



CITY OF WHEATLAND

CITY COUNCIL MEETING STAFF REPORT

June 28, 2022

SUBJECT: Adoption of Resolution 21-22 Amending the City of Wheatland Personnel Rules

PREPARED BY: Jim Goodwin, City Manager

Recommendation

Adopt Resolution 21-22 amending the City of Wheatland Personnel Rules.

Background

The City Council is authorized and directed under the Wheatland Municipal Code to adopt rules for the administration of the City's personnel system. The Wheatland Personnel Rules were last amended in 2019. As a result of negotiation and agreement with the Wheatland Police Officers Association, the Personnel Rules need to be amended to allow for an increase in accumulated compensatory time off (CTO)

With adoption of Resolution 21-22, Section 9(J)(2) is amended to read:

Accrual Rate. CTO accrues at the rate of 1.5 hours for each hour worked over 40 hours of actual work in the employee's work week. CTO cannot be accumulated more than 160 CTO hours at any given time. For work in "public safety" and "emergency response" an employee may accumulate up to 340 hours of CTO, and for work in "seasonal" activities an employee may accumulate up to 320 hours of CTO. Any employee who reaches their applicable cap of 160, 320 or 340 hours of CTO shall, for additional overtime hours of work, be paid overtime compensation.

Attachments

1. Resolution 21-22

RESOLUTION NO. 21-22

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHEATLAND, STATE OF CALIFORNIA AMENDING THE CITY OF WHEATLAND PERSONNEL RULES PURSUANT TO THE MEYERS-MILIAS BROWN ACT

WHEREAS, the City Council is authorized and directed under the provisions of Section 2.16.050 of the Wheatland Municipal Code to adopt rules for the administration of the personnel system created in Chapter 2.16 of the Wheatland Municipal Code; and

WHEREAS, the objectives of these rules are to facilitate efficient and economical services to the public and to provide for an equitable system of personnel management in the municipal government; and

WHEREAS, these rules set forth in detail those procedures and policies which insure similar treatment for those who compete for original employment and promotion, and define many of the obligations, rights, privileges and prohibitions which are placed upon all employees in the competitive service of the City; and

WHEREAS, at the same time, within the limits of administrative feasibility, considerable latitude shall be given to the City Manager (and his or her designee) in the interpretation, application and enforcement of these rules; and

WHEREAS, the City Council may, from time to time, amend these rules.

WHEREAS, prior to the adoption of this resolution, the City has consulted in good faith with representatives of the City employee organizations;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Wheatland does hereby approve the amendments to the City of Wheatland Personnel Rules as follows:

Section 9(J)(2) is amended to read:

Accrual Rate. *CTO accrues at the rate of 1.5 hours for each hour worked over 40 hours of actual work in the employee's work week. CTO cannot be accumulated in excess of 160 CTO hours at any given time. For work in "public safety" and "emergency response" an employee may accumulate up to 340 hours of CTO, and for work in "seasonal" activities an employee may accumulate up to 320 hours of CTO. Any employee who reaches their applicable cap of 160, 320 or 340 hours of CTO shall, for additional overtime hours of work, be paid overtime compensation.*

PASSED AND ADOPTED by the City Council of the City of Wheatland on the 28th day of June 2022 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST:

Rick West, Mayor

Lisa J. Thomason, City Clerk

is aware of its contents and has discussed the evaluation with his or her supervisor. The employee's signature on the evaluation does not necessarily indicate agreement with its contents. The employee will receive a copy of the evaluation after the meeting with the supervisor(s).

C. No Appeal

An employee has no right to appeal any matter relating to a performance evaluation. Instead, the employee may comment on the evaluation in a written statement within 10 days of receipt of the evaluation, or 30 days if the employee is covered under the Police Officers Bill of Rights Act or the Firefighters Procedural Bill of Rights Act. The evaluation, and any written comment, will be filed in the employee's personnel file. This section is not meant to overrule any existing federal, state, or local law, or contract. Where an existing law or contract contradicts this section the law or contract shall govern.

SECTION 9. COMPENSATION AND PAYROLL PRACTICES

A. Salary Advancements

Probationary employees are eligible for salary advancement coinciding with the successful completion of the probationary period. Probationary employees hired above the "A" step shall not be eligible for a step advancement until one year after their appointment. Regular employees who have not reached the top step of their salary range are eligible for a one-step salary advancement annually on the anniversary date of previous step adjustment. Advancements shall not be automatic, but shall depend upon increased service value of an employee to the City as evidenced by performance evaluations. Employees who are promoted shall receive an increase in salary within the new salary range over that which such employee had been receiving in the lower class, provided, however, that a salary increase of no less than five (5%) shall be granted with each promotion. Salary advancements shall be recommended by the Department Head and approved by the City Manager.

