

## **RESOLUTION NO. 12779**

***A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN RAFAEL  
RESCINDING RESOLUTION NOS. 12456 and 12512, AND ADOPTING A REVISED  
TEMPORARY, SEASONAL, RETIREE, AND FIXED-TERM EMPLOYEES SALARY AND  
BENEFIT PLAN***

**WHEREAS**, on April 7, 2008, the City Council adopted Resolution 12456 establishing a Temporary, Seasonal, Retiree, and Fixed-Term Employees Salary and Benefit Plan, and providing that the salary schedule for the employee classifications covered by the Plan would increase effective July 1, 2009, and each year thereafter, by the change in the Consumer Price Index ("CPI") over the previous year; and

**WHEREAS**, on June 16, 2008, the City adopted Resolution 12512 to make minor revisions to the Temporary, Seasonal, Retirees, and Fixed-Term Employees Salary and Benefit Plan; and

**WHEREAS**, due to the significant adverse impact on the City's revenues due to the downturn in the State and local economy, the City needs to eliminate the CPI adjustment in the salary schedule authorized to take place on July 1, 2009 for Temporary, Seasonal, Retiree and Fixed-Term Employees under the foregoing Resolutions; and

**WHEREAS**, there is a need to adopt a revised Temporary, Seasonal, Retiree, and Fixed-Term Employees Salary and Benefit Plan, incorporating previous changes and providing for CPI adjustments in salary schedule for such employees in future fiscal years if it is fiscally prudent to make such adjustments.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of San Rafael as follows:

- (1) That Resolution numbers 12456 and 12512 are rescinded, and the CPI adjustment in the salary schedule authorized to take effect under the foregoing Resolutions on July 1, 2009, for Temporary, Seasonal, Retiree and Fixed-Term Employees is eliminated;
- (2) That the Temporary, Seasonal, Retiree, and Fixed-Term Employees Salary and Benefit Plan attached as Exhibit "A" hereto, including the Salary Schedule attached thereto, is adopted for the classifications identified therein;

**COPY**

- (3) That the Temporary, Seasonal, Retiree and Fixed-Term Employees covered by the foregoing Salary and Benefit Plan shall be paid on an hourly basis at the rates established in the aforementioned salary schedule, only for time actually worked; and
- (4) That the Temporary, Seasonal, Retiree and Fixed-Term Employees designated in the Salary and Benefit Plan attached hereto as Exhibit "A" are at-will employees, exempt from the City's Personnel Rules and Regulations, and serve in their positions based on need as determined by the assigned department; and
- (5) That commencing on July 1, 2010, and each year thereafter, the Salary Schedule in Appendix "A" to this Resolution shall be adjusted to increase the compensation paid to Temporary, Seasonal, Retiree and Fixed-Term Employees by the percentage increase in the Consumer Price Index for All Urban Consumers in the San Francisco/Oakland/San Jose Area for the one year period ending on the preceding April 1<sup>st</sup>, provided that the City Manager has made a determination prior to July 1<sup>st</sup> of the year in which a salary schedule adjustment would become effective that the adjustment will be fiscally prudent under projected budget conditions.

I, ESTHER C. BEIRNE, Clerk of the City of San Rafael, hereby certify that the foregoing Resolution was duly and regularly introduced and adopted at a regular meeting of the Council of said City held on Monday, the 6th day of July 2009, by the following vote, to wit:

<b>AYES:</b>	<b>COUNCILMEMBERS:</b> Brockbank, Connolly, Heller, Miller & Mayor Boro
<b>NOES:</b>	<b>COUNCILMEMBERS:</b> None
<b>ABSENT:</b>	<b>COUNCILMEMBERS:</b> None

*Esther C. Beirne*

**ESTHER C. BEIRNE, CITY CLERK**

**TEMPORARY, SEASONAL, RETIREE OR FIXED-TERM EMPLOYEES  
SALARY AND BENEFIT PLAN**

**DEFINITION**

Temporary, Seasonal, Retiree, and Fixed-Term employees serve important roles in supporting City business. These positions perform job duties and provide city services that are outside of the regular classified services. All positions covered by this resolution are at-will and as such serve at the pleasure of the appointing authority and may be removed at any time without cause and without right of appeal.

**Seasonal**

Seasonal is defined as those employees who perform specific job responsibilities that are for a specific period of time. The period is typically for a period of four (4) months or less. Seasonal employees often work in recreation or park programs.

