

RESOLUTION NO. 2760
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FOWLER
APPROVING UPDATED EMPLOYEE BENEFITS HANDBOOK

WHEREAS, the City Council, on August 20, 2024, by approval of Resolution No. 2740, approved the City of Fowler Employee Benefits Handbook which provides certain benefits and conditions of employment for City employees; and

WHEREAS, the City Council desires to make changes to the benefits and conditions of employment and there is a need to update the Employee Benefits Handbook as proposed in the Employee Benefits Handbook attached to this Resolution; and

WHEREAS, all employees have been notified of the proposed changes to the benefits and conditions set forth in updated Employee Benefits Handbook attached to this Resolution.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Fowler that the City of Fowler Employee Benefits Handbook, attached hereto as Exhibit A, is hereby approved and incorporated herein as part of this Resolution and shall supersede the prior Employee Benefits Handbook approved with Resolution No. 2740 and be effective beginning on January 8, 2025.

PASSED, APPROVED AND ADOPTED on January 7, 2025, at a regular meeting of the City Council of the City of Fowler by the following vote:

AYES: Mejia, Gill, Kazarian, & Parra

NOES: None

ABSTAIN: None

ABSENT: Hammer

APPROVED:



Juan Mejia, Mayor

ATTEST:



Angela Vasquez, City Clerk

CITY OF FOWLER
EMPLOYEE BENEFITS HANDBOOK

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INTRODUCTION

The City of Fowler Employee Benefits Handbook (“Handbook”) has been approved by Resolution of the Fowler City Council at a duly authorized City Council meeting and may be amended by Resolution of the City Council. References herein to “Resolution” are deemed to mean all Resolutions of the City Council approving this Handbook and any amendments thereto.

SECTION 1. EMPLOYMENT STATUS.

(a) At-Will Positions. All positions within the City of Fowler are designated as “at-will” positions, unless there is a written agreement approved by the City Council to the contrary. At will means that either the City or the employee may terminate the employment at any time.

(b) Personnel Officer. The City Manager or their designee, shall act as the Personnel Officer for the City of Fowler. The Personnel Officer shall be responsible for ascertaining and establishing the duties, responsibilities, and working job titles of all positions in the City.

(c) Authority. The Personnel Officer shall establish practices, policies and procedures as may be necessary to effectuate the provisions of this Handbook, the duties of the positions, and the law. The Personnel Officer shall maintain an official personnel file for all City employees.

(d) Full-Time Positions. Full-Time is defined as forty (40) hours of actual attendance during a week, or eighty (80) hours of actual attendance on duty during a two-week period, less time off on authorized leaves of absence as provided for in this Handbook. A week shall be defined as the period from 12:00 a.m. Sunday to 11:59 p.m. Saturday.

(e) Part-Time Positions. The City Manager is further authorized to create part-time, temporary, or contract positions within the City as may be necessary. No employee in these positions shall work more than one thousand (1,000) hours in a calendar year, or thirty-nine (39) hours per work week. These positions shall not be included in the Position Authorization Resolution, unless such position is provided with medical benefits.

(f) Temporary Positions. Temporary Positions are not covered by this Employee Benefits Handbook and shall be governed by any applicable temporary employment agreement, if any, and applicable state and federal laws.

(g) Definitions.

(1) Hire Date. First day of full or part-time employment with the City.

(2) Appointment Date. Date employee is appointed to a position. This may be the same date as Hire Date.

(h) Hours of Work. The regular minimum workday for full-time employees shall be eight (8) hours, 8:00 a.m. to 5:00 p.m., with an unpaid one (1) hour meal period, and two (2) paid, non-cumulative, fifteen (15) minute rest periods. The Personnel Officer shall have the authority to approve any deviations from these hours of work based on operational need.

(i) Meal Periods.

(1) Missed. No employee shall be required to work during their meal period without the approval of the Department Head, and said time shall be compensated at the applicable hourly straight or overtime rate of pay.

(2) Working Lunch. A full-time employee who is required by their Department Head to remain at the work site or available for work during their full shift shall be permitted to take a meal period, not to exceed thirty (30) minutes, during work time (“Working Lunch”). Police Sergeants, Corporals, and Officers shall automatically be considered eligible for a

Working Lunch. Annually, the City Manager shall review and approve the list of assignments where a Working Lunch is eligible and offered.

(3) Unscheduled Overtime After a Shift. When an employee is required to work more than two (2) hours unscheduled overtime after their regularly scheduled workday, the employee may (but is not required to) take a thirty (30) minute paid meal period. Unscheduled Overtime Meal Periods may be taken before or during the overtime shift.

