

The number of additional weeks by which advancement to the next step shall be delayed shall be calculated in the same manner as those respective formulas specified herein. Such delay shall cause a change in the employee's anniversary date for purposes of future step increases in the class.

- N. Transfer to a different classification with the same salary range and in which no salary change occurs, shall result in a new anniversary date upon which advancement to the next step shall be calculated, or merit increase shall be considered.
- O. In lieu of a Salary Step Plan, an Executive Pay Range Plan has been established for classes as set forth in Exhibit 2.
  - 1. For employees who separated from City service prior to July 1, 2015:
    - a. The salary for each executive employee in the E1 through E23 executive pay ranges and the salary range for each class within such ranges shall be established by the City Manager or designee.

The City Manager or designee shall promulgate such rules and regulations deemed appropriate in the implementation and administration of this subsection.

For purposes of calculating retirement benefits for any employee in a class in the Executive Pay Range Plan who has left City service after five (5) years of service, but prior to attaining an age sufficient for service retirement, and who has elected to leave contributions in the retirement system, retirement benefits shall be calculated as follows:

The employee's salary at the time of separation from employment with the City shall be compared to the control point in existence at the time of separation for the class from which the employee is retiring. Retirement benefits (based on monthly salary only) shall be calculated using the same relationship the employee's salary bore to the control point at the time of separation as it would bear to the control point at the time of retirement. As an example only, if an employee's salary at the time of separation was five percent (5%) below the control point for the class, then the benefit at retirement would be based on that amount, which would be five percent (5%) below the control point for that class at the time of retirement, subject to the applicable provisions of the

retirement system regarding years of service, compensation earnable, and so on.

2. For employees in Exhibit 2, who separate from City service on or after July 1, 2015:

- a. The salary for each executive employee in the E1 through E23 executive pay ranges and the salary range for each class within such ranges shall be established by the City Manager or designee.

The City Manager or designee shall promulgate such rules and regulations deemed appropriate in the implementation and administration of Section 2, Subsection (O)(2)(b) below.

- b. For purposes of calculating Compensation Earnable as defined in FMC 3-501, any employee in the City of Fresno Employees Retirement System (hereafter "System") in a class in the Executive Pay Plan who separates from City service and elects to remain a member of the System shall have their Compensation Earnable calculated as follows:

Beginning July 1 following the date the Deferred Vested Member separates from City service, the Member's Compensation Earnable at the time of separation shall be indexed with the Consumer Price Index (hereafter "CPI") – United States City Average for Urban Wage Earners and Clerical Workers -- all items (i.e. general price inflation) and the Employment Cost Index for Wage Inflation (i.e. across the board pay increases) for State and local government employees, as published by the Bureau of Labor Statistics of the United States Department of Labor.

Determination of the percentage of annual increase or decrease in CPI and Employment Costs for wage inflation shall be made by the Retirement Board on or before April 1 of each year for each of the two immediately preceding calendar years. The percentage by which such indexes for the more recent full calendar year shall have increased or decreased over or below indexes for the full calendar year immediately prior shall be the percentage used to calculate adjustments to Compensation Earnable with the following exceptions: banking shall not be applied nor shall the sum of accumulated CPI and Employment Costs adjustments plus Compensation Earnable fall outside the Executive Pay Range approved by the City Council each fiscal year.

employees in permanent positions on or after August 31, 2014, the Annual Leave accrual rate will be 16 hours for each completed calendar month of employment.

- c. Annual Leave Accumulation Limit – Effective September 1, 2014, the accumulation of unused Annual Leave will not exceed 1,200 hours for employees in Executive Pay ranges E1 through E4; 1,000 hours for employees in the E5 range; and 840 hours for employees in the, E6, E7, E8, E10, E15, E16, E17, E19, E20, **E21, and E22** ranges. In the event an employee has an Annual Leave balance over the limits listed above, accruals will cease until the balance is under the limit.

2. Annual Leave Pay Out

- a. Unused Annual Leave Pay Out During Fiscal Year – Employees may request payment and be compensated for up to 48 hours or ten percent (10%) of their Annual Leave balance, whichever is greater, each fiscal year between July 1 and December 31; no cash out may be completed between January 1 and June 30. Cash outs of annual leave balances are not pensionable for retirement purposes.
- b. Unused Annual Leave Pay Out – Upon separation from City service, employees will be compensated for all unused Annual Leave balances at their applicable base rate of pay. Payment received under this provision will not be pensionable for retirement purposes.

3. Frozen Sick Leave

- a. Use of Frozen Sick Leave – Frozen Sick Leave balances may be used by the employee in accordance with provisions of FMC section 3-107, or for those purposes defined in California Labor Code section 233 up to the statutory amount for the fiscal year unless the statutory amount has been satisfied by use of other leaves for the fiscal year.
- b. Unused Frozen Sick Leave Pay Out – Upon separation from City service by service retirement or at a disability retirement if the employee is otherwise eligible for service retirement, employees who meet the eligibility criteria in Section 18(F) shall be credited with the number of accumulated frozen Sick Leave balances in excess of 240 hours at the time of

- G. Employees in Exhibit 2 who are in job classes with salary ranges E6 through E22 are eligible to receive up to fifty dollars (\$50) per month. This benefit is for employees who voluntarily participate in the City's Deferred Compensation plan, which shall not be calculated as part of base salary. Employees not currently participating in the plan will be required to complete a Participation Agreement and elect to contribute.

SECTION 20. BENEFITS FOR POLICE CADETS AND PERMANENT PART-TIME EMPLOYEES

- A. Employees in permanent full-time positions in the Police Cadet series shall receive the following benefits:

1. Police Cadet is a training series and is designed to ultimately lead to appointment to a permanent full-time position other than Police Cadet in the Police Department. A Police Cadet may be probationary released pursuant to FMC 3-273 during the Police Cadet program.
2. Upon appointment to a permanent position other than Police Cadet, time served as a Police Cadet I and II shall not be included in calculating an employee's period of continuous service for the purposes of seniority, retirement benefits, leave accruals, or other benefits.
3. Police Cadets shall be provided with Social Security benefits and shall not be members of the Fresno City Employees' Retirement System as they are employed principally for the purpose of training.
4. Actual hours worked in excess of 40 hours a week shall be compensated as overtime in accordance with the applicable provisions of FLSA.
5. Fringe benefits for employees in permanent positions in the Cadet series will be determined by the City Manager or designee.
6. Sick Leave

Employees will accumulate and be able to use Sick Leave in accordance with AB1522, Healthy Workplace Healthy Family Act of 2014.

Employees will earn one (1) hour of leave for every thirty (30) hours of work, including overtime. This accrual will begin on July 1, 2015, or the first day of employment, whichever is later. Accruals of Sick Leave may be carried over from year to year.