

RESOLUTION NO 4408

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF WESTMINSTER AMENDING RESOLUTION NO. 4370 PROVIDING FOR A COMPENSATION PLAN FOR THE MANAGEMENT, ADMINISTRATIVE AND CONFIDENTIAL EMPLOYEES OF THE CITY OF WESTMINSTER

The Mayor and City Council of the City of Westminster do hereby resolve as follows:

SECTION 1. APPLICATION OF RESOLUTION.

This Resolution provides for salaries, benefits and other terms and conditions of employment applicable to unrepresented Management, Administrative and Confidential employees of the City of Westminster. Classifications covered by this Resolution are as follows:

Accounting Manager  
Administrative Analyst  
Administrative Assistant  
Administrative Assistant II  
Administrative Assistant II/City Council  
Assistant City Clerk  
Assistant City Engineer  
Assistant City Manager  
Assistant Community Services Director  
Assistant Planner  
Assistant to the City Manager  
Associate Civil Engineer  
Associate Planner  
Building Official  
City Cable TV Production Supervisor  
City Clerk  
City Housing Coordinator  
City Housing Supervisor  
Civil Engineering Assistant  
Civil Engineering Associate  
Civil Engineering Principal  
Code Enforcement Manager  
Community Development Director  
Community Services Coordinator  
Community Services Director  
Community Services Supervisor  
Director of Human Resources & Risk Management  
Director of Public Works/City Engineer  
Economic Development Manager

Economic Development Specialist  
Executive Assistant/City Manager's Office  
Family Resource Center Supervisor  
Finance Director/City Treasurer  
Financial Services Manager  
Gang/Drug Prevention Worker  
Garage Superintendent  
Housing Specialist  
Human Resources Assistant  
Information Services Manager  
Information Systems Specialist  
Maintenance Superintendent  
Management Analyst  
Personnel Analyst  
Plan Check Engineer  
Plan Checker  
Planning Manager  
Planning Technician  
Police Captain  
Police Chief  
Programmer Analyst  
Public Works Manager/Maintenance Operations  
Public Works Manager/Water  
Purchasing Officer  
Rehabilitation Specialist  
Research Analyst  
Risk Management/Benefits Officer  
Senior Administrative Assistant  
Senior Center Supervisor  
Senior Planner  
Senior Programmer Analyst  
Senior Staff Accountant  
Staff Accountant  
Systems Administrator  
Water Superintendent

## SECTION 2. ALLOCATION TO SALARY RANGE.

The classifications listed above are allocated to monthly salary ranges as contained in the Management / Administrative / Confidential Salary Schedule, attached hereto as Exhibit 1 and by reference made a part hereof.

Application:

Employees will receive a performance evaluation annually on the anniversary date of their hire or promotion to their current position. All other policies as stated in the Personnel Policy Manual, Article XIV, shall apply.

Employees whose current salary exceed the maximum established for the position, shall be "Y" rated until such time the salary range exceeds their salary.

### SECTION 3. SALARY INCREASES

Salaries shall remain unchanged for the term of this agreement unless increases are authorized based on economic triggers, pursuant to Section 3.B of this Article. The salary schedule attached hereto as Exhibit 1 and by reference made a part hereof shall remain in effect.

#### A. FY 2011-12 Stipend

Each employee shall receive a one-time stipend (off salary schedule) equal to 3% of salary for each member. The stipend shall be calculated on the total of base salary and Continuous Meritorious Service Pay. The stipend shall be paid to employees on the first available pay period after City Council adoption.

#### B. FY 2012-13 and FY 2013-14 Salary Increases

Salary increases shall be provided in Fiscal Year 2012-13 and Fiscal Year 2013-14 under the following conditions:

##### 1. COLA Scenario

For FY's 12-13 and 13-14, if the City's closed and audited budget numbers for the prior fiscal year result in a structurally balanced budget where General Fund revenues (not including overhead charges and operating transfers in) exceed General Fund expenditures (not including operating transfers out) by no less than 3%, a 2% cost of living adjustment (COLA) (or a proportionate COLA commensurate with the level of excess revenues) shall be implemented. For example, if General Fund revenues exceed General Fund expenditures by 4%, a 2.66% COLA will be implemented. The maximum COLA provided shall be 3.0%.

This analysis shall be conducted upon the close of the FY 11-12 books (approximately October 31, 2012), with any earned COLA to be provided on the first full pay period following January 1, 2013. This analysis shall be done again upon the close of the FY 12-13 books (approximately October 31, 2013), with any earned COLA to be provided on the first full pay period following January 1, 2014.

##### 2. Stipend Scenario

If the City's budget fails to meet the minimum 2% COLA target described in B.1 of this Section (excess General Fund revenue of at least 3%), a one-time stipend may be provided according to the following criteria:

For FY's 12-13 and 13-14, if the City's closed and audited budget numbers for the prior fiscal year result in a structurally balanced budget where General Fund revenues (not including overhead charges and operating transfers in) exceed General Fund expenditures (not including operating transfers out) in an amount of less than 3%, a one-time stipend shall be implemented which equates to the amount of excess revenues. For example, if General Fund revenues exceed General Fund expenditures by 2.5%, a one-time stipend of 2.5% shall be implemented.

The one-time stipend shall not be implemented if General Fund revenues do not exceed General Fund expenditures by at least 1.0%.

This analysis shall be conducted upon the close of the FY 11-12 books (approximately October 31, 2012), with any earned stipend to be provided on the first full pay period following January 1, 2013. This analysis shall be done again upon the close of the FY 12-13 books (approximately October 31, 2013), with any earned stipend to be provided on the first full pay period following January 1, 2014.

#### SECTION 4. UNPAID FURLOUGH

Employees covered by this Resolution, whose annual salary including Continuous Meritorious Service pay equals or exceeds \$100,000 annually, shall be required to take eighty (80) hours of mandatory unpaid time off during Fiscal Year 2012-13. Employees may not use accrued paid leave in order to avoid the unpaid furlough.

