

RESOLUTION NO. 9893

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
FOUNTAIN VALLEY RELATING TO THE CLASSIFICATION
AND COMPENSATION PLAN FOR PART-TIME EMPLOYEES
OF THE CITY AND SUPERSEDING ALL PROVISIONS
CONTAINED IN RESOLUTION NO. 9767 WHICH PERTAIN TO
PART-TIME EMPLOYEES AND WORKERS'
COMPENSATION COVERAGE FOR VOLUNTEERS**

WHEREAS, the City Council of the City of Fountain Valley has established the classification, compensation, and terms of employment of regular, permanent, full-time employees; and

WHEREAS, the City Council desires to establish the classification, compensation, and terms of employment of non-represented part-time employees and workers' compensation coverage for volunteers by separate resolution; and

WHEREAS, the Healthy Workplaces/Healthy Families Act of 2014 (California Labor Code section 245-249) provides specified paid sick leave benefits to employees; and

WHEREAS, the City of Fountain Valley is hereby required to provide specified paid sick leave benefits to all employees including part-time employees currently not eligible for those benefits; and

WHEREAS, the provisions of the Healthy Workplaces/Healthy Families Act of 2014 will be included in the Memorandum of Understanding or City Council Resolution for all full-time employees and in this City Council Resolution for part-time employees.

NOW, THEREFORE, the City Council of the City of Fountain Valley does hereby RESOLVE as follows:

Section 1. Resolution No. 9767 is hereby repealed in its entirety.

Section 2. Applicability. The provisions of this resolution pertaining to classification, compensation, and terms of employment shall apply to any individual hired by

the City as a part-time employee, except as specifically provided to the contrary in other resolutions.

Section 3. Classification and Compensation - Part-Time and Hourly Employees.

A. Pursuant to the provisions of Fountain Valley Municipal Code Chapter 2.52, the following classifications for part-time employees are hereby established:

Class Code	Classification
T38	Accounting Technician I*
T39	Accounting Technician II*
T06	Administrative Intern
T28	Administrative Intern- City Manager's Office
T29	Administrative Specialist*
T14	Customer Service Representative
T15	Dispatcher*
T32	Emergency Medical Services Manager*
T22	Emergency Preparedness Assistant
T42	Engineering Intern
T05	Engineering Technician I*
T05	Engineering Technician II*
T05	Engineering Technician III*
T37	Firefighter/Paramedic Trainee @
T36	Firefighter Trainee @
T31	Graduate Intern
T18	Human Resources Coordinator
T25	Information Technology Technician*
T33	Management Aide*
T23	Management Intern
T17	Office Specialist I
T13	Office Specialist II
T43	Planning Intern
T20	Police Cadet
T01	Police Recruit @
T34	Public Information Officer @
T26	Recreation Coordinator*
T03	Recreation Leader

T04	Recreation Specialist
T07	Maintenance Worker I

Corresponding hourly rates for these positions are shown in the City's Salary Schedule.

(*) These classifications are full-time positions filled on a part-time basis. The salary is subject to change by City Council Resolution when the full-time salary range for the position is adjusted.

(@) These classifications are established with only a single hourly rate.

The City Council hereby grants the City Manager with the authority to establish hourly rates for part-time employees as necessary.

B. In addition to the above part-time classifications, employees may be hired in any of the full-time classifications in the competitive service on a part-time basis. When an employee is employed in a full-time classification on an hourly basis, the five-step range for the position shall consist of the hourly equivalent of the five steps of the range for the classification and shall be added to the part-time salary table.

C. Employees classified as part-time are at-will and shall not be deemed regular, permanent competitive service employees and shall not be entitled to any of the rights or benefits of such regular employees including, but not limited to, paid holidays, vacation, employee benefits, except as otherwise provided in this resolution or as mandated by State or Federal Law.

Section 4. Rules of Compensation - Part-Time Employees.

A. City employees in any of the classifications listed in Section 3 shall be considered part-time employees and shall be exempt from the provisions of the competitive service for regular permanent employee have no vested rights to their position, and serve at the pleasure of the employer.

B. When a part-time or hourly employee is hired, they shall be assigned to an authorized part-time or hourly position. The first step of the salary range is the normal hiring rate

for any classification.

C. Evaluations. All part-time employees will receive written performance evaluations from their immediate supervisor according to the following schedule:

1	Upon completion of six months of service.
2	Upon completion of 1,040 hours of service.
3	Upon completion of 2,080 hours of service.
4	Upon completion of 3,120 hours of service
5	Upon completion of 4,160 hours of service

D. Merit Increases. Part-time employees shall be eligible for advancement within their salary range based on completion of a specified number of hours of satisfactory service, as follows:

Step 1:	Entry level.
Step 2:	Eligible for advancement upon completion of 1,040 hours of satisfactory service.
Step 3:	Eligible for advancement upon completion of 2,080 hours of satisfactory service.
Step 4:	Eligible for advancement upon completion of 3,120 hours of satisfactory service.
Step 5:	Eligible for advancement upon completion of 4,160 hours of satisfactory service.

Advancement from one-step to another shall be made only upon written recommendation of the employee's supervisor and approval of the Department Director, in accordance with the criteria contained herein.

E. Hourly Range Adjustments. Hourly ranges for all part-time classifications will be adjusted in accordance with this section.

Section 5. Hours Worked Per Year. Part-time employees may work up to a maximum of 999 hours in a fiscal year. The City Manager may authorize specified part-time employees to work in excess of 1,000 hours depending upon the needs of the City.

