

Item # 12B

**City of Carson City
Agenda Report**

Date Submitted: September 9, 2008

Agenda Date Requested: September 18, 2008

Time Requested: 5 Minutes

To: Mayor and Supervisors

From: Lawrence A Werner P.E., P.L.S., City Manager

Subject Title: Action to rescind Resolution No.2001-R-6 and to adopt Resolution 2008-R-__ regarding unclassified personnel, including the Public Guardian, Chief of Alternative Sentencing, Internal Auditor and City Manager.

Staff Summary: In January 2001, Resolution 2001- R-6 was adopted establishing the management benefits plan including, retirement, medical insurance, group life insurance, sick leave accrual, ambulance benefits, disability insurance, annual leave accrual, management leave, health examinations, pay ranges, performance pay, procedures for salary increases, temporary duty pay, application of FLSA guidelines, definition of overall benefits and the category of employees (Elected, Appointed Department/Division Heads, Appointed Public Safety Positions, Appointed Mid-Management Positions and Appointed Confidential Positions. Over the last seven years, the City has made changes to its management positions that are not reflected in the current resolution. The proposed resolution is an update to the previous resolution to reflect current operations and provides the following changes: (a) reduces performance pay to no increase for standard performance, 3 ½ % for above standard performance and 5% for exceptional performance from the previous rates of 2 ½ %, 5% and 7 ½% respectively; (b) eliminates the performance pay for those unclassified employees that are at the top of their range; and (c) increase management leave from 40 hours to 80 hours and provides that up to 40 hours of management leave remaining as of June 30th of each year will be paid to the employee.

Type of Action Requested: (check one)

Resolution

Ordinance

Formal Action/Motion

Other (Specify)

Does This Action Require A Business Impact Statement: Yes No

Recommended Board Action: I move to rescind Resolution No.2001-R-6 and to adopt Resolution 2008-R-__ regarding unclassified personnel, including the Public Guardian, Chief of Alternative Sentencing, Internal Auditor and City Manager.

Explanation for Recommended Board Action: See Staff Summary

Applicable Statue, Code, Policy, Rule or Regulation:

Fiscal Impact: None by this action. The cost for pay for the management leave for those employees that do not take the time off is off-set by the reduction in the performance merit pay.

Explanation of Impact: See above.

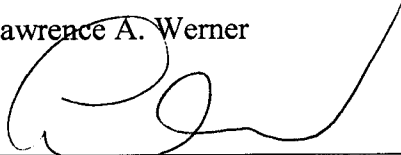
Funding Source: All funds


Alternatives: Approve at a different level.

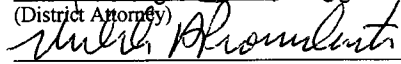
Supporting Material: Resolution 2001-R-6 and new proposed resolution

Prepared By: Lawrence A. Werner

Reviewed By:



(City Manager)


(District Attorney)


(Finance Director)

Date: 8-9-08

Date: 9-9-08

Date: 9-9-08

Board Action Taken:

Motion: _____

- 1) _____
- 2) _____

Aye/Nay

(Vote Recorded By)

**UNCLASSIFIED PERSONNEL FRINGE BENEFITS
APPROVED - JANUARY 2001 - BY BOS - RESOLUTION #2001 R6**

SECTION I - UNCLASSIFIED APPOINTMENTS

Unclassified employees are persons appointed or approved for appointment to positions by the City Manager, with the Board of Supervisors approval. Except for: City Manager and Internal Auditor, who are solely appointed by the Board of Supervisors. Unclassified employees are "At Will" employees serving at the pleasure of the city. The employees covered by this resolution are listed on the following pages.

SECTION II - MANAGEMENT BENEFITS PLAN

A. HOLIDAYS

The following days shall be observed as legal holidays by all employees:

New Years Day (January 1st)
Presidents Day (3rd Monday in February)
Martin Luther King's Birthday (3rd Monday in January)
Memorial Day (Last Monday in May)
Independence Day (July 4th)
Labor Day (1st Monday in September)
Nevada Day (October 31st)
Veteran's Day (November 11th)
Thanksgiving Day (4th Thursday in November)
Family Day (Day after Thanksgiving)
Christmas Day (December 25th)

Any other day that the Government of the United States, State of Nevada or Carson City may declare a legal holiday.