**Retiree**

Retirees who return to fill temporary or seasonal positions may work a maximum of 960 hours per fiscal year. Once the retiree employee reaches 960 hours in a fiscal year, he/she shall no longer be eligible to work for the City until the next fiscal year.

**Fixed-Term**

Fixed-Term is an appointment of an employee to an allocated and Fixed-Term position with an expected end date. Fixed-Term positions are established due to limits on grant funding or other known limits to the position's duration. Employees appointed to Fixed-Term appointments must accept the position with the understanding that continued appointment is contingent upon grant funds and job performance. Fixed-Term appointments may be made for up to a three year period and may be extended by approval of the City Manager.

**Temporary**

Temporary positions do not have the same title as classified City positions (those covered by a City MOU) and may not exceed 1,000 hours in a calendar year.

Department Heads or designee has the authority to make temporary appointments provided there are sufficient funds in the department. Temporary employees do not receive City benefits except as required by law (i.e. participation in a qualified retirement system, Public Agency Retirement Services). Temporary appointments are typically made to meet short-term employment needs such as peak workload, illness, vacations of full time employees, or pending the establishment of a new eligibility list.

There are four types of Temporary Appointments:

**A. Standard Temporary Appointment:**

Appointment to one of the temporary job classifications listed in this resolution for a specific purpose that is of temporary nature and under 1,000 hours per calendar year (or 960 hours in a fiscal year if a retiree).

**B. Special Appointment:** Special temporary appointments to perform work outside an existing City classification and for which no temporary job classification exists may be made under special circumstances. When the individual has a unique combination of

expertise, background and skills and is needed to help the department respond to a priority work issue.

- C. **Emergency Appointment:** Temporary appointment of an employee to prevent stoppage of public business, loss of life, or damage to persons or property, or when qualified personnel cannot be readily obtained due to emergency conditions. An employee appointed in this category need not meet the minimum qualifications of the job.
- D. **Per Diem:** Per Diem is defined as those temporary employees who are not regularly scheduled to work but serve in an as-needed capacity. Per Diem employees may not work more than 1,000 hours in a calendar year and are typically on a list to be called when needed. Per Diem temporary appointments are made to one on the temporary classifications listed in this resolution.

### **SALARY AND CLASSIFICATION**

Temporary, seasonal, retiree or fixed-term positions do not have a guarantee of continued employment. As such, the incumbents may be terminated at any time without right of appeal or grievance. If temporary employees are interested in securing a regular position with the City, they must compete successfully in the recruitment process.

It is the intent of the City of San Rafael to compensate Temporary, Seasonal, Retiree and Fixed-Term employees at a rate of pay similar to that of regular employees performing like work. The hourly rate is based upon the level of duties performed. Employees covered by this resolution may not work more than 1,000 hours in a calendar year unless they work in Police or Fire in a position that is staffed 24 hours per day. Employees covered in these positions (dispatch and police records) may work up to 1,250 hours in a calendar year. However, retirees under the 1937 Retirement Act may not exceed the 960 hours per fiscal year. If an employee reaches the 1,000 or 1,250 hour limits as defined above, the employee will not be eligible to work for the City for a minimum of 90 calendar days unless special approval is made by the City Manager.

Temporary, Seasonal, Retiree, and Fixed-Term employees who are non-exempt are eligible to receive overtime pay in accordance with the Fair Labor Standards Act (FLSA). Overtime is paid when the temp/seasonal employee works in excess of 40 hours per week. The week period is defined as Sunday at 12:01am to the following Saturday at 11:59pm.

Temporary, Seasonal, Retiree, employees do not receive benefits with the exception of a retirement plan. Participation in a retirement plan mandated by Federal Law and San Rafael enrolls hourly employees in the Public Agency Retirement System (PARS). Under PARS, employees covered by this resolution contribute 3.75% of their salary in to the retirement plan and the City contributes the same amount. Contributions are tax-deferred. Retiree employees do not participate in PARS.

Fixed-term employees receive a basic benefits package to include health and dental insurance on a pro-rated basis up to a maximum of \$600 per month, five (5) sick days per year and ten (10) vacation days per year. Upon termination, any accrued vacation leave will be paid out to the employee, but accrued sick leave will not.

The following is a list of the positions covered by this resolution. Department Heads may appoint from one of these positions at any point in the salary range based on the qualifications of the person filling the temporary, seasonal, or Fixed-Term position.