

RESOLUTION NO. 2021-5775

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YORBA LINDA, RELATING TO THE CLASSIFICATION, COMPENSATION AND TERMS OF EMPLOYMENT OF MANAGEMENT EMPLOYEES AND RESCINDING RESOLUTION 2018-5590

WHEREAS, the City desires to provide its Management employees with certain salary increases and other benefits effective for the term of October 1, 2021 to June 30, 2024; and

WHEREAS, the City desires to rescind Resolution No. 2018-5590 and adopt Resolution No. 2021-5775; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Yorba Linda as follows:

Section 1 – Basic Compensation: There is hereby established a basic plan of classification, compensation and terms of employment for all management employees of the City of Yorba Linda who are now or will in the future be employed in any of the classifications of employment listed in Exhibit "A".

The plan is created and established in order to recognize efficient service and will aid in establishing the principle of equal pay for equal work for municipal employment. The basic compensation plan shall consist of the monthly compensation ranges listed in Exhibit "A". Each range includes five (5) steps or rates of pay and shall be interpreted and applied as follows:

- A. The first step is the minimum rate and is normally the hiring rate of the class. The City Manager is authorized to make an appointment to a position at any other level of the salary range when he deems it necessary.
- B. Every employee in an at-will management position shall have a salary anniversary date established at the completion of six (6) months of satisfactory service and shall receive a merit increase at this time upon approval of the City Manager. In the event a management employee is hired at the third step (C Range) or higher, the salary anniversary date will be established at the completion of one (1) year of satisfactory service and may receive a merit increase at this time upon approval of the City Manager.
- C. Compensation on Transfer. The salary rate and salary anniversary date of an employee who is transferred within the classification shall not change.
- D. Change in Class Salary Range. If a classification is allocated to a different salary range, an employee in a position in that classification shall be compensated at the same numbered step in the new range as he/she was receiving in the previous range and his/her salary anniversary date shall not change.

- E. Salary on Demotion. An employee who is demoted shall have his/her salary rate reduced to the nearest lower salary rate of the classification of the position to which he/she is demoted. The effective date of the demotion shall become his/her new salary anniversary date, and he/she shall earn eligibility for annual merit increases thereafter.
- F. Length of Service Required when Advancement Denied. When an employee has not been approved for advancement to the next higher step, he/she may be reconsidered for such advancement at any subsequent time.
- G. Pay Periods. All employees shall be paid on a biweekly basis. The basic biweekly salary shall be computed by multiplying the monthly salary by twelve (12) months and dividing the resultant product by twenty-six (26) pay periods. The basic hourly rate for all employees with a scheduled forty (40) hour work week shall be computed by dividing the biweekly salary by eighty (80) hours.
- H. Work Week and Work Day. The regular work week for all employees shall be forty (40) hours.

Section 2 – Compensation:

Effective October 1, 2021, each classification in the management unit shall be adjusted by a 2.0% cost-of-living adjustment (COLA).

A 4% one-time lump sum payment of base salary will be paid to all employees covered by this resolution who are employed on the date of City Council approval of the resolution, to be paid in the first full pay period after City Council approval of the agreement. This lump sum payment is not compensation earnable and will not be reported to CalPERS.

Effective July 1, 2022, each classification in the management unit shall be adjusted by a 2.0% COLA.

Effective July 1, 2023, each classification in the management unit shall be adjusted by a 2.0% COLA.

Classifications and Salary Ranges are included in Exhibit “A”.

Section 2.1 – Bilingual Pay: Employees designated by the City Manager shall receive bilingual pay in the amount of \$40 per pay period.

Section 3 – Retirement: Employment with CITY is subject to the California Public Employees’ Pension Reform Act of 2013 (hereinafter “PEPRA”) and the California Public Employees Retirement System (hereinafter “CalPERS”).

Pursuant to PEPRA, individuals who are employed by any public employer before January 1, 2013, and who become employed by CITY for the first time on or after January 1, 2013, shall be subject to the retirement plan that was available to comparable

CITY safety or non-safety employees as of December 31, 2012, if the individual was subject to reciprocity with CalPERS.

