CITY OF BELLFLOWER

RESOLUTION NO. 21-49

A RESOLUTION FIXING THE SALARY RATES AND BENEFITS FOR UNREPRESENTED EMPLOYEES

THE CITY COUNCIL RESOLVES AS FOLLOWS:

SECTION 1. Unrepresented Employees. The following employees are not represented by any bargaining unit ("Unrepresented Employees") and are subject to this Resolution:

Full Time Positions – Executives

Assistant City Manager/Director of Public Works
Director of Finance
Director of Economic Development
Director of Parks and Recreation
Director of Planning and Building Services
Director of Public Safety

Full Time Positions

Assistant to the City Manager
Deputy City Clerk
Executive Assistant to the City Manager
Human Resources and Risk Manager
Management Analyst I (Confidential)

Part Time Positions

Recreation Leader
Recreation Leader II
Lifeguard
Lifeguard II
Intern I
Intern II
Intern III (Management Intern)
Auditorium Technician
Auditorium Technician II
Aquatics Specialist
Recreation Specialist
Office Assistant
Program Coordinator
Maintenance Assistant
SECTION 2. Personnel Rules. Unless specifically provided differently in this Resolution, the Personnel Rules adopted by Resolution No. 21-30 on April 26, 2021 apply to all Unrepresented Employees.

SECTION 3. Contract Public Officials. The City Manager, City Attorney, and City Clerk are not subject to this Resolution. Those public officials contract directly with the City Council. The terms of their appointments including, without limitation, wage and benefits, are subject to the terms and conditions of their respective contracts.

SECTION 4. Base Salary. Retroactively effective June 19, 2021, Unrepresented Employee salaries will be in the range set forth in a separate City Council resolution and are incorporated by reference (the “Base Salary”).

SECTION 5. COLA Increase. The Base Salary for each current Unrepresented Employee governed by this Resolution, will be increased by four percent retroactively effective June 19, 2021 to reflect cost of living adjustments (“COLA”) since the previous COLA adjustment. On June 18, 2022, the Base Salary as adjusted by the 2021 COLA will be further increased by a 2.5 percent COLA.


A. Exempt Employees. Exempt employees include all executive, administrative or professional employees who are classified as exempt employees under the provisions of the Fair Labor Standards Act. Exempt employees are salaried employees, and are paid a full salary for any week in which they perform work, without regard to the number of days or hours worked, unless meeting one of the exceptions of the Fair Labor Standards Act. Exempt employees are not subject to the overtime provisions of the Fair Labor Standards Act.

B. Non-Exempt Employees. Non-exempt Employees include all other full and part-time employees who do not meet the test for exempt employees as defined by the Fair Labor Standards Act. In general, these include all hourly employees, regardless of duties. Non-exempt employees are paid for actual days and hours worked, and are subject to the overtime provisions of the Fair Labor Standards Act.

SECTION 7. Administrative Leave. Executive level employees and those unrepresented employees designated by the City Manager may receive up to 80 hours of administrative leave each fiscal year. Paid administrative leave is not cumulative from year-to-year and has no cash-out value. On a case by case basis, and at the sole discretion of the City Manager, administrative leave up to 80 hours per fiscal year may be provided to a non-exempt employee.
SECTION 8. Public Employees' Retirement System. City is a contract member of the California Public Employees' Retirement System (CalPERS). Under this contract, all full-time Unrepresented Employees, are classified as "miscellaneous members."

A. CalPERS Employer's Contribution. The City will pay the CalPERS employer’s contribution.

B. CalPERS Member’s Contribution. Employees will pay the CalPERS member’s contribution.

C. CalPERS Membership.

1. Beginning January 1, 2013, a 2% @ 62-Full formula – applies to new members to CalPERS or an individual with a 6-month break in service (Government Code § 7522.20).

2. 2% @ 55-Full formula for Classic CalPERS members and with prior CalPERS service credit with no service break greater than 6 months (Government Code §21354.5).

3. 1959 Survivor Benefit at funding (Government Code § 21574).

4. One Year Final Compensation for Classic CalPERS members (Government Code § 20042).

5. Military Service Credit as Public Service (Government Code § 21024).


SECTION 9. Medical Coverage. The City participates in the CalPERS medical insurance program pursuant to the Public Employees’ Medical and Hospital Care Act (“PEMHCA”), or other comparable health insurance as determined by the City, to provide medical insurance benefits to full-time Unrepresented Employees and their eligible dependents. The maximum level of payment for health insurance will be $1,475 per month. Effective January 1, 2022, the maximum level of payment for health insurance will be $1,550. Effective January 1, 2023, the maximum level of payment for health insurance will be $1,625.

SECTION 10. Use of Accrued Vacation for Above City-Paid Contribution Maximum Health Insurance. Unrepresented Employees who elect a health insurance program with a premium above the City-paid contribution maximum may also elect to use the cash value of redeemed accrued vacation to pay for any above maximum premium. Such use will be on a dollar-for-dollar and pre-tax basis. Such election must be made in writing, may cover all or a specified part of the over maximum premium, and will remain in effect for one calendar year unless the participant terminates employment with the City during the year. If accrued vacation is insufficient to pay for any above maximum premium, the difference will be deducted from the employee’s net pay.
SECTION 11. Retiree Medical Benefits.

