

RESOLUTION R20-06

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALOS VERDES ESTATES, CALIFORNIA, SETTING FORTH TERMS AND CONDITIONS OF EMPLOYMENT WITH REFERENCE TO THE CLASSIFICATION AND COMPENSATION OF SWORN POLICE MANAGEMENT POSITIONS WITHIN THE PALOS VERDES ESTATES CITY SERVICE.

THE CITY COUNCIL OF THE CITY OF PALOS VERDES ESTATES, CALIFORNIA RESOLVES:

SECTION 1. TERM

This Resolution shall cover the period commencing January 6, 2020 and ending June 30, 2020

SECTION 2. CLASSIFICATIONS

This Resolution shall cover the following classifications:

Police Chief
Police Captain

SECTION 3. COMPENSATION

3.1 Basic Salary Schedule.

- (a) The schematic schedule of salary ranges listed constitutes the compensation plan.
- (b) Salaries prescribed are monthly rates. In those positions where it is more appropriate to pay on an hourly or daily basis, the hourly and daily rates shall be shown.
- (c) Salaries or compensation shall be payable for all positions in two equal bi-weekly installments.
- (d) Monthly base salaries paid to represented employees shall be as set forth in Appendix "A".

{Appendix A is attached}

3.2 Application of Compensation Plan.

The Salary Schedule for the respective classes of positions as set forth in Appendix "A" with such amendments as may be adopted by the City Council from time to time, shall have the force and effect and shall be interpreted and applied as follows:

- (a) The salaries or rates of compensation are fixed on the basis of full-time service in full-time positions unless otherwise designated.
- (b) The rates of pay prescribed shall be deemed to include pay in every form, except for necessary expenses authorized and incurred incidental to employment or except as herein provided.

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- (c) Where a salary range for a given class is revised upward or downward, the incumbents of positions in classes affected shall have their existing salary adjusted to the same relative rate in the new range.
- (d) All monthly compensation shall be paid in even dollars rounded off to the nearest even dollar.
- (e) Provide performance based merit adjustment. The adjustment be approved by the direct supervisor with the concurrence of the City Manager for recognition of performance based on and through the standard evaluation process. Guidelines for recognizing performance for merit adjustments will be based on the following:

Personnel under top of range (meritorious of an adjustment) may receive one-time checks as "special compensation."

Recognition for performance based merit adjustments from the pool of funds will typically be commensurate with the following scale:

- 0% for satisfactory performance
- 1% - 2% for above average performance
- 3% - 4% for exceptional performance

3.3 Education Incentive.

Police Captains who have completed two (2) years of service with the City and possess a Baccalaureate degree shall receive an additional ten percent (10%) above base salary.

3.4 Shooting Pay.

The City is authorized to pay members of the Sworn Police Management Group, additional compensation each month conditional upon qualifying in pistol or revolver shooting in accordance with rules adopted by the Chief of Police (Section 2.12.040 of the Code of the City of Palos Verdes Estates, California). Upon certification by the said Chief of Police to the City that any such member has qualified as indicated to receive the additional compensation herein set forth. Such additional compensation for Sworn Police Management shall be paid in accordance with the Palos Verdes Estates Police Officers' Memorandum of Understanding (Section 7.I).

3.5 Clothing Allowance.

The City shall pay \$825 per year to each regular full-time member of the Police Department in accordance with the Palos Verdes Estates Police Officers' Memorandum of Understanding (Section 7.J).

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3.6 Books and Tuition Reimbursement.

Employees who have worked for the City for two (2) years or more shall be eligible for reimbursement for tuition as follows.

The City will reimburse employees for tuition for job-related courses taken at an accredited college or university upon completion of said course or courses with a final passing mark of "C" or better, or the equivalent of "C" or better. The City Manager and the Department Head shall determine what courses are sufficiently job-related to be eligible for tuition reimbursement. A member may also be reimbursed for tuition costs for courses taken in foreign languages that are deemed by the City Manager and the Department Head as necessary to the proper operation of the designated Department. The courses must result in a proficiency such that the member is able to use the language in the performance of his/her duties as may be required. These courses do not need to be undertaken at an approved college or university.

