

RESOLUTION NO. 20-29,197

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AMENDING AND RESTATING THE COMPENSATION PLAN FOR CITY CLERK AND CITY TREASURER, APPOINTED OFFICIALS, AND DEPARTMENT MANAGERS

THE COUNCIL OF THE CITY OF BURBANK RESOLVES:

1. SCOPE OF COVERAGE.

The rules set forth in this Resolution constitute special provisions regarding compensation and fringe benefits applicable to City Clerk and City Treasurer, Appointed Officials, and Department Managers of the City. All rules set forth in this Resolution shall apply to City Clerk and City Treasurer, Appointed Officials, and Department Managers (collectively referred to as Executive Employees), unless otherwise specified. Individual employment contracts and special compensation items for Department Managers may be negotiated with the City Manager. Individual employment contracts for Appointed Officials are negotiated with the City Council.

Should the benefits provided in this Resolution conflict with a Department Manager or Appointed Official's individual employment contract, the provision that provides the greatest benefit to the employee shall apply.

2. DEFINITIONS. As used in this Resolution:

(a) "Appointed Official" means the City Manager and the City Attorney;

(b) "Department Manager" means those persons holding positions in the classifications of Assistant City Manager, Chief Information Officer, Community Development Director, Deputy City Manager, Deputy City Manager – Public Works & Capital Projects, Financial Services Director, Fire Chief, General Manager – Burbank Water & Power, Library Services Director, Management Services Director, Parks & Recreation Director, Police Chief, Public Works Director, and any other Department Manager title established, designated, or amended by the City Council.

3. CITY CLERK AND CITY TREASURER SALARIES.

There are no changes to the salary for City Clerk and City Treasurer.

4. APPOINTED OFFICIALS SALARIES.

There are no changes to the salary ranges for Appointed Officials.

Appointed Officials shall be paid a monthly base salary within the job classification's salary range.

#### 5. DEPARTMENT MANAGER SALARIES.

There are no changes to the salary ranges for Department Managers.

Department Managers shall be paid a monthly base salary within the job classification's salary range.

#### 6. DEPARTMENT MANAGER TOTAL COMPENSATION.

Total compensation may be reviewed, adjusted, and/or approved by the City Manager as necessary on a case-by-case basis, after consultation with Management Services, to correct inequities relative to market salary surveys; correct internal inequities; address recruitment and retention issues; and compensate for new and/or increased services and/or duties.

#### 7. CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM (CalPERS) CONTRIBUTION.

(a) The City of Burbank contracts with CalPERS for a defined benefit pension plan. Each Appointed Official and Department Manager will be enrolled as a member of CalPERS on the date they first become eligible. Per the California Public Employees' Retirement Law (PERL), the City Clerk and City Treasurer, upon employment, will have the option to enroll in CalPERS retirement. CalPERS membership for City Clerk and City Treasurer will be established on a prospective basis, in accordance with PERL, if election is made after initial employment as a City Clerk or City Treasurer. CalPERS classifies each member as either Classic or New.

(b) The City's contracted CalPERS retirement formula for Miscellaneous employees who are classified as Classic members is 2.5% at age 55. Based on the Public Employees' Pension Reform Act (PEPRA) effective January 1, 2013, Miscellaneous employees who are classified as New members have a CalPERS retirement formula that is 2% at age 62.

(c) Employer Paid Member Contributions (EPMC) are defined as contributions designated as employee contributions that are paid by the City of Burbank to CalPERS. The City of Burbank does not contribute EPMC to CalPERS on behalf of City Clerk and City Treasurer, Appointed Officials, or Department Managers.

City Clerk and City Treasurer, Appointed Officials, and Department Managers, except the Police and Fire Chiefs, who are Classic CalPERS members pay the full 8% CalPERS member contribution. The Police and Fire Chiefs, if Classic CalPERS members, pay the full 9% CalPERS member contribution. New CalPERS members will continue to pay for half of the pension's normal cost as required by PEPRA,

which is currently 5.75% for Miscellaneous employees, 10.25% for Fire Safety employees, and 12.75% for Police Safety employees as of the adoption of this resolution.

- (d) Classic City Clerk and City Treasurer, Appointed Officials, and Department Managers will pay half of their respective pension's normal cost, as determined annually by the California Public Employees' Retirement System (CalPERS) Actuarial Valuation Report, with a total employee contribution cap as listed in Column 4 below. Half the normal cost of Classic employee pensions, as of Fiscal Year 2019-2020, is listed in Column 4 below. Pursuant to the Public Employees' Pension Reform Act (PEPRA), New CalPERS members will continue to pay half of their pension's normal cost.