Employees subject to this unpaid furlough shall be required to take one of the "working" Fridays off per month. The City Manager's Office shall assign a consistent Friday (e.g., the first or second working Friday of the month) for each affected employee in a manner that ensures the maximum possible staff coverage.

#### SECTION 5. OVERTIME/ADMINISTRATIVE TIME-OFF.

Employees defined as "exempt" under Fair Labor Standards Act shall not be eligible for overtime pay, but shall be eligible for administrative time off in lieu of overtime pay. Such time off shall be at the convenience of the City and must be approved in advance by the City Manager or his/her designee. Employees defined as "non-exempt" under Fair Labor Standards Act shall be eligible for overtime pay at the rate of time and one-half for all hours actually worked in excess of forty (40) in one week, or shall be eligible for compensatory time off. Such time off shall be at the convenience of the City and must be approved by the City Manager or his/her designee. Accumulated administrative time shall not be eligible for cash payment.

Exempt employees in the following Executive classifications shall not receive administrative time off in lieu of overtime pay, but shall receive Executive Leave in the amount of 80 hours per calendar year:

- Assistant City Manager
- Assistant to the City Manager
- City Clerk
- Community Development Director
- Director of Community Services
- Director of Human Resources & Risk Management
- Director of Public Works/City Engineer
- Finance Director/City Treasurer
- Police Chief

Unused Executive Leave shall not be carried over beyond the calendar year in which it is earned and shall be forfeited. Use of Executive Leave shall be at the convenience of the City and is subject to approval by the City Manager. Executive Leave may not be cashed out upon termination.

SECTION 6. MILEAGE.

Employees required or permitted to use private automobiles in the discharge of their duties shall be paid mileage allowance.

SECTION 7. DEMOTION.

Demotion of Management/Administrative/Confidential employees for other than disciplinary reasons shall not result in a reduction in pay; and if continued payments exceed the appropriate salary schedule, the employee shall be shown on the personnel and payroll records as a "Y" rated employee, with the salary held at the "Y" rate.

SECTION 8. EDUCATIONAL ACHIEVEMENT.

No employee in the Management/Administrative/Confidential series shall be eligible for any additional compensation for educational or professional achievements.

SECTION 9. CONTINUOUS MERITORIOUS SERVICE.

As an incentive for outstanding, continuous meritorious service, employees who maintain evaluations of satisfactory or better shall be entitled to special merit pay, at the completion of the following service intervals (Example: The initial 2% CMS Pay commences upon the completion of 21 full years of service):

21 years service	2.00%
22 years service	2.00%
23 years service	2.00%
24 years service	2.00%
25 years service	2.00%

Employees transitioning into the Administrative/Confidential employee group from any of the represented employee organizations within the City of Westminster shall retain all earned Continuous Meritorious Service (CMS) pay and continue to accrue any remaining CMS pay under the terms of the Memorandum of Understanding or Resolution such employee left, not to exceed a maximum of 10%. In the event the employee's former employee organization negotiates a change in CMS pay, the employee shall retain the earned CMS pay or receive such compensation under the terms of this resolution whichever is greater.

SECTION 10. VACATION ALLOWANCE.

Vacation allowance shall be earned based on the following schedule:

<u>Years of Service</u>	<u>Vacation Allowance</u>
0 to 1	120 hours
1 to 2	128 hours
2 to 3	136 hours
3 to 4	144 hours
4 to 5	152 hours
5 to 20	160 hours
20 to 21	168 hours
21 to 22	176 hours
22 to 23	184 hours
23 to 24	192 hours
24 or more	200 hours

Vacation shall be scheduled within the department so as not to interfere with departmental operations, and must have the prior approval of the City Manager or his/her designee.

All vacation hours in excess of 240 hours shall be paid in cash on the second pay day of November. Employees shall not be allowed to cash out vacation hours at any other time and shall not be allowed to cash out any hours below the 240 hour cap. Cash out hours will be calculated based upon vacation hours used/accumulated by the end of the first pay day in November.

The City shall provide an exception for economic hardship. The City's Deferred Compensation Committee shall review such requests for vacation cash out. A good faith demonstration that the employee has a financial hardship will be sufficient (i.e., does not require that the hardship be "unforeseen" or "preventable" as 457 withdrawals require).

SECTION 11. SICK LEAVE.

Employees shall be credited with sick leave at the rate of eight (8) hours per month and may not be taken off until earned.

Accumulated sick time shall be disposed of in any of the following ways at the discretion of the employee. The employee must declare in advance his/her intended form of disposition to the City. This declaration shall be made in July of each year for the current year only. The forms of disposition shall be:

1. CASH OUT. The employee may elect to cash all remaining sick leave earned during the previous twelve (12) months at the rate of fifty percent (50%) of the total value.
2. ROLL-OVER. The employee may elect to roll-over the full balance of time for future use as sick time. Subsequent cash outs will be limited only to that amount accumulated during the previous twelve (12) month period. Upon retirement, all accumulated sick time, not disposed of will be credited towards PERS retirement credit on an hour for hour basis. If the employee fails to file a declaration as to the disposition of sick leave, accumulated sick leave will automatically be placed in his/her roll-over account. Declarations must be received by the Human Resources Director no later than July 1 of each year.
3. RETIREMENT. Employees who make application for and retire from City service shall receive cash payment for up to 240 hours sick leave to be paid at the rate in effect at the time of such retirement.
4. DEATH. In the event of death of the employee, the designated beneficiary on file in the Human Resources Department shall be paid in cash for sick leave at the rate of fifty percent (50%) of cash value.
5. LAYOFF. Employees whose employment is terminated due to layoff shall be paid in cash for all accumulated sick leave on the books at the time of layoff, at full cash value.

#### SECTION 12. HOLIDAY CREDIT.

In addition to their regular compensation, employees shall be eligible for eight (8) holidays, which will be credited as earned, and which may be taken either on such holiday or any other time, but only at the convenience of the City. Employees shall receive eight (8) hours for each recognized holiday. Should a holiday fall on a nine-hour work day, employees shall use their accumulated leave time (Administrative Time Off, Executive Leave, floating holiday, sick leave or vacation) to supplement the holiday hours in order to complete the nine-hour day.