Requests for reimbursement for tuition must be submitted in writing and pre-approved by the City Manager and the Department Head. Requests shall be considered on a first come, first served basis. Requests may be submitted no sooner than 30 calendar days prior to the start of registration, nor later than 30 calendar days prior to the last day of registration for the fall and spring semesters, respectively, at California State University, Long Beach. Requests also may not be submitted sooner than six (6) months prior to the first scheduled day of class to be attended by the employee.

Reimbursement shall not be paid until the employee presents an official transcript from the college or university reflecting that the employee received a final passing mark of "C" or better, or the equivalent of a "C" or better. Prior to enrollment in a course or courses, Employees who intend to submit future tuition reimbursement requests must complete FORM I, which is available through the Human Resources Department. FORM I must be approved by the City Manager and the Department Head prior to submission of any request for reimbursement. Upon approval of FORM I, reimbursement requests must be submitted on FORM II, which is available through the Human Resources Department.

The amount of tuition reimbursement paid to any individual employee in a single fiscal year (July 1 to June 30) shall not exceed the actual amount of the tuition paid by the employee or the basic annual tuition fee for the California State University, Long Beach for the academic year that begins soonest after the start of the City's fiscal year (July 1), whichever is greater. E.g. for fiscal year 2019/2020, the applicable basic annual tuition fee for the California State University, Long Beach for academic year 2018/2019, which begins on August 20, 2018, is \$6,834. The maximum amount of tuition reimbursement that an employee would be eligible to receive in that fiscal year 2019/2020 is \$6,834.

The total amount of reimbursement paid by the City to one or more members of the unit shall not exceed \$30,000 in any fiscal year. Requests for reimbursement will not be approved for amounts in excess of the individual annual cap or the annual cap (\$30,000) for the unit.

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In addition to the aforementioned annual caps on reimbursement, no employee shall be reimbursed by the City for tuition in excess of \$25,000 in that employee's lifetime. Tuition reimbursements approved and/or paid for by the City prior to October 1, 2017 shall not be counted towards the lifetime cap.

There shall be no tuition buy back.

3.7 Exempt and Non-Exempt Status.

Police Management employees shall be classified as "exempt." An exempt employee meets one or more of the duties test exemptions from overtime under the Fair Labor Standards Act (FLSA) and is paid on a salary basis, meaning he/she is compensated in a predetermined amount that is not reduced, regardless of quality or quantity of actual work performed. An FLSA-exempt employee is not entitled to overtime compensation.

3.8 Vehicle.

Police Management employees shall each receive a City unmarked police vehicle for use during the regular course of their duties.

3.9 Cellular Phone Allowance.

Police Captains shall receive City-issued cellular phone for business-related use. The Police Chief may receive a City-issued cellular phone or a cellular phone allowance in the amount of up to \$60.00 per month.

SECTION 4. INSURANCES

4.1 Health and Life Insurance Benefits.

- (a) During the term of this Resolution, the following represent the maximum dollar cap the City will contribute on behalf of an employee toward the purchase of medical, dental, vision and life and accidental death and dismemberment, insurance programs and any amount in excess of the cap shall be the obligation of the employee effective July 1, 2018 in the amount of \$1,523.
- (b) The City shall make available to full time employees an Optical Insurance Program. The City shall pay 100% of the insurance premium for employees only. Dependent coverage shall be made available with 100% of the insurance premium paid by the employee.
- (c) The City shall make available to employees Deferred Compensation Plans. The City shall not contribute any amount toward any employee account of such plan. Employees may choose to make contribution to these plans (currently ICMA-RC 401a and 457 plans).

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- (d) The City shall make available to full time employees a short and long term disability insurance program. The City shall pay 100% of the insurance premium.
- (e) Employees who thereafter, at the time of their termination from City employment, retire under the City's P.E.R.S. retirement program may continue individual coverage under the City's medical, dental, and vision plans, at the retiring employee's cost subject to the agreement and conditions of the carrier(s).
- (f) Members of Sworn Police Management shall be allowed an annual physical examination to be paid by the City in an amount not to exceed \$200 annually.