Through Resolution 20-29,177, adopted on September 15, 2020, Executive Employees, who are CalPERS Classic Members and the City of Burbank agreed that effective the pay period following completion of the CalPERS contract amendment, each CalPERS Classic Member employee shall contribute an amount equal to the percentage listed below of compensation earnable towards the employer CalPERS contribution, which is separate from, and in addition to the required 8% or 9% CalPERS member contribution described in Section 7(c) of this resolution, for a total contribution as shown below.

Column 1	Column 2	Column 3	Column 4
Employee Type	Current Contribution	Cost Share	Total Contribution
Classic Miscellaneous	8%	1.14%	9.14%
Classic Fire Safety (Chief)	9%	3.70%	12.70%
Classic Police Safety (Chief)	9%	6.93%	15.93%

As soon as practical, the City will implement the additional employee contribution toward their pension by processing a CalPERS contract amendment for Cost Sharing, pursuant to Government Code Section 20516.

## 8. EXECUTIVE LEAVE.

- (a) **Conversion Upon Promotion/Appointment.** Appointed Officials and Department Managers shall accrue Executive Leave (consolidation of all leaves such as sick, vacation, floating holiday). All existing employees' leave balances earned prior to becoming an Appointed Official or Department Manager shall remain on the books under existing cash-out policies. However, existing City employees may elect to convert their existing leave balances, up to a maximum of 1500 hours, to Executive Leave within 30 days after being promoted or appointed to a classification listed in

Exhibit "A". Sick Leave may be part of this conversion. However, sick leave will be converted at 50% value.

- (b) **Accrual.** Upon appointment, Appointed Officials and Department Managers will accrue Executive Leave at the rates listed below. A different accrual rate may be negotiated during the hiring process. A Department Manager shall receive prior approval from the City Manager before using Executive Leave.

Through completion of 14 years of service:	316 hours/year
15 or more years of service:	356 hours/year

- (c) **Accrual Cap.** Appointed Officials and Department Managers shall be allowed to accrue a maximum of 1,500 hours of Executive Leave. If an employee's accrued balance exceeds 1,500 hours at any time, they will stop accruing until such time as their balance falls below the 1,500 hour cap.
- (d) **Cash Out.** Appointed Officials and Department Managers may cash out, at 100% value, up to 500 hours at any time during the fiscal year as long as their total combined leave balances do not fall below 160 hours after cash out and ten (10) days of Executive Leave have been used in the last twelve (12) months. The 12 months will be calculated using the rolling backward method. Sick leave usage does not count toward the calculation of days/hours used for the purpose of annual cash out.
- (e) **Payout.** Should an Appointed Official or Department Manager terminate their service with the City, their Executive Leave balance will have 100% cash out value and will be paid out in accordance with Section 16, subsection (i). Upon the death of an active employee, all accrued Executive Leave shall be paid to the designated beneficiary at 100% cash out value.
- (f) **Time Bank Donations for Illness/Injury.** Executive Leave may be donated to established Employee Assistance or Catastrophic Illness/Injury time banks pursuant to rules and procedures established in Administrative Procedures II-29 regarding Voluntary Time Bank for Catastrophic Illness/Injury and II-49 regarding Employee Assistance Time Bank. Donated hours do not count toward the calculation of days/hours used for the purpose of annual cash out. In addition, donated hours do not count toward the 500 hour cash out limit.

## 9. VACATIONS, SICK LEAVE, AND FLOATING HOLIDAYS.

- (a) Appointed Officials and Department Managers shall accrue Executive Leave (consolidation of all leaves such as sick, vacation, floating holiday). Existing City employees with previously accrued vacation, sick, floating holiday, or all other types of leave that have chosen not to convert these leave balances into Executive Leave shall maintain these existing balances during their employment with the City, but will no longer continue to accrue these types of leaves. Only Executive

Leave will begin to accrue and will continue to accrue for Appointed Officials and Department Managers.

(b) **Annual Sick Leave/Executive Leave Conversion.** On January 1 of each year, any Appointed Official or Department Manager may convert not more than thirty (30) hours of accumulated sick leave at fifty percent (50%) cash value or Executive Leave at one hundred percent (100%) cash value for the sole purpose of reimbursing the employee for medical costs accrued during the prior calendar year not otherwise paid for by the City's medical insurance. This conversion is subject to the following:

- i. Only employees who have served a minimum of two (2) full-time continuous years of service shall be eligible.
- ii. Reimbursement shall be made only for covered medical and hospital costs not otherwise paid by the City's medical insurance plan which are incurred by the employee and any of his or her dependents covered by the City's medical insurance program. Reimbursement shall not be made for any category of medical, hospital, or dental costs not eligible for coverage by the City's medical insurance plan.
- iii. An employee is not eligible for this conversion policy if his or her total accumulated leave hours would drop below 160 hours as of January 1 of each year, after the conversion is processed.
- iv. An employee's request for reimbursement shall be made during the month of January.

