



STAFF REPORT

Date: April 25, 2017
To: Bryan Montgomery, City Manager
From: Nancy Marquez-Suarez, Human Resources Manager
SUBJECT: **Adopt a Resolution approving Amendments to the City of Oakley Personnel Manual**

Approved and Forwarded to City Council:


Bryan Montgomery, City Manager

Background and Analysis

The City Council adopted a Personnel Ordinance (#17-00) in 2000. Subsequently, in 2001, the City Council adopted an Employment Handbook. In 2004, the City Council adopted a resolution approving an amendment to the Employment Handbook consistent with the Ordinance. In 2008, a more comprehensive overhaul of the Handbook was conducted and the Council approved it as the new "City of Oakley Personnel Manual." The Manual was then amended again in 2012 and most recently in November of 2016 to fully comply with today's legal standards.

Since November we have identified minor opportunities for greater clarification. Amendments include: 1) specifying that the health benefit is offered to employees who work an average of 30 hours per week; 2) adding a table explaining the vacation accrual rate depending on the full-time equivalency; 3) made reference to the aforementioned table with regard to sick time accruals which is determined in the same fashion (full-time equivalency); 4) extending holiday pay coverage to Limited Term and Limited Term Seasonal employees; and, 5) updated the Uniformed Services Employment and Reemployment Rights Act (USERRA) section to reflect a maximum of 24 months for the continuation of health benefit coverage for persons who are absent from work to serve in the uniformed services. This is consistent with the Veterans Benefits Improvement Act of 2004 (VBIA), P.L. 108-454, amended Section 4317(a) (1) (A) of USERRA.

The recommendation to extend holiday pay to Limited Term and Limited Term Seasonal employees who work a holiday stems from a requirement of the Department of Justice that the Police Department have staff be physically present to accept messages from the California Law Enforcement Telecommunications System (CLETS) and respond within 15 minutes. This change would enable us to better compensate Police Services Assistants to work holidays and meet the CLETS requirement. However, in the past Parks and Landscape maintenance, as well as Recreation staff of these same classifications have infrequently worked holidays (4th of July during Cityhood celebration), thus the recommendation is to apply this benefit fairly across the board.

Should the Council approve tonight's recommendation, employees who are scheduled to work on a holiday shall be paid at their straight time regular hourly pay for actual hours worked and the actual hours worked of holiday pay.

Attached for your review are the proposed amendments identified in track changes.

Fiscal Impact

There are no notable fiscal impacts to the proposed amendments, except the holiday pay component that could reach approximately \$5,000 per year. If anything, the other amendments may result in cost savings. Some reproduction costs will be incurred for the amended Manual, however, Staff plans to distribute the document electronically and make it available on the City's server, rather than making dozens of hard copies.

Recommendation

Adopt the resolution approving amendments to the Personnel Manual.

Attachments

1. Proposed Amendments
2. Resolution

9.15 Part-Time Employees Eligibility for Pro-Rata Benefits

Regular part-time employees receive employee benefits such as medical, dental, vision, and retirement benefits as do regular full-time employees in the same job classification, but the health benefits amounts are pro-rated beginning at 30 hours (average of hours worked per week over the course of a fiscal year), based on the anticipated regularly scheduled work hours ~~as~~ indicated at the time of hire. For example, a regular full-time employee, working 40 hours per week is considered as 100% full-time equivalency, whereas a part-time regular employee, working 30 hours per week is considered 75% of full time equivalency and would receive health benefit amount prorated to 75%. Sick leave, vacation leave, bereavement leave, floating holidays, and holidays are also available to regular part-time employees on a pro-rated basis.

10.4 Work Performed on Holiday

Employees are expected to observe all City-designated holidays unless job demands require the employee to work.

A regular and probationary full-time employee scheduled to work on a holiday shall be paid at her/his straight time regular hourly pay for actual hours worked, and the eight (8) hours of holiday pay.

Part-time regular, Limited Term and Limited Term Seasonal employees scheduled to work on a holiday shall be paid at their straight time regular hourly pay for actual hours worked, and the actual hours worked of holiday pay.