Pursuant to PEPR, individuals who were previously employed by CITY, and who become reemployed by CITY after January 1, 2013, shall be subject to the retirement plan that was in effect at the time they separated from the employment of CITY, regardless of the length in the break of service.

PEPR requires a different benefit plan for CITY employees who are hired on or after January 1, 2013, and who are new employees and new members on or after January 1, 2013.

PEPR defines a “new employee” to mean either of the following: an employee, including one who is elected or appointed, of a public employer who is employed for the first time by any public employer on or after January 1, 2013, and who was not employed by any other public employer prior to that date. A “new employee” also means an employee, including one who is elected or appointed, of a public employer who is employed for the first time by any public employer on or after January 1, 2013, and who was employed by another public employer prior to that date, but who was not subject to reciprocity.

PEPR defines a “new member” to mean an individual who becomes a member of any public retirement system for the first time on or after January 1, 2013, and who is not a member of any other public retirement system prior to that date; an individual who becomes a member of a public retirement system for the first time on or after January 1, 2013, and who was a member of another public retirement system prior to that date that was not subject to reciprocity; or an individual who was an active member in a retirement system and who had a break in service of more than six months before returning to active membership in that same retirement system with a new employer.

Effective January 1, 2013, public employers that offer a defined benefit plan shall only offer the defined benefit formulas to new members established pursuant to PEPR.

Effective January 1, 2013, each retirement system that offers a defined benefit plan for non-safety members who are new members will have a retirement formula that is 2% @ 62.

Equal sharing of normal costs between public employers and public employees shall be the standard for new members. The standard shall be that employees pay at least 50% of normal costs. Employers cannot pay any of the required employee contribution for new employees who are also new members.

The “normal cost” is defined as the annual actuarially determined normal cost for the defined benefit plan of an employer expressed as a percentage of payroll.

Once the new member’s contribution rate is established, the employee’s contribution rate can automatically be adjusted upwards or downwards, but only if the normal cost rate increases or decreases by more than 1% of payroll above or below the normal cost rate

in effect at the time the employee contribution rate is first established, or the normal cost rate in effect at the time of the last adjustment of the employee contribution rate.

The employee contributions for new members may be more than one-half of the normal cost if the increase has been agreed to through the collective bargaining process subject to several restrictions.

Final compensation for new members shall now mean the highest average annual pensionable compensation earned by the member during a period of at least 36 consecutive months immediately preceding his or her retirement. The member also has the option of designating an alternative 36 consecutive month period during the member's applicable service.

Classic Members

This retirement plan only applies to classic members within the meaning of PEPRA. Classic members are those individuals employed by CITY prior to January 1, 2013. Classic members are also those individuals who are hired by CITY after January 1, 2013, and who were employed by another public agency prior to January 1, 2013, and who had membership with a previous reciprocal retirement system without a six month break in service between employment by eligible public agencies.

The City shall provide a retirement benefit package for the employees which is based on single highest year compensation and includes unused sick leave credit, post-retirement survivor allowance and Level 4 1959 Survivors Benefits.

Effective July 2016, classic members shall contribute a total of 7.0% PERS contribution towards the employer's share, and CITY shall contribute the balance of the employee's and employer's share of the contribution to PERS pursuant to Government Section Code 20516(a).

As of August 7, 2007, the City pays and reports the value of Employer Paid Member Contribution (EPMC) to CalPERS as additional compensation for each employee. This benefit shall consist of paying 7% of the normal contributions for employees, and reporting this 7% as compensation earnable.

New Members

This retirement plan only applies to new members hired by CITY on or after January 1, 2013.

The member contribution rate will be half the normal cost of payroll as determined by CalPERS. - The member contribution rate may change over time if the total normal cost rate for new miscellaneous members fluctuates by more than 1% of payroll. The total normal cost rate will be impacted over time by the actual demographics of CITY's miscellaneous plan and the actuarial assumptions used in the funding of the retirement benefits. The member rate will be reviewed once a year by CalPERS when the actuarial valuation of CITY's miscellaneous plan is performed.