## 10. CITY DESIGNATED HOLIDAYS.

Holidays shall be as follows:

January 1<sup>st</sup> known as "New Year's Day"  
 Third Monday in January known as "Martin Luther King, Jr. Day"  
 Third Monday in February known as "Presidents' Day"  
 Last Monday in May known as "Memorial Day"  
 July 4 known as "Independence Day"  
 First Monday in September known as "Labor Day"  
 November 11 known as "Veterans Day"  
 Fourth Thursday in November known as "Thanksgiving Day"  
 Friday in November following "Thanksgiving Day"  
 December 25 known as "Christmas Day"

## 11. BEREAVEMENT LEAVE.

Appointed Officials and Department Managers shall be entitled to an absence from work in the event of the death of a member of the employee's immediate family. The

City Manager may, in his or her discretion, authorize pay for all or any portion not to exceed three (3) days of such leave, provided a written request for such pay is filed. For the purpose of this Bereavement Leave provision, the term “member of the immediate family” is limited to: any relative by blood or marriage who is a member of the employee’s household, spouse, registered domestic partner, children, step-children, son/daughter-in-law, parents, step-parents, father/mother-in-law, brother, sister, sister/brother-in-law, grandchildren, great grandchildren, grandparents, great grandparents, grandparents-in-law, or responsible guardian or person who has acted in that capacity, regardless of place of residence.

## 12. OTHER LEAVES.

Notwithstanding any other provision of this resolution, Appointed Officials and Department Managers shall be eligible for all statutory mandated leaves including, but not limited to, Maternity Leave, Family Medical Leave, California Family Rights Leave, Jury Duty, and Emergency Leave as set forth in the City’s Administrative Procedures and subject to any terms and conditions as established by the City Manager.

## 13. SEVERANCE PAY.

Any Department Manager may be eligible for up to six (6) months of severance pay, at the discretion of the City Manager. Severance pay, in any amount, may only be provided if the City Manager makes each of the following findings:

- (a) Termination of the City service is involuntary;
- (b) Termination may not involve the commission of an illegal act involving moral turpitude or personal gain; and
- (c) Granting severance pay will be in the best interest of the service or will achieve an equitable and fair result as determined by the City Manager.
- (d) The Department Manager agrees to sign a release that he/she will not file, initiate, or cause to be filed or initiated in any federal or state court any type of action on any basis for wrongful termination or discrimination.

## 14. OUTPLACEMENT SERVICES.

The City Manager may provide outplacement services to Department Managers at his/her sole discretion.

## 15. CAFETERIA PLAN.

- (a) A Cafeteria Plan as set forth in Resolution No. 21,481, passed and adopted on the 23rd day of December, 1985, for the provision of fringe benefits for City Clerk and City Treasurer, Appointed Officials, and Department Managers in classifications

enumerated in Exhibit "A" is hereby continued. This Cafeteria Plan is designated for programs of health or medical insurance and subject to rules established by the City Manager. In addition, reimbursement for qualified benefits as provided for in 26 USCS §125 shall be allowed with an administrative fee for employees who elect the out-of-pocket medical expense reimbursement under the City's flexible benefit plan.

- (b) The City will contribute the statutory minimum health premium contribution for employees and retirees under the Public Employees' Medical and Hospital Care Act (PEMHCA).
- (c) Effective November 19, 2017, each active Executive Employee hired prior to January 1, 2008 who is enrolled in a City medical plan, or who provides proof of medical coverage other than a City medical plan, shall receive \$711.25 per month for the Cafeteria Plan. Active Executive employees hired on or after January 1, 2008 will receive \$350.00 per month. This change has no impact to the "total potential allowance" described in Subsection (d) below. Cafeteria Plan amounts not utilized by an employee for eligible fringe benefits shall be added to their earnings. The PEMHCA statutory minimum health premium contribution is included in the base Cafeteria Plan amounts provided for in this paragraph.
- (d) Effective the beginning of the pay period containing February 1, 2021 (which is 01/24/21), additional City contributions towards the cost of medical premiums will be adjusted as listed in the chart below. These additional "up to" medical allowances may only be used for CalPERS medical premiums that are in excess of the Cafeteria Plan amount.

