

Resolution No. 2009-35

RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE CITY OF SAN BERNARDINO AMENDING RESOLUTION NO. 2007-345, SECTION 2, B, COMPENSATION; SECTION 2, Q, VACATION LEAVE; AND SECTION 2, Y, HOLIDAYS, BETWEEN THE CITY AND MANAGEMENT/CONFIDENTIAL NON-SAFETY EMPLOYEES

BE IT RESOLVED BY THE MAYOR AND COMMON COUNCIL OF THE CITY OF SAN BERNARDINO AS FOLLOWS:

SECTION 1: Resolution No. 2007-345, Section 2, B, Compensation, is hereby amended by adding subsection 8 as follows:

“8. Reduced Work Week:

A) ALL NON-SAFETY MEMBERS EXCEPT CITY ATTORNEYS OFFICE STAFF:

Effective March 1, 2009 through June 30, 2010, all non-Safety members of the Management/Confidential group, except City Attorney’s Office staff, will be reduced to a 36-hour work week, resulting in four (4) hours of no pay per week, except as determined by the City Manager for health and/or safety reasons. This reduction in work hours will result in an additional five percent (5%) reduction in pay (10% total) based on the currently approved monthly salary. All step/merit increases will continue to be processed as normal.

Employees not participating in the reduced work week due to health and/or safety reasons, as determined by the City Manager, will participate by reducing their compensation by four (4) hours per week effective March 1, 2009 through June 20, 2010. In return, these employees will be provided with four (4) hours of leave time per week to be used at their discretion in the same manner as Vacation Leave. These hours will have neither an expiration date nor cash value.

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6 B) ALL CITY ATTORNEY'S OFFICE STAFF

7 Effective March 1, 2009 through June 30, 2010, all City Attorney's Office
 8 staff agree to an additional five percent (5%) reduction in pay (10% total) based
 9 on the currently approved monthly salary. Staff will not participate in the reduced
 10 work week. All step/merit increases will continue to be processed as normal.

11 The short-term salary reduction will be administered each payroll period
 12 and reflected on the members' semi-monthly payroll checks. In return, these
 13 employees will be provided with four (4) hours of leave time per week to be used
 14 at their discretion, subject to the approval of the City Attorney, in the same
 15 manner as Vacation Leave. These hours will have neither an expiration date nor
 16 cash value.

17 C) ALL NON-SAFETY MEMBERS:

18 The City and all non-Safety SBCMA agree that if the economy were to
 19 improve prior to June 30, 2010, the following "trigger" language would be
 20 followed:

21 The City agrees to restore the ten percent (10%) employee
 22 concession prior to June 30, 2010 if sales tax, utility tax, and
 23 property tax totals restore to the FY 07-08 levels or if the City of
 24 San Bernardino receives a Federal or State bailout or other
 25 windfall that can be applied to the General Fund with no
 limitations equal to or greater than the amount of savings achieved
 through the employee concessions."

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D. The City Manager is authorized to make such individual exceptions for reasons of fairness and equity as he deems appropriate.

SECTION 2: Resolution No. 2007-345, Section 2, Q, Vacation Leave, is hereby amended as follows:

“2. Vacation credits may accrue and accumulate for a maximum of two (2) years’ total accumulated vacation credits on a carry-over basis from year to year. Effective March 1, 2009, vacation credits for non-Safety employees may accrue and accumulate an additional 20% over the two-year maximum. Vacations or portions thereof from any one year so accrued may run consecutively with vacations or portions thereof of the next succeeding year.”

SECTION 3: Resolution No. 2007-345, Section 2, Y, Holidays, is hereby amended as follows:

Section 2, Y. Holidays:

All participants shall receive the following paid holidays:

New Years Day	January 1
Martin Luther King Day	3 rd Monday in January
President’s Day	3 rd Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	First Monday in September
Veteran’s Day	November 11

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Thanksgiving	4 th Thursday in November
Day after Thanksgiving	Friday after
Christmas Eve	December 24
Christmas Day	December 25
New Year's Eve	December 31
Two (2) Floating Holidays (18 hours)	

Holidays listed above shall be allowed on a Monday, if any such holiday falls on Sunday, and shall be allowed on the preceding Friday, if such holiday falls on a Saturday, for all employees except those covered by other provisions herein. If the Christmas and New Year holidays occur on Mondays, these holidays and the holiday eves will be observed on Mondays and Tuesdays.

Non-Safety employees shall accrue nine (9) hours of holiday time per holiday. Two (2) floating holidays will equal 18 holiday hours and will be placed into the employee's holiday account at the beginning of each calendar year.

Holidays earned in any twelve (12) month period are not accumulative beyond the total number of holidays allowed each year by this pay plan.

If the holiday falls on a nine- (9) or ten- (10) hour work day, the employee will be paid eight (8) hours holiday pay. The employee may supplement the holiday with accrued vacation, holiday account time, or no pay. The employee will be paid nine (9) hours holiday pay.

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6 If new employees elect to "draw down" from the holiday account, the
7 hours used will be deducted from the sixteen (16) holiday account hours they receive upon the
8 completion of six (6) months of continuous service. Effective January 1, 2006, employees may
9 draw down from the eighteen (18) hours holiday account upon completion of six (6) months of
10 continuous service.

11 In the event of the employee's failure for any reason to take such holiday
12 account hours during the term of this Resolution, the employee shall be paid for his/her holiday
13 account balance upon separation from the City. Effective January 1, 2006, non-shift employees
14 may accrue a total balance of a maximum of 126 hours.

15 Effective January 1, 2006, Safety employees will accrue nine (9) hours per
16 holiday. Holidays earned in any twelve month period are not accumulative beyond the total
17 number of holidays allowed each year by this pay plan. Employees may not exceed a balance of
18 126 hours at any time.

19 On an annual basis, for reasons of fairness and equity, the City Manager,
20 at his/her discretion, may authorize the cash payment of up to 27 holiday hours per employee
21 with such payment based upon the employee's base salary at the time of payment and subject to
22 funds available within the operating department budget.

23 Police Management

24 Police Safety Management members may sell back up to one-quarter (25%) of
25 their annual holiday leave. Maximum sell back will be 28 hours. Eligible employees shall notify

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6 the Finance Department by August 1 of his/her request for sell back for the prior fiscal year
7 ending June 30. The City shall compensate eligible employees on the first payday in September.

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I HEREBY CERTIFY that the foregoing Resolution was duly adopted by the Mayor and the Common Council of the City of San Bernardino at a joint regular meeting thereof, held on 17th day of February, 2009, by the following vote, to wit:

COUNCILMEMBERS:	AYES	NAYES	ABSTAIN	ABSENT
ESTRADA	_____	_____	_____	<u> X </u>
BAXTER	<u> X </u>	_____	_____	_____
BRINKER	<u> X </u>	_____	_____	_____
VACANT	_____	_____	_____	_____
KELLEY	<u> X </u>	_____	_____	_____
JOHNSON	<u> X </u>	_____	_____	_____
MCCAMMACK	_____	<u> X </u>	_____	_____

Rachel G. Clark
Rachel G. Clark, City Clerk

The foregoing resolution is hereby approved this 19TH day of February, 2009.

Patrick J. Morris
Patrick J. Morris, Mayor
City of San Bernardino

Approved as to form:

JAMES F. PENMAN,
City Attorney

By: James F. Penman

HR/Agenda Items:Reso.Mgmt-Conf.Furlough.2009