The legal holidays of the City are:

- January 1
- Presidents' Day
- Memorial Day
- July 4
- Labor Day

- Fourth Thursday in November
- The Friday following the Fourth Thursday of November
- December 25
- Two (2) Floating Holidays, to be taken at the convenience of the City, after sixty (60) days continuous employment. Such holidays are not eligible for cash payment upon termination or retirement and must be taken within the calendar year.
- Every day appointed by the President or Governor for public fast, thanksgiving, or holiday and so proclaimed by the Mayor.

### SECTION 13. HOLIDAY FURLOUGH.

City offices will be closed between Christmas and New Year. Employees will be allowed to use banked time (Administrative Time Off, Executive Leave, floating holiday, sick leave or vacation) to cover time employees are off. Employees may choose time off without pay.

### SECTION 14. LEAVES OF ABSENCE.

A. Family and Medical Care Leave - Employees are entitled to all rights available under the Federal Family and Medical Leave Act (FMLA) and the California Family Rights Act (CFRA). The following shall clarify the City's administration of Family and Medical Care Leave:

Declaration of Family and Medical Care Leave – In addition to qualifying employee requests for Family and Medical Care Leave, the City retains the right to declare an employee out on Family and Medical Care Leave for employee absences which are FMLA/CFRA-eligible. In such cases, the City shall count the duration of such leave against the employee's 12-week leave entitlement.

Calculation of 12 Months for Purposes of Eligibility: Eligible employees are generally entitled to up to 12 weeks of Family and Medical Care Leave for qualifying purposes in a 12-month period (additional time may be available for qualifying employees under Military Family Leave regulations). The City shall compute the 12-month period using a "rolling" 12-month period, measured backward from the date leave is used. Under this method, each time an employee takes a Family and Medical Care Leave, the remaining leave entitlement would be any balance of the 12 weeks which has not been used during the immediately preceding 12 months.

Use of Leave – "Bonding" Leave: An employee shall use Vacation Leave in connection with "bonding" leave, as defined under the FMLA and CFRA. If an employee has exhausted his/her accumulated Vacation Leave, an employee may use accumulated Sick Leave for "bonding" leave. An employee may also, at his/her discretion, use Compensatory Time Off for "bonding" leave.

Sick Leave may be used during "bonding" leave if such leave is also taken in connection with a personal or family illness. The City may require medical certification for use of Sick Leave during "bonding" leave. For "bonding" leave taken due to the birth of an employee's child, an employee shall be allowed to use Sick Leave for up to four weeks. Use of Sick Leave of longer than four weeks for "bonding" due to the birth of an employee's child shall require medical certification of personal or family illness.

Use of Leave – Personal/Family Illness: An employee shall use Sick Leave for leave in connection with a personal or family illness. If an employee has exhausted his/her accumulated Sick Leave, an employee may use accumulated Vacation Leave. An employee may, at his/her discretion, use Compensatory Time Off for leave in connection with a personal or family illness.

Intermittent Leave: An employee is not required to take Family and Medical Care Leave in one continuous block of time. Generally, leave may be taken intermittently or on a reduced leave schedule only when medically necessary or due to a "qualifying exigency" under Military Family Leave regulations. Employees must make reasonable efforts to schedule leave so as not to unduly disrupt the City's operations.

The minimum duration of "bonding" leave shall be two weeks, but the City shall permit an eligible employee to take "bonding" leave of at least one day, but less than two weeks, on two occasions.

B. Military Leave - Employees are entitled to all rights available under the Federal Uniformed Services Employment and Reemployment Rights Act (USERRA) and the California Military and Veterans Code. In addition, the City has extended additional benefits to employees called to active duty by Council adopted Resolution.

C. Catastrophic Leave Donations - In recognition of the fact that catastrophic illness or injury can cause employees a financial hardship, an employee may apply for Catastrophic Leave donations from fellow City employees. This will allow the employee facing financial hardship to remain on payroll through the use of Sick Leave hours. Requests for Catastrophic Leave donations shall be made through and from the Human Resources Department.

In order to be eligible for Catastrophic Leave donations, an employee must have exhausted all accumulated leave balances and must be expected to be absent from the workplace due to personal illness or injury, or due to the illness or injury of an immediate family member which requires the care of the employee.

Donations shall be limited to whole hour increments of Vacation, Comp Time, and Sick Leave (Sick Leave shall be donated at 50% value). The donating employee shall have his/her leave hours deducted accordingly and the recipient shall have donated hours credited to his/her Sick Leave account. Donated hours shall be converted to Sick Leave hours for the recipient as follows:

1. Donated hours multiplied by donating employee's hourly rate (base pay, CMS and education pay included);
2. This amount divided by the recipient's hourly rate (base pay, CMS and education pay included);
3. Result is the number of hours the recipient will have credited to their Sick Leave account

In the event that an eligible employee receives donations of leave in excess of that which is required, unused hours shall be deposited into a Catastrophic Leave Bank for future use by eligible employees covered by this Resolution. Unused hours shall be multiplied by the primary recipient's hourly rate to determine a total monetary amount available for future Catastrophic Leave Donation requests. The total amount available shall be divided by a future recipient's hourly rate to determine how many hours are available for that recipient.

D. Employees may request other forms of leaves of absence pursuant to provisions outlined in the Personnel Policy Manual.

E. Any employee who engages in outside employment during any leave of absence without prior notification and approval of the City Manager and department head shall be subject to termination. Any employee who falsified the reason for the request of said leave of absence may be terminated for falsifying a request for leave of absence or extension thereof.

#### SECTION 15. BEREAVEMENT LEAVE

In the event of death in the immediate family (spouse, child, foster or stepchild, parent, grandparent, great grandparent, grandchild, sibling, aunt, uncle, niece, nephew or such relative of spouse) requiring travel within a 500 mile radius of Westminster, the employee shall be granted necessary time off up to twenty-four (24) hours with pay, not to be charged against the employee's sick account, to attend the funeral or memorial services, or to assist with related family matters. If it is necessary for an employee to travel outside the immediate area due to a death in the immediate family, upon approval of the Director of Human Resources, leave may be extended to forty (40) hours to attend the funeral or memorial services or to attend to related family matters. Immediate area is defined to be a 500-mile radius of Westminster.