CITY shall promptly notify the affected member of any change in the member contribution rate imposed by CalPERS during the term of this Resolution. Any such change in the member contribution rate is mandatory, and it shall be implemented by City in accordance with the CalPERS notification. Any change in the member contribution rate during the term of this Resolution imposed by CalPERS shall not be subject to the meet and confer process, and the parties specifically agree that changes in the member contribution rate for new members are outside the scope of representation.

Final compensation for new members shall now mean the highest average annual pensionable compensation earned by the member during a period of at least 36 consecutive months, immediately preceding his or her retirement. The member also has the option of designating an alternative 36 consecutive month period during the member's applicable service.

These benefits are not available to limited service employees which include part-time, seasonal or temporary employees.

Section 4 – Medical/Health and Life Insurance:

Life Insurance on Employee. The CITY shall provide life insurance on the life of each regular management employee and pay the full annual premium therefore. The face amount of said policies shall be equal to the employee's annual salary and increasing it to the nearest one-thousand dollars (\$1,000) to a maximum of \$200,000. Additional life insurance coverage may be purchased if the employee pays for the additional premium. Upon separation from employment, continuation life insurance coverage may be purchased if the employee pays for the additional premium.

Medical/Health Insurance. The CITY shall provide health insurance to employees through the CALPERS PEMCHA medical program. The CITY shall pay toward the annual cost of the health plan in accordance with the following schedule:

Regular employees

Effective January 1, 2017, all City employees shall participate in the City's "cafeteria plan". Effective January 1, 2017, the City shall contribute an amount equal to the average family rate of all HMO plans offered through the CALPERS PEMCHA medical program to the "cafeteria plan". The above contribution amount will be adjusted on a yearly basis effective January 1st of each year, according to the published CALPERS PEMCHA medical premium rates for Orange County.

Employees hired on or after April 1, 2017 shall receive a City contribution to the "cafeteria plan" of 90% of the average family rate of all HMO plans offered through CALPERS PEMCHA medical program. In addition, employees will receive a City contribution to an established retirement health savings (RHS) account of 10% of the average family rate of all HMO plans offered through CALPERS PEMCHA medical program. The above contribution amounts will be adjusted on a yearly basis effective January 1st of each year, according to the published CALPERS PEMCHA premium rates for Orange County.

The cafeteria plan is utilized first to pay health insurance premiums; any residual amount may be received as cash. Employees may elect to adjust their contribution to deferred compensation in an amount equal to part or all of any residual amount above the cost of their medical premiums.

Employees that wish to opt-out of medical coverage with the City of Yorba Linda will receive the cash equivalent of the cafeteria amount subject to their hire date. To qualify to waive medical coverage with the City of Yorba Linda, the employee must show proof of coverage in a group health plan such as with a spouse's employer. Proof of other group coverage must be submitted each year at open enrollment.

Retired employees and employees' dependents

Retirees and their dependents are eligible to participate in the CALPERS PEMHCA medical program.

Employees hired before April 1, 2017, will receive the CALPERS minimum required contribution toward their retiree medical. In addition, these employees who have retired from a retirement system the City participates in within 120 days of separation from the City will receive an additional City contribution to a health reimbursement account (HRA) toward their retiree medical in a total amount, including the CALPERS minimum required contribution describe above, up to the average of the two party HMO rates provided on a yearly basis by CALPERS. The above contribution amounts will be adjusted on a yearly basis effective January 1st of each year, according to the published CALPERS PEMCHA premium rates for Orange County. The amount deposited into each retiree's HRA account will be no greater than the total cost of their monthly health insurance premium, and any remaining funds not utilized for premiums is forfeited to the City.

Employees hired on or after April 1, 2017, will receive the CALPERS minimum required contribution toward their retiree medical.

Section 5 – Dental and Vision Insurance/Employee Assistance Program: The CITY shall provide dental and vision insurance and employee assistance program benefits for the following classes of employees and their dependents. The CITY shall pay - the annual cost of the dental, vision and employee assistance program in accordance with the following schedule:

Regular employees. The City will provide Dental and Vision Coverage for employees and dependents.

Retired employees and employees' dependents. For employees hired prior to April 1, 2017, the City will provide Dental and Vision Coverage in retirement. Coverage is also provided to eligible dependents.

Employees hired on or after April 1, 2017, will not be eligible for Dental or Vision coverage in retirement.