When a designated holiday falls on a Saturday, the Friday before will be observed as the holiday and when the designated holiday falls on a Sunday, the Monday after will be observed as the holiday.

B. RETIREMENT

All Unclassified employees shall receive fully paid retirement while participating in the State of Nevada Public Employees Retirement System. The City shall adjust the Unclassified salaries in accordance with NRS 286. (Elected Officials that are retired employees under the Public Retirement System are not eligible for this benefit).

C. MEDICAL INSURANCE

The City shall pay 100% group medical insurance for all Unclassified employees, regardless of the insurance plan the employee chooses. Dependent coverage is offered at the employee's expense.

D. GROUP LIFE INSURANCE

All Unclassified employees shall receive \$10,000 basic life insurance and an additional \$25,000 basic life insurance benefit. The cost of this coverage is included in the group medical insurance plan and the cost is fully paid by the City.

E. SICK LEAVE

All Unclassified employees shall accrue ten (10) hours of sick leave each month, with unlimited accrual. Leave may be taken as it is accrued. **NOTE:** Elected officials do not accrue sick leave as they have unlimited use.

OPTION ONE: Upon death, retirement or resignation, after ten years of satisfactory service, employees or their beneficiaries shall receive compensation up to a maximum of 240 hours of unused sick leave based on a one hour for every three hours accrual. Formula: $33.1/3\%$ of 720 hours = 240 hours pay out, at the employees current hourly rate of pay.

OPTION TWO: Employees may elect, in writing, to utilize the 240 hours of accrued unused sick leave, at the current hourly rate of unadjusted pay, to make premiums for post-retirement group health insurance. Once elected the City's Finance Office will issue a non-cash, non-interest bearing account in the retirees name, to which premiums will be paid to the current PERS post-retirement medical insurance program when it is due. The City will automatically debit the retirees account with each monthly payment until the account is exhausted or when the retiree dies or becomes covered by another group or private health insurance policy or Medicare. Once the account is exhausted the retiree is liable for any future monthly premiums. The City will notify the employee at least one month in advance before the account is exhausted.

NOTE: If the retiree elects a cash payment, he/she waives the conversion of sick leave to pay for post-retirement health insurance premiums. If the retiree elects the post-retirement health insurance payment plan and converts the sick leave, he/she waives any cash payoff for accrued sick leave. The retiree must choose a payoff or premium payment, not both.

F. AMBULANCE

All employees and their dependents (husband, wives and children) will not be billed for any ambulance fees resulting from transport by the Carson City Fire Department, in excess of covered insurance billing. New employees must sign up upon hire. Existing employees must sign up prior to the beginning of the next fiscal year. This benefit shall exist only so long as the Fire Department offers the program.

G. DISABILITY INSURANCE

Employees shall be eligible to participate in a group disability plan at a 50% split payment between employee and employer. Effective after six months from date of employment.

H. ANNUAL LEAVE

All Unclassified full-time employees who have worked from 0 to 5 years will accrue ten (10) hours per month. Leave may be taken as it is accrued. After five years of continuous employment, an employee shall accrue fourteen (14) hours per month, with a proportional amount for each uncompleted month. A maximum of 300 hours may be carried forward from year to year. Any exception must be pre-approved by the City Manager.

NOTE: Elected officials do not accrue annual leave as they have unlimited use.

I. MANAGEMENT LEAVE

Unclassified employees, depending on the category, shall receive forty (40) hours of management leave during each fiscal year and a proportional amount for each incomplete year. All unused management leave shall be deleted from the employee's account as of June 30th of each year and no compensation shall be paid for unused management leave.

1. Employees in the following categories shall earn five (5) days or (40) hours of management leave per fiscal year.
 - a. Appointed Department Heads
 - b. Appointed Division Heads
 - c. Public Safety Personnel
 - d. Mid-management
2. Employees in the following category will not be eligible for management leave, as they shall earn overtime, with the Department Heads approval, at straight time.
 - a. Confidential employees, see attached list.