(j) Outside Employment. No employee shall engage in any outside employment which would lessen or interfere with their ability to perform City duties competently and with their best effort. No employee shall engage in any outside employment which may involve a conflict of commitment, conflict of interest, or perception of a conflict of interest. The Personnel Officer shall create procedures to implement this section.

(k) Resignation. An employee wishing to resign from City service must do so in writing to the Personnel Officer and state an effective date of the resignation. Resignations shall be considered final once accepted by the Personnel Officer and may only be rescinded by no later than the effective date of the resignation and only with the written approval of the Personnel Officer. Employee Health Benefits shall be provided through the calendar month of the employee's last day of employment.

SECTION 2. LEAVE OF ABSENCE WITHOUT PAY.

(a) Granting. The Personnel Officer may grant a leave of absence from duty without pay to an employee for a period not exceeding one year.

(b) Benefits. During such leave without pay, no benefits outlined in this Handbook or any Resolution will be provided, except for those required by law. Furthermore, except for situations that qualify for protected leave status (FMLA, CFRA, PDL, active Workers' Compensation claims, etc.), employees must exhaust all available accumulated leave balances before they can request leave without pay.

SECTION 3. SICK LEAVE.

(a) Full-Time Employees. Full-time employees shall accumulate sick leave at the rate of 3.70 hours per pay period for each completed calendar month of employment.

(b) Part-Time Employees. Part-time employees shall accumulate forty (40) hours of sick leave annually on July 1.

(c) Accumulation of Sick Leave.

(1) There shall be no maximum accumulation of sick leave hours for both full-time and part-time employees.

(2) Accumulated or accrued sick leave balance shall not be vested and upon employee separation from City service employees shall not receive any compensation for any unused sick leave hours.

(d) An Employee May Take Sick Leave for the Following:

(1) Illnesses, injury, or disability related to pregnancy.

(2) Exposure to contagious disease.

(3) Medical, dental, vision, other physical or medical examinations or treatments by a licensed practitioner when approved in advance by the department head or designee, based on operational need.

(e) Family Care. Family care, meaning illness or injury of an immediate family as defined in Section 4(c).

(1) Employees may use up to one-half (1/2) of an employee's annual accrued sick leave hours for family care, consistent with California Labor Code Section 233.

(2) The Personnel Officer may authorize the use of accrued sick leave for family care beyond the maximum set forth above. Such requests must be accompanied by a physician's statement or other appropriate verification.

(f) Physician's Statement. The department head or designee may require the employee to provide a licensed health care provider's statement or other appropriate verification when absent due to illness/injury.

(g) Sick Leave While on Vacation. Leave on account of sickness while on vacation shall be allowed only if the employee is confined to a hospital and employee provides verification of such.

(h) Reporting and Requesting Sick Leave. The Personnel Officer shall develop a policy for reporting and requesting absences. An employee shall be responsible for reporting an absence or requesting an absence consistent with such policy. Extenuating circumstances may prevent an employee from calling in before the start of their shift, but the employee shall make every effort to call in as close to the start of the shift as possible.

(i) Pregnancy Related Disability Leave or Transfer.

(1) Leave of Absence. Any employee who is disabled on account of pregnancy, childbirth, or related conditions may take a pregnancy-related leave for up to four (4) months, in addition to any family care medical leave which the employee may be entitled under the Family Care and Medical Leave Policy.

(2) Temporary Transfer Before Childbirth. Any employee affected by pregnancy is entitled to transfer less strenuous or hazardous duties if the transfer is medically necessary and the transfer can be reasonably accommodated.

(3) Substitutions of Paid Leave for Pregnancy-Related Disability Leave. An employee taking pregnancy-related disability leave must substitute any available sick pay for the employee's leave and may, at the employee's option, substitute any accrued vacation time for the employee's leave. The substitution of paid leave for pregnancy-related disability leave does not extend the total duration of the leave to which an employee is entitled.

(4) Leave Effects on Benefits. If an employee taking a pregnancy-related disability leave is also eligible for family medical leave under this policy, then the employee is entitled to the City's continuation of benefits as described herein up to a maximum of four (4) months in a twelve (12) month period.

(j) Other Disability Leaves.

(1) In addition to medical or pregnancy-related disability leaves, employees may take a temporary disability leave of absence, if necessary, to reasonably accommodate a workplace injury or an ADA-qualified disability. Any disability leave under this section may run concurrently with any medical leave to which the employee is entitled to.

(2) Employees taking disability leave must comply with the Family and Medical Leave Act and California Family Rights Act regarding the substitution of paid leaves, notice, and medical certification. Employees will not receive pay during disability leave.

