

GARDEN GROVE CITY COUNCIL

RESOLUTION NO. 9146-12

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE AMENDING THE MEMORANDUM OF UNDERSTANDING ON SALARIES, WAGES, AND FRINGE BENEFITS FOR THE TERM 2009-2012, AS AMENDED, BY AND BETWEEN THE GARDEN GROVE EMPLOYEES' LEAGUE CHAPTER OF THE ORANGE COUNTY EMPLOYEES' ASSOCIATION AND THE CITY OF GARDEN GROVE

WHEREAS, the California Public Employees' Retirement System (CalPERS) conducted an audit of the City of Garden Grove in 2011;

WHEREAS, CalPERS issued a final audit report in June, 2012 indicating general satisfaction with the City's reporting to CalPERS, but also noting several corrections to be made pursuant to California Code of Regulations (CCR) Section 570.5 and Section 571, pertaining to the specific elements of compensation that are reportable to CalPERS;

WHEREAS, the City of Garden Grove wishes to bring the City into full compliance by adopting the corrective actions listed in the CalPERS audit with all deliberate speed, which include making specific amendments to labor union contracts and resolutions, as appropriate; and

WHEREAS, the Garden Grove Employees' League Chapter of the Orange County Employees' Association ("OCEA Employees' League") shares with the City the goal of bringing the City in general and their union in particular into full compliance with the CalPERS audit.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GARDEN GROVE DOES HEREBY RESOLVE:

Section 1. The Memorandum of Understanding on Salaries, Wages and Fringe Benefits 2009-2012, by and between the OCEA Employees' League and the City of Garden Grove as approved and adopted by the City Council in Resolution 8879-09 and subsequently amended by Resolution 8957-10, and 9108-12 is hereby further amended:

Article II, Section 3.1 is added and reads as follows:

*3.1 TEMPORARY UPGRADE PAY*

*Temporary Upgrade Pay of five-percent (5%) above base salary may be paid to employees who are required to work in an upgraded position or classification for a limited duration.*

Article VI, Section 9 is amended to read as follows:

- a. The City provides uniforms for the purpose of safety and identification. All employees who are required to wear uniforms issued by the City must wear the complete uniform (pants, shirt, and safety shoes) during working hours. A clean uniform shall be worn each work day maintaining a neat appearance to the extent possible. City emblems shall not be removed nor shall uniforms be worn during off-duty hours. Uniforms, or other approved attire, shall remain consistent with the department's standard and guidelines.
- b. *The cost of uniforms shall not constitute compensation for purposes of the regular rate calculation under the Fair Labor Standard Act. This policy shall remain in effect unless a change is dictated by applicable law.*
- c. *The City shall report to CalPERS the monetary value of uniforms and uniform maintenance for those employees required to wear uniforms. The monetary value by classification is listed in Exhibit G, entitled "UNIFORM ALLOWANCE."*
- d. *Uniform allowance is defined as compensation paid or the monetary value for the purchase, rental and/or maintenance of required clothing, including clothing made from specially designed protective fabrics, which is a ready substitute for personal attire the employee would otherwise have to acquire and maintain.*

Section 2. The Director of Human Resources is directed to effect, at his earliest opportunity, whatever procedural changes are necessary to implement this Resolution.

Adopted this 23<sup>rd</sup> day of October 2012.

ATTEST:

/s/ WILLIAM J. DALTON  
MAYOR

/s/ KATHLEEN BAILOR, CMC  
CITY CLERK

Garden Grove City Council

Resolution No. 9146-12

Page 3

STATE OF CALIFORNIA    )  
COUNTY OF ORANGE      ) SS:  
CITY OF GARDEN GROVE )

I, KATHLEEN BAILOR, City Clerk of the City of Garden Grove, do hereby certify that the foregoing Resolution was duly adopted by the City Council of the City of Garden Grove, California, at a meeting held on the 23<sup>rd</sup> day of October 2012, by the following vote:

|         |                  |     |  |
|---------|------------------|-----|--|
| AYES:   | COUNCIL MEMBERS: | (5) | BEARD, BROADWATER, JONES, NGUYEN, DALTON |
| NOES:   | COUNCIL MEMBERS: | (0) | NONE                                     |
| ABSENT: | COUNCIL MEMBERS: | (0) | NONE                                     |

/s/ KATHLEEN BAILOR, CMC  
CITY CLERK

**EXHIBIT "G"**

**EMPLOYEE'S LEAGUE UNIFORM ALLOWANCE**

| <b><u>TITLE</u></b>        | <b><u>REPORTED TO<br/>PERS EACH PAY<br/>PERIOD</u></b> |
|----------------------------|--|
| RECREATION SPEC I          | \$ 9.66  |
| RECREATION SPEC III        | \$ 9.66  |
| TRAFFIC SIGNAL ELECTRICIAN | \$ 9.66  |
| PARK MAINTENANCE WKR       | \$ 9.66  |
| SR PK MAINTENANCE WKR      | \$ 9.66  |
| UTILITY WORKER             | \$ 9.66  |
| ST MAINTENANCE WORKER      | \$ 9.66  |
| SR TRAFFIC SIGNAL ELECTR   | \$ 9.66  |
| HEAVY EQUIP OPERATOR       | \$ 9.66  |
| MAINT REPAIR WORKER        | \$ 9.66  |
| MAINT REPAIR HELPER        | \$ 9.66  |
| SR ST MAINT WORKER         | \$ 9.66  |
| EQUIPMENT SERV WORKER      | \$ 9.66  |
| EQUIPMENT MECHANIC         | \$ 9.66  |
| WATER SERVICE WORKER       | \$ 9.66  |
| SR WATER SERV WORKER       | \$ 9.66  |
| WATER PRODUCTION ELECT     | \$ 9.66  |
| WATER PROD OPER            | \$ 9.66  |
| SR WATER PROD OPER         | \$ 9.66  |
| WATER PRODUCTION MECHANIC  | \$ 9.66  |
| CUSTODIAN                  | \$ 9.66  |
| STOREKEEPER                | \$ 9.66  |
| STOCK CLERK                | \$ 9.66  |
| SEWER MAINT WORKER         | \$ 11.32   |