Employee Assistance Program (EAP) – The City provides an Employee Assistance Program for all full-time benefited employees and any members of their household. The EAP program provides face-to-face counseling along with a variety of other life-event services at no-cost to the employee or their family.

Section 6 – Section 125 Plan: The CITY shall provide a Section 125 Plan for employees to seek reimbursement for expenses relating to medical and dependent care.

Section 7 – Disability Insurance: The City shall provide a short-term and long-term disability insurance plan for all regular management employees. The City pays one-hundred (100) percent of the premium for both plans.

Short-term disability

1. Fourteen (14) day elimination period. (First day coverage if hospitalized due to an accident.) Employees shall be required to use sick leave during the elimination period. Use of vacation accrual at the end of sick leave shall be at the option of the employees.
2. At the end of the fourteen (14) day elimination period the employee shall receive fifty (50) percent of his/her salary for the remainder of the short-term disability period, to a maximum of one-thousand (1,000) dollars per week.

Long-Term disability

1. One-hundred eighty (180) day elimination period.
2. At the end of the one-hundred eighty (180) day elimination period, the employee shall receive the lesser of:
 - a. Sixty (60) percent of pre-disability earnings, to a maximum of (10,000) dollars per month.
 - b. Seventy (70) percent of pre-disability earnings, reduced by deductible income to a maximum of (10,000) dollars per month.

Section 8 – 9/80 Work Schedule: The City shall implement a 9/80 work schedule which consists of two consecutive work periods containing the equivalent of nine work days instead of ten in a two week period. Employees will work eight days for nine hours per day and one day for eight hours, for a total of eighty hours in two consecutive work periods. Exceptions to the 9/80 work schedule shall be those employees determined by the City Manager to be necessary in order to maintain specific City operations and service levels.

Section 9 – Annual Leave: All regular management employees shall be granted annual leave which can be used for any purpose including sick leave and vacation leave. Annual

leave shall accrue on the following basis:

1 - 4 years of service	4.5 weeks/year or 6.923 hours/pay period
5 + years of service	5.5 weeks/year or 8.462 hours/pay period

Employees may accumulate an amount up to double their annual accrual. Once the maximum accrual is reached, any excess “carryover” must be approved by the City Manager, otherwise, the employee will be paid for the excess leave on each pay date where the maximum accrual amount is exceeded until such time as the leave balance drops below the maximum accrual.

Any unused annual leave time above one-half of the employee’s annual accrual may be subject to buyback in June of each year at the employee’s option. The buyback is based on the number of unused annual leave hours requested for buyback multiplied by the employee’s hourly rate.

Section 10 – Sick Leave: All regular management employees shall no longer accrue annual sick leave at a rate of one day (eight hours) per calendar month as of October 1, 2018. Instead, management employees will receive an additional 60 hours of annual leave which is included in the accrual amounts in Section 9. Any sick leave balances that remain as of October 1, 2018 in an employees’ accrual bank will be frozen and not increased going forward. This balance may be used for actual sick leave or converted to service credit upon retirement with CalPERS in accordance with the City’s contract with CalPERS. Employees may choose whether to utilize annual leave or any remaining sick leave when they are sick until they have depleted their sick leave hours accrued prior to October 1, 2018.

Management employees hired prior to July 1, 2001, shall have the option, at any time, to cash out any portion of their unused frozen sick leave at the rate of 25% after ten (10) years of service; 50% after fifteen (15) years of service; and 75% after twenty (20) years of service. Unused sick leave shall be paid at a rate of 100% only if the employee contributes the entire amount of the funds into a Retirement Health Savings Plan implemented by the City.

Employees hired on or after July 1, 2001 shall not be eligible for the payoff of unused sick leave upon separation as set forth above.

Section 11 – Personal Necessity Leave: All regular management employees participating in a 9/80 Plan shall not be granted personal necessity leave. All regular management employees not participating in a 9/80 Plan shall be granted personal necessity leave not to exceed five (5) days per fiscal year. Personal necessity leave shall be used for emergency or unforeseen necessities only. Personal necessity leave shall be deducted from accumulated sick leave so long as the employee has a balance of available sick leave hours accrued prior to October 1, 2018. Otherwise, personal necessity leave shall be deducted from accumulated annual leave.

