

GARDEN GROVE CITY COUNCIL

RESOLUTION NO. 9569-19

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE  
ESTABLISHING SALARIES, FRINGE BENEFITS AND EXEMPTING MIDDLE  
MANAGEMENT CLASSIFICATIONS FROM MUNICIPAL CODE SECTION 2.44.390  
AND OVERTIME

WHEREAS, Chapter 2.44 of Title 2 of the Garden Grove Municipal Code, revised, Volume 1, provides that the City Council shall by resolution: (1) establish salary ranges and salary rates and the allocation of classes thereto; and (2) set forth the classification of full-time positions in the various City departments and offices.

NOW, THEREFORE, BE IT RESOLVED that the City Council does rescind Resolution No. 9435-17.

BE IT FURTHER RESOLVED that the City Council does establish the following:

SECTION 1: MANAGEMENT RECOGNITION

This Resolution relates to Middle Management (Supervisory and Administrative) classifications. Salaries, fringe benefits, leave policies, and the tuition reimbursement program as set forth in the Memorandum of Understanding of the group(s) supervised, will be offered to the classifications listed in this Resolution. Limitations, changes or modifications to these items shall be stated in this Resolution.

SECTION 2: MIDDLE MANAGEMENT CLASSIFICATIONS

For purposes of this Resolution, Middle Management positions are identified as follows:

<u>Classification</u>	<u>Salary Range</u>
Accounting Supervisor	M176
Accounting Manager	M194
Administrative Analyst	M150
Administrative Secretary	M162
Assistant to the City Manager	M186
Benefits Supervisor	M171
Budget Services Manager	M194
Building Official	M215
Business Tax Supervisor	M166
Cable Production Supervisor	M166
Chief of Collections	M171
City Clerk	M199
City Engineer	M224
Code Enforcement Supervisor	M179

<u>Classification</u>	<u>Salary Range</u>
Community Services Supervisor	M176
Custodial Supervisor	M160
Deputy City Clerk	M157
Deputy Director	M215
Division Manager	M204
Economic Development Manager	M215
Emergency Operations Coordinator	M186
Environmental Services Manager	M204
Finance Manager	M204
Housing Supervisor	M171
Human Resources Manager	M199
Information Systems Manager	M220
Jailer/Fleet Supervisor	M171
Payroll Supervisor	M171
Permit Center Supervisor	M174
Personnel Analyst	M150
Planning Services Manager	M215
Police Communications Manager	M186
Police Records Manager	M186
Police Services Supervisor	M166
Principal Accountant	M186
Principal Administrative Analyst	M186
Principal Personnel Analyst	M186
Project Engineer	M204
Project Planner	M186
Public Safety Fiscal Analyst	M171
Public Works Foreman	M155
Public Works Supervisor	M176
Purchasing Agent	M191
Real Property Manager	M199
Revenue Manager	M194
Risk Management Supervisor	M171
Senior Administrative Analyst	M166
Senior Civil Engineer	M211
Senior Information Technology Analyst	M194
Senior Personnel Analyst	M166
Senior Planner	M194
Senior Project Planner	M194
Senior Program Specialist	M166
Senior Real Property Agent	M173
Supervising Building Inspector	M179
Traffic Engineer	M211
Utilities Revenue Supervisor	M166
Water Services Manager	M215

### SECTION 3: SALARIES

Effective in the pay period following July 1, 2019, all members of the middle management group shall receive a two and one-half percent (2.5%) increase to base salary.

Effective in the pay period following July 1, 2019, Step H on the salary schedule shall be five percent (5%) higher than Step G.

Effective in the pay period following July 1, 2020, all members of the middle management group shall receive a two and one-half percent (2.5%) increase to base salary.

Effective in the pay period following July 1, 2021, Step I (a five percent (5%) step) on the salary schedule is created. All members of the Middle Management group, who on July 1, 2021, are at Step H for at least one year, will move to Step I effective on the first day of the pay period following July 1, 2021. All members of the middle management group, who on July 1, 2021 have not been at Step H for at least one year, will be eligible to move to Step I on the first day of the pay period in which their next anniversary date occurs.

### SECTION 4: CARRYOVER OF VACATION BALANCE

Middle Management employees may carry a vacation balance equal to twice their annual accrual plus 40 hours. The Director of Human Resources may authorize a temporary suspension of this limit for good cause.

