classification and Compensation Plan.
 - d. Subject to the final approval of the City Manager, transitional employees shall be entitled to receive the applicable rate of compensation as other employees consistent with the terms of any contractual agreement with the respective grant funding agency. Should the grant not provide for the same level of salary and benefits as other City employees in similar classifications, the terms of the contractual agreement with the funding authority shall take precedence.
 - e. By authorization of the City Manager transitional positions may be deemed as "Unclassified" and thereby established, amended, and eliminated based on the terms of the applicable funding source and shall be independent of the City's Classification and Compensation Plan.
 - f. If a regular City employee represented by a bargaining group is subsequently placed in a transitional position, said employee shall continue to receive benefits consistent with the MOU of the respective employee bargaining group.
 - g. Transitional employees shall receive the same benefits as a respective management or non-management employee in a comparable position, subject to availability of funding from sources other than the City General Fund, including the post-retirement health insurance coverage upon meeting the retirement qualifications in accordance with the MOU of the respective employee bargaining group.

SECTION 3. COMPENSATION:

1. **Base Salaries.** Unrepresented employees as designated herein, shall be entitled to receive the applicable, respective rate set forth in the City's Classification and Compensation Plan subject to the final approval of the City Manager. Assignment to a step and progression within the specified Salary Schedule shall be based on the appointee's experience at time of hire, and thereafter based on merit as determined by an annual performance evaluation conducted by the City Manager and/or applicable Department Head.
2. **Monthly Car Allowance.** In addition to the amounts of salary or compensation provided herein, the following Executive Management Positions shall be entitled to a monthly car allowance for the use of his or her private motor vehicle in connection with the performance of his or her duties for the City.
 - a. Monthly Car Allowance shall be paid as follows:

i	Mayor; City Council	\$ 420.00
ii	City Clerk; City Treasurer	\$ 260.00
iii	City Manager; City Attorney	Set by Contract
iv	Assistant City Manager	\$ 420.00
v	Department Heads	\$ 420.00
 - b. Said allowances shall be compensation in full to the employees, as designated herein, for the use of his or her privately-owned motor vehicles in City services.
 - c. All expense incidental to the maintenance, repair or replacement of such vehicles must be borne by the owners thereof, and the City is to be put to no further cost or expense of any kind whatsoever or at all with reference thereto.
3. **Meal Reimbursement / Per Diem.** Refer to the current Administrative Services – *City Travel Policy*.

SECTION 4. WORK SCHEDULE:

1. **Work Schedule.** The Management Compensation Plan for all employees, as designated herein, except for sworn Police personnel, and other employees so designated by separate resolution of the City Council, are set forth herein in consideration of a pay period which may be based on a work week of five (5) eight (8) hour days, a work week of four (4) ten (10) hour days, a work period of eighty (80) hours in nine (9) working days, or some other mutually agreed upon schedule for all or part of the employees covered by this Management Resolution. The City Manager and department directors' work schedules and/or work hours will be assigned as needed for the effective and efficient operations of the City.
2. **Overtime.** All employees, as designated herein, shall receive no compensation for any overtime work. The monthly salary shall be considered full compensation for all hours worked for such employees and no overtime shall be earned for said employee. In addition, the City Manager has discretionary authority to approve modified flex time as needed to meet the operational needs of the department or City.
3. **Acting Time Compensation.** Acting time shall be paid to the employees designated herein upon temporary assignment to a higher pay classification to fill a vacancy pending a permanent appointment, or to assume specified duties of a filled position due to the temporary unavailability of a permanent employee who is on an authorized absence from

the City due to illness or other cause. For those positions designated herein, appointment to an acting position shall be made by the City Manager with acting time compensation commencing and ending based on the City Manager's appointment. Such acting time compensation shall be set by the City Manager and shall be at the rate as defined in accordance with the MOU of the respective employee bargaining group.

