



PAY & BENEFITS PLAN FOR  
EXECUTIVE LEVEL EMPLOYEES  
OF THE CITY OF HERCULES

**Effective July 1, 2017  
Per Resolution No.**

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## **ARTICLE I. TERMS**

### **SECTION 1 - DEFINITION OF TERMS**

- 1.1 The following terms, whenever used in the Plan, shall have the meaning set forth in this Section:
- A. CITY: Shall mean the City of Hercules
  - B. CITY MANAGER: Shall mean the City Manager or his/her designee.
  - C. DAYS: Shall mean calendar days except where working days are expressly specified.
  - D. EMPLOYEE: Shall mean an individual who serves full-time and who is appointed to a full-time Management position.
  - E. EXECUTIVE LEVEL EMPLOYEE: Shall mean the City Manager, individual appointed to Executive Level employee level positions by the City Manager, and elected officials.
  - F. FISCAL YEAR: Shall mean the 12 month period from July 1 through June 30.
  - G. PUBLIC EMPLOYEES' PENSION REFORM ACT (PEPRA): Shall mean the California Public Employees' Pension Reform Act of 2013, including AB 340 (Furutani, Chapter 296, Statutes of 2012) and AB 197 (Buchanan, Chapter 297, Statutes of 2012) and all subsequent amendments.
  - H. PERS: Shall mean the California Public Employees' Retirement System.
  - I. PUBLIC AGENCY EXPERIENCE: shall mean full-time service in an agency that participates in a public retirement plan.
  - J. RETIREE: Shall mean a former employee of the City who has been granted and is receiving a regular service or disability retirement from PERS.
  - K. SERIOUS INJURY OR ILLNESS: Shall mean, for the purposes of benefits provided by Article V, Section 1.04 herein, an injury or illness certified by the City to require a recuperation period of 30 days or more.
  - L. WORK PERIOD: Shall mean seven consecutive, regular recurring 24 hour periods equal to 168 hours, designated by the City Manager.
  - M. YEAR: Shall mean fiscal year, except where calendar year is expressly specified.

## ARTICLE II. COMPENSATION

### SECTION 1 - PAY PLAN

- 1.01 Effective July 1, 2017, the pay plan for Executive Level employees is set forth as follows:

TITLE	MONTHLY SALARY*
Administrative Services Director/City Clerk	\$9503-\$12,128
Finance Director	\$11,084-\$14,146
Parks & Recreation Director	\$9503-\$12,128
Planning Director	\$10,263-\$13,098
Police Chief	\$11,971-\$15,278
Public Works Director/City Engineer	\$11,971-\$15,278

Note: Executive Level employees are positions in the Unclassified Service.

\*Rates based on 1976 annual hours worked

Executive Level employees shall work the number of hours necessary and sufficient to professionally discharge the duties and assignments. Executive Level employees are granted discretion regarding the times they start and finish their work days, as well as the days they work. The City may from time to time require specific work start or finish times or both. Executive Level employees shall work a minimum of thirty eight (38) hours per week, except when vacation, sick or other approved leave is taken.

*The standard workweek shall be thirty-eight (38) hours per week, worked in units of nine (9-1/2) hours per day Monday through Thursday in a seven (7) day workweek which runs Saturday at midnight through the following Saturday at 11:59 p.m.*

### SECTION 2 - PAY RATE ADVANCEMENT WITHIN SALARY RANGE

- 2.01 On the basis of the evaluation of an employee's performance, an employee shall be eligible for a pay rate advancement added to his/her base pay of an amount between zero and 10 percent, not to exceed the top of the salary range, effective at the beginning of the pay period following an employee's anniversary date.

### SECTION 3 - OTHER PAY ADJUSTMENTS

- 3.1 Executive Level Staff shall receive a Cost of Living Adjustment (COLA) consistent with the highest COLA received by any bargaining unit in the City during the term of this Pay Plan.  
The salaries in Section 1 include a 3.5% Cost of Living Adjustment (COLA) effective July 1, 2017calculated as normal pay
- 3.2 Retention Payment – In recognition of the financial sacrifices made by Executive Level employees who have stayed with the City and participated in the wage concessions

that enabled the City to successfully navigate times of extreme economic distress, the City will pay a one-time non-PERSable retention payment of 5.0% of the employee's salary earned in FY 2016-17. Employees can elect to direct retention payment to Deferred Compensation Plan or Retirement Health Savings Plan if desired.