### SECTION 5: RETIREMENT PLAN

#### A. Retirement Formula

- a) Unit members who are regard as "classic members" by the Public Employees' Pension Reform Act of 2013 (PEPRA) are covered by the 2.5% @ 55 formula (Government Code section 21354.4). "Classic member" is generally any member hired before December 31, 2012 as well as any member hired after January 1, 2013 who is a lateral hire from another PERS agency, public agency with reciprocity or a member who has had less than a six month break in service from his/her previous public agency employment.

- b) Unit members hired on or after January 1, 2013 who are defined as "new members" under the PEPRA, are covered by the 2% @ 62 formula (Government Code section 7522.20).

B. Employee Contributions to the Retirement System

Employees subject to the 2.5% @ 55 Formula:

These employees shall contribute eight percent (8%) as an employee retirement contribution.

- b) Employees subject to the 2% @ 62 Formula:

Per the PEPRA and Government Code section 20516.5, these employees shall contribute the statutorily mandated employee contribution rate of one half of the normal cost as determined by CalPERS for the City.

- C. The City has adopted the CalPERS resolution in accordance with and as permitted by IRS Code section 414(h)(2) to ensure that the employee contribution (i.e., "pick-up" as that is the term used in section 414(h)(2)) is made on a pre-tax basis.

- D. The City currently contracts with PERS for the following benefits to the miscellaneous retirement plan.

- c) Section 21354.4 (2.5% at 55 Full formula for local miscellaneous members).
- d) Section 20042 (Highest Year).
- e) Section 20965 (Credit for Unused Sick Leave).
- f) Section 21329 (2% Annual Cost-Of-Living Allowance Increase).

- E. Pursuant to the Public Employees' Pension Reform Act of 2013 (PEPRA) and notwithstanding any provision of any other City Council Resolution, any new member employee, as defined by PEPRA, who is hired on or after January 1, 2013, shall be subject to the following retirement benefits:

For Non-Safety Employees

Government Code Section 7522.20 (2% @ 62 retirement formula).

Government Code Section 20037 (final compensation rate used to calculate pension benefit is average of member's highest annual pensionable compensation over a consecutive 36 month period).

SECTION 6: ADDITIONAL ASSIGNMENT PAY

The City Manager may authorize additional Temporary Upgrade Premium compensation of up to five percent (5%) over base pay to an employee who has assumed additional job duties. The assignment and duration of this additional pay shall be at the sole determination of the City Manager.

To the extent permitted by law, Temporary Upgrade Pay will be reported to CalPERS as special compensation per Title 2 California Code of Regulations section 571(a)(3) for classic members as Temporary Upgrade Pay.

SECTION 7: TUITION REIMBURSEMENT

All Management employees are eligible to participate in the Tuition Reimbursement Program.

SECTION 8: FRINGE BENEFITS

A. Cafeteria Benefit

For Middle Management employees enrolled in the cafeteria benefit plans, should another unit receive an increase in their monthly City contribution, the same increase, on either a percentage or dollar amount basis, may be provided to Middle Management employees if authorized by the City Manager. The distribution of this monthly rate into tiers (e.g., single, two-person, family, and waiver) shall be determined annually by the Human Resources Director and approved by the City Manager.

B. Health Insurance

The City shall contribute on behalf of each employee and each eligible retiree, the monthly PERS statutory minimum toward the payment of premiums for health insurance under the PERS Health Insurance program.

Retiring employees and their dependents shall have available the ability to continue to participate in the PERS Health Insurance program. The eligibility of participation shall be determined by the PERS program.

C. Long-Term Disability

The plan will provide up to 2/3 of base salary after the employee has been disabled for 60 calendar days or has used all accrued sick leave, whichever is longer.

D. Vacation Buy-Back

Middle Management employees may elect to convert unused vacation benefit at their hourly rate of pay into cash, provided that they retain after such conversion at least eighty (80) hours of unused vacation benefits.

By December 15 of each year, an employee may make an irrevocable election to cash out accrued vacation leave which will be earned in the following calendar year at the employee's base rate of pay. In the following year, the employee can receive the cash for the vacation leave he/she irrevocably elected to cash out in two (2) separate increments. However, at the time of either cash out the employee must have at least eighty (80) hours of accrued vacation on the books.

In addition to the above, an employee who has an "unforeseen emergency" (defined as an unanticipated emergency that is caused by an event beyond the control of the employee and that would result in severe financial hardship to the employee if early withdrawal were not permitted) shall be entitled to make a request to the Director of Human Resources for a payoff of accrued vacation leave. The amount of vacation leave which may be paid off is limited to the amount necessary to meet the emergency.