4. **Special Holiday Provisions** Employees covered herein, as determined by the City Manager shall receive the same special holiday provisions provided to miscellaneous employees as set forth in the MOU between the City of Gardena and the recognized employee association for miscellaneous employees. Personnel covered herein who are required to work on a designated holiday shall be entitled to each such holiday one (1) workday off equal in hours to the hours of the employee's normal work schedule on the designated holiday. Hours off shall be taken with the permission of the appropriate department head.

- a. Hours will be designated as Holiday Leave Earned ("HLE");
- b. These hours must be used prior to other accrued time off;
- c. Hours not used at the end of the Fiscal Year are forfeited; and
- d. HLE hours cannot be sold back or cashed out at separation.

Sworn employees covered herein shall be compensated for holidays in accordance with the agreement with the Gardena Police Officer Association.

SECTION 5. HEALTH AND INSURANCE BENEFITS:

1. **Life Insurance.** All affected employees covered under this Resolution shall be provided Term Life Insurance in an amount equal to one and one-half (1½) times the actual annual salary of the covered employee.
2. **Post-Retirement Health Insurance for Elected Officials.** Any Elected Official who retires and meets the minimum requirements listed below shall receive paid health insurance for such retired Elected Official and his or her dependent. The amount of the City's contributions shall be set at the same level as the amount set for active employees. Any required co-payment for active employees will also be required for retirees. This benefit shall accrue to the spouse upon the death of a retiree who is insured under this provision. Retiree health benefits shall be in accordance with the City of Gardena Insured Self-Funded Health Plan and any amendments thereto. The Elected Official must have at least twelve (12) years of service with the City, commence to receive CalPERS retirement benefits, and subject to the stipulations listed below:
 - a. **Classic CalPERS Members.** Upon simultaneous retirement from the City and from CalPERS Retirement system, a "Classic" member who has reached the age of fifty-five (55) shall continue to receive City paid health insurance based on the following terms of eligibility and level of City payment for the benefit:
 - i. All Classic Officials **elected prior to March 15, 2000** shall be eligible for City paid health insurance for the Official and his/her spouse.
 - ii. For all Classic Officials **elected between March 15, 2000 and December 31, 2008**, the cost of the retiree coverage shall be paid by the City with the cost of such insurance for spousal coverage paid by the retiree at a rate of one-hundred seventy-five dollars (\$175) per month.

- iii. For all Classic Officials **elected on or after January 1, 2009**, the cost of the retiree coverage shall be paid by the City with the cost of such insurance for spousal coverage paid by the retiree at a base rate of two hundred and fifty dollars (\$250) per month.
 - 1) This rate shall be adjusted annually upwards or downwards at the beginning of each Health Plan Year by half of the percentage change in the City's contribution to the Health Insurance Plan compared to the prior year.
 - 2) At no time should the retiree's cost exceed 50% of the City's actual cost.
- b. **PEPRA CalPERS Members** Upon simultaneous retirement from the City and from CalPERS Retirement system, a "PEPRA" member elected on or after January 1, 2013 who has reached the age of sixty-two (62) shall continue to receive City paid health insurance based on the following terms of eligibility and level of City payment for the benefit:
 - i. For any PEPRA member elected on or after January 1, 2013, the City shall pay the premium contribution toward health insurance of such PEPRA member who upon retirement has reached the age of 62 years, has at least twelve (12) years of service with the City, and commences to receive CalPERS benefits.
 - ii. The cost of spousal coverage shall be \$250 per month. This rate shall be adjusted downward or upward annually by half of the City's percentage change compared to the prior plan year. This rate adjustment shall be effective for Plan Year beginning 2019.
 - iii. At no time should the retiree's cost exceed 50% of the City's actual cost.
- 3. All other positions covered in this Resolution will follow the benefits negotiated in the MOU of the respective employee bargaining group.
- 4. **Wellness Stipend**
 - a. All affected employees will receive up to five hundred dollars (\$500.00) per fiscal year to cover the cost of physical examinations, smoking cessation, diabetes management programs, weight loss programs, preventative health screenings and gym memberships. This amount shall be cumulative to a total of one thousand dollars (\$1,000) every two years.
 - b. Any doctor of the employee's choice may provide said examination.
 - c. Acceptable proof of participation in a wellness program such as a doctor's certification, certificate of completion from a recognized medical professional, and/or statement or receipt for gym membership. Proof of participation must be current and within a timeframe comparable to expected completion of said program/examination.
- 5. **Industrial Injury Benefits — Workers Compensation.** For leave of absence due to injury arising out of, and in the course of employment, the City will pay in accordance with the MOU of the respective employee bargaining group in lieu of temporary disability payments. Sworn personnel covered herein shall be compensated in accordance with the California Labor Code for sworn personnel.