A. To the extent this Resolution governs Annuitants who were Unrepresented Employees before the effective date of this Resolution, the City Council intends that this Resolution be retroactively effective. This Resolution is of general application to Annuitants who retired before its effective date. The benefits provided to individual Annuitants may be affected by separate instruments including, without limitation, separation agreements. In the event of any conflict between such agreements and this Resolution, the separate instrument will govern the benefits provided to such Annuitants.

B. For Annuitants hired as full-time before June 1, 2004, who subsequently retire from PERS service from the City of Bellflower, the City will continue to pay premiums as set forth in this Resolution and all other costs of health insurance for retirees, spouses or registered domestic partners and eligible dependents through the California Public Employees’ Retirement System (CalPERS) Health Insurance or other comparable health insurance in an amount not to exceed the City's contribution for current full-time employees. Once each year, the City will allow all employees who were first employed before June 1, 2004, to individually elect to be subject to the provisions of the Vesting Requirement (Resolution No. 04-28).

SECTION 12. Opt Out and Cash in Lieu. All Unrepresented Employees must enroll in an available City health program unless they opt out in accordance with this Resolution. An Unrepresented Employee may receive cash in lieu for opting out of City's health insurance program if the employee provides proof that the Unrepresented Employee and all individuals for whom the employee intends to claim a personal exemption deduction for the taxable year or years that begin or end in or with City's plan year to which the opt out applies ("tax family"), have or will have minimum essential coverage through another source (other than coverage in the individual market, whether or not obtained through Covered California) for the plan year to which the opt out arrangement applies ("opt out period"). The Unrepresented Employee must sign an attestation, under penalty of perjury, each plan year that the Unrepresented Employee seeks to opt out within 30 days after the start of the plan year. The opt-out payment cannot be made, and City will not make payment, if the City knows or has reason to know that the employee or tax family member does not have such alternative coverage or if the conditions in this paragraph are not otherwise satisfied. Unrepresented Employees who opt out of the City sponsored medical plan and comply with the attestation requirement will receive one half of the City paid maximum contribution as taxable cash each month; opting out of dental coverage will result in compensation of $80 per month, subject to this Section. This amount is not considered as pensionable compensation for the purposes of CalPERS. All Unrepresented Employees agree to the necessary deductions from their pay for any of their chosen cafeteria plan benefits that exceed the maximums stated above. In addition, Unrepresented Employees are not eligible to receive taxable cash to the extent their chosen cafeteria plan benefits are less than maximums stated above. Unrepresented Employees and their dependents will only be eligible to reinstate medical and/or dental coverage during open enrollment periods, except that employees who furnish proof that they have involuntarily lost their comparable medical insurance may
apply for immediate reinstatement to take effect on the first day of the month following this request. Open enrollment periods may be subject to change at the sole discretion of CalPERS and the dental insurance carriers. The City is not responsible for any such changes.


A. Dental Insurance. The City will pay the full premium and all other costs of dental insurance through Delta Dental or Delta Care for all full-time employees, spouses or registered domestic partners and eligible dependents.

B. Vision Insurance. The City will pay the full premium and all other costs of vision insurance through MES Vision for all full-time employees, spouses or registered domestic partners and eligible dependents.

C. All Full-Time Unrepresented Employees will be provided group life insurance policy equal to the annual salary of the highest main step of the highest class of the affected employees as of July 1, annually. All eligible dependents of full-time employees will receive $5,000 of group life insurance.

SECTION 14. Deferred Compensation. Effective the first day of the pay period following the effective date of this Resolution, Full-Time Unrepresented Employees are eligible for up to 4% of combined base salary and bilingual pay for matching deferred compensation contribution. There is no City match for Part-Time Unrepresented Employees. There is no City match for any catch-up contributions allowed by applicable law. The City will also provide a 401(a) plan for all Full-Time Unrepresented Employees. Contributions will be optional except the following contribution: 100% of each participant's sick and vacation leave upon retirement, net of payroll taxes and other statutory and contractual deductions, subject to IRS Code Section 415(c)(1)(A) limits. Unrepresented Employees must enroll within 60 days of eligibility.

SECTION 15. Flexible Staffing. Certain Unrepresented Employee positions are designated as "flexibly staffed." Unrepresented Employees in a flexibly staffed position may be promoted from a "I" level to a "II" level through a promotion instead of through a competitive process. For advancement between flexibly staffed positions, an Unrepresented Employee must meet all the requirements for the higher position as specified in the Classification Specifications, have a minimum of three years of demonstrated satisfactory performance in his/her current position, and must submit a written request justifying his/her advancement, favorably endorsed by his/her immediate supervisor up to and including his/her department head. In any case where a request is rejected, the employee will be counseled in writing as to what actions must be taken to be advanced. Subsequent requests for advancement may only be made at six-month intervals. The City Manager may in his/her sole discretion, waive up to one year of the three years of demonstrated satisfactory performance.
SECTION 16. Computer Loan Program. The City has established a loan program to enable Full-Time Unrepresented Employees in good standing and with at least 12-months of service to purchase computers and associated software and peripherals.