(3) If the employee's disability leave extends beyond twelve (12) weeks in a twelve (12) month period, the employee will not be entitled to any continued employee contributions towards any employee benefit plan. An employee may elect to continue participating in such benefit plans, at the employee's own expense, to the extent permitted by such plans.

SECTION 4. BEREAVEMENT LEAVE.

(a) Usage. The Personnel Officer may grant up to forty (40) hours of Bereavement Leave for each death of an immediate family member for both full-time and part-time employees. Employee must be in a paid status at the time of both the request for and use of Bereavement Leave. Bereavement Leave need not be used all at once. Bereavement Leave must be used within six (6) months of granting.

(b) Verification. The department head or designee may require the employee to provide verification to be eligible for Bereavement Leave. If requested, the employee shall provide verification within thirty (30) days of the first day of the leave. Verification includes, but is not limited to, a death certificate, a published obituary, or written verification of death, burial, or memorial services from a mortuary, funeral home, burial society, crematorium, religious institution, or governmental agency.

(c) Other Leave. Up to eighty (80) hours of sick leave may be used to supplement Bereavement Leave for each death of an immediate or extended family member, with the approval of the Personnel Officer. Other accumulated leave balances may also be used to supplement Bereavement Leave, with the approval of the Personnel Officer.

(d) Immediate Family is Defined as:

(1) The employee's spouse or domestic partner.

(2) The employee's or the employee's spouse's or domestic partner's parent, grandparent, great grandparent, sibling, child, grandchild, aunt, or uncle, whether related by birth or marriage.

(3) A person related by blood or marriage to the employee or employee's spouse or domestic partner living in the immediate household of the employee who is not a domestic employee or sublessee.

(e) Extended Family. A person related by blood or marriage to the employee or employee's spouse or domestic partner, that is not an Immediate Family member.

SECTION 5. MILITARY LEAVE.

Military Leave for City employees shall be granted in accordance with State and Federal law.

SECTION 6. JURY SERVICE.

(a) Schedule. Any full-time or part-time employee on any shift or work schedule shall be granted leave with pay for the actual time spent on jury service, not to exceed the number of hours in the employee's scheduled hours of work. Jury service time shall include travel time and the meal period provided by the Court. If an employee's jury service plus the time to change into appropriate work attire, and report for City Service is more than seventy-five percent (75%) of the employee's hours of work, the employee does not need to report for work following the completion of jury service.

(b) Full-Time Employees. A full-time employee performing jury service shall receive their regular salary.

(c) Part-Time Employees. A part-time employee performing jury service shall receive their regular hourly rate of pay for only those hours scheduled to work.

(d) Notification. Employees shall notify their department head or designee when employee receives initial jury service notification. Employee shall notify their department head or designee when actual jury service is required.

(e) Verification. Employee shall request a receipt from the Court for verification of actual jury service and provide receipt to department head or designee.

(f) Compensation. Employee need not request compensation from the Court for jury service, but if provided, shall be remitted to the City. Employee may keep any mileage or meal payments made by the Court.

SECTION 7. CALIFORNIA FAMILY RIGHTS ACT AND FEDERAL FAMILY AND MEDICAL LEAVE ACT.

(a) Family Leave Rights. Eligible City employees shall receive the rights and benefits of the California Family Rights Act ("CFRA") and the Family and Medical Leave Act ("FMLA") referred to collectively herein as "Family Leave." as outlined in an Administrative Regulation established by the Personnel Officer.

(b) Eligibility. To be eligible for family medical leave the employee must have worked for:

(1) The City for at least twelve (12) months;

(2) At least 1,250 hours in the twelve (12) calendar months immediately preceding the leave; and

(3) For FMLA purposes, the City must employ fifty (50) employees for an employee. At times, the City has less than fifty (50) employees on the City's payroll.

(4) The CFRA eliminated the 50-employee requirement, and as such, City employees are eligible for CFRA irrespective of the number of employees on payroll.

(c) Qualifying Reasons for FMLA/CFRA Leave. An employee may take up to twelve (12) weeks of unpaid job-protected family medical leave within a twelve (12) month period for any of the following reasons:

(1) Birth of a child (including baby bonding with newborn within one year of birth).

(2) Placement of a child with the employee for adoption or foster care and to bond with child within one year of placement.

(3) Serious health condition of employee that prevents employee from working.

(4) To care for an immediate family member with a serious health condition.

(5) A qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a military member on covered active duty or call to covered active-duty status. For CFRA purposes, leave may be taken to care for an employee's domestic partner.