## SECTION 16. RETIREMENT – TIER 1

Section 16 of this Article shall be applicable to employees hired prior to July 28, 2011.

### A. PERS RETIREMENT – SAFETY EMPLOYEES

Safety employees shall be members of the Public Employees' Retirement System (PERS) and shall be eligible for retirement benefits based upon the 3% at age 50 formula, using the average monthly salary earned during the highest twelve (12) consecutive months of employment to establish final compensation.

The member (employee) contribution rate for Safety employees is established by State Legislation and is currently set at 9.0% of "PERSable" salary.

#### Payment by City and Employee of Employee's Retirement Contribution

The City and employee shall pay the employee's share of PERS contribution in the following manner:

1. The City shall make employee contributions to PERS in the amount of 9.0% of "PERSable" salary. The City will allow these contributions to be treated as "pick up" in accordance with Section 414(h)2 of the Internal Revenue Service Code and applicable Government Code sections. These "pick up" contributions will be treated as deferred income to the employee for federal and state tax purposes to the extent permissible by law. Payment will be credited to the employee's individual account with PERS.
2. Effective the pay period beginning July 30, 2011 employees shall reimburse the City for PERS payments in an amount of 5.0% of "PERSable" salary. This reimbursement shall be administered via payroll deduction.
3. Effective July 1, 2012, the employee reimbursement shall increase to 9.0% of "PERSable" salary. Implementation of the 9.0% employee reimbursement shall take effect on the first full pay period after July 1, 2012.

### B. PERS RETIREMENT – NON-SAFETY EMPLOYEES

Non-Safety (Miscellaneous) employees shall be eligible for retirement benefits based upon the 2.5% at age 55 formula, using the average monthly salary earned during the highest twelve (12) consecutive months of employment to establish final compensation.

The member (employee) contribution rate for Non-Safety (Miscellaneous) employees is established by State Legislation and is currently set at 8.0% of "PERSable" salary.

## Payment by City and Employee of Employee's Retirement Contribution

The City and employee shall pay the employee's share of PERS contribution in the following manner:

1. The City shall make employee contributions to PERS in the amount of 8.0% of "PERSable" salary. The City will allow these contributions to be treated as "pick up" in accordance with Section 414(h)2 of the Internal Revenue Service Code and applicable Government Code sections. These "pick up" contributions will be treated as deferred income to the employee for federal and state tax purposes to the extent permissible by law. Payment will be credited to the employee's individual account with PERS.
2. Effective the pay period beginning July 30, 2011 employees shall reimburse the City for PERS payments in an amount of 5.0% of "PERSable" salary. This reimbursement shall be administered via payroll deduction.
3. Effective July 1, 2012, the employee reimbursement shall increase to 8.0% of "PERSable" salary. Implementation of the 8.0% employee reimbursement shall take effect on the first full pay period after July 1, 2012.

## C. PAYMENT BY CITY OF EMPLOYER'S RETIREMENT CONTRIBUTION

During the term of this agreement, the City shall be responsible for the total amount of the employer share of the PERS retirement rates. In the event there are any increases in the employer share during the term of the agreement, such increases shall be the sole responsibility of the City. Further, should there be any decreases in the employer share of the PERS retirement rates, such decreases shall inure to the City and are not subject to bargaining during the term of the agreement.

## D. DISABILITY RETIREMENT

A miscellaneous employee becoming disabled to the extent that he/she is incapable of performing his/her duties shall be eligible for disability retirement provided he has at least five (5) years of service. The monthly retirement allowance for those with less than ten (10) years services is 1.80% of final compensation for each year of service. For those with ten (10) years to 18.51 years of service, the monthly retirement allowance will be a minimum guarantee of one-third of final compensation for most employees who have rendered at least ten (10) years of service. For those with 18.51 or more years of service, the monthly retirement allowance will be 1.8% of final compensation for each year of service. The disability retirement allowance shall under no circumstances exceed the service retirement allowance payable upon retirement for service at age 60 if employment could be continued to that age.

A sworn employee, who becomes disabled while a member of the System for reasons arising out of his/her employment, will be eligible for a life income of fifty percent (50%) of his/her final compensation. If his/her disability is such that he/she is also entitled to a disability income from Social Security, the State System benefit will be reduced by the amount of his/her Social Security benefit.

#### E. DEATH BEFORE RETIREMENT

This benefit is a refund of the member's accumulated contributions to the retirement fund plus interest, plus six (6) months' salary, provided he/she has been a member of the Retirement System for six years or more. For those who die before completing six years membership, the benefit is one month's salary for each year of membership plus refund of contributions and interest. The salary referred to is that earned during the year preceding death. Prior service does not count toward this benefit.

#### F. INDUSTRIAL DEATH

If death is service connected in the judgment of the Industrial Accidents Commission, a monthly income is paid to the widow/widower for life (or until remarriage) instead of the above basic death benefit. However, if she/he is also eligible for survivor benefits from Social Security because of the member's death, the State System benefit will be reduced by the amount of such Social Security so long as Social Security benefits are payable (usually until the youngest child reaches 18 and after the widow/widower reaches age 62). The total, including Social Security, would be 50% of final compensation. If death was caused by external violence or physical force, the total benefit (including Social Security) would be increased to the following percentages of final compensation so long as the widow lives and does not remarry:

- Widow or widower with 3 or more children under 18 75.0%
- Widow or Widower with 2 children under 18 70.0%
- Widow or widower with 1 child under 18 62.5%

#### G. 1959 SURVIVOR BENEFITS

A monthly allowance shall be paid to certain survivors of a member who dies before retirement. The City shall provide Level IV of this benefit.

#### H. DEATH AFTER RETIREMENT

The death benefit is \$500 if death occurs after retirement. This amount will be in addition to any payments, which might be made after an optional retirement benefit chosen by the member at his/her retirement.

