

RESOLUTION NO. 9894

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FOUNTAIN VALLEY RELATING TO THE CLASSIFICATION AND COMPENSATION PLAN FOR LIMITED SERVICE POLICE RECRUIT, FIREFIGHTER TRAINEE, AND FIREFIGHTER/PARAMEDIC TRAINEE PART TIME CLASSIFICATIONS AND SUPERSEDING ALL PROVISIONS IN RESOLUTION NO. 9623.

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 established Resolution No. 9623 the classification, compensation, and terms of employment of non-represented limited service Police Recruit, Firefighter Trainee, and Firefighter/Paramedic Trainee employees by separate resolution effective September 20, 2017; 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; and

WHEREAS, the provisions of Resolution No. 9767 and any superseding Resolutions also apply to these limited service non-represented classifications outlined in Section 3.

NOW, THEREFORE, the City Council of the City of Fountain Valley does hereby RESOLVE to approve the wages, hours, terms and conditions of employment for these limited service non- represented classifications as outlined in Section 3 as follows:

Section 1. Resolution No. 9623 is hereby repealed in its entirety.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 limited service Police Recruit, Firefighter Trainee, or Firefighter/Paramedic Trainee employee, except as specifically provided to the contrary in other resolutions.

Section 3. Classification and Compensation - Police Recruit, Firefighter Trainee, and Firefighter/Paramedic Trainee employees.

A. Pursuant to the provisions of Fountain Valley Municipal Code Section 2.52.030, the following classifications and corresponding hourly rates for limited service employees are hereby established effective July 1, 2023:

Code	Classification	Hourly Rate
T36	Firefighter Trainee (non-suppression)	\$34.92
T37	Firefighter/Paramedic Trainee (non-suppression)	\$38.80
T01	Police Recruit	\$38.38

The City Council hereby grants the City Manager with the authority to establish hourly rates for limited service employees as necessary.

B. Rate of pay for Police Recruit shall always be 10% below Step 1 of Police Officer. Rate of pay for Firefighter/Paramedic Trainee with current Firefighter certifications and intention to attend the Paramedic Academy shall always be Step 1 of Firefighter, paid at the 40-hour workweek rate or the 56-hour workweek rate, whichever is applicable. Rate of pay for Firefighter Trainee with current Paramedic certifications and intention to attend the Fire Academy shall always be 10% below Step 1 of Firefighter, paid at the 40-hour workweek rate or the 56-hour workweek rate, whichever is applicable.

C. Employees classified as limited service are at-will and shall not be deemed regular, 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 and vacation, except as otherwise provided in this resolution or as mandated by State or Federal Law.

D. Upon successful completion of the Academy, the Police Recruit will be eligible for hire as a full-time sworn Police Officer and the Firefighter/Paramedic Trainees will be eligible for hire as a full-time sworn Firefighter/Paramedic. Employees who are unable to successfully complete the Academy will be immediately dismissed from their position.

Section 4. Rules of Compensation - Limited Service Police Recruit and Firefighter/Paramedic Trainee Employees.

A. City employees in any of the classifications listed in Section 2 shall be considered limited service employees and shall be exempt from the provisions of the competitive service for regular permanent employees, have no vested rights to their position, and serve at the pleasure of the employer.

Section 5. Hours of Work. Recruit and Trainee hours shall be at the discretion of the training Academy or of the training personnel.

A. Police Recruits shall attend all hours necessary to successfully complete Academy training. The Police Recruit may be assigned to the Police Station for special duty in their current classification.

B. Firefighter/Paramedic Trainees shall attend all hours necessary to successfully complete Academy and internship training requirements.

Section 6. Health Benefits.

A. Employee Insurance

1. The City shall contribute the full cost of the lowest monthly employee only premium toward health insurance. The City contribution shall only apply toward the health insurance premium of a health plan authorized by the City insurance provider. If an employee does not participate in the City's insurance plan, the contribution cannot be used for any other purposes and they are not eligible for a cash-in-lieu amount.
2. Should the Employee elect to purchase health insurance coverage at a higher cost than the lowest monthly employee only premium, the full cost of the difference will be paid by the employee as a pre-taxable deduction from their paycheck. If the deduction exceeds their pay, the employee will be required to pay the difference to the City.

Section 7. Retirement.

A. Limited Service employees shall be enrolled in the Public Agency Retirement Services Alternate Retirement System Plan (PARS ARS). Employees shall contribute the full contribution of 7.5% of compensation.

Section 8. 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, limited service employees accrue sick leave (pursuant to the Healthy Workplaces, Healthy Families Act of 2014 (California Labor Code sections 245-249) at the rate of one (1) hour for every 30 hours worked up to a

maximum of 24 hours per fiscal year. Limited service 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. Limited service 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. Limited service 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. Limited service 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 limited service 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 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.

Section 10. Effective Date. Except as otherwise specified to the

contrary in this Resolution, all provisions shall be effective as of July 1, 2023.

NOW, THEREFORE, the City Council of the City of Fountain Valley does hereby resolve to approve this resolution.

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