(d) Amount and Calculation of Leave. FMLA and CFRA Leave shall include up to a total of twelve (12) weeks of unpaid, job protected leave during the twelve (12) month period measured backward from the date the employee uses FMLA/CFRA leave. Women disabled by pregnancy may be eligible to take up to four (4) months of job protected pregnancy disability leave prior to taking FMLA/CFRA leave. Other disability leave will run concurrent with FMLA/CFRA leave.

An employee may take FMLA leave for greater than twelve (12) weeks for certain qualifying reasons under the FMLA. For instance, an eligible employee may take up to twenty-six (26) work weeks of leave to care for a covered service member with a serious injury or illness.

(e) Notice of Leave. If an employee's leave is foreseeable, the employee must provide the City at least thirty (30) days prior notice. If an employee is not able to provide a thirty (30)day notice, the employee must provide notice as soon as practicable. After receiving an employee's notice, the City must comply with the requisite notice and procedural requirements for requesting leave, absent unusual circumstances. Failure to provide such notice may be grounds for delay of leave.

An employee's notice must include sufficient information for the City to determine if the employee qualifies for FMLA/CFRA protected leave and the anticipated timing and duration of the leave. The City can request for FMLA/CFRA leave to be supported by a medical certification.

(f) Exhaustion of Paid Leave and Use of Sick Leave. Employees shall use the following: (1) accumulated vacation and (2) accumulated compensatory time off during a qualifying FMLA/CFRA designated leave. An employee may use accumulated sick leave if the basis of the FMLA/CFRA designated leave could also be considered a basis for using sick leave. An employee's FMLA/CFRA designated leave will run concurrent with vacation, compensatory time off, and sick leave utilized by the employee.

(g) Maintenance of Benefits. During FMLA/CFRA designated leave, the City will maintain any employee, health, dental, vision, and life insurance coverage for a maximum of twelve (12) weeks.

(h) Reinstatement Rights. Upon return from FMLA/CFRA designated leave, an employee is generally entitled to be returned to the same, equivalent or a comparable position with the equivalent pay, benefits, and other employment terms. There are exceptions to this general rule including but not limited to "key employees" as defined by law and under specified conditions.

SECTION 8. LEAVE OF ABSENCE FOR POLICE OFFICERS FOR INJURY OR ILLNESS IN LINE OF DUTY.

Labor Code Section 4850 requires that any City police officer (as defined therein) who is temporarily or permanently disabled by injury or illness arising out of and in the course of their duties shall be entitled to leave of absence without loss of salary, in lieu of any temporary disability payments or maintenance allowance payments, for the period of disability but not exceeding one year, or until such earlier date as employee is retired for permanent disability. Any temporary disability payments otherwise payable to any such City police officer by the City's workers' compensation insurer shall be paid to the City.

SECTION 9. VACATION.

(a) Accumulation. Employees in full-time positions shall accumulate vacation leave with pay at the following rates, based on the table below.

Employees in part-time positions shall accumulate vacation leave at a pro-rated amount based on hours worked in each calendar month.

<u>Range</u>	<u>Years of Service from Hire Date</u>	<u>Hours Per Year</u>
I	Less than 3 years	80 hours
II	Over 3 but less than 10 years	120 hours
III	Over 10 years	160 hours
IV	FLSA Exempt Employees, regardless of hire date	160 hours

(b) When Vacation Leave to be Taken. Employees shall submit vacation requests in accordance with the process prescribed by the Personnel Officer. Vacation approvals shall be based on the City's operational needs. Employee vacation requests shall be approved by the Department Head, Department Head requests shall be approved by the City Manager, and City Manager vacation requests shall be approved by the Mayor.

(c) Maximum Accumulation.

(1) Employees with less than 10 years of service. The maximum hours of vacation leave an employee with less than 10 years of service may accumulate or accrue at any one time is 320 hours. No additional vacation leave shall accrue beyond 320 hours until the total accumulated leave balance falls below the maximum.

(2) Employees with over 10 years of service. The maximum hours of vacation leave an employee with over 10 years of service may accumulate or accrue at any one time is 420 hours. No additional vacation leave shall accrue beyond 420 hours until the total accumulated leave balance falls below the maximum.

(d) Separation. Upon employee separation, any unused vacation leave shall be paid as a lump sum as part of the employee's final compensation.