## I. TERMINATION OF ENROLLMENT

Upon termination of employment, an employee with five or more years of service may either leave his contributions with the Retirement System and receive, upon attaining retirement age, the retirement benefit he has earned, or he/she may withdraw his/her contributions (plus interest), thus terminating his/her membership in the System and receiving no retirement benefits. Except (1) a member with less than five years of service shall not have interest refunded upon termination of employment, and (2) a member who is transferring to employment with another agency covered by the System shall not have the right of withdrawing his/her accumulated contributions, but the contributions will be transferred with the member.

### SECTION 16.1 RETIREMENT – TIER 2

Section 16.1 of this Article shall be applicable to employees hired on or after July 28, 2011. In the event that an employee is hired on or after July 28, 2011, but prior to the full implementation of the new Tier 2 benefits contained in this Section, the employee shall be entitled to the Tier 1 retirement benefits contained in Section 16.

#### A. PERS RETIREMENT – SAFETY EMPLOYEES

Safety employees shall be members of the Public Employees' Retirement System (PERS) and shall be eligible for retirement benefits based upon the 2% at age 50 formula, using the average monthly salary earned during the highest thirty-six (36) consecutive months of employment to establish final compensation.

The member (employee) contribution rate for Safety employees is established by State Legislation and is currently set at 9.0% of "PERSable" salary.

#### Payment by City and Employee of Employee's Retirement Contribution

The City and employee shall pay the employee's share of PERS contribution in the following manner:

1. The City shall make employee contributions to PERS in the amount of 9.0% of "PERSable" salary. The City will allow these contributions to be treated as "pick up" in accordance with Section 414(h)2 of the Internal Revenue Service Code and applicable Government Code sections. These "pick up" contributions will be treated as deferred income to the employee for federal and state tax purposes to the extent permissible by law. Payment will be credited to the employee's individual account with PERS.

2. Effective the pay period beginning July 30, 2011 employees shall reimburse the City for PERS payments in an amount of 9.0% of "PERSable" salary. This reimbursement shall be administered via payroll deduction.

## B. PERS RETIREMENT – NON-SAFETY EMPLOYEES

Non-Safety (Miscellaneous) employees shall be eligible for retirement benefits based upon the 2.0% at age 60 formula, using the average monthly salary earned during the highest thirty-six (36) consecutive months of employment to establish final compensation.

The member (employee) contribution rate for Non-Safety (Miscellaneous) employees is established by State Legislation and is currently set at 7.0% of "PERSable" salary.

### Payment by City and Employee of Employee's Retirement Contribution

The City and employee shall pay the employee's share of PERS contribution in the following manner:

1. The City shall make employee contributions to PERS in the amount of 7.0% of "PERSable" salary. The City will allow these contributions to be treated as "pick up" in accordance with Section 414(h)2 of the Internal Revenue Service Code and applicable Government Code sections. These "pick up" contributions will be treated as deferred income to the employee for federal and state tax purposes to the extent permissible by law. Payment will be credited to the employee's individual account with PERS.
2. Effective the pay period beginning July 30, 2011 employees shall reimburse the City for PERS payments in an amount of 7.0% of "PERSable" salary. This reimbursement shall be administered via payroll deduction.
3. For any employee hired prior to the full implementation of the new 2.0% at age 60 formula, the employee shall reimburse the City for PERS payments in an amount of 8.0% of "PERSable" salary until such time as the new member contribution of 7.0% takes effect.

## C. PAYMENT BY CITY OF EMPLOYER'S RETIREMENT CONTRIBUTION

During the term of this agreement, the City shall be responsible for the total amount of the employer share of the PERS retirement rates. In the event there are any increases in the employer share during the term of the agreement, such increases shall be the sole responsibility of the City. Further, should there be any decreases in the employer share of the PERS retirement rates, such decreases shall inure to the City and are not subject to bargaining during the term of the agreement.

D. All other rights and benefits available to employees under Subsections 16.D, 16.E, 16.F, 16.G, 16.H and 16.I of this Article are hereby incorporated into Section 16.1 of this Article.

SECTION 17. HEALTH BENEFIT PROGRAM.

The City shall maintain a comprehensive health benefit program consisting of the following programs:

- Comprehensive family health medical coverage
- Dental care
- Vision care
- Life insurance

The City's Health Benefit Program may be increased in scope at any time. However, the benefit program may not be decreased without providing an equivalent program.

City contribution to the Program shall be:

A. Medical coverage:

1) \$936.60 per month

2) Employees who participate in the CalPERS health insurance program and are enrolled in the Family level of coverage shall receive an additional City contribution of \$100 per month. This additional contribution shall be available to active City employees only and shall not be included in any retiree medical benefit to which City employees may be entitled to upon retirement from the City.

B. In addition to health care coverage, the City shall contribute \$50.00 per month for use on any remaining health care benefits (dental, life, vision, AFLAC or PERS Long Term Care).

C. Life insurance coverage, if selected by the employee, shall provide for \$35,000 death benefit and \$35,000 accidental death or dismemberment rider. Dependent life insurance coverage shall provide for \$1,500 death benefit and \$1,500 accidental death or dismemberment rider.

D. The City shall make every reasonable effort to participate in and provide an IRS Section 125 cafeteria plan and shall include if possible all options provided by law.

E. Effective January 1, 2008, the City has implemented a full flex cafeteria plan. Employees participating in the City's full flex cafeteria plan shall receive a flex dollar allowance to purchase group health coverage under the plan. The flex dollar allowance for the term of this agreement shall be as follows (combining the \$936.60 and the supplemental amounts specified in subsection (B) above):

\$986.60 per month

A portion of the flex dollar allowance is identified as the City's mandatory contribution towards CalPERS Health under the Public Employees' Medical and Hospital Care Act (PEMHCA), hereinafter referred to as the "PEMHCA minimum contribution". Commencing January 1, 2009, the PEMHCA minimum contribution shall be adjusted annually by an amount to be determined by CalPERS (\$108 per month in calendar year 2011 and \$112 per month in calendar year 2012). Remaining flex dollars shall be used by employees to participate in the City's health benefits plans.