**Effective 02/01/21  
For Employees Hired Prior to January 1, 2008**

PLAN OPTION	CAFETERIA	ADDITIONAL "UP TO" MEDICAL	TOTAL POTENTIAL ALLOWANCE INCLUDING CAFETERIA
One Party	\$711.25	\$ 0.00	\$ 711.25
Two Party	\$711.25	\$451.75	\$1,163.00
Family	\$711.25	\$798.75	\$1,510.00

**Effective 02/01/21  
For Employees Hired On or After January 1, 2008**

PLAN OPTION	CAFETERIA	ADDITIONAL "UP TO" MEDICAL	TOTAL POTENTIAL ALLOWANCE INCLUDING CAFETERIA
One Party	\$350.00	\$ 361.25	\$ 711.25
Two Party	\$350.00	\$ 813.00	\$1,163.00
Family	\$350.00	\$1,160.00	\$1,510.00

In addition, effective the beginning of the pay period containing December 1, 2021 (which is 11/28/21), additional City contributions towards the cost of medical premiums will be adjusted as listed in the chart below. These additional “up to” medical allowances can only be used for CalPERS medical premiums that are in excess of the cafeteria amount.

**Effective 12/01/21  
For Employees Hired Prior to January 1, 2008**

PLAN OPTION	CAFETERIA	ADDITIONAL “UP TO” MEDICAL	TOTAL POTENTIAL ALLOWANCE INCLUDING CAFETERIA
One Party	\$711.25	\$ 0.00	\$ 711.25
Two Party	\$711.25	\$528.75	\$1,240.00
Family	\$711.25	\$898.75	\$1,610.00

**Effective 12/01/21  
For Employees Hired On or After January 1, 2008**

PLAN OPTION	CAFETERIA	ADDITIONAL “UP TO” MEDICAL	TOTAL POTENTIAL ALLOWANCE INCLUDING CAFETERIA
One Party	\$350.00	\$ 361.25	\$ 711.25
Two Party	\$350.00	\$ 890.00	\$1,240.00
Family	\$350.00	\$1,260.00	\$1,610.00

- (e) **Vision Plan.** Effective July 1, 2006, a vision plan will be provided to the City Clerk and City Treasurer, Appointed Officials, and Department Managers, at no cost, for employee only coverage. Additional vision coverage for eligible dependents may be elected on a voluntary basis. Employees who elect to enroll dependents will be responsible for paying all dependent premiums.
- (f) **Dental Plan.** A dental plan will be provided for the City Clerk and City Treasurer, Appointed Officials, and Department Managers, as well as any eligible dependents, at no cost to the employee.

#### 16. ADDITIONAL BENEFITS.

The City shall provide the additional benefits listed in this section to the City Clerk and City Treasurer, Appointed Officials, and Department Managers.

- (a) **Disability Insurance.** Short term disability (STD) and long term disability (LTD) insurance coverage will be provided at no premium cost to employees.
- (b) **Life Insurance.** Term life insurance coverage in the amount of \$100,000 will be provided at no cost to the employees.



- i. **Accidental Death & Dismemberment (AD&D).** The policy will carry accidental death & dismemberment insurance to cover accidents, injury, or loss up to \$102,000.
  - ii. **Work-Related AD&D.** In addition to the AD&D benefit provided above, the City will provide up to \$50,000 AD&D insurance, at no cost to the employee, for any work-related accident, injury, or loss. This AD&D insurance will be subject to the terms and conditions of the City's policy.
- (c) **Employee Assistance Program (EAP).** The City will provide benefits of an EAP at no premium cost to the employees.
- (d) **Annual Physical.** The City shall reimburse up to \$1,000 per fiscal year for comprehensive physical examinations and/or other medical, dental or eye care costs incurred by the employee, but not paid by a City health insurance plan.
- (e) **Education Reimbursement Program.** Effective September 24, 2017, the education reimbursement program shall reimburse seventy-five percent (75%) of eligible education cost up to a maximum amount of \$5,000 per fiscal year, per individual. The program will be subject to rules established by the City Manager.
- (f) **Professional Development.** City will pay an amount of \$75.00 per month for professional development.
- (g) **457 Deferred Compensation – City Match.** Effective August 1, 2010 the City will match each employee contribution to the employee's 457 Deferred Compensation Account in an amount not to exceed \$100.00 per month.
- (h) **Burbank Employees' Retiree Medical Trust (BERMT).** Effective as soon as practicable following Council adoption of this resolution, the City will contribute \$100.00 per pay period on behalf of each employee to BERMT. The City Manager or their designee is authorized to enter into the special agreements for participation of employees in the Trust as authorized by Article V.3 of the Trust Agreement.
- (i) **Retirement Health Savings Plan (RHS).** Effective August 1, 2010, the City will contribute \$100.00 per month to a retiree medical account for each employee.