SECTION 10. HOLIDAYS

(a) Holidays Observed. "Holiday" wherever used in this Resolution, shall mean and refer only to the following days of each year:

- (1) January 1 (New Year's Day)
- (2) January 15 (Martin Luther King, Jr. Birthday)
- (3) Third Monday in February (Presidents Day)
- (4) March 31 (Cesar Chavez Day)
- (5) Good Friday (Friday before Easter)
- (6) Last Monday in May (Memorial Day)
- (7) Fourth of July
- (8) First Monday in September (Labor Day)
- (9) Second Monday in October (Indigenous Peoples' Day)
- (10) November 11 (Veterans Day)
- (11) Thanksgiving Day
- (12) Friday after Thanksgiving Day
- (13) One-half ($1/2$) day, beginning at 12:00 noon on December 24
- (14) December 25 (Christmas)
- (15) One-half ($1/2$) day, beginning at 12:00 noon on December 31
- (16) A Personal Holiday which shall be accumulated as eight (8) hours of Personal Holiday leave on July 1 of each year. At no time shall the Personal Holiday balance exceed eight (8) hours. Employees may request use of Personal Holiday consistent with Section 9 of this Resolution. Personal Holiday hours must be used in a single eight (8) hour increment. Personal Holiday leave shall not be paid as part of Holiday CTO payout. Upon employee separation, employees shall not receive any payment for unused Personal Holiday hours.
- (17) Any day or part of a day declared by the City Council, by ordinance or resolution, to be a Holiday.

(a) City Offices. City offices and other facilities, except those providing essential public services, such as police and fire protection, shall be closed on said holidays.

(b) Holiday Schedule. Each year, the Personnel Officer shall create a Holiday Schedule for the purpose of addressing holidays falling on weekends.

(c) Full-Time Employees. Every full-time employee shall be entitled to leave of absence without loss of pay on every holiday, unless required to work, in which case they shall be compensated for such work with Holiday CTO.

(d) Holiday Compensatory Time Off (CTO).

(1) Earning Holiday CTO. If a full-time employee is required to work on a holiday as part of their regular shift, or the holiday occurs on their regular day off, that is not a weekend, the employee shall earn eight (8) hours of Holiday CTO hours. If an employee is required to work on a holiday not as a part of their regular shift, the employee shall be compensated as overtime pursuant to Section 11 of this Resolution. The Personal Holiday shall not be included for purposes of this provision and the eight (8) hours of Personal Holiday leave shall not be included in Holiday CTO hours.

(2) Use and Payment of Holiday CTO. Holiday CTO must be used within 180 days of being earned. After 180 days, the Holiday CTO will automatically be paid out at the employee's overtime rate. Personal Holiday leave shall not be paid as part of Holiday CTO pay out.

(3) FLSA Exempt Employees. FLSA exempt employees required to work on a holiday shall be granted informal holiday time off at the discretion of the City Manager.

(e) Holiday Leave for Police Sergeants, Corporals, and Officers.

(1) Eligibility. Police Sergeants, Corporals, and Officers shall accrue Holiday Leave in lieu of Holidays or Holiday CTO.

(2) Accumulation. Eligible employees shall accrue 4.62 hours of Holiday Leave per pay period in lieu of the Holidays in Section 10(a).

(3) Cash-Out. Eligible employees may cash-out their accumulated Holiday Leave at any time, in ten (10) hour increments, by submitting a written cash-out request as specified by the Personnel Officer. Cash-out payments shall be paid at the employee's current base rate of pay.

(4) Maximum Accumulation. The maximum accumulation of Holiday Leave is 120 hours. Employees who reach this maximum accumulation will receive an automatic pay down of any hours above this amount at the employee's overtime rate of pay.

(5) Payment at Separation of Employment. At separation of employment, accumulated Holiday Leave not in excess of one hundred twenty (120) hours will be paid at the employee's current base rate of pay.

SECTION 11. OVERTIME.

(a) Defined. Overtime is defined as authorized time worked in excess of forty (40) hours in a Week.

(b) Authorization. Overtime shall be authorized and assigned by the City Manager, Department Head, or designee.

(c) Compensation. Overtime shall be compensated in cash or in compensatory time off (CTO) as determined by the Department Head. Employees eligible to receive overtime shall be compensated at the rate of one and one-half times their hourly straight time rate.

(d) Compensatory Time Off.

(1) Requesting Use. The process for requesting use of earned CTO shall be the same process as requesting use of Vacation within this Resolution.

(2) Cash-Out. If an employee has been unable to take their CTO and has a CTO balance in excess of one hundred sixty (160) hours as of December 31 of each year, the employee shall be paid in cash for all hours in excess of one hundred sixty (160).

(3) Payment Upon Separation. Upon separation from City service, the employee shall receive a lump sum payment for any earned CTO.