Unused flex dollar allowances, after the employee has elected the coverage under the Cafeteria plan they desire, can be taken by the employee as cash (taxable income); or deposited into the following tax deferred options: 1) employee's Health Care spending account (Sec. 125 plan), 2) Dependent Care Spending account, 3) 457 Deferred Compensation plan; or used to purchase voluntary products. Employees who do not use the full monthly maximum benefit amount shall be paid the unused amount on the first payday of the month.

The additional medical contribution for Family coverage, as provided in Section 17.A.2 of this Article, shall not be part of the City's cafeteria plan.

F. Effective January 1, 2008, the City shall provide vision coverage under the VSP insurance plan.

G. Long Term Disability Plan. Effective January 1, 2008, the City shall provide Long Term Disability Insurance benefits for all employees covered by this agreement. The benefit shall equal 66.67% of the employee's basic earnings, reduced by any deductible benefits received from other sources. No benefits shall be payable for the first 90 calendar days of each period of disability. After LTD benefits commence, the employee may use any remaining paid leave to supplement such benefits during the term of disability leave. The amount of supplementation, in conjunction with the LTD benefit payment, shall not exceed the employee's normal payroll for the period. All remaining sick leave must be used before vacation or other accumulated leave can be used for this purpose.

SECTION 18. CONTINUATION OF MEDICAL, DENTAL, LIFE AND VISION INSURANCE UPON RETIREMENT.

A. TIER 3

Eligibility for City contribution to the retiree Health Benefits Program for employees hired on or after January 1, 2011, shall be based on the following schedule:

1. Employees retiring from the City with less than 15 consecutive years of service with the City of Westminster shall be eligible for a City contribution to the Retiree Health Plan equal to the PEMHCA minimum

contribution to CalPERS Health (e.g., \$108 effective January 2011 and \$112 effective January 2012).

2. Employees retiring from the City with more than 15 years of consecutive service with the City of Westminster shall be eligible for a City contribution to medical coverage equal to \$400 per month.

3. The City contribution to medical coverage shall continue to a surviving spouse of a deceased retiree only until the surviving spouse becomes Medicare eligible, at which time the City contribution shall be discontinued.

4. Employees shall not be eligible for any City contribution toward continuation of ancillary benefits (e.g., dental, vision, life insurance). Employees shall not be eligible for continuation in the City's group policy for these benefits except as required by COBRA regulations.

#### B. TIER 2

Eligibility for City contribution to the retiree Health Benefits Program for employees hired on or after August 10, 2005, and on or before December 31, 2010, shall be based on the following schedule:

1. Employees retiring from the City with less than 5 consecutive years of service with the City of Westminster shall be eligible for a City contribution to the Retiree Health Plan equal to the PEMHCA minimum contribution to CalPERS Health (e.g., \$108 effective January 2011 and \$112 effective January 2012).

2. Employees retiring from the City with more than 5 years of consecutive service through 10 years of consecutive service with the City of Westminster shall be eligible for 25% of the City contribution to medical coverage only for active employees (e.g.,  $\$936.60 \times 25\% = \$234.15$  effective January 2008).

3. Employees retiring from the City with more than 10 years of consecutive service through 15 years of consecutive service with the City of Westminster shall be eligible for 50% of the City contribution medical coverage only for active employees (e.g.,  $\$936.60 \times 50\% = \$468.30$  effective January 2008).

4. Employees retiring from the City with more than 15 years of consecutive service with the City of Westminster shall be eligible for 100% of the City contribution to medical coverage only for active employees (e.g., \$936.60 effective January 2008).

5. Retirees will continue to receive vision coverage, life insurance to \$35,000 (dependent upon age) with a City contribution to the premium not to exceed \$19.10 per month, and a contribution to dental insurance benefits not to exceed \$20.00 per month.

C. TIER 1

1. Represented employees hired prior to August 10, 2005, who retire from City service, shall be eligible after retirement for continuation of medical insurance at the same level as active employees in accordance with Section 17.A.1 of this Resolution.

2. Retirees will continue to receive vision coverage, life insurance to \$35,000 (dependent upon age) with a City contribution to the premium not to exceed \$19.10 per month, and a contribution to dental insurance benefits not to exceed \$20.00 per month.

D. In order to implement the tiered benefit contained in this section, effective January 1, 2008 the City's contribution towards CalPERS Health coverage shall be the minimum required contribution established by CalPERS under the Public Employees' Medical and Hospital Care Act (PEMHCA), hereinafter referred to as the "PEMHCA minimum contribution". Commencing January 1, 2009, the PEMHCA minimum contribution shall be adjusted annually by an amount to be determined by CalPERS (\$108 effective January 2011 and \$112 effective January 2012).

California Government Code Section 22892 (b) (1) requires the City to pay an equal amount towards the cost of medical coverage under PEMHCA for both active and retirees. Retirees shall have additional medical premiums deducted from their retirement check. City contributions required under this section shall be made directly by the City to eligible retirees on or about the 1<sup>st</sup> of each month. Retirees may receive these contributions either by check or direct deposit.

SECTION 19. TUITION REIMBURSEMENT:

Full time employees who have successfully completed their probationary period may be eligible for tuition reimbursement for course work taken from any college, university, or accredited institution which increases the employees' value to the City. To be eligible, the employee must receive a grade "C" or higher, and upon completion must verify the grade received. Courses must be approved in advance by the department head and the City Manager on the appropriate form. In the event the employee resigns or is removed from City service within one year following completion of the approved courses for which the City funds have been expended, the amount of tuition reimbursement paid by the City will be repaid to the City by means of a payroll deduction from the employee's last paycheck.

Reimbursement is limited to fifty percent (50%) of tuition cost, with a fiscal year limit to \$500.00 maximum per fiscal year.

## SECTION 20. UNIFORMS.

Employees required to wear a distinctive uniform will be furnished such uniform or will receive a uniform allowance.