4.2 Medicare.

- (a) Employees hired by the City on or after April 1, 1986, shall be required to pay the designated employee contribution to participate in the Medicare Program and the City shall be under no obligation to pay or "pick-up" any portion thereof.
- (b) In the event the City and its other employees are required to participate in the Federal Medicare Program, the contribution designated by law to be the responsibility of the employee shall be paid in full by the employee and the City shall not be obligated to pay or "pick-up" any portion thereof.

SECTION 5. RETIREMENT PROVISIONS

5.1 In-Service Retirement.

All sworn members, receive the following retirement benefits:

Classic Members

For all safety employees, except those deemed "new members" within the meaning of the California Public Employees' Pension Reform Act of 2013, the following shall apply:

- a) The retirement plan between the City and CalPERS provides for the "3% at 50" retirement formula for all eligible Classic Members hired on or before January 1, 2013.
- b) The City has contracted with CalPERS to provide the "single highest year" final compensation formula for safety Classic Members.
- c) Each active safety member who is deemed a Classic Member will pay 100% of their statutorily required Member Contribution.

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New Members

For all safety employees who are deemed “new members” within the meaning of the California Public Employees’ Pension Reform Act of 2013, the following shall apply:

- a) The retirement plan between the City and CalPERS provides for the “2.7% at 57” retirement formula for all eligible New Members hired after January 1, 2013.
- b) For the purposes of determining an employee’s retirement benefit, final compensation shall mean the highest average pensionable compensation earned during thirty-six (36) consecutive months of service.
- c) Each active safety member who is deemed a “New Member” shall pay fifty percent (50%) of the total normal cost of the retirement benefit, which will fluctuate from time to time as the amount is determined by CalPERS.

1959 Survivor Benefit Program

The City and CalPERS have contracted to provide survivor benefits to eligible survivors of covered members who die before retirement. The City will continue to offer survivor benefits to eligible personnel, although employees shall be 100% responsible for employee contributions toward the benefit plan.

5.2 Retiree Medical Insurance.

The City shall pay a maximum of \$275 per month as a retiree health stipend to employees who retire pursuant to a service retirement after completing twenty (20) years of service with the City of Palos Verdes Estates. A retiree may continue on the City’s medical insurance plan throughout the tenure of COBRA or obtain medical insurance elsewhere during such period. Thereafter, the retiree shall obtain medical insurance elsewhere. The retiree shall be reimbursed monthly effective the first date of the month after retirement date. Retiree must submit proof of insurance upon date of retirement and each July 1 thereafter in order to continue to receive Retiree Health stipend. Retiree is obligated to report any lapses of coverage to the City which may temporarily or permanently forfeit the Retiree Health stipend. Upon notice of lapses or termination of coverage, the City may not pay the monthly stipend until proof of insurance is received and insurance is current. This benefit is available until such time as the retiree is eligible for Medicare benefits.

SECTION 6. LEAVE PROVISIONS

6.1 Vacation.

Every full time employee shall be allowed vacation leave with pay at the rate of ninety-six (96) hours each year. No vacation shall be given during the first year of employment, but on successful completion thereof, vacation time shall be allowed for time of service rendered. Should an employee leave the City service prior to the completion of one year,

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the employee shall not be entitled to any pay for vacation.

Full-time employees shall accrue an additional eight (8) hours of vacation per year of service following the completion of five (5) consecutive years in the City service, but in no event shall annual accrual ever exceed a maximum of one hundred-sixty (160) hours per year.

Years of Service			
Greater than:	Less than or equal to:	Vac. Hours/Month	Vac. Hours/Year
1 full year	5 full years	8	96
5 full years	6 full years	8.667	104
6 full years	7 full years	9.333	112
7 full years	8 full years	10	120
8 full years	9 full years	10.667	128
9 full years	10 full years	11.333	136
10 full years	11 full years	12	144
11 full years	12 full years	12.667	152
12 full years		13.333	160

Every full time employee shall be allowed vacation leave with pay at the rate of ninety-six (96) hours each year. For all Police Management employees, there shall be no vacation given during the first year of employment. The Police Chief shall be allowed vacation leave with pay at the rate of ninety-six (96) hours each year for his/her first five (5) full years of employment, with forty (40) of those hours immediately credited as of the date of hire.

