

RESOLUTION NO. 6051

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDENA, CALIFORNIA, FIXING AND ESTABLISHING THE RATE OF COMPENSATION AND/OR BENEFITS FOR EMPLOYEE POSITIONS IN SAID CITY, WHICH ARE NOT COVERED UNDER AN APPROVED MEMORANDUM OF UNDERSTANDING WITH A RECOGNIZED COLLECTIVE BARGAINING GROUP

WHEREAS, on January 25, 2011, the City Council approved Resolution No. 5182 setting forth the rate of compensation and/or benefits for all unrepresented management and confidential 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 who are not covered under an approved Memorandum of Understanding with a recognized employee labor organization.

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 on the basis of merit, skill, and internal equity for both represented and unrepresented employees.

For the determination of benefits for employees 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 recognized by the City; Sworn Management employees shall be considered part of the Gardena Police Officers Association (GPOA) except as stated herein.

SECTION 2. UNREPRESENTED POSITIONS: Elected, appointed, executive management, confidential, and any other positions not represented by a designated labor group for the purposes of 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 the purpose of determining benefits shall be deemed to be classified as "Unrepresented Executive Employees" and shall receive the same benefits which are available to Executive Management positions.
2. **APPOINTED POSITIONS (AT-WILL)** shall include the Chief Deputy City Clerk and the Deputy City Treasurer.
 - a. Appointed positions serve 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 in the Elected and Administrative Offices who fit the definition of confidential as stated herein and are designated as "Confidential" by the City Manager.

- 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 further the intent of the City Council to attract and maintain skilled management, technical, and professional employees in positions which are funded by federal, state and/or funding sources other than the City General Fund, who are not represented by an employee labor organization and not covered under an approved Memorandum of Understanding (herein referred to as "Grants Employees")..
- b. Transitional positions include any employee appointed to a position which is funded by federal, state or other funding source other than the City General Fund or Enterprise Funds. 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 a special program need for a limited service period.
- 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 stated in the City Salary and Classification Plan with the respective grant funding agency. Should the grant not provide for the same level of salary 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 Memorandum of Understanding with the respective employee bargaining group.
- g. Transitional employees shall receive the same benefits as respective management or non-management employee in a comparable position, subject to availability of funding from sources other than the City General Fund.

SECTION 3. COMPENSATION:

- 1. **Base Salaries.** Unrepresented employees, as designated herein, shall be entitled to receive the applicable, respective rate of compensation prescribed as specified in "Exhibit A" (Positions and Classification Schedules) at the rate set forth in the City's Classification and Compensation Plan subject to the final approval of 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 the service of the City 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	\$290.00

- v. Department Heads \$260.00
 - 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. Any and 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.** All Unrepresented Management and Confidential employees as designated herein shall receive meal reimbursement in accordance with the policy and procedures for travel and expense reimbursement adopted by the City Council, to the extent such employees are covered by said policy. Such employees not covered by said policy, as authorized by the City Manager or respective department head, shall receive a Per Diem rate of \$45.00 to cover the cost of incidental expenses incurred while on extended City business outside of the City consistent with Council Policy regarding travel and expenditures. Said Per Diem shall be compensation in full to the employee for incidental expenses incurred, and the City is to be put to no further cost or expense of any kind whatsoever or at all with reference thereto.

SECTION 4. WORKING SCHEDULE:

1. **Working 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.
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 accruable for said employee, subject, however, to the following exceptions:
 - a. Department personnel included in the Management Compensation Plan, as designated herein, whose regular duty assignments require that the employee works on an observed holiday during which other City employees are not required to work, shall be paid at straight time, or shall receive straight time off at the discretion of the department head, the hours equivalent to those which he or she worked on the holiday.
 - b. Any employee, designated herein, entitled to overtime pay pursuant to the Fair Labor Standards Act (FLSA) shall receive discretionary leave. Such leave shall be considered as a credit against any overtime pay to which the employee may become entitled during the calendar year. Should an employee fail to work sufficient number of hours equal to the credit, the employee shall still be entitled to such leave.
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. 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 a minimum, five percent (5%) higher than the appointed employees pay rate in his or her regular classification. Employees acting in the capacity of City Manager shall be compensated at ten percent (10%) above his/her regular rate of pay.
4. **Special Holiday Provisions.** All employees covered herein, shall receive the same special holiday provisions provided to miscellaneous employees as set forth in the Memorandum of Understanding 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 designated holiday. Hours off shall be pre-approved by the appropriate department head. 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. All health and insurance benefits shall be provided to all employees designated herein in accordance with SECTION 1. CITY COUNCIL PAY POLICY of this Resolution, except as provided in SECTION 2. (5) TRANSITIONAL POSITIONS.
2. **Life Insurance.** Term Life Insurance in the amount equal to one and one-half (1-1/2) times the employee's annual salary, as designated herein. In lieu of Term Life Insurance equal to one and one-half (1-1/2) times the employee's annual salary, employees designated herein may elect to convert the Term Life Insurance Policy to a Universal life policy. The premium amount paid by the City shall be equal to the amount of the Term Life Insurance premium.
3. **Health Insurance.** The City shall pay the employee plus one contribution toward health insurance upon retirement of any affected employee designated herein, who has reached the age of fifty-five (55) years, has at least twelve (12) years of full-time service with the City, and actually commences to receive PERS retirement benefits at the time of retirement from the City.
4. **Annual Physical Examination.** Employees, as designated herein, may receive up to one-thousand dollars (\$1,000.00) over a two (2) year period for physical examinations. Said examinations may be provided by any doctor the employee so chooses.
5. **Industrial Injury Benefits – Workers Compensation.** The City will pay 90% of full salary in lieu of temporary disability payments for all full-time employees covered herein with the exception of sworn personnel of the Police Department, for leave of absence due to injury arising out of and in the course of employment at the rate of sixty (60) calendar days off for every year of full-time employment with the City, to a maximum of twelve (12) months. Sworn personnel covered herein shall be compensated in accordance with the California Labor Code for sworn personnel.

SECTION 8. EFFECT: This Resolution shall take effect immediately upon adoption by the City Council.

SECTION 9. 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 10. 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 14th day of August, 2012.

Paul K. Tanaka, Mayor

ATTEST

APPROVED AS TO FORM:

Maria E. Marquez-Brookes, City Clerk

Peter L. Wallin, City Attorney

EXHIBIT "A"**LIST OF UNREPRESENTED POSITIONS AND SCHEDULES AS OF JULY 8, 2012****ELECTED OFFICIALS:****MONTHLY RATE**

Mayor	\$ 950.00
Councilmember	\$ 650.00
City Clerk	\$1,000.00
City Treasurer	\$ 300.00

APPOINTED POSITIONS: *Appointed At-Will*

City Manager – Appointed by City Council *Salary set by Employment Agreement*
City Attorney – Professional Services Agreement (*not compensated as a City employee*)

SALARY SCHEDULE

Chief Deputy City Clerk - Appointed by City Clerk	109
Deputy City Treasurer - Appointed by City Treasurer	109

EXECUTIVE MANAGEMENT POSITIONS: *Appointed At-Will***SALARY SCHEDULE**

▪ Chief of Police	<i>Salary set by Employment Agreement</i>
▪ Department Head	330
▪ Police Captain	231
▪ Police Lieutenant	227

CONFIDENTIAL POSITIONS**SALARY SCHEDULE**

▪ Accounting/Finance Manager (Administrative Office)	130
▪ Accountant/Cost Accountant (Administrative Office)	119
▪ Senior Human Resources Analyst (Administrative Office)	122
▪ Executive Office Assistant (City Council Office)	54
▪ Financial Services Technician (Administrative Office)	51
▪ Human Resources Technician (Administrative Office)	48
▪ Payroll/Benefits Technician (Administrative Office)	48