## SECTION 21. JOB-CONNECTED ILLNESS OR INJURY.

Non-sworn employees shall be entitled to a temporary disability at a maximum of six (6) months paid leave for job connected illness or injury, unless disability becomes permanent and stationary prior to expiration of six (6) months, such time not to be charged against sick leave or vacation. Such leave is to be determined by one of the doctors from the panel established by the Human Resources Department. If disability exceeds six months, employee may elect to receive only workers' compensation benefits, or have sick leave or vacation charged for the difference between workers' compensation and his/her regular salary and receive a full paycheck, not to exceed the maximum disability period allowed under Workers' Compensation law.

## SECTION 22. EMPLOYEE DISCIPLINE

Disciplinary action against employees in the Classified Service shall be taken in accordance with procedures outlined in Article X of the City of Westminster Personnel Policy Manual.

All employees other than those excepted by Westminster Municipal Code Section 2.68.050 shall be considered members of the Classified Service. Employees excepted by Westminster Municipal Code Section 2.68.050 are considered "at-will" employees and not entitled to the procedures outlined in this Section and in Article X of the City of Westminster Personnel Policy Manual.

### **Appeal Hearings for Disciplinary Action**

Should a permanent employee wish to appeal the decision of the City Manager in a case involving major discipline (defined as termination, suspension greater than five (5) days, or a demotion equivalent to more than five (5) days of pay), the matter shall be submitted to an independent arbitrator mutually selected by the parties who shall hear and consider the matter in accordance with the City's adopted rules and regulations.

The request must be filed, in writing, to the City Manager within five (5) working days after final action is taken and written notice has been given to the employee. The Hearing Officer shall be selected from a list of seven (7) arbitrators provided by AAA who are members of the National Academy of Arbitrators or through a list of Hearing Officers from the State Mediation and Conciliation Service. If the parties cannot agree on selection of a Hearing Officer, then the parties will alternately strike names until one name remains. Any decision of the Hearing Officer shall be final and conclusive, subject only to review pursuant to CCP §1094.5.