- 3.3 Bonus Pay – As recognition of a specific, non-permanent work effort or in recognition of ongoing job performance which has consistently exceeded the highest standards, Bonus Pay may be awarded to an Executive Level employee by the City Manager. The range of this Bonus Pay may be from 2% to 10% of the Executive Level employee's annual salary and be paid in one lump sum payment. Executive Level employees have the option of depositing any such bonus payment into their 457 Deferred Compensation Plan or 401A Plan, subject to plan limits.

*This benefit is suspended for the term of this Pay Plan.*

- 3.4 Assistant City Manager – The City Manager may designate one of the Executive Level employee to also serve as Assistant City Manager and the person so designated shall receive Additional Duties pay of 5% with the Assistant City Manager to serve as Acting City Manager when the City manager is absent or unavailable. If another Executive Level employee is designated to serve as Acting City Manager if the Assistant City Manager is unavailable for a full day or more, the designated Executive Level employee shall receive Additional Duties pay of 5% for the period of their designation as Acting City Manager.

#### **SECTION 4 - CREDIT TOWARD CITY SERVICES**

- 4.01 Each Executive Level employee shall receive up to \$300 per year non-cash credit which may be applied to the cost of any City program fees incurred by the Executive Level employee or immediate family member. Such credit is not transferable and cannot be converted to cash. This credit shall only apply to services provided directly by the City and not to any third party service provider.

*This benefit is suspended for the term of this Pay Plan.*

## **SECTION 5 - UNIFORM ALLOWANCE**

5.01 The Police Chief shall be entitled to an annual clothing allowance equal to the highest amount that is received by members of any Public Safety bargaining unit within the City.

## **SECTION 6 – MANAGEMENT INCENTIVE**

6.1 A Management Incentive of \$200 per month shall be provided to Employees appointed to Executive Level classes who are not assigned a City vehicle for use of their personal vehicle and for use of personal mobile phones to conduct City Business.

6.2 Any employee granted a City vehicle for his/her exclusive use shall not receive a car allowance or mileage reimbursement payments.

## **SECTION 7 - EDUCATION REIMBURSEMENT**

7.01 Executive Level employees shall be eligible to receive up to \$4,000 per fiscal year reimbursement of expenditures by the Executive Level employee on tuition, books, travel and any other costs associated with their successful completion of any professional or educational program approved by the City Manager. This benefit shall be funded at the rate of \$30,000 per year and is available to Executive Level employees on a first come, first served basis. Once the total annual benefit amount of \$30,000 is reached, the benefit is no longer available to any Executive Level employee until the next fiscal year.

## **SECTION 8 - LONGEVITY PAY**

8.1 Executive Level non-sworn employees are eligible to receive Longevity Pay based on number of years of service. In addition to an employee's base salary, exclusive of all premium and other pays, each employee shall receive a Longevity Pay added to the employee's base salary after the completion of:

At 7 years of service:	\$200 per month
At 10 years of service:	\$300 per month
At 14 years of service:	\$400 per month
At 16 years of service:	\$500 per month

Executive Level sworn employees are eligible to receive Longevity Pay calculated as a percentage of their salary and the city will make the payments in 26 bi-weekly installments equal to the longevity pay table identified in the Memorandum of Understanding between the City of Hercules and the Hercules Police Officers Association.

8.2 The effective date of a Longevity Pay increase shall be the beginning of the pay period following the date of eligibility. The computation of Longevity Pay increases shall not be cumulative.

## **SECTION 9 - CONVERSION OF ACCRUED LEAVE UPON SEPARATION**

9.01 Upon retirement or separation from City employment Executive Level employees shall receive cash out equivalent for any eligible unused leave balances. Separating Executive Level employees shall have the option of receiving cash out or depositing the unused leave balance into their 457 Deferred Compensation Plan, subject to Federal law plan limits.