In addition, employees who are eligible for leave payout at the time of separation must contribute into an RHS plan as set forth in the Adoption Agreement. Pursuant to the Adoption Agreement, the current contribution percentages are listed below.

Sick Leave:	50% of eligible payout (0% for Police Chief)
Vacation Leave:	50% of eligible payout
In-Lieu Leave:	50% of eligible payout
Floating Holiday:	50% of eligible payout
Universal Leave:	50% of eligible payout
Management Leave:	50% of eligible payout
Personal Leave:	50% of eligible payout

17. VOLUNTARY EMPLOYEES' BENEFICIARY ASSOCIATION (VEBA).

- (a) Effective July 1, 2004, the Police Chief shall be eligible to participate in the VEBA. No other employees covered by this Resolution will be eligible for the VEBA benefit.
- (b) The Police Chief will have access to VEBA benefits under the same provisions as the Burbank Police Officers Association (BPOA).

18. UTILITY RETIREE MEDICAL TRUST (URMT).

The City Manager and General Manager – Burbank Water and Power will have a one-time option to participate in URMT pursuant to the Plan documents. Only the City Manager and General Manager – Burbank Water and Power are eligible to participate in URMT.

19. AUTOMOBILE ALLOWANCE.

- (a) Effective December 13, 2020, City Clerk and City Treasurer shall receive, as full reimbursement for expenses incurred in operating a personal automobile in the regular performance of their official duties, a sum of \$374.00 per month.
- (b) Department Managers shall receive an automobile allowance of \$374.00 per month, as set by the Council, effective July 1, 1991.
- (c) The City Manager shall establish rules, regulations, and conditions for the use of City vehicles. The City Manager may, for operational purposes, provide the Fire Chief and Police Chief with a City vehicle in lieu of automobile allowance.

20. BILINGUAL PAY.

A bilingual payment of \$100.00 per month shall be paid to any employee holding a position in a classification listed in Exhibit "A" who is assigned by the City Manager to speak a second language and such employee's proficiency in the second language has been evaluated pursuant to rules and procedures established by the City Manager.

21. MERIT PLAN.

Merit pay for Appointed Officials and Department Managers is suspended, effective July 1, 2011.

22. The Financial Services Director is authorized to make such revisions, changes in summaries, fund amounts, totals, and grand totals of the Annual Budget, and other budget documents as deemed necessary or prudent to reflect and implement the programs specified in this Resolution.

23. The City Manager or his/her designee is authorized to enter into, or amend, any agreement necessary to implement the benefit provisions of this Resolution.

24. Resolution No. 19-29,067 passed and adopted on March 5, 2019, is hereby repealed. It is the intent of the City Council in adopting this Resolution as an Amended and Restated Compensation Plan to incorporate the amended contributions toward medical insurance, auto allowance for Clerk and Treasurer, changes to Executive Leave, and minor language clarifications and that all other provisions appearing herein shall continue in effect and shall not be deemed to have been repealed or readopted by this Resolution.

PASSED and ADOPTED this 8th day of December, 2020.

s/Sharon Springer  
Sharon Springer  
Mayor

Attest:

Approved as to Form:  
Office of the City Attorney

s/Zizette Mullins  
Zizette Mullins, MMC, City Clerk

By: s/Amy Albano  
Amy Albano, City Attorney

STATE OF CALIFORNIA            )  
COUNTY OF LOS ANGELES    ) ss.  
CITY OF BURBANK                )

I, Zizette Mullins, MMC, City Clerk of the City of Burbank, do hereby certify that the foregoing Resolution was duly and regularly passed and adopted by the Council of the City of Burbank at its regular meeting held on the 8th day of December, 2020, by the following vote:

AYES:       Frutos, Gabel-Luddy, Murphy, Talamantes and Springer.

NOES:       None.

ABSENT:     None.

s/Zizette Mullins  
Zizette Mullins, MMC, City Clerk

**Exhibit A**  
**Executive Employee Classifications**

Assistant City Manager
Chief Information Officer
City Attorney
City Clerk
City Manager
City Treasurer
Community Development Director
Deputy City Manager (E)*
Deputy City Manager-Public Works & Capital Projects*
Financial Services Director
Fire Chief
General Manager - BWP
Library Services Director
Management Services Director
Park, Recreation, & Community Services Director
Police Chief
Public Works Director

\*These classifications are not currently utilized.