RESOLUTION NO. 4408 - EXHIBIT 1

CITY OF WESTMINSTER  
 MANAGEMENT / ADMINISTRATIVE / CONFIDENTIAL SALARY SCHEDULE  
 EFFECTIVE JULY 28, 2011

GRADE	CLASSIFICATION	STEP A	STEP B	STEP C	STEP D	STEP E	STEP F
A90	Accounting Manager	\$6,676	\$7,010	\$7,361	\$7,729	\$8,115	\$8,521
A28	Administrative Analyst	\$4,662	\$4,895	\$5,140	\$5,397	\$5,667	\$5,950
A43	Administrative Assistant	\$4,695	\$4,930	\$5,177	\$5,436	\$5,708	\$5,993
A43B	Administrative Assistant II	\$4,067	\$4,270	\$4,483	\$4,707	\$4,942	\$5,189
A27K	Administrative Assistant II/City Council	\$4,067	\$4,270	\$4,483	\$4,707	\$4,942	\$5,189
A30	Assistant City Clerk	\$4,649	\$4,881	\$5,125	\$5,381	\$5,650	\$5,933
A56B	Assistant City Engineer	\$7,722	\$8,108	\$8,513	\$8,939	\$9,386	\$9,855
A99A	Assistant City Manager	\$11,621	\$12,202	\$12,812	\$13,453	\$14,126	\$14,832
A84	Assistant Community Services Director	\$6,626	\$6,957	\$7,305	\$7,670	\$8,054	\$8,457
A33	Assistant Planner	\$4,808	\$5,048	\$5,300	\$5,565	\$5,843	\$6,135
A85	Assistant to the City Manager	\$6,930	\$7,277	\$7,641	\$8,023	\$8,424	\$8,845
A56A	Associate Civil Engineer	\$6,391	\$6,711	\$7,047	\$7,399	\$7,769	\$8,157
A51	Associate Planner	\$5,521	\$5,797	\$6,087	\$6,391	\$6,711	\$7,047
A83	Building Official	\$8,130	\$8,536	\$8,963	\$9,411	\$9,882	\$10,376
A25	City Cable TV Production Supervisor	\$5,536	\$5,813	\$6,104	\$6,409	\$6,729	\$7,065
A86	City Clerk	\$7,989	\$8,388	\$8,807	\$9,247	\$9,709	\$10,194
A39A	City Housing Coordinator	\$6,930	\$7,277	\$7,641	\$8,023	\$8,424	\$8,845
A39	City Housing Supervisor	\$6,143	\$6,450	\$6,772	\$7,111	\$7,467	\$7,840
A37	Civil Engineering Assistant	\$5,287	\$5,551	\$5,829	\$6,120	\$6,426	\$6,747
A56	Civil Engineering Associate	\$6,391	\$6,711	\$7,047	\$7,399	\$7,769	\$8,157
A37A	Civil Engineering Principal	\$7,030	\$7,381	\$7,750	\$8,138	\$8,545	\$8,972
A59	Code Enforcement Manager	\$6,837	\$7,179	\$7,538	\$7,915	\$8,311	\$8,727
A50	Community Development Director	\$9,626	\$10,107	\$10,612	\$11,143	\$11,700	\$12,285
A27	Community Services Coordinator	\$4,067	\$4,270	\$4,483	\$4,707	\$4,942	\$5,189
A89	Community Services Director	\$9,140	\$9,597	\$10,077	\$10,581	\$11,110	\$11,665
A36	Community Services Supervisor	\$4,640	\$4,872	\$5,116	\$5,372	\$5,641	\$5,923
A81	Director of Human Resources & Risk Management	\$9,551	\$10,029	\$10,530	\$11,057	\$11,610	\$12,190
A94	Director of Public Works/City Engineer	\$10,565	\$11,093	\$11,648	\$12,230	\$12,842	\$13,484
A55	Economic Development Manager	\$6,943	\$7,290	\$7,655	\$8,038	\$8,440	\$8,862
A35A	Economic Development Specialist	\$4,662	\$4,895	\$5,140	\$5,397	\$5,667	\$5,950
A35B	Executive Assistant/City Manager's Office	\$4,676	\$4,910	\$5,156	\$5,414	\$5,685	\$5,969
A09	Family Resource Center Supervisor	\$4,640	\$4,872	\$5,116	\$5,372	\$5,641	\$5,923
A88	Finance Director/City Treasurer	\$10,467	\$10,990	\$11,539	\$12,116	\$12,722	\$13,358
A87	Financial Services Manager	\$6,957	\$7,305	\$7,670	\$8,054	\$8,457	\$8,880
A32	Gang/Drug Prevention Worker	\$4,178	\$4,387	\$4,605	\$4,836	\$5,078	\$5,332
A40	Garage Superintendent	\$6,278	\$6,592	\$6,922	\$7,268	\$7,631	\$8,013
A12A	Housing Specialist	\$5,165	\$5,423	\$5,694	\$5,979	\$6,278	\$6,592
A23A	Human Resources Assistant	\$4,067	\$4,270	\$4,483	\$4,707	\$4,942	\$5,189
A34	Information Services Manager	\$7,964	\$8,362	\$8,780	\$9,219	\$9,680	\$10,164
A44	Information Systems Specialist	\$4,220	\$4,431	\$4,653	\$4,886	\$5,130	\$5,387
A42	Maintenance Superintendent	\$6,278	\$6,592	\$6,922	\$7,268	\$7,631	\$8,013
A35C	Management Analyst	\$4,676	\$4,910	\$5,156	\$5,414	\$5,685	\$5,969
A26	Personnel Analyst	\$4,725	\$4,961	\$5,209	\$5,469	\$5,742	\$6,029
A58	Plan Check Engineer	\$6,391	\$6,711	\$7,047	\$7,399	\$7,769	\$8,157
A49	Plan Checker	\$5,512	\$5,788	\$6,077	\$6,381	\$6,700	\$7,035
A47A	Planning Manager	\$8,130	\$8,536	\$8,963	\$9,411	\$9,882	\$10,376
A29	Planning Technician	\$4,067	\$4,270	\$4,483	\$4,707	\$4,942	\$5,189
A92	Police Captain	\$10,397	\$10,917	\$11,463	\$12,036	\$12,638	\$13,270
A97	Police Chief	\$12,009	\$12,609	\$13,239	\$13,901	\$14,596	\$15,326
A46	Programmer Analyst	\$5,425	\$5,696	\$5,981	\$6,280	\$6,594	\$6,924
A38	Public Works Manager/Maintenance Operations	\$8,062	\$8,465	\$8,888	\$9,332	\$9,799	\$10,289
A48	Public Works Manager/Water	\$7,318	\$7,684	\$8,068	\$8,471	\$8,895	\$9,340
A54	Purchasing Officer	\$6,363	\$6,681	\$7,015	\$7,366	\$7,734	\$8,121
A27B	Rehabilitation Specialist	\$4,067	\$4,270	\$4,483	\$4,707	\$4,942	\$5,189
A53	Research Analyst	\$6,260	\$6,573	\$6,902	\$7,247	\$7,609	\$7,989
A60	Risk Management/Benefits Officer	\$6,666	\$6,999	\$7,349	\$7,716	\$8,102	\$8,507
A43D	Senior Administrative Assistant	\$4,471	\$4,695	\$4,930	\$5,176	\$5,435	\$5,707
A36B	Senior Center Supervisor	\$4,640	\$4,872	\$5,116	\$5,372	\$5,641	\$5,923
A51A	Senior Planner	\$6,636	\$6,968	\$7,316	\$7,682	\$8,066	\$8,469
A52	Senior Programmer Analyst	\$6,210	\$6,521	\$6,847	\$7,189	\$7,548	\$7,925
A31	Senior Staff Accountant	\$5,328	\$5,594	\$5,874	\$6,168	\$6,476	\$6,800
A27I	Staff Accountant	\$4,433	\$4,655	\$4,888	\$5,132	\$5,389	\$5,658
A52A	Systems Administrator	\$6,210	\$6,521	\$6,847	\$7,189	\$7,548	\$7,925
A41	Water Superintendent	\$6,278	\$6,592	\$6,922	\$7,268	\$7,631	\$8,013

The City shall bear the costs associated with arbitration. These costs shall be limited to the cost of the arbitrator and court reporting services.

SECTION 23. ALL RESOLUTIONS IN CONFLICT, ETC.

All resolutions of the City of Westminster in conflict herewith are hereby repealed.

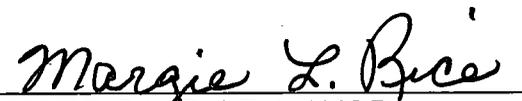
SECTION 24. EFFECTIVE DATE.

This Resolution shall be effective beginning July 1, 2012 and shall remain in effect until June 30, 2014 unless amended by subsequent City Council Resolution.

The City Clerk shall certify to the passage and adoption hereof.

PASSED, APPROVED AND ADOPTED this 23<sup>rd</sup> day of May, 2012, by the following vote:

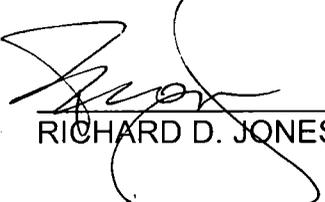
AYES:	COUNCIL MEMBERS:	RICE, TA, QUACH, DIEP
NOES:	COUNCIL MEMBERS:	NONE
ABSENT:	COUNCIL MEMBERS:	FRY

  
MARGIE L. RICE, MAYOR

ATTEST:

  
ROBIN L. ROBERTS, MMC  
CITY CLERK

APPROVED AS TO FORM:

  
RICHARD D. JONES, CITY ATTORNEY

STATE OF CALIFORNIA )  
COUNTY OF ORANGE ) ss.  
CITY OF WESTMINSTER )

I, ROBIN L. ROBERTS, hereby certify that I am the duly appointed City Clerk of the City of Westminster and that the foregoing resolution was duly adopted at a regular meeting of the City Council of the City of Westminster held on the 23<sup>rd</sup> day of May, 2012.



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Robin L. Roberts, MMC  
City Clerk