## **SECTION 10 - COMPENSATORY TIME OFF**

10.01 Compensatory Time Off (CTO) is normally not accrued for exempt employees, however should CTO be on the employer's books for reasons such as change in position or a carryover from other terms and conditions with the employer, it will qualify as eligible for conversion to either the Executive Level employee's 401A or 457 Plan. Any such conversion must occur within 30 days of appointment.

## **SECTION 11 - SUPPLEMENTAL OPTIONAL MONIES ALLOWANCE FOR RETIREES (SOMAR)**

11.1 The City will provide an optional monetary allowance currently in the amount of \$306.30 per month with an annual three percent adjustment on January 1<sup>st</sup> of each year to employees who retire as regulated by the Public Employee's Retirement System. To be eligible for the optional monies, an employee must retire as follows:

1. Service Retirement: Employees who have served the City for at least ten (10) consecutive years immediately prior to retirement and are at least fifty (50) years old when they separate service from the City.
2. Disability Retirement: Employees who retire with a disability retirement are not required to be a certain age, but must have at least twenty (20) years of service with the City.

11.2 To be eligible for the optional money allowance, employees must also have the minimum amount of sick leave on the books, as outlined in the chart below. If an employee has below the amount of sick leave required for their years of service, then they will only be eligible for the percentage paid equivalent to the amount of sick leave they do have on the books.

Years of Service	Amount of sick leave hours on the books on the day employee separates service	Percentage of Optional Money Available
10	480	50
11	528	55
12	576	60
13	624	65
14	672	70
15	720	75
16	768	80
17	846	85

18	864	90
19	912	95
20	960	100
21	960	100
22	960	100
23	960	100
24	960	100
25	No minimum amount required	100

11.3 Employees who separate service from the City of Hercules, but do not retire as a PERS annuitant, shall not be eligible for medical retirement under this program.

11.4 Retiree Reaches Age 65 – The City will pay a portion of the optional money to a retiree until the retiree reaches age 65, upon which they are required to enroll in Medicare. At that time, the optional money will drop to an amount equivalent to the Kaiser Supplemental to Medicare rate through PERS. The retiree will be eligible for the same percentage of the Supplemental Optional Monies as they were eligible for under the Basic Optional Monies plan. Employees who are not eligible for Medicare must provide the City proof that they are not eligible for Medicare, either through their own employment history or their spouse's and after providing such proof, the city will continue to pay the percentage of the Basic Optional Monies Plan. If proof is not provided, the City will automatically begin paying the Supplemental Optional Monies Plan percentages.

This benefit, which is effective January 1, 2001, is expected to last into perpetuity. The funds being established for this program may not be used by the City or Executive Level employees for any purpose other than what is expressly stated in this section of the Pay Plan. If in the future the City and Executive Level employees mutually agree to end or modify this benefit, they can do so only for active employees. Any retiree who is currently receiving this benefit will continue to receive the benefit as stated in the Pay Plan that was in effect at the time of their retirement. Conversely, if the City and Executive Level employees increase this benefit, they can do so only for active employees and retiree benefits will remain the same as it was when they retired.

The City shall provide to the Executive Level employees an annual statement of prior year balances in the medical retirement fund no later than December 31<sup>st</sup> of each year.

11.5 Payment will be made on a bi-annual basis. The optional money allowance for the months of January through June will be made the third week in July; July through December will be paid the third week in January of each year. Checks will be mailed to the address on file. Supplemental Optional Money payments are subject to applicable Federal and State Income Tax regulations.

## **SECTION 12 - COMPUTER LOAN PROGRAM**

12.01 Each employee is eligible to participate in the City of Hercules Loan Program for Employee Purchase of a Personal Computer, tablet, software or hardware. Maximum



loan amount is \$2,500 and may not be more than one loan outstanding at any time. No interest will be charged by the City on loans under this program.