A. The maximum amount of the loan will be $3,000, with no interest, for a maximum period of 30 months.

B. No employee will be authorized a second loan before the first loan being paid in full.

C. Any remaining unpaid balance is due from the employee's personal resources.

D. The City Manager will promulgate administrative policies and procedures to implement this program.

SECTION 17. Tuition Reimbursement.

A. Full-Time Unrepresented Employees enrolled in an accredited college, university or other school and in a course of study related to their employment by the City are eligible for reimbursement of basic registration fees, course fees, parking fees, and books to an annual individual maximum of $2,500 per fiscal year. The City Council intends for such reimbursement to meet the exception from special compensation set forth in 2 Cal. Code of Regs. § 571(a)(2) for costs of "an application or test, books, tuition or travel." To receive reimbursement, the course(s) of study must be approved in advance by the City, such determination to be in the sole discretion of the City, and the employee must furnish proof of their successful completion of the course with a grade equivalent to "B" (or "pass" for those graded on a pass-fail basis). If for any reason an employee receiving reimbursement leaves the City's service within one year of the date of reimbursement, he/she must re-pay the City in full for any reimbursement received. If for any reason an employee receiving reimbursement leaves the City's service between one and two years from the date of reimbursement, he/she must re-pay the City in full for 50% of any reimbursement received. Any remaining unpaid balance constitutes a personal debt of the former employee and will accrue interest at the statutory rate. The City Manager is authorized to undertake such action that may be necessary to collect any such debt.

SECTION 18. Long Term Disability. All Full-Time Unrepresented Employees will receive City paid long-term disability insurance.

SECTION 19. Bereavement Leave. Notwithstanding Personnel Rule No. 810.5, full-time Unrepresented Employees may utilize up to four days paid bereavement leave.

SECTION 20. Bilingual Pay. Unrepresented Employees who are in regular contact with the public, as approved by the City Manager, may be compensated for bilingual capability at an amount ranging from one to five percent of base salary.
SECTION 21. Flex Benefit Plan (IRC 125). The City will provide an optional cafeteria plan or "flexible spending plan" to all full-time employees. The City will manage the plan and pay for all administrative costs of the plan. The plan year will be from January 1st through December 31st and employees must enroll during the plan's open enrollment period during the previous year. Dependent care and medical reimbursement accounts will both be available.

SECTION 22. Transportation Allowance.

A. Full-Time Executive level Unrepresented Employees and those unrepresented employees designated by the City Manager who are regularly required to use their personal vehicles in the performance of their official duties, as determined in the sole discretion of the City Manager, will be compensated at a rate of $350 per month. All employees who receive a transportation allowance are required to carry liability insurance in the amounts and types as determined in the sole determination of the City Manager.

B. Employees using their personal vehicle while traveling on official business, who receive a transportation allowance, and who are eligible for per diem, will receive compensation at the U.S. Internal Revenue Service standard mileage rate.

SECTION 23. Termination and Severance. Regular permanent full-time employees holding the job titles of, Assistant to the City Manager, Director, or Human Resources and Risk Manager, whose employment is terminated for the convience of the City or who resign in lieu of termination for the convience of the City, and who execute a settlement agreement and general release between the employee and the City, will be paid severance equal to the sum of the highest rate of all pay, benefits and accruals due the employee during the last six months of their employment at the rate of two weeks of severance for each year of full-time service or portion thereof, to a maximum of 26 weeks. Except as required by law, such payment will not be subject to a CalPERS contribution. Such payment may, at the sole discretion of the City Manager, be paid by lump sum or by periodic payments over a period not to exceed 26-weeks. The City Manager does not have authority to provide severance pay to Executive level Unrepresented Employees who are terminated, or resign in lieu of termination, for cause.

SECTION 24. This Resolution may be executed with electronic signatures in accordance with Government Code of the State of California §16.5. Such electronic signatures will be treated in all respects as having the same effect as an original signature.

SECTION 25. The City Clerk is directed to certify the adoption of this Resolution. This Resolution supersedes all previous resolutions regarding the same subject-matter.

SECTION 26. The Mayor, or presiding officer, is hereby authorized to affix his signature to this Resolution signifying its adoption by the City Council of the City of Bellflower, and the City Clerk, or her duly appointed deputy, is directed to attest thereto.
SECTION 27. This Resolution will become effective immediately upon adoption.


Dan Koops, Mayor

ATTEST:

Mayra Ochiqui, City Clerk

APPROVED AS TO FORM:

Karl H. Berger, City Attorney
I, Mayra Ochiqui, City Clerk of the City of Bellflower, California, do hereby certify under penalty of perjury that the foregoing Resolution No. 21-49 was duly passed, approved, and adopted by the City Council of the City of Bellflower at the Regular Meeting of the City Council on August 9, 2021, by the following vote to wit:

AYES: Council Members – Sanchez, Santa Ines, Dunton, Hamada and Mayor Koops

Dated: August 10, 2021

Mayra Ochiqui, City Clerk
City of Bellflower, California

(SEAL)