If an employee makes an irrevocable election to cash out vacation leave in the following calendar year and uses vacation leave in that subsequent year, the vacation leave used will come from vacation leave the employee had earned prior to January 1 of the year the employee has elected to cash out vacation leave. This is to ensure that assuming an employee had a vacation leave balance prior to January 1, the vacation leave used will not result in a reduction in the amount of vacation leave the employee will be eligible to cash out.

If, during the year when an employee has made an irrevocable election to cash out vacation leave, he/she was on leave without pay and did not earn the vacation leave expected, the employee will still be able to cash out the vacation leave the employee did earn even if reduced by the leave without pay.

E. Sick Leave Sell Back/Payoff

Middle Management employees who are eligible and meet the same conditions for annual sick leave sell back as other employees shall receive \$.70 on the dollar based upon the pay rate in effect as of June 30.

At retirement, Middle Management employees shall be paid an amount equal to 50% of his/her total accumulated but unused sick leave hours. Any remaining accumulated but unused sick leave hours will be used toward the extension of their service period under the PERS retirement system, subject to Government Code Section 20965.

At the request of the employee, 100% of accumulated but unused sick leave hours may be used toward the extension of his or her service period under Government Code Section 20965 and no payout will occur.

F. Uniforms

Employees may be required to wear uniforms issued by the City if so determined by their respective department director(s). The City will replace uniforms due to normal wear.

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.

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 A, entitled "UNIFORM ALLOWANCE." This applies only to "Classic" members, not to new members per Title 2 California Code of Regulations section 751(a)(5) as defined by the Public Employees' Pension Reform Act of 2013.

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.

<b>EXHIBIT A</b>	
<b>MIDDLE MANAGEMENT UNIFORM ALLOWANCE</b>	
<b><u>TITLE</u></b>	<b><u>REPORTED TO PERS EACH PAY PERIOD</u></b>
Custodian Supervisor	\$13.79
Police Communications Manager	\$18.95
Police Records Manager	\$18.95
Police Services Supervisor	\$18.95
Public Works Foreman	\$13.79
Public Works Supervisor	\$13.79
Water Services Manager	\$13.79

**SECTION 9: POSITIONS EXEMPT FROM FAIR LABOR STANDARDS ACT (FLSA)**

Employees in Middle Management positions are designated as exempt from the provisions of the Fair Labor Standards Act (FLSA) except as determined by the Human Resources Director. Employees in the classifications of Administrative Secretary, Deputy City Clerk and Public Works Foreman are determined as non-exempt for FLSA purposes.

Those exempt Middle Management employees who have used all of their accrued leave benefits and are absent for less than one (1) day shall not have that time treated as an absence without pay. Employees in this category shall be subject to disciplinary actions involving unpaid time off in accordance with FLSA regulations.



SECTION 10: ADMINISTRATIVE LEAVE

The Middle Management positions listed in this resolution shall be exempt from all overtime provisions contained in the Municipal Code or in any Memorandum of Understanding in the group(s) supervised, except as specifically authorized by the City Manager.

Exempt employees in Middle Management positions shall receive forty (40) hours of Administrative Leave each January. Upon the recommendation of the department director, the City Manager may approve additional Administrative Leave hours, not to exceed forty (40) hours, for employees involved in extraordinary major projects or assignments. The granting of additional leave time shall be at the sole determination of the City Manager.

Administrative Leave cannot be cashed out at any time. No employee may have more than eighty (80) hours of Administrative Leave time on the books at any time. The Human Resources Director shall establish procedures for employees who are hired or who terminate during a calendar year.

SECTION 11: EXEMPT MIDDLE MANAGEMENT CLASSES

Except as noted, classes listed in this Middle Management Resolution shall be designated as exempt and be considered to be exempt from the provisions of the Municipal Code Section 2.44.390.

SECTION 12: APPOINTMENT OF DEPARTMENT HEADS, DIVISION HEADS, AND PRIMARY ASSISTANTS IN THE CITY MANAGER'S OFFICE

The appointment and removal of Division heads and the primary assistants in the City Manager's Office are governed by the Municipal Code Section 2.08.100.

Adopted this 25<sup>th</sup> day of June 2019.

ATTEST:

/s/ STEVEN R. JONES  
MAYOR

/s/ TERESA POMEROY, CMC  
CITY CLERK