Section 12 – Industrial Sick Leave: Whenever any management employee is absent on

account of injuries arising out of and in the course of his or her employment, such employee shall receive full compensation during the first three (3) days of such absence. Thereafter compensation shall be paid in accordance with and under the provisions of the Workers' Compensation Insurance and Safety Act of the State of California. The CITY shall, in addition thereto, compensate for any such employee who is still absent from duty after the third day, an amount equal to the difference between the amount said employee receives from the Workers' Compensation Insurance Fund and the amount of his or her regular compensation. The employee is justly entitled to receive the maximum allowance as provided herein. This additional compensation shall be for a maximum period of one-hundred eighty (180) calendar days. The one-hundred eighty (180) calendar day period need not be consecutive if the employee's absence is directly traceable to a single accident.

Section 13 – Subpoenaed Absence: A regular management employee who is called to answer a subpoena as a witness for court appearances during the employee's work hours shall be compensated at his or her regular rate of pay for all hours of absence from work due to answering the subpoena on CITY business provided the employee shows proof of such subpoena and deposits witness fees received for such hours, exclusive of mileage, with the City Treasurer. Fees for answering a subpoena as a witness during hours other than regularly scheduled working hours may be retained by the employee.

Section 14 – Jury Duty: An employee summoned to and serving on jury duty shall inform the City Manager and may be absent from duty with full pay. Except for travel expense, the employee shall receive the difference between his full regular pay and the pay received for jury duty.

Section 15 – Leave of Absence Without Pay: The City Manager may grant a management employee leave of absence without pay for a period not to exceed three months. No such leave shall be granted except upon written request of the employee, setting forth the reason for the request, and the approval will be in writing. Upon expiration of a regularly approved leave or within a reasonable period of time after notice to return to duty, the employee shall be reinstated in the position held at the time leave was granted. Failure on the part of the employee on leave to report promptly at the expiration of the leave shall be cause for discharge. Failure of the employee to report for work more than five consecutive days after his or her leave of absence has ended shall constitute an automatic resignation by the employee as of the date on which the employee was due to return to work.

Section 16 – Military Leave of Absence: All management employees are entitled to military leave of absence. An employee who has been in the service of the Armed Services of the United States (Army, Navy, Marine Corps or Air Force) for active reserve duty, shall be allowed a paid leave of absence for a period not to exceed thirty (30) days in any calendar year, provided that the period of active reserve duty does not exceed one hundred eighty (180) calendar days. An employee required to perform active duty with such organizations for a period in excess of that for which compensation may be paid hereunder may be granted a leave of absence without pay. CITY service shall not be deemed to be interrupted by such absence. An employee's employment status, with reference to

promotion or continuance in office, employment, reappointment to office or re-employment, shall not be prejudiced directly or indirectly by reason of any absence from duty on account of actual service in the military forces of the United States.

Section 17 – Catastrophic Leave: All management employees may receive catastrophic leave donations from other employees (on a voluntary basis) if the employee has a catastrophic medical condition which will require the employee to be on unpaid leave for at least one month. Provided the employee has exhausted all accrued sick leave and annual leave, a written request for donations shall be submitted to the City Manager. The request must be accompanied by a medical statement from the employee's attending physician who verifies the employee's need for an extended medical leave and must include a brief statement of the nature of the illness or injury and an estimated time the employee will be unable to work. Employees who receive donations under this procedure and who exhausted all donated sick leave or annual leave may request an additional donation period subject to the aforesated provisions.

Section 18 – Bereavement Leave: Upon request, regular management employees shall receive necessary time off with pay, not to exceed three (3) days in any one (1) instance, to attend to a member of their immediate family who has become critically ill to the point where death is imminent, or to arrange for or attend a funeral of a member of their immediate family. However, upon request, should the employee have to travel outside of a 500-mile radius, then the employee shall receive necessary time off with pay, not to exceed (5) days in any (1) instance. For purposes of this section, immediate family shall mean father, father-in-law, mother, mother-in-law, step parent, brother, sister, wife, husband, child, grandparent, grandchild or legal guardian or person that has dependency upon you.