Section 6. Uniforms. Part-time employees employed in the following classifications shall be entitled to uniforms or uniform allowances as indicated:

Classification	Uniform Provisions	Allowance
Dispatchers:	The allowance will be provided following 6 months of continuous service.	\$100 per year
Firefighter Trainee:	Uniforms provided	N/A
Firefighter/ Paramedic Trainee:	Uniforms provided	N/A
Police Cadet:	Uniforms provided	N/A
Police Recruit:	Uniforms provided	N/A

Uniforms and allowances for part-time classifications not listed in this section shall be determined by the Department Director with the approval of the City Manager.

Section 7. Paid Sick Leave.

A. Paid Sick Leave Accrual. Pursuant to the Healthy Workplaces, Healthy Families Act of 2014 (California Labor Code section 245-249), effective July 1, 2015, part-time employees accrue sick leave (pursuant to the Healthy Workplaces, Healthy Families Act of 2014 (California Labor Code sections 245-240) at the rate of one (1) hour for every 30 hours worked up to a maximum of 24 hours per fiscal year. Part-time employees may begin using accrued sick leave on the 90th day of employment or later and may carry into the next fiscal year, up to 48 hours of accrued sick leave.

B. Sick Leave Usage. Part-time employees can use accrued sick leave for themselves for preventative care (such as physical exams) or care of an existing health condition.

C. Family Sick Leave. Part-time employees can use accrued sick leave for the diagnosis, care or treatment of an existing health condition of, or preventative care for family members. In this section, the term "family members" means any of the following:

A child (biological, adopted, foster child, stepchild, legal ward or a child to whom the employee stands in loco parentis) regardless of age or dependency status.
A biological, adoptive, or foster parent, step-parent or legal guardian of an employee or the employee's spouse or registered domestic partner or a person who stood in loco parentis when the employee was a minor child.
A spouse.
A registered domestic partner.
A grandparent.
A grandchild.
A sibling.
Individuals who live in the same household or whose relationship to the employee is that of a dependent or near-dependent.

D. Other Sick Leave. Part-time employees can use sick leave for specified purposes if they are victims of domestic violence, sexual assault or stalking as set forth in California Labor Code section 230(f) and 230.1(a).

E. Sick Leave at Separation. There is no provision for payout of any unused accrued sick leave at separation.

F. Reinstatement of Accrual Upon Rehire. In accordance with California Labor Code section 245 et seq., should a part-time employee separate from employment with the City of Fountain Valley, and then return to City employment within one year from the date of separation, the employee's accrued, unused sick leave hours at the time of separation up to the maximum of 48 hours shall be reinstated upon re-hire.

Section 8. Retirement. The City has adopted a qualified social security alternative plan for all part-time, temporary, seasonal, as needed employees not covered by CalPERS to comply with Omnibus Budget Reconciliation Act of 1990 (OBRA 90). This plan is currently set up through Public Agency Retirement Services (PARS ARS). The City has a retirement contract exclusion with California Public Employees' Retirement System (CalPERS) for hourly paid employees.

A. For employees hired on or after September 1, 2014, covered under this plan (i.e., all employees who are not enrolled in CalPERS) shall be required to contribute the entire

contribution of seven and one half percent (7.5%), of their wages into the plan on a pre-tax basis.

B. For employees hired on or before August 31, 2014, covered under this plan (i.e., all employees who are not enrolled in CalPERS) shall be required to contribute the entire contribution of three and three quarters percent (3.75%), of their wages into the plan on a pre-tax basis. The City is required to contribute equivalent of three and three quarters percent (3.75%), of their wages into their individual PARS ARS account also on a pre-tax basis.

C. If, at any time in the future, it is determined by the Internal Revenue Service, a court or a change in the law that this plan does not qualify as a qualified alternative retirement system to Social Security coverage, the City shall discontinue its contributions into the plan for employees in the plan. The City shall not assume responsibility for the payment of any back taxes due for Social Security coverage or for payments to any other qualified retirement plan except those payments mandated by law to be paid for by an employer.

Section 9. Volunteers.

A. Volunteer Defined. A volunteer is a person who performs voluntary service without pay for a public agency in accordance with Labor Code Section 3363.5. Voluntary service without pay shall include services performed by any person who receives no remuneration other than meals, transportation, lodging or reimbursement for incidental expenses.

B. Volunteers as specified in this section are "employees" as that term is defined in the Workers' Compensation provisions of the California Labor Code and are entitled to all of the benefits thereof as provided by Labor Code Section 3363.5. The designation of employee shall be confined to the election authorized by Section 3363.5 for Workers' Compensation benefits and said volunteers shall not be considered "employees" of the City for purposes unrelated to the Workers' Compensation provisions of the California Labor Code.

C. Volunteers include but are not limited to:

City Commission and Committee Members
Disaster Service Workers
Fire Inspection Reserve Senior Task Force (F.I.R.S.T.)
Fire Reserves

Other volunteers as determined by the City Manager
Police Academy Students that have entered into agreement with the City
Police Chaplains
Police Explorers
Police Reserve Officer
Radio Amateur Civil Emergency Services (RACES)
Retired Senior Volunteer Program (RSVP)
Senior Center Volunteers

Section 9. Miscellaneous Provisions.

- A. Avoidance of Inequities. The City Manager is authorized to issue written administrative regulations designed to augment or clarify the provisions of this resolution.

WHEREAS, the City desires to the designated above effective July 1, 2023; and

NOW, THEREFORE, the City Council of the City of Fountain Valley does hereby resolve to approve the classifications and compensation for these three added classifications.

PASSED AND ADOPTED by the City Council of the City of Fountain Valley at a regular meeting on this 18th day of July, 2023.

Ayes: Bui, Cunneen, Harper, Grandis, Constantine
Nays: None
Absent: None
Abstain: None



Kim Constantine, Mayor

ATTEST:



Rick Miller, City Clerk Administrator

APPROVED AS TO FORM:



Colin Burns, Attorney for the City