(e) Call-Back Time. Call-back work is work performed at a time outside of and not continuous with an employee's regular work schedule. A non-exempt employee called back to work shall receive no less than three (3) hours pay at the overtime rate unless such callback is within three (3) hours of the beginning of the employee's next shift, in which case the employee shall only be paid for the hours remaining before the beginning of the employee's next shift. An employee may be called back to work at the discretion of the City Manager or Department Head due to exigent circumstances or operational need.

(f) Court Standby Time. An employee required to be on standby for court appearance as a part of their regular duties must notify their Department Head or designee as soon as the employee receives notice from the court.

(1) During Regular Shift. Employee shall not receive any additional compensation for court time during their regular shift. If the employee is called to court and the court time extends beyond their regular shift, the employee shall be compensated at their overtime rate for the actual time spent beyond their regular shift.

(2) Standby and not Called. When an employee is subpoenaed for a court appearance on their scheduled day off but not called to court, the employee shall receive three (3) hours of overtime compensation.

(3) Standby and Called. When an employee is subpoenaed for a court appearance on their scheduled day and called to court, the employee shall receive a minimum of three (3) hours of overtime, or the actual time of the standby and court appearance, whichever is greater.

SECTION 12. ADMINISTRATIVE LEAVE FOR FLSA EXEMPT EMPLOYEES.

(a) Eligibility. The City Manager, department heads, and other FLSA exempt employees shall be eligible for Administrative Leave.

(b) Granted. Eligible employees shall be granted Administrative Leave as follows.

<u>Employee</u>	<u>Hours per Fiscal Year</u>
City Manager	96 hours
Other FLSA Exempt Employees	80 hours

(c) Regulations.

(1) Balances. Administrative Leave balances shall be granted as a lump sum on July 1. At no point in time shall the Administrative Leave balance exceed those set by this Resolution, unless otherwise approved by City Council Resolution or Contract.

(2) Temporary FLSA exempt employees. FLSA exempt employees hired on a temporary basis, shall earn prorated administrative leave monthly in arrears.

(3) New Employees. Employees eligible to receive Administrative Leave shall be granted such leave on a pro-rated allocation based on appointment date provided the employee is not employed elsewhere on the appointment date, otherwise the pro-rated allocation shall be granted based on the hire date.

(4) Payment Upon Separation. Any Unused Administrative Leave shall be paid as a lump sum (up to a pro-rated maximum) upon separation from City service. The pro-rated maximum shall be calculated by dividing the hours of Administrative Leave granted on July 1 by the number of pay periods, and then multiplying that result by the number of pay periods worked by the separating employee during the fiscal year of separation.

(5) Usage. Employees may request use of Administrative Leave consistent with Section 9 of this Resolution.

SECTION 13. SALARY STEPS AND EVALUATIONS.

(a) Starting Rate.

(1) City Manager. The City Manager's rate of pay may be set by a City Council approved employment agreement.

(2) Step Placement for New Employees. A new employee of the City shall be placed at Step A for the specified range unless the City Manager determines it is in the best interest of the City to place the employee above Step A. The City Manager shall document any placement above Step A with a written justification memorandum to be placed in the employee's personnel file.

(3) Additional Requirement for Department Heads.

i. A new Department Head may only be placed above Step A with City Council authorization.

ii. Based upon the City Manager's recommendation, the City Council may enter into an employment agreement with a Department Head. This agreement may contain provisions inconsistent with this Resolution.

(b) Evaluations.

(1) Annual Evaluations for Full-Time Employees. All full-time employees shall receive an annual written performance evaluation on or around the anniversary of either their hire date or the anniversary of the appointment date to their current position if appointed to a new position after the hire date.

(2) Evaluations for Part-Time Employees. Part-time employees who have been appointed for more than twelve (12) months shall receive a written performance evaluation for that time period, and each successive twelve (12) month time period.

(c) Salary.

(1) Salary Resolution. Salaries are adopted by a separate Salary Resolution.

(2) Skill Ranges. Certain full-time classifications are comprised of Skill Ranges. The City Manager may appoint a new employee to any classification within a Skill Range, or promote an employee to a higher classification within a Skill Range. To do so, the employee must meet the minimum qualifications of the classification, and there must be an operational need for appointment to the higher classification.

(3) Salary Step Placement. After completion of an annual performance evaluation as described above, the Department Head shall provide a recommendation to the City Manager if a salary step advancement is recommended. If the annual performance evaluation is conducted after the salary step advancement date, and advancement is recommended, that advancement shall be retroactive to the first pay period commencing after the anniversary of either the employee's hire date or the anniversary of the appointment date to the employee's current position if appointed to a new position after the hire date.