## **SECTION 13 – DEFERRED COMPENSATION**

- 13.1 401A Deferred Compensation Plan: All Executive Level employees shall receive an employer contribution equivalent to 4% of their salary from the City, deposited into the City sponsored 401A Deferred Compensation Plan, consistent with the limits, policies and conditions established by the ICMA-RC and Federal Tax Laws. In addition, all Executive Level employees shall receive an employer contribution equivalent to 5% of their salary on a one-to-one match deposited into the City sponsored 401A Deferred Compensation Plan, consistent with the limits, policies and conditions established by the ICMA-RC and Federal Tax Laws.
- 13.2 457 Deferred Compensation Plan: All Executive Level employees may make voluntary contributions to the ICMA 457 Deferred Compensation Plan through payroll deduction subject to the limits, policies and conditions established by the ICMA and Federal Tax laws.

## **ARTICLE III. RETIREMENT BENEFITS**

### **SECTION 1 - PUBLIC EMPLOYEES' RETIREMENT SYSTEM (PERS) PLAN**

- 1.1 The City agrees to provide all Executive Level employees with retirement benefits under the terms of its current Retirement Plan with CalPERS.
- 1.2 All sworn personnel members hired on or prior to December 11, 2011 shall receive PERS retirement benefits computed at the highest formula, to include final year benefit formula, received by any public safety bargaining unit within the City. Those sworn personnel hired after December 11, 2011 and prior to January 1, 2014 shall receive the PERS benefit formula of 3%@55.
- 1.3 Unrepresented non-public safety employees hired prior to January 1, 2013 will pay the 7% employee percentage of PERS contributions. The current total employee percentage is 7%. Unrepresented public safety employees hired prior to January 1, 2013 will pay the 9% employee percentage of PERS contributions. The current total employee percentage is 9%.
- 1.4 Non-public safety Executive Level employees hired prior to January 1, 2014 will pay the 7% employee percentage of PERS contributions. The current total employee percentage is 7%. Public safety Executive Level employees hired prior to January 1, 2014 will pay the 9% employee percentage of PERS contributions. The current total employee percentage is 9%.
- 1.5 The City Employer Paid Member Contribution (EPMC) for the purpose of reportable compensation will be changed from 2.5% to 0%.
- 1.6 The PERS benefit formula and percentages paid by any Executive Level employee will change for all newly hired Executive Level employees on or after January 1, 2014 who

are not already in a PERS recognized retirement system, in accordance with AB 340, signed into law on September 12, 2012.

- 1.7 Sworn personnel hired on or after January 1, 2014 shall receive the PERS benefit formula of 2.7%@57, shall contribute 50% of the total annual normal cost of their pension benefit to the pension plan as determined by the City's actuary and shall have their final compensation based on the employee's highest annual compensation earnable averaged over a consecutive 36-month period. The employee contribution rate for new sworn members is 11.50%.
- 1.8 Non-public safety personnel hired on or after January 1, 2014 shall receive the PERS benefit formula of 2%@62, shall contribute 50% of the total annual normal cost of their pension benefit to the pension plan as determined by the City's actuary and shall have their final compensation based on the employee's highest annual compensation earnable averaged over a consecutive 36-month period. The employee contribution rate for new non-sworn members is 6.25%.

## **ARTICLE IV. INSURANCE BENEFITS**

### **SECTION 1 - INSURANCE**

- 1.1 Executive Level employees shall receive medical and vision coverage consistent with the highest level of similar coverage's received by any bargaining unit in the City.
- 1.2 If an Executive Level employee elects no health coverage, and can demonstrate to the City, on an annual basis or any other time upon request, that the Executive Level employee has alternative health care coverage, the Executive Level employee shall be entitled to any one of the following options:
  1. The City will pay 50% of the eligible contribution into the Executive Level employee's 457 Plan account; or
  2. The City will pay to the Executive Level employee directly 25% of the eligible contribution in cash; or
  3. At the Executive Level employee's option, the City will pay a portion of the eligible contribution to increase the Executive Level employee's supplemental life insurance coverage and the Executive Level employee will receive the remainder of the eligible contribution under either option one or two above.

If an Executive Level employee's alternative health coverage is lost due to unforeseen circumstances, the Executive Level employee will upon request be covered by the City's health plan, subject to carrier approval.