Section 19 – Administrative Leave: All management employees are entitled to administrative leave up to 100 hours per fiscal year. Administrative leave is subject to approval by the City Manager. Unused administrative leave cannot be carried over to the next fiscal year nor can it be bought back.

Section 20 – Holidays: The CITY shall recognize the following days as paid holidays for all employees with annual holiday schedules published prior to the start of the calendar year:

- New Years Day
- Martin Luther King's Birthday
- Lincoln's Birthday (1)
- President's Day
- Memorial Day
- Independence Day
- Labor Day
- Veterans Day
- Thanksgiving
- Day after Thanksgiving
- Christmas Eve

Christmas

New Year's Eve - 4 hours (2)

- (1) Lincoln's Birthday has been changed to the employee's birthday, which may be used at any time during the fiscal year.
- (2) All City facilities will close 4 hours early on New Year's Eve each year, no later than 1:30 pm. If New Year's Eve falls on a day that an employee's assigned facility is closed, then the four hours of holiday time shall be converted to a floating four hours and may be taken at any time during the fiscal year.
- (3) Any scheduled holiday falls that on a Saturday will be recognized on Friday, the day before. If that Friday happens to be a scheduled day off, the holiday hours will be converted to floater hours and may be taken at any time during the fiscal year.
- (4) Any scheduled holiday that falls on a Sunday will be recognized on Monday, the day after. If that Monday happens to also be a scheduled day off, the holiday hours will be converted to floater hours and may be taken at any time during the fiscal year.

Section 21 – Miscellaneous Provisions:

Automobile Allowance/Use Reimbursement. The City Manager may authorize automobile allowance to management employees ranging from zero (0) to five-hundred (500) dollars per month (as of October 2016) as deemed appropriate. Management employees not receiving an automobile allowance may claim automobile reimbursement for the use of his/her own private automobile in the course of his/her CITY employment or on CITY business. Such use of a private vehicle shall only be when the CITY vehicle is not available for transportation. Reimbursement at a rate consistent with the Internal Revenue Service standard may be approved for use of private vehicles on CITY business within the CITY or within a radius of sixty (60) miles there from. The City Manager may authorize, annually, increases in the automobile allowance in conjunction with the Consumer Price Index effective July 1st of each year.

Commercial Transportation Allowance.

- A. Allowances for use of commercial transportation shall be based upon scheduled airline coach rates in regard to all out-of-town travel on CITY business.
- B. The use of private vehicles by employees on CITY business on out-of-town CITY trips, within the State, may be approved by the City Manager. If an employee prefers to use his/her private vehicle, he/she may be reimbursed up to the amount of the cost of commercial transportation only. The Internal Revenue Service standard rate per mile will not apply in cases where the calculated reimbursement amount exceeds the cost of commercial transportation.
- C. When air, rail or public transportation is used, expenses necessary for local transportation, such as taxi cab and bus fare, will be allowed whenever such transportation is necessary for the conduct of CITY business after approval by the

City Manager.

Out-of-City Travel. Meetings and Convention Expense. If, in the judgment of the City Manager, the estimated expenses of the approved contemplated travel, lodging and other related expenses pertinent to said trip are too high and would create a hardship for the employees to finance initially and the employees do not have City-issued purchasing cards, then the City Manager may authorize an advance payment of the estimated amount to the employee. Upon return of the employee from said trip, he/she shall submit an itemized statement as to his/her actual expenses. Final adjustments shall be made to the favor of the employee or the CITY, whichever the case may be. The cost of lodging and meals shall be at a reasonable rate, appropriate to the purpose of the trip, and in compliance with City Policy, as it currently exists or may be amended during the period covered by this Resolution.

Cell Phone Stipend. In lieu of using a City owned cell phone, management employees will receive a monthly stipend as a "frequent user" in accordance with City policy, as it currently exists or may be amended during the period covered by this Resolution.

Section 22 – Exempt Positions: All management employees included in the provisions of this Resolution shall receive no additional compensation for overtime hours worked. The monthly salary shall be considered full compensation for all hours worked, however, administrative leave may be granted when approved by the City Manager for good and sufficient cause.