(4) Early Salary Step Advancement. The City Manager shall have the authority to provide employees a one-time early advancement of one salary step as a tool for employee

retention or extraordinary skill advancement. The City Manager shall document any early step advancement with a written justification memorandum to be placed in the employee's Personnel File.

(d) Training & Professional Development. The City shall cover employee expenses for training that is required by law, training that is required to maintain certifications, training that is required as a condition of employment, and training that is determined by the Department Head to be necessary for employee professional development. The City Manager shall prepare a Travel Expense Reimbursement Policy for City Council approval.

(e) Payroll and Timekeeping. The Personnel Officer shall create procedures for payroll and timekeeping. Any authorized and earned leave balances, other pays, or deductions described in this Handbook shall be accounted for on a prorated per-paycheck basis.

SECTION 14. HEALTH BENEFITS.

- (a) Definition. Health Benefits shall mean medical, dental, and vision care provided to the employee by the City.
- (b) Premiums. The Council, by Resolution, shall set the monthly employee share of Health Benefits premiums, generally as a part of the annual budget process.
- (c) Full-Time Employees. All full-time employees are eligible for Health Benefits beginning the first day of their first full calendar month of employment.
- (d) Part-Time Employees. Part-time employees shall not be eligible for health benefits.
- (e) Opt-Out Provision. Employees eligible for Health Benefits may choose to opt-out of the medical plan at any time, where and how currently allowed by the City's contracted Health Benefits provider. Once disenrolled, the employee shall receive an additional non-pensionable cash allowance of \$300.00 per month.
- (f) COBRA. Upon separation from employment eligible employees may continue coverage of their health insurance in accordance and for the length of time permitted by the Consolidated Omnibus Budget Reconciliation Act ("COBRA").

SECTION 15. AUTOMOBILE ALLOWANCE.

(a) Eligibility. Automobile allowance shall be issued at the discretion of the City Manager based on operational need. Employees who are assigned a City-owned vehicle are not eligible for an automobile allowance.

(b) Rates. Automobile allowances for eligible employees shall not exceed the following:

<u>Employee</u>	<u>Monthly Automobile Allowance</u>
City Manager	Set per employment contract
Department Heads	\$500.00
Other Employees	\$250.00

(c) Procedures. The Personnel Officer is charged with promulgating procedures for driving on City business.

SECTION 16. RETIREMENT AND RETIREES.

(a) Social Security & CalPERS. Eligibility for Social Security and CalPERS, including placement as a Classic or PEPRA member, shall be determined by the appropriate State and/or Federal agencies.

(b) Retiree Health Plan. The City shall offer a Retiree Health Plan, where and how currently allowed by the City's contracted health benefits provider, and the monthly retiree premium contribution shall be set annually by Council Resolution.

(c) Eligibility for Retiree Health Plan Enrollment. Employees are eligible to enroll in the Retiree Health Plan only when all the following conditions are met:

(1) Employee must request enrollment in the Retiree Health Plan in writing to the Personnel Officer prior to separation from City service.

(2) Employee must have at least five (5) years of consecutive and continuous CalPERS service credit with the City of Fowler immediately prior to separation from City service which shall not include resignation in lieu of disciplinary action or termination.

(3) At the time of separation, employee may not have any pending disciplinary action that could result in employee termination.

SECTION 17. UNIFORMS & EQUIPMENT.

(a) Police Department Personnel Stipend.

(1) Eligible Classification. Officer, Corporal, Sergeant, Lieutenant, Community Service Officer, Crime Analyst, Records and Property Technician I/II, and volunteer.

(2) Implementation. The Personnel Officer shall implement procedures for an annual employee uniform stipend or reimbursement program in an amount as authorized in the annual budget.

(b) Fire Department Personnel Stipend. *Reserved.*

(c) Safety Shoe Stipend.

(1) Eligible Classifications. Building Inspector I/II, Building Official, Code Enforcement Officer I/II, Planning & Code Enforcement Technician I, Maintenance Assistant, Maintenance Worker, Senior Maintenance Worker, Lead Maintenance Worker, Public Works Director, Public Works Supervisor, Water Operator in Training, Water Operator I/II, Lead Water Operator.

(2) Implementation. The Personnel Officer shall implement procedures for an annual employee shoe stipend or reimbursement program as authorized in the annual budget.

SECTION 18. WATER DIVISION ON-CALL STIPEND.

(a) Intent. Public Works Water Division Personnel are often needed in a 24/7 capacity to serve the residents of Fowler and ensure basic services are provided for sanitation and life safety.

(b) Eligibility. The following classifications are eligible to participate in this program: Water Operator I/ II, Lead Water Operator, and Public Works Supervisor.