B. Salary Upon Appointment

Employees hired at the entry step of a salary range are eligible for a merit increase after twelve (12) months of employment, i.e., at the conclusion of a successful probationary period. The employee is then eligible for a merit increase each year thereafter until reaching the top step of the salary range. Employees hired at a step within a salary range are eligible for a merit increase one year after commencing employment and each year thereafter until reaching the top step of the salary range.

C. Salary Upon Transfer

An employee, who is transferred from one position to another in the same salary range, or to a position in a different classification in the same salary range, is paid at the same step in that salary range.

D. Salary Upon Reclassification

1. **Reclassification to a Higher Salary Range** When an employee is reclassified to a position within a classification that has a higher salary range than the prior classification, the employee receives pay at the step of the new classification's salary range which is equal to or the next step higher than the employee's prior salary.
2. **Reclassification to a Lower Salary Range** An employee receives a Y-rated salary upon reclassification to a position with a lower salary range than the prior classification. "Y-rated" means that the employee's salary remains the same until his/her new position would earn him/her more. The lowest step of the salary range to which the employee has been reclassified must first reach the level of the reclassified employee's step before he or she will receive a salary increase.

E. **Salary Upon Promotion**

An employee who is promoted receives the first salary step in the promotional classification which is at least 5% higher than the employee's prior salary.

F. **Salary Upon Demotion for Cause**

An employee who is demoted for cause receives the lower salary assigned to the demoted classification and at the same step that the employee held prior to demotion.

G. **Salary Upon Demotion Due to Layoff**

An employee demoted pursuant to a layoff receives the lower salary assigned to the demoted classification that is closest to his or her salary prior to layoff.

H. **Pay for Performance Salary Increase**

Merit salary increases are granted at the discretion of the department head and solely upon outstanding job performance. There is no entitlement to a merit increase. Only regular employees are eligible for merit increases. No employee is entitled to receive an increase that exceeds the maximum rate established for his or her classification.

I. **Overtime Compensation**

1. **Prior Approval Required.** Overtime-eligible employees are not permitted to work overtime except as the department head authorizes or directs. No employee may work overtime without receiving the approval of the appropriate supervisor prior to performing the work. Working overtime without advance approval is grounds for discipline.
2. **"Overtime" Defined.** Unless otherwise stated in a memorandum of understanding, "overtime" for general employees is all actual hours an overtime-eligible employee works over 40 in his or her workweek. For safety employees, "overtime" is all actual hours an overtime-eligible employee works over 80 in his or her bi-weekly pay period. Overtime is compensated at 1.5 times the Fair Labor Standards Act

regular rate of pay. Paid time off for vacations, sick leave, holidays, and compensatory time off shall be treated as hours worked for purposes of determining overtime. No overtime shall be recorded or reported for less than 8 minutes of work.

J. Compensation and Payroll Practices:

- 1. Supervisor Approval/MOU Provision Required Before Work Performed.** An unrepresented employee by written authorization may opt to accrue compensatory time-off (“CTO”) in lieu of cash payment for overtime worked if his or her supervisor agrees prior to overtime work being performed. A represented employee will accrue CTO in lieu of cash payment for overtime worked only if so provided in the applicable MOU.
- 2. Accrual Rate.** CTO accrues at the rate of 1.5 hours for each hour worked over 40 hours of actual work in the employee’s work week. CTO cannot be accumulated in excess of 160 CTO hours at any given time. For work in “public safety,” “emergency response” and “seasonal” activities, an employee may accumulate up to ~~320~~³⁴⁰ hours of CTO. Any employee who reaches their applicable cap of 160 or 320 hours of CTO shall, for additional overtime hours of work, be paid overtime compensation.
- 3. Employee Requests to Use CTO.** The City will grant an employee’s request to use accumulated CTO within a reasonable period after the request is made, unless doing so would unduly disrupt the City’s operations.
- 4. Employee Payment Upon Termination.** Terminating employees shall be compensated for all accrued, unused compensatory hours at the current FLSA regular rate of pay, or the average regular rate for the prior three years, whichever is higher.

K. Prohibited Salary Deductions

Notwithstanding any other provision in these Rules, the City will not reduce the pay of any FLSA -exempt employee for any of the following reasons:

- a. Any disciplinary penalty other than a major safety violation, except when the employee does not work any hours in the employee’s work day or work week;
- b. Jury duty;
- c. Temporary military leave; or
- d. Witness leave except when the leave is to pursue the employee’s own legal action.

SECTION 10. TRAVEL POLICY