- 1.3 Dental Insurance - For dental coverage the City shall pay 100 percent of the monthly premium through Delta Dental Plan of California for each Executive Level employee and qualified dependents up to \$2,500 per calendar year for each family member. The City shall provide orthodontia coverage 50 percent with a lifetime maximum of \$4,000 for each eligible family member.
- 1.4 Life Insurance and AD&D - The City agrees to provide Executive Level employees

\$100,000 term life insurance and accidental death and dismemberment insurance at no cost to the Executive Level employee. Additional coverage on the same policy may be purchased by individual Executive Level employees through approved payroll deduction.

- 1.5 Short Term and Long Term Disability Insurance - Executive Level employees shall receive long-term disability insurance consistent with the highest level of similar coverage received by any bargaining unit in the City, at no cost to the Executive Level employee.
- 1.6 Employee Assistance Plan - The City agrees to continue an Employee Assistance Counseling Program for all Executive Level employees. Individuals eligible for coverage include Executive Level employees and their household members. The term household members encompasses anyone living in the Executive Level employee's household and can include, as examples, spouse, domestic partners, grandparents, sister or grandchildren, and eligible dependents.

## **ARTICLE V. SICK LEAVE BENEFITS**

### **SECTION 1 - SICK LEAVE ACCRUAL PLAN**

- 1.01 The City shall provide paid sick leave benefits to all Executive Level employees which accrues at the rate of eight (8) hours per month. The maximum sick leave accrual for Executive Level employees is 2080 hours. If an Executive Level employee has 2080 hours (one year) of accrued unused sick leave, the Executive Level employee shall cease earning sick leave until such time as their unused balance falls below 2080 hours.
- 1.02 Executive Level employees are not subject to sick leave accrual deduction for absences of less than one (1) day for sickness or personal medical appointments. This section does not preclude the City Manager from requiring Executive Level employees to report absences due to sickness of less than one (1) day.

## **ARTICLE VI. HOLIDAYS, VACATION AND OTHER LEAVE BENEFITS**

### **SECTION 1 – HOLIDAYS**

- 1.1 Executive Level employees shall receive 13 designated holidays per year to be observed during each Fiscal Year (July 1-June 30). Executive Level employees normally scheduled to work on those days will be given nine and a half (9.5) hours off with pay provided they are eligible as set forth below. Floating Holidays may not be carried forward from one fiscal year to the next and are not compensable at the time of separation from City service.

The following days shall be recognized as holidays:

1. New Year's Day
2. Martin Luther King, Jr. Day
3. Presidents Day
4. Memorial Day
5. Independence Day
6. Labor Day
7. Veteran's Day
8. Thanksgiving
9. The day after Thanksgiving
10. Christmas Eve
11. Christmas Day
12. New Year's Eve
13. Two Floating Holidays

Executive Level employees on approved vacation or sick leave shall not be charged vacation or sick leave for the Holiday.

- 1.2 Additional Christmas Holidays - Executive Level employees shall receive paid leave during the Christmas week consistent with the highest amount received by any bargaining unit in the City and as specifically designated by the City Manager. To be eligible for the Additional Christmas Holidays, Executive Level employees must have either worked or have been in approved paid leave status the equivalent of 15 or more full workdays during the previous thirty (30) days, exclusive of overtime. An Executive Level employee on approved vacation or sick leave shall not be charged vacation or sick leave if these Holidays fall during their approved leave.

## **SECTION 2 - VACATION**

- 2.1 Except as otherwise provided in this Section, employees shall accrue vacation as follows:

<b>YEARS OF SERVICE</b>	<b>ANNUAL ACCRUAL</b>
1 through 4	96 hours
6 through 9	120 hours
10 through 15	144 hours
16 through 19	160 hours
Beginning at 20 years	176 hours

- 2.2 Executive Level employees who reach 280 hours of accrued unused vacation shall cease earning any vacation until their vacation accrual falls below 280 hours.
- 2.3 On June 30 of each year the City shall automatically convert to cash all Executive Level employees' vacation leave accrual hours in excess of 240 and deposit the cash balance

into the individual Executive Level employee's VantageCare Retiree Health Savings Program or into member's previously established City-sponsored investment account.

- 2.4 Consistent with City policy employees may sell back up to 40 hours of their accrued vacation annually, one time during the fiscal year.