(c) Implementation.

(1) On-Call Shift Schedule. The on-call shift begins Tuesday at 3:30 PM and ends the following Tuesday at 7:00 AM.

(2) Non-Exempt Employee Stipend. Eligible employees designated by the Department Head as “on-call” shall be eligible for an on-call stipend as follows:

Weekdays - \$25.00 per weekday (Monday through Friday)

Weekends - \$40.00 per weekend day (Saturday and Sunday)

Holidays - Double the above daily rate for holidays designated in Section 10 of this Handbook.

(3) Exempt Employee Stipend. Eligible employees designated by the Department Head as “on-call” shall be eligible for an on-call stipend as follows:

Weekdays - \$35.00 per weekday (Monday through Friday)

Weekends - \$65.00 per weekend day (Saturday and Sunday)

Holidays - Double the above daily rate for holidays designated in Section 10 of this Handbook.

(4) Call-Back. In the event a non-exempt on-call employee responds to a call, the employee shall be compensated in accordance with Section 11 of this Handbook.

(5) Implementation. The Personnel Officer shall create procedures to implement this section.

SECTION 19. ANNUAL LEAVE CASH-OUT PROGRAM.

(a) Sick. Employees may cash out up to 16 hours of sick leave on November 15th of each year, provided that the employee's sick leave balance is at least 96 hours after the cash out.

(b) Vacation or Administrative Leave. Employees may cash out up to 32 hours of any combination of vacation or administrative leave on November 15th of each year, provided that the employee's vacation leave balance is at least 80 hours after the cash out.

(c) Implementation. The Personnel Officer shall create procedures to implement this section.

SECTION 20. CERTIFIED BILINGUAL PAY.

- (a) Intent. To provide quality services to all Fowler residents, City staff need to be able to interact with community members in their language of choice.
- (b) Languages. The Personnel Officer shall maintain a list of eligible languages.
- (c) Rate. Employees passing a certification exam shall receive Certified Bilingual Pay of one hundred dollars (\$100) per month, regardless of how many languages for which an employee is certified.
- (d) Designation. Department Heads shall recommend, and the City Manager may approve, those assignments for which bilingual skill is desired and Certified Bilingual Pay may be offered. Employees who transfer to an assignment where bilingual skill is not offered, shall no longer be eligible for Certified Bilingual Pay upon acceptance of the transfer.
- (e) Annual Verification. The City Manager shall annually review and approve the list of assignments where Certified Bilingual Pay may be eligible and offered. This process may result in the elimination of Certified Bilingual Pay for some or all assignments. Nothing herein is intended to create and nothing herein shall be interpreted as creating a vested right to Certified Bilingual Pay.
- (f) Exam. Certified Bilingual Pay may only be offered after the employee has passed a certification exam to verify written and spoken ability.
- (g) Five-Year Recertification. Employees must take and pass the certification exam every five (5) years.
- (h) Implementation. The Personnel Officer shall create procedures to implement this section.
- (i) Excluded Positions. Department Heads are not eligible for Certified Bilingual Pay.

SECTION 21. STREETS DIVISION ON-CALL STIPEND.

(a) Intent. Public Works Streets Division Personnel are often needed in a 24/7 capacity to serve the residents of Fowler and ensure basic services are provided for maintenance of city streets, concrete infrastructure, and lighting.

(b) Eligibility. The following classifications are eligible to participate in this program: Maintenance Assistant, Maintenance Worker, Lead Maintenance Worker, and Public Works Supervisor.

(c) Implementation.

(1) On-Call Shift Schedule. The on-call shift begins Tuesday at 3:30 PM and ends the following Tuesday at 7:00 AM.

(2) Non-Exempt Employee Stipend. Eligible employees designated by the Department Head as “on-call” shall be eligible for an on-call stipend as follows:

Weekdays - \$25.00 per weekday (Monday through Friday)

Weekends - \$40.00 per weekend day (Saturday and Sunday)

Holidays - Double the above daily rate for holidays designated in Section 10 of this Handbook.

(3) Exempt Employee Stipend. Eligible employees designated by the Department Head as “on-call” shall be eligible for an on-call stipend as follows:

Weekdays - \$35.00 per weekday (Monday through Friday)

Weekends - \$65.00 per weekend day (Saturday and Sunday)

Holidays - Double the above daily rate for holidays designated in Section 10 of this Handbook.

(4) Call-Back. In the event a non-exempt on-call employee responds to a call, the employee shall be compensated in accordance with Section 11 of this Handbook.

(5) Implementation. The Personnel Officer shall create procedures to implement this section.