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Title: ***BILL NO. B-2 - (Intro. 1/16/2020) (For adoption) - Amending Fresno Municipal Code Chapter 3, Article 1 - Personnel to Update Outdated Language and Gender Specific Terms, Provide Clarity of Respective Provisions, and Make Other Preferred and Necessary Changes Regarding Leaves of Absences for all City employees, Employment Outside of City Service, Overtime, and References for the Proper Appointing Authority; Code amendments have been approved by the respective bargaining units. (Subject to Mayor's veto)

Sponsors: Personnel Services Department

Indexes:

Code sections:

Attachments: 1. REVISED - Ordinance Amending FMC Chapter 3 Article 1.pdf

Date	Ver.	Action By	Action	Result
1/30/2020	1	City Council	adopted	

REPORT TO THE CITY COUNCIL

January 16, 2020

FROM: JEFF CARDELL, Director
Personnel Services Department

BY: KEN PHILLIPS, Labor Relations Manager
Personnel Services Department

SUBJECT

***BILL NO. B-2 - (Intro. 1/16/2020) (For adoption) - Amending Fresno Municipal Code Chapter 3, Article 1 - Personnel to Update Outdated Language and Gender Specific Terms, Provide Clarity of Respective Provisions, and Make Other Preferred and Necessary Changes Regarding Leaves of Absences for all City employees, Employment Outside of City Service, Overtime, and References for the Proper Appointing Authority; Code amendments have been approved by the respective bargaining units. (Subject to Mayor's veto)

RECOMMENDATION

It is recommended that Council approve the introduction of the ordinance amending Fresno Municipal Code ("FMC") Chapter 3 - City Personnel, Article 1 - Personnel and adding Section 3-127 regarding Annual Leave.

EXECUTIVE SUMMARY

Upon review of FMC Chapter 3, Article 1, it was determined that amending sections of the chapter would be appropriate to update outdated language, provide clarity of respective provisions, and to make preferred as well as other necessary changes.

BACKGROUND

FMC Chapter 3 - City Personnel, Article 1 - Personnel, governs the application of City personnel rules such as leaves of absences, holidays, payment upon separation of employment, etc. Many sections of the Article have not been reviewed or updated in decades. The City completed a review of FMC Chapter 3, Article 1 with the goal of ensuring clarity and relevancy of respective provisions, as well as making preferred and necessary changes. The following summarizes significant changes:

Throughout: Updated gender specific terms to gender neutral terms; provided ability for the Chief Administrative Officer to designate someone to act in their place; and general clean up language, and substituted City Manager, City Attorney, City Clerk, or Retirement Administrator for Chief Administrative Officer where appropriate.

3-101 - Scope of Article. Definitions.

- Removed definition of immediate family since the term is defined in provisions where it is mentioned.

3-102 - Full-Time Employment Defined. Employment Outside City Service.

- (a)(2) contains obsolete references, and workdays may vary from eight-hour days.
- (b)(5)(i) Revisions to Section 3-107 make special sick leave unnecessary.
- (b)(5)(iii) Restriction on work permits while on paid workers' compensation is obsolete.

3-104 - Leave of Absence Without Pay.

- No longer have a need for a printed form.

3-106 - Return to Position After Leave.

- Change to the same class or equivalent.

3-107 - Sick Leave and Special Leave.

- Removed Special Leave since change in definition of Sick Leave made hospitalization or critical care of a family member obsolete.
- Bereavement Leave expanded to include same family members for which Sick Leave can be used.
- Deleted provision which outlined limitations and reporting requirements on medical appointments.
- Retained ability to use Sick Leave for birth of an employee's child.

3-108 - Leave for Vacation

- Updated to include Annual Leave.
- Removes restriction on use of Vacation Leave prior to six months of employment.
- Simplified provision wherein the City Manager, City Attorney, City Clerk, or Retirement

Administrator can allow accumulation of leave beyond the cap.

- Refers readers to applicable MOUs, Salary Resolution.
- Removes provisions which are in MOUs, Salary Resolution.

3-109 - Leave for **Compelled** Attendance in Court **or Administrative Hearing**

- Changed title and added references.
- Added reference to Section 3-117 and MOUs.

3-110 - Leave for Jury Duty.

- Removed provision requiring reimbursement of mileage allowances paid for service.
- Added provision indicating the section does not apply to voluntary jury duty service such as grand jury service.

3-111 - Military Leave.

- Added references to Administrative Orders and the Salary Resolution.

3-113 - Substitute Leave; Leave of Absence with Pay for ~~Firemen~~ **Fire Fighting Personnel** Where Substitute Provided.

- Language cleanup.

3-114 - Substitute Leave; Leave of Absence with Pay for ~~Policemen~~ **Police Personnel** Overtime Credit Donated.

- Language cleanup.

3-115 - Unauthorized Leave as Resignation.

- Revised for clarification. As written, the provision appears to allow for treating illness or disability the same as unauthorized absences.
- Language cleanup.

3-116 - Holidays.

- Refers to applicable MOU or Salary Resolution. Remove provisions that are in MOUs and Salary Resolution.

3-117 - Overtime.

- Remove requirement for Chief Administrative Officer to approve all overtime.
- Remove reference to obsolete Charter section and refer to MOUs and the Salary Resolution for overtime requirements.

3-118 - Salaries While Absent Due to Injury in Line of Duty.

- Replace provision with statement that will provide benefits consistent with the applicable California Labor Code.

3-119 - Payment for **Management, Annual, Vacation, Holiday, Supplemental Sick Leave,** and Overtime Upon Separation.

- Expand provision on payments if an employee dies.
- Remove provision for part time employees because it is covered under the first sentence.

- Provide for employees to designate a beneficiary(s) to receive final pay and payouts if the employee passes while employed by the City.

3-120 - Special **Reserve** Police Officers.

- Update Special Police Officers to the current title of Reserve Police Officers.

3-121 - Special Police Protection.

- Language cleanup.

3-122 - Law Enforcement Services to Private Individuals or Entities.

- Language cleanup.

3-127 - Annual Leave.

- New provision referring to MOUs and Salary Resolution for administration of Annual Leave.

The City provided notice to the bargaining units and concluded its meet and confer obligation.

The City Attorney's Office has approved the ordinance to amend sections of FMC Chapter 3, Article 1 and to add Section 3-127 as to form.

ENVIRONMENTAL FINDINGS

By the definition provided in the California Environmental Quality Act Guidelines Section 15378 this item does not qualify as a "project" and is therefore exempt from the California Environmental Quality Act requirements.

LOCAL PREFERENCE

Local preference does not apply because this item does not involve public contracting or bidding with the City of Fresno.

FISCAL IMPACT

Revision of FMC Chapter 3, Article 1 does not result in any increased salary and benefit expenses.

Attachment: Ordinance No. _____ Amending Fresno Municipal Code Chapter 3 - City Personnel, Article 1 - Personnel