~~Limited Term Seasonal employees who are not eligible for holiday pay, will be paid at their straight time hourly rate if they are required to work on a holiday.~~

10.17 Regular Part-time Employee Vacation Leave Benefit

Consistent with Section 10.7, Regular ~~part~~Part-time employees, who are eligible for benefits, accrue vacation leave on a pro-rata basis, depending on the average expected hours of work per week. See the table below that sets forth the rate of accrual for an employee who has 0-3 years of service:~~number of hours worked.~~

<u>20-22 Average Hours</u>	<u>1.53 per pay period (.50 FTE)</u>
<u>23-25 Average Hours</u>	<u>1.92 per pay period (.625 FTE)</u>
<u>26-30 Average Hours</u>	<u>2.30 per pay period (.75 FTE)</u>

10.20.3 Accrual

Regular full-time employees earn 3.69 hours per pay period. All part-time regular employees accrue sick leave on a pro-rata basis depending on the average expected hours of work per week (.50 FTE, .625 FTE or .75 FTE). ~~in the amount proportionate to the ratio of scheduled hours of work per week to the standard workweek, but in~~ no case does the number of sick leave hours accrued each pay period exceed 3.69 hours. Limited Term Part-Time and Limited Term Seasonal employees will accrue sick leave at the rate of .034 for every hour worked.

Sick leave is earned during any paid leave of absence, but it is not earned during any unpaid leave of absence, or during Family Medical Leave.

Employees that are off of work due to illness or injury shall not accrue sick leave once they begin to receive disability benefits or are no longer receiving wages through payroll, beginning with the first full pay period that they are off payroll, unless otherwise required by law.

10.39 MILITARY LEAVE OF ABSENCE

Employees who require time off from work to fulfill military duties will be treated in accordance with applicable requirements of State and Federal laws. An employee granted military leave shall give the City Manager a copy of the orders calling him/her to military duty, which will be filed in the employee's

personnel file. The military leave of absence will be **unpaid and** computed as part of the employee's service with the City, except that an employee who takes a military leave of absence before the completion of her/his probationary period shall be required to complete the remaining probationary period upon return to employment. As outlined by law, upon return, the employee shall be reinstated to a position in the same classification or a classification with equivalent status, pay, benefits and other employment terms, if she/he returns to work following the military leave of absence. **Under USERRA, employees and their dependents may elect to continue coverage for up to 24 months, or if earlier, up to the day after the date that they fail to apply for, or return to work within the time required by USERRA. Employee rights to continued health coverage under USERRA are similar to an employee's rights under COBRA. Any election that employees make pursuant to USERRA will also be an election under COBRA (and vice versa), and COBRA and USERRA will both apply with respect to the continuation coverage elected. The U.S. Armed forces may also provide coverage.**

Except in cases of emergency, employees must provide notice to their supervisor or the Department Director prior to utilizing leave under this policy. **Please contact Human Resources for additional information regarding your USERRA rights.**

RESOLUTION NO. _____

**A RESOLUTION ADOPTING AMENDMENTS TO
THE CITY OF OAKLEY PERSONNEL MANUAL**

WHEREAS, the Personnel System established by Ordinance No. 17-00 requires the implementation of the City's personnel rules, policies and procedures; and

WHEREAS, in 2001 the City Council adopted and in 2004, 2008, 2012, and 2016 amended the Personnel Manual to implement these rules, policies and procedures; and

WHEREAS, the City Council recognizes that it is in the best interest of the City to have a centralized, coherent and up-to-date single personnel manual for the employees of the City of Oakley; and

WHEREAS, some sections of the Manual allow for greater clarification with regards to health benefit eligibility, vacation accruals and sick leave accruals, and maximum coverage period for employees for persons who are absent from work to serve in the uniformed services; and

WHEREAS, the City of Oakley would like to extend extended holiday pay to Limited Term and Limited Term Seasonal employees; and

WHEREAS, it has been determined that the Personnel Manual attached hereto is the proper vehicle to implement the amended and updated personnel rules, policies and procedures.

NOW THEREFORE, the City Council of the City of Oakley hereby adopts the Personnel Manual, as amended and attached hereto as the City's personnel rules, policies, and procedures to become effective April 25, 2017 and to supersede all previously issued employee handbooks and manuals.

ADOPTED, this the 25th day of April, 2017 by the following vote:

AYES: .
NOES:
ABSTENTIONS:
ABSENT:

APPROVED:

Sue Higgins, Mayor

ATTEST:

Libby Vreonis, City Clerk