### **SECTION 3 - RETIREMENT HEALTH SAVINGS PLAN**

- 3.1 VantageCare Retiree Health Savings (RHS) Program allows employees to accumulate assets to pay for health insurance and out-of-pocket expenses in retirement. The RHS Plan has a number of advantages including tax-deferred contributions, tax-deferred investment earnings, and tax-free withdrawals for eligible medical expenses for participants, their spouses and dependents.
- 3.2 The City shall automatically deposit 2% of each Executive Level employee's salary into the individual Executive Level employee's VantageCare Retiree Health Savings program. This benefit is paid from the Executive Level employee's salary and not by the City.
- 3.02 Executive Level employees will be permitted to cash out and deposit unused leave accruals in their Retiree Healthcare Savings Plan as described below.

On June 30 of each year the City shall automatically convert to cash, up to 40 hours each Executive Level employee's vacation leave accrual hours in excess of 240 and deposit the cash balance into the individual's VantageCare Retiree Health Savings Program.

On June 30 of each year the City shall automatically convert to cash up to 40 hours of Executive Level employee's unused Executive Leave and deposit the cash balance into the individual's VantageCare Retiree Health Savings program.

### **SECTION 4 - BEREAVEMENT LEAVE**

- 4.1 Each employee shall receive 24 hours of bereavement leave per qualifying incident. A qualifying incident is defined as the death of an employee's parent, step-parent, parents-in-law, grandparent, child, step-child, grandchild, spouse, domestic partner, legal dependent, sister or brother, brother/sister-in-law, legal guardian or with approval by Human Resources, a substitute family member for a person defined above.
- 4.2 In addition to the 24 hours of bereavement leave, Executive Level employees may use accrued unused vacation or sick leave to extend their bereavement leave up to a total of forty hours.
- 4.3 At the discretion of the City Manager, or designee, additional time may be taken by the Executive Level employee using their accrued leave. City paid bereavement leave shall be limited to a maximum of 24 hours per incident. In special cases, the City Manager or designee may approve additional bereavement leave or a leave of absence for bereavement in other circumstances.

## **SECTION 5 - ADDITIONAL LEAVES**

### **5.1 Authorized Leaves of Absence without Pay**

Requesting Leave – Upon request, the City Manager may grant a Executive Level employee an unpaid leave of absence not to exceed three (3) months. Such leave shall be discretionary and based upon the needs of the City. Whenever possible, such request shall be submitted at least six (6) weeks in advance. Approval of the request may be with specific terms and conditions negotiated by the City Manager and the Executive Level employee.

Extension of Leaves – During the period of the Leave of Absence, a Executive Level employee may request that the leave be extended by submitting such a request in writing to the City Manager stating the reason for the extension. Such a request may be approved or disapproved by the City Manager as described in the above section. Under normal circumstances, no Leaves of Absence exceeding one (1) year will be granted.

### **5.2 Executive Leave – Executive Level employees shall receive 80 hours of Executive Leave on July 1 of each year as flexible compensation for the irregular duty periods, work in excess of 40 hours per week, and unpredictable demands on Executive Level employee's time. Executive Leave must be used prior to June 30 of the fiscal year it was awarded or it is lost.**

On June 30 of each year the City shall automatically convert to cash up to 40 hours of Executive Level employees unused Executive Leave and deposit the cash balance into the individual Executive Level employee's VantageCare Retiree Health Savings program.

New Executive Level employees shall receive the following bank of hours of Executive Leave based on hire date as follows:

<b><u>Date of Employment</u></b>	<b><u>Credit for Executive Leave</u></b>
July 1 through September 30	60 hours
Oct 1 through December 31	40 hours
Jan 1 through March 31	20 hours
April 1 through June 30	0 hours

### **5.3 Pregnancy Disability Leave - An Executive Level employee disabled due to pregnancy may be entitled to a leave of absence for the period of disability up to three months. Executive Level employees on Pregnancy Disability Leave may utilize accrued unused sick leave and vacation during the leave period.**

### **5.4 Family and Medical Leave Act of 1993 – The parties acknowledge the applicability of the Family and Medical Leave Act and the California Family Rights Act and intend to apply and implement this Agreement so as to comply with both State and Federal Law.**