SECTION 6. EFFECT: This Resolution shall take effect immediately upon adoption by the City Council.

SECTION 7. REPEALS: Any previous resolutions and amendments of the City Council affecting the rate of compensation and/or benefits for all unrepresented employee positions, as designated herein, are hereby repealed.

SECTION 8. CERTIFICATION: That the City Clerk shall certify to the passage and adoption of this Resolution; shall cause the same to be entered in the Book of Resolutions of the City of Gardena; and shall make a record of the passage and adoption thereof in the records of the proceedings of the City Council of said City in the minutes of the meeting at which the same was passed and adopted.

Passed, approved and adopted on this 9th day of October 2018.



TASHA CERDA, Mayor

ATTEST:



 MINA SEMENZA, City Clerk

APPROVED AS TO FORM:



PETER L. WALLIN, City Attorney

EXHIBIT "A"
LIST OF POSITIONS AND SCHEDULES AS OF OCTOBER 9, 2018

ELECTED OFFICIALS:

Mayor
Councilmember
City Clerk
City Treasurer

APPOINTED POSITIONS: *Appointed At-Will*

City Manager — Appointed by City Council
City Attorney — Professional Services Agreement (not compensated as a City employee)
Deputy City Clerk — Appointed by City Clerk
Deputy City Treasurer — Appointed by City Treasurer

EXECUTIVE MANAGEMENT POSITIONS: *Appointed At-Will*

Chief of Police
Department Head
Police Captain
Police Lieutenant

CONFIDENTIAL POSITIONS: *

Accountant/Cost Accountant (Administrative Services)
Accounting/Finance Manager (Administrative Services)
Chief Fiscal Officer (Administrative Services)
Economic Development Manager (Elected & City Manager's Office)
Executive Office Assistant (Elected & City Manager's Office)
Financial Services Technician (Administrative Services)
Human Resources Analyst (Elected & City Manager's Office)
Human Resources Manager (Elected & City Manager's Office)
Human Resources Technician (Elected & City Manager's Office)
Payroll Specialist (Administrative Services)
Payroll/Personnel Technician (Administrative Services)
Senior Human Resources Analyst (Elected & City Manager's Office)
Transit Administrative Officer (Transportation Department)
Transit Operations Officer (Transportation Department)

*** Note: Any position permanently assigned to work in the City Manager's Office or the Human Resources Office shall be classified as a Confidential Position without the obligation to meet and confer.**

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS:
CITY OF GARDENA)

I, **MINA SEMENZA**, City Clerk of the City of Gardena, do hereby certify that the whole number of members of the City Council of said City is five; that the foregoing Resolution, being **Resolution No. 6332** duly passed and adopted by the City Council of said City of Gardena, approved and signed by the Mayor of said City, and attested by the City Clerk, all at a regular meeting of said City Council held on the **9th** day of **October, 2018**, and that the same was so passed and adopted by the following roll call vote:

AYES: COUNCIL MEMBERS MEDINA, KASKANIAN AND HENDERSON, MAYOR
 PRO TEM TANAKA, AND MAYOR CERDA

NOES: NONE

ABSENT: NONE

for Becky Romero
City Clerk of the City of Gardena, California

(SEAL)