It is the general policy of the City that vacations be taken during the year following the year earned. Vacations shall be scheduled so as not to interfere seriously or impair the efficiency of the various departments and when determined to be in the best interest of the City.

Earned vacation time shall not be accumulated beyond the year following the year which it is earned. At no time may an employee have a total balance of vacation days in excess of two times his or her current annual accrual rate.

Full time employees shall begin to accrue eight (8) additional hours of vacation following the completion of five (5) consecutive years in the City service, and eight (8) additional hours of vacation for each completed year of service beyond five (5) years, not to exceed a maximum of one hundred-sixty (160) hours per year.

An employee about to separate from City service due to resignation, retirement, lay-off or termination, and who has earned vacation to his credit, shall be paid for such full days of vacation remaining due on the effective date of such separation.

Holidays occurring during a vacation shall not be counted as a day of vacation.

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6.2 Holidays.

- (a) The City of Palos Verdes Estates observes the following holidays:
- JANUARY 1ST, (NEW YEAR'S DAY)
- THE THIRD MONDAY IN FEBRUARY (WASHINGTON'S BIRTHDAY),
- THE LAST MONDAY IN MAY (MEMORIAL DAY),
- JULY 4TH, (INDEPENDENCE DAY)
- THE FIRST MONDAY IN SEPTEMBER (LABOR DAY),
- NOVEMBER 11TH (VETERAN'S DAY),
- THANKSGIVING DAY, AND THE FRIDAY AFTER THANKSGIVING
- DECEMBER 25TH (CHRISTMAS DAY).
- (b) If any of the foregoing holidays fall upon a Sunday, the Monday following shall be observed as a holiday. Holidays falling on Saturdays shall be observed on the preceding Friday. Holidays falling on an employee's regularly scheduled day off may not be credited.
- (c) After one (1) year in City service, employees shall be credited with three (3) floating holidays. Employees shall be permitted to accrue three (3) floating holidays for one (1) year following the year in which earned, not exceed six (6) days.

6.3 Sick Leave with Pay.

- (a) Each full-time unit employee shall be granted eight (8) hours of sick leave with pay for each calendar month of service on the submission of satisfactory proof of the necessity of sick leave.
- (b) When an employee is sick and unable to report for work, the employee shall notify the appropriate supervisor of their inability to report for work as soon as possible.
- (c) No employee shall be entitled to receive any sick leave with pay until the employee has been continuously employed for a period of three (3) months (R15-32). Upon satisfactory completion of this three (3) month period, the employee shall be credited with six (6) days of sick leave.
- (d) Sick leave shall not be considered as a right or privilege that the employee may use at the employee's discretion, but shall be granted only in case of a bona fide illness of an employee, child, parent, or spouse (a relative's illness).

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An employee may only use in any calendar year a maximum of forty-eight (48) hours of sick leave to attend to a relative's illness. In the case of a death or serious illness of a member of the employee's immediate family, compassionate sick leave may be granted to a maximum of five (5) days upon the recommendation of the Department Head and approval of the City Manager. Immediate family shall include an employee's Mother, Father, Sister, Brother, Husband, Wife, Children, Grandchildren, Grandparents, Mother-in-Law, Father-in-Law, Brother-in-Law, and Sister-in-Law. Compassionate sick leave shall be deducted from the employee's sick leave days. Three paid bereavement days shall not be deducted from the employee's sick leave days.

- (e) Holidays occurring during sick leave shall not be counted as a day of sick leave.
- (f) Sick leave may not be granted unless the request for such sick leave credit is accompanied by a physician's written certification as to the necessity thereof. The Supervisor may, in his/her discretion, waive the requirement, if in his/her opinion, the reported illness or injury is bona fide.
- (g) No payment shall be made for accumulated sick leave at the time of termination of employment, except upon honorable retirement.
- (h) Upon honorable retirement from employment, Police management employees shall be entitled to receive a payment of 75% of accumulated sick leave above 650 hours.