### **5.5 Voting Leave – Consistent with the provisions of California law, Executive Level employees shall be granted sufficient time to vote during municipal, primary and general elections.**

5.6 Military Leave – The City shall comply with all State and Federal requirements regarding military duty leave.

5.7 Sabbatical Leave is provided as a major means by which Executive Level employees may promote their professional competence and so improve the performance of the organization through continued learning through study, research, writing, and travel. Executive Level employees shall receive eighty (80) hours of Sabbatical Leave at the completion of seven years of service, which shall be on the eighth anniversary of their appointment as an Executive Level employee. Executive Level employees shall also receive eighty (80) hours of Sabbatical Leave upon the completion of fourteen years of service, which shall be on the fifteenth anniversary of their appointment as a Executive Level employee.

Executive Level employees may request and take Sabbatical Leave at any time after Sabbatical Leave Time has accrued, subject to prior approval by the City Manager. Sabbatical Leaves must be taken within one year of accrual of Sabbatical Leave Time. Sabbatical Leaves must be taken as a single period of ten consecutive business days or two periods of five consecutive business days each.

5.8 Supplemental Leave – The City Manager may award up to 40 hours of Supplemental Leave to any Executive Level employee each year, based on extended hours of work, job performance or other circumstances. Supplemental leave must be used within one calendar year of the date awarded or it is lost.

5.9 Jury Leave – The City provides jury duty leave with pay for all Executive Level employees who are called upon to serve for court jury duty according to the following provisions:

An Executive Level employee called for jury duty shall immediately provide the City Manager with a copy of the jury summons. If the Executive Level employee is dismissed by the Court and three (3) hours or more remain in the workday, they are expected to report to work.

Executive Level employees' compensation for jury duty shall be limited to three months (63 work days). Executive Level employees whose jury service is in excess of three months (63 work days) may make a request to the City Manager or designee for continued payment. An Executive Level employee serving jury duty in excess of the above limit may use accrued unused vacation or other approved leave to continue pay.

## **ARTICLE VII. SEPARATION**

### **SECTION 1 – SEPARATION FROM CITY SERVICES**

- 1.1 Separation Notice Payment – Executive level employees who have more than three years of service and voluntarily separate from employment with the City and provide at least thirty (30) calendar days' notice of separation shall receive a Separation Notice Payment. The Separation Notice Payment will be a sum equaling the most recent two weeks' regular compensation received by the Executive Level employee, including longevity pay and all other monetary incentive compensation received immediately prior to the date of notice. Executive Level employees who separate as a result of medical or other retirement shall not be eligible to receive this benefit.

Executive Level employees who have more than three years of service and are involuntarily separated from their employment with the City shall receive twelve weeks separation pay. Such separation pay shall include longevity pay and all other monetary incentive compensation the Executive Level employee received while employed by the City.

- 1.2 Confidentiality – In the event of termination of employment, the Parties agree that neither the City nor Executive Level employee shall, for a period of six months, make any statement, orally, in writing or otherwise, regarding the reasons for or circumstances of termination, to any person or organization other than:

- a) In the case of the City: its legal counsel and/or City Council
- b) In the case of the Executive Level employee: to legal counsel and/or immediate family.

This provision shall expressly include communication to prospective future employers, unless otherwise required by law.

### **SECTION 2 – SAVINGS CLAUSE**

- 2.01 The provisions of the Resolution are declared to be severable and if any article, section, subsection, sentence, clause or phrase contained herein shall for any reason be held invalid or unenforceable by a court of competent jurisdiction, such decision shall not affect the validity of the remaining articles, sections, subsections, sentences, clauses or phrases of this Resolution, but they shall remain in full force and effect. It is the intent of the City this Resolution stand notwithstanding the invalidity of any part hereof.

### **SECTION 3 - IMPLEMENTATION AND DURATION**

- 3.01 Except as otherwise provided herein, this Resolution shall be in full force and effect beginning retroactively to April 1, 2016 and shall remain in full force and effect until amended, repealed or superseded by action of the City Council through June 30, 2017.