

**RESOLUTION NO. 2022-33**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOMITA,  
CALIFORNIA, APPROVING A COMPENSATION PLAN FOR  
NONREPRESENTED EMPLOYEES FOR FISCAL YEARS 2022-23  
THROUGH 2024-25 AND RESCINDING RESOLUTION NO. 2022-27**

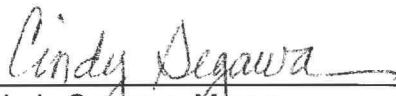
**WHEREAS**, Section 36506 of the Government Code requires the City Council to prescribe the time and method of payment of salaries and wages of officers and employees of the City.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LOMITA DOES HEREBY  
RESOLVE, DETERMINE AND ORDER AS FOLLOWS:**


**SECTION 1.** The Compensation Plan for Non-Represented Employees, attached hereto is approved in its entirety shall be effective July 1, 2022 through June 30, 2025, replacing Resolution No. 2022-27 unless otherwise amended or rescinded.

**SECTION 2.** The Mayor, or presiding officer, is hereby authorized to affix his/her signature to this Resolution signifying its adoption and the City Clerk, or her duly appointed deputy, is directed to attest thereto.

**PASSED, APPROVED AND ADOPTED this 6<sup>th</sup> day of September 2022.**

  
Cindy Segawa, Mayor

ATTEST

  
Kathleen Horn, Gregory, MMC, City Clerk

APPROVED AS TO FORM:

  
Trevor Rusin, City Attorney



STATE OF CALIFORNIA       )  
COUNTY OF LOS ANGELES    ) SS.  
CITY OF LOMITA                )

I, **Kathleen Horn Gregory**, City Clerk of the City of Lomita, California, do hereby certify that the foregoing Resolution No. 2022-33 was duly passed, approved, and adopted by the City Council of the City of Lomita at its special meeting held on September 6, 2022, by the following vote, to wit:


AYES:       Council Members: Gazeley, Uphoff, Waronek, Mayor Pro Tem Waite and Mayor Segawa

NOES:       None

ABSENT:     None

RECUSE:     None

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the official seal of the City of Lomita, California this 6<sup>th</sup> day of September 2022.

  
\_\_\_\_\_  
**Kathleen Horn Gregory, MMC, City Clerk**  
**City of Lomita, California**

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## **COMPENSATION PLAN FOR NON-REPRESENTED EMPLOYEES**

This compensation plan is entered into between the City of Lomita (City) and the Full-Time Non-Represented Employees. This plan shall not apply to Lomita City Employees Association represented employees.

### **ARTICLE 1. APPLICABLE EMPLOYEES**

Section 1.1. The following City employees shall constitute the full-time non-represented classifications:

Accountant

Administrative Services Director

Assistant City Manager

Chief Water Operations Manager

City Clerk

Community and Economic Development Director

Deputy City Clerk

Management Analyst

Parks and Recreation Director

Public Works Director

Public Works Superintendent

Recreation and Facilities Manager

Recreation Manager

Senior Accountant

Senior Human Resources Analyst

Senior Management Analyst

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## **ARTICLE 2. COMPENSATION AND HOURS**

### **COST OF LIVING ADJUSTMENT (COLA)**

Section 2.1. Effective the first full pay period after July 1, 2022, full-time represented employees as listed in Article I shall be entitled to a 3.5% base salary increase.

Section 2.2a. Effective the first full pay period after July 1, 2023, full-time represented employees as listed in Article I shall be entitled to a 2% base salary increase.

Section 2.2b. Effective the first full pay period after July 1, 2024, full-time represented employees as listed in Article I shall be entitled to a 2% base salary increase.

### **SALARY RANGES AND CLASS TITLES**

Section 2.3. The attached exhibits (1-4) are assigned to classes covered by this comp plan effective the first full pay period after July 1, 2022 through June 30, 2025. Effective the first full pay period after July 1, 2022, the new salary schedule (Exhibit 1) would be implemented for purposes of placing positions within the new salary schedule. Exhibit 