6.4 Jury Duty.

Sworn employees shall not be eligible for paid jury duty leave.

6.5 Administrative Leave.

- (a) Administrative Leave may be used at any time during the year with prior approval of the City Manager, with the exception that no employee may use Administrative Leave for which he/she has not yet been credited. Administrative Leave must be used in the year in which it is credited; otherwise it is forfeited. At the time of an employee's termination, any Administrative Leave remaining for the year is forfeit; there is no compensation.
- (b) The Police Chief shall be afforded up to one-hundred and eight (108) hours of Administrative Leave annually.
- (c) The Police Captains receive fifty-four (54) hours of Administrative Leave annually.

SECTION 7. HOURS OF WORK

- 7.1 (a) All employment and monthly compensation is based upon a forty (40) hour work week. Any authorization for an employee to work less than said 40 hours will be compensated in accordance with the Fair Labor and Standards Act and may result in a proportionate decrease in compensation.

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- (b) Police Management positions may involve time in excess of eight (8) hours per day, forty (40) hours per week. As set forth in Section 3.7, above, these classifications are classified as “exempt.” Exempt employees are not entitled to overtime compensation and are exempt from the Fair Labor Standards Act’s work hour’s restrictions. Department Heads may modify their work schedules within reason to adjust for their attendance at meetings at night and during other times outside of ordinary business hours.
- (c) Daily hours of work (or shifts) for employees within the departments shall be assigned by Department Heads or City Manager as required to meet the operational requirements of said departments or City operations.
- (d) The “9/80” alternative work schedule is voluntary. Daily hours of work (or shifts) for employees within the department shall be assigned by Department Heads as required to meet the operational requirements of said departments.
- (e) Any foreseeable absence or other deviation from regular working hours desired by an employee shall be cleared in advance through the Department Head or City Manager, and such absence shall be noted on the employee's time record.

SECTION 8. MISCELLANEOUS PROVISIONS

8.1 Incompatible Activities.

No full time employee of the City shall engage in any occupation or outside activity which is incompatible with his or her employment by the City. Any employee shall inform his or her Department Head of the time required and the nature of such activity and the Department Head shall determine whether or not such activity is incompatible with City employment. Such approval shall be in writing and a copy forwarded to the City Manager for final authorization.

8.2 Prior Service Credit.

Upon completion of five (5) years of service as Police Chief with the City, the Police Chief’s full-time public agency (state, local, county or special district) years of experience, as verified by CalPERS or comparable public pension system, will be counted towards the accrual of benefits provided under this agreement specific to vacation accrual and retiree medical benefits. This benefit shall be afforded to the Police Chief within the Sworn Police Management group.

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APPENDIX A

**ATTACHMENT A
SALARY SCHEDULE FY 2018-19**

Effective 01/01/2019

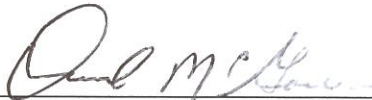
Police Chief	\$12,424	-	\$14,856
Police Captain	\$9,851	-	\$12,563

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SECTION 9. CERTIFICATION


The City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED, APPROVED, AND ADOPTED on this 10th day of March, 2020.



David McGowan, MAYOR

ATTEST:



CITY CLERK

APPROVED AS TO FORM:



Christi Hogin, CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS:
CITY OF PALOS VERDES ESTATES)

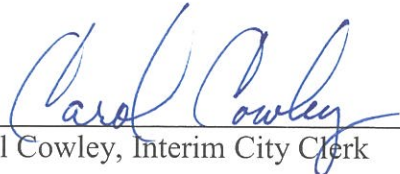
I, Carol Cowley, Interim City Clerk for the City of Palos Verdes Estates, California, do hereby certify that the foregoing Resolution **R20-06** was duly and regularly approved and adopted by the City Council of the City of Palos Verdes Estates at its regular meeting of the City Council on the 10th day of March, 2020, by the following vote:

AYES: COUNCILMEMBERS: McGowan, Kemps, Davidson, Lozzi

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: Kao

ABSTAIN: COUNCILMEMBER: None



Carol Cowley, Interim City Clerk