Under the Federal Labor Standards Act (FLSA), salaried employees (mid-managers and managers) are classified as exempt employees. However, should there be an implementation of furloughs, exempt employees lose their exempt status during a workweek in which the designated furlough hours take place and therefore will be entitled to overtime pay (if over 40 hours) for overtime worked in that week. Subject to the approval of the City Manager and the following provisions, overtime may be prescribed for reasonable periods of time to meet operational needs of the organization. Employees shall be compensated for overtime by the payment at the rate of one-and-one-half (1-1/2) times the employee's normal rate of pay for all hours over forty (40) worked in a seven (7) day work period and at the rate of two (2) times the employee's normal rate of pay for Sundays and holidays.

Section 23 – Separation: Persons occupying management positions serve at the will and pleasure of the City Manager and may be discharged from City employment by the City Manager without proof of cause or other justification and without right of appeal or hearing.

As a result of discharge without proof or cause or other justification, a management employee shall be entitled to the following Separation Compensation which shall be made as a lump sum payment:

- A. Three (3) months pay at an amount equal to his or her hourly rate on the date of discharge.

- B. An amount equal to three (3) months worth of health insurance premiums paid for the management employee to CALPERS plus the equivalent of three (3) months worth of dental/vision insurance premiums.

Discharged management employees shall also be entitled to an additional one (1) month of Separation Compensation for each five (5) full years of service rendered to the City of Yorba Linda regardless of previously held job classification(s). In no event, however, shall Separation Compensation exceed six (6) months.

Management employees must serve one (1) full year prior to being discharged to be eligible for Separation Compensation. Any Separation Compensation payment received under this Section 23 shall be the employee's sole and exclusive remedy for any and all claims for damages related to his/her employment. Employee agrees that as a condition to receiving the Separation Compensation payment, he/she shall execute a letter waiving all claims against the City, its officials and employees.

Section 24 – Avoidance of Inequities: Subject to City Council approval, the City Manager may authorize special adjustment to avoid or eliminate inequities resulting from the strict application of any provisions of this Resolution.

Section 25 – Administrative Regulations: The City Manager is authorized to issue written administrative personnel regulations designed to augment or clarify the provisions of this Resolution.

Section 26 – Nondiscrimination: No person in a management position or applying for one, shall be employed, promoted or discharged, or in any way favored or discriminated against because of political opinions or affiliations or because of race, color, sex, age, ancestry, national origin, handicap or religious belief.

No question posed in any examination, on any application form, or by any appointing power shall be framed so as to attempt to elicit information concerning race, color, sex, age, ancestry, national origin, handicap, political or religious opinions or affiliations of any applicant unless such information is determined by the Personnel Officer to be job related and a requirement for appointment within the guidelines established by the State and Federal Government.

Section 27 – Severability: In the event that any provisions of this Resolution are declared invalid by any court of competent jurisdiction, such decision shall not invalidate the entire Resolution, it being the express understanding of the parties hereto that all other provisions are not declared invalid shall remain in full force and effect.

Section 28 – Existing Conditions of Employment: Except as provided herein, all other existing terms and conditions of employment affecting the management employees shall remain in full force and effect.

Section 29 – Effective Date: Except as otherwise specified to the contrary in this Resolution, all provisions shall be effective as of December 7, 2021 pursuant to Minute Order action of

the City Council on December 8, 2021.

Section 30 – Rescind Previous Resolution: Resolution No. 2018-5590 is hereby rescinded in its entirety.

PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council of the City of Yorba Linda on this 7th day of December, 2021.

MAYOR
CITY OF YORBA LINDA

ATTEST:

MARCIA BROWN, CITY CLERK
CITY OF YORBA LINDA

APPROVED AS TO FORM:
RUTAN & TUCKER LLP

CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss.

I, MARCIA BROWN, City Clerk of the City of Yorba Linda, California, **DO HEREBY CERTIFY** that the foregoing Resolution was adopted at a regular meeting of the City Council of the City of Yorba Linda held on the 7nd day of December, 2021, and was carried by the following roll call vote:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:

MARCIA BROWN, CITY CLERK
CITY OF YORBA LINDA