J. HEALTH EXAMINATIONS

All Unclassified employees shall be eligible for a City paid physical examination every twenty four (24) months if under forty (40) years of age. Employees over forty will be eligible every twelve months. The total cost is not to exceed three hundred (\$300) dollars per fiscal year. Those employees required by statute to have an annual physical examination shall be eligible for a yearly benefit.

K. RANGES

All Unclassified employees will be paid within the established pay range; the range will be adjusted minimally by the CPI on July 1st of each year or the negotiated contract of the employees they supervise. Employees may request a pay range table from the Personnel Office.

L. PERFORMANCE PAY

All Unclassified employees may receive increases for work performance upon the recommendation of their supervisor or their appointive authority at a maximum of seven and one half percent (7.5%) per year until they reach top of range. Employees who have been topped out more than one year may receive a \$300.00 one time bonus for above standard and \$500 for excellent performance, based on annual performance review.

M. SALARY INCREASES

The City Manager and/or appointive authority will review with the Board of Supervisors, on a fiscal year basis, the appropriateness of a salary increase and/or bonus for Unclassified personnel.

N. TEMPORARY DUTY PAY

When a qualified Unclassified employee is assigned to a higher rank, said employee shall receive an additional ten (10%) percent of his/her base wage for the higher rank being filled.

O. EXEMPT EMPLOYEES - FLSA GUIDELINE

The following categories are exempt from overtime:

- a. Elected Officials
- b. Appointed Department/Division Heads
- c. Mid-management
- d. Public Safety

To ensure continued compliance with the decision in Absire vs Kern County, the following will be added:

- a. All Unclassified employees assigned to the above categories **shall not** receive overtime. If such employee is absent for less than one day, with Department Head approval, the employee **shall not** be required to use annual, sick or administrative leave for said absence, nor will the employees salary be adjusted.
- b. Confidential employees will be eligible for straight time overtime with the Department Heads approval prior to the overtime occurrence. See attached list for Confidential employees.

P. OVERALL BENEFITS

Carson City has always offered these benefits, (just not in this agreement). Employees are eligible for the following benefits:

- a. Workers Compensation
- b. Mileage
- c. Salary Deductions - Automatic/Direct Deposit payments.
- d. Repair or replacement of personal property, if damaged, lost or destroyed, while performing job related duties.
- e. Military Leave
- f. Maternity/Paternity leave
- g. Bereavement leave

CATEGORY OF EMPLOYEES

a. ELECTED

Mayor
Supervisor (4)
Clerk Recorder
Assessor
District Attorney
Treasurer
Sheriff
Justice of the Peace (2)

b. APPOINTED DEPARTMENT/DIVISION HEADS

City Manager
Deputy City Manager
Chief Deputy District Attorney (2)
Development Services Manager
City Engineer
Community Development Director
Park & Recreation Director
Director of Finance/Comptroller/Risk Manager
Supervising District Attorney
Utility Operations Manager
Senior Projects Manager
Street Operations Manager
Library Director
Personnel Manager
Information Services Manager
Chief Building Official
Internal Auditor
Health Director
Principal Planner/Redevelopment Director
Senior Citizen Director

c. APPOINTED PUBLIC SAFETY POSITIONS

Fire Chief
Undersheriff
Chief Juvenile Probation Officer
Chief Deputy Sheriff
Assistant Fire Chief
Special Master
Juvenile Service Program Coordinator
Court Administrator
Intelligence Officer
Chief of Facility Security
Assistant Chief of Facility Security
Alternative Sentencing Coordinator
Chief of Alternative Sentencing

d. APPOINTED MID-MANAGEMENT POSITIONS

Administrative Assistant I
Administrative Assistant II
Chief Deputy District/Jury
Deputy Director, Purchasing/Contracts
Deputy District Attorney I, II, & III, VI (6)
Deputy Health Director
Deputy Library Director (2)
Open Space Manager
Park Superintendent
Park Planner
Recording Secretary to BOS
Senior Engineer (3)
Senior Engineer/RTC
Senior Planner I
Senior Planner II (1)
Senior Projects Manager
Senior Service Manager
Street Operations Chief
Sewer Operations Chief

e. APPOINTED CONFIDENTIAL POSITIONS

Positions eligible for overtime at straight time.
Judicial Assistant (2)
Court Reporters (2)
Law Clerk/Bailiff (2)
District Court Bailiff (2)
Bailiff/JP (2)
Justice Court Judicial Assistant
Office Manager/Paralegal
Warrants Officer
Assistant Chief of Alternative Sentencing
Justice Court Technician

APPROVED BY THE BOARD OF SUPERVISORS 5/21/87

Revised and approved by BOS 11/26/90

Revised and approved by BOS 5/6/93

Revised and approved by BOS 9/2/99 (Note: added 10/99 ambulance benefits)

Revised 1/3/01 and approved by BOS 1/18/01

**RESOLUTION OF THE BOARD OF SUPERVISORS
OF CARSON CITY SETTING FORTH THE
BENEFITS FOR UNCLASSIFIED EMPLOYEES**

SECTION I. UNCLASSIFIED EMPLOYEES

Unclassified employees are those employees of the City, who are not hourly, temporary, or not otherwise represented by a bargaining unit. Unclassified employees for the purpose of this resolution are those employees that are appointed by the City Manager under authority of the Board of Supervisors and the employees exempted under the provision of Section 2.330(4) in the Carson City Charter. The City Manager, Chief of Alternative Sentencing, Internal Auditor and the Public Guardian are unclassified employees appointed directly by the Board of Supervisors. All unclassified employees are “At Will” and as such, may be terminated at any time for any reason, or no reason. This resolution does not serve as a contract of employment with Carson City.

SECTION II. MANAGEMENT BENEFITS PLAN

A. HOLIDAYS

The following days shall be observed as legal holidays by all employees:

- New Years Day (January 1)
- Presidents Day (third Monday in February)
- Martin Luther King Day (third Monday in January)
- Memorial Day (last Monday in May)
- Independence Day (July 4)
- Labor Day (first Monday in September)
- Nevada Day (last Friday in October¹)
- Veteran’s Day (November 11)
- Thanksgiving Day (fourth Thursday in November)
- Family Day (day after Thanksgiving)
- Christmas Day (December 25)

Any other day that the Government of the United States, State of Nevada or Carson City may declare a legal holiday.

When a designated holiday falls on a Saturday, the Friday before will be observed as the holiday and when the designated holiday falls on a Sunday, the Monday after will be observed as the holiday.

B. RETIREMENT

All Unclassified employees shall receive full employer paid retirement while participating in the State of Nevada Public Employees’ Retirement System (PERS). The City shall adjust the unclassified employees’ salaries in accordance with NRS 286. Carson City will comply with all policies of the Nevada Public Employees’ Retirement System (PERS).

C. MEDICAL INSURANCE

The City shall pay 100% of the employee cost for group medical insurance for all unclassified employees. Dependent coverage is offered at a cost to the employee.

D. GROUP LIFE INSURANCE

All unclassified employees shall receive \$35,000 life insurance benefit. The cost of this coverage is included in the group medical insurance plan which is fully paid by the City.

E. SICK LEAVE

All unclassified employees shall accrue ten (10) hours of sick leave each month, with unlimited accrual. Leave may be taken as it is accrued.

Upon death, retirement or resignation, after ten years of satisfactory service, unclassified employees or their beneficiaries shall receive compensation for a maximum of 720 hours of unused sick leave based on a payment of one hour for every three hours accrued, paid at the employee's current hourly rate of pay. Example: $1/3$ of 720 hours = 240 hours payable at separation.

F. AMBULANCE

All unclassified employees and their family members who are eligible to participate in the City's insurance benefit plan are automatically enrolled in the CC-CARE+ Ambulance Membership Program. This benefit provides paramedic ambulance service as often as medically necessary with no deductibles, full coverage and no out-of-pocket expenses. This benefit shall exist only so long as the Fire Department offers the program and program benefits are subject to change.

G. DISABILITY INSURANCE

Unclassified employees shall be eligible to participate in a group long term disability plan at a 50% split payment between employee and employer, effective the first of the month following six months of employment.

H. ANNUAL LEAVE

All unclassified full-time employees who have worked from 0 to 5 years will accrue ten (10) hours of annual leave per month. Leave may be taken as it is accrued. After five years of continuous employment, an employee shall accrue fourteen (14) hours per month, with a proportional amount for each uncompleted month. A maximum of 300 hours may be carried forward from year to year. Any exception must be pre-approved by the City Manager and in the case of the City Manager, Chief of Alternative Sentencing or the Internal Auditor, by the Board of Supervisors.

I. MANAGEMENT LEAVE

Unclassified employees shall receive eighty (80) hours of management leave during each fiscal year and a proportional amount for each incomplete year. Up to forty (40) hours of unused management leave remaining in the employee's account as of June 30th of each year shall be paid to the unclassified employee at the employee's hourly rate. All unused management leave in excess of forty (40) shall be deleted from the employee's account as of June 30th of each year and no compensation shall be paid for that portion of unused management leave.

J. HEALTH EXAMINATIONS

All unclassified employees shall be eligible for a City paid physical examination every twenty four (24) months if under forty (40) years of age. Employees over forty will be eligible every twelve months. The total cost is not to exceed three hundred (\$300) dollars per fiscal year. Those employees required by statute to have an annual physical examination shall be eligible for a yearly benefit. This benefit is outside the scope of the City's health plan and is paid through the Accounts Payable division of the Finance Department

K. PAY RANGES

All unclassified employees will be paid within an established pay range; the range may be adjusted minimally by the CPI (All Urban Consumers, U.S. City Average) on July 1st of each year at the direction of the City Manager under the authority of the Board of Supervisors.

L. PERFORMANCE PAY

All unclassified employees may receive annual increases for work performance upon the recommendation of their supervisor or their appointive authority at a maximum of five percent (5%) per year until they reach top of range. Generally, the performance pay will be 2% for a standard performance, 3½ % for an above standard and 5% for exceptional performance.

M. SALARY INCREASES

The City Manager will review with the Board of Supervisors on a fiscal year basis, the appropriateness of a salary increase and/or bonus for unclassified employees.

N. TEMPORARY DUTY PAY

When a qualified unclassified employee is assigned to a higher rank for a period of ninety (90) days or more, said employee shall receive an additional ten (10%) percent of his/her base wage for the higher rank being filled.

O. EXEMPT EMPLOYEES - FLSA GUIDELINE

Unclassified positions have been reviewed using FLSA guidelines and are exempt from overtime. If an unclassified employee is absent for less than one day with Department Director's approval, the employee shall not be required to use annual, sick or administrative leave for said absence, nor will the employee's salary be adjusted.

P. GENERAL BENEFITS

In addition to the benefits listed above, unclassified employees are eligible for the following general benefits:

- a. Workers Compensation
- b. Mileage, City Vehicle or Vehicle allowance, as determined by the City Manager and in the case of the City Manager, Internal Auditor or Chief of Alternative Sentencing, by the Board of Supervisors.
- c. Direct Deposit of payroll checks
- d. Repair or replacement of personal property, if damaged, lost or destroyed, while performing job related duties.
- e. Military Leave
- f. Family Medical Leave Act (FMLA) leave

- g. Bereavement leave
- h. Employee Assistance Program (EAP)
- i. Voluntary participation in Deferred Compensation Plan (457)
- j. Voluntary participation in Flexible Spending Plan (125)

Q. Effective Date

The terms of this resolution shall be effective as of July 1, 2008.

ADOPTED this ___ day of _____, 2008.

AYES: Supervisors _____

NAYES: Supervisors _____

ABSENT: Supervisors _____

Marv Teixeira, Mayor

ATTEST:

ALAN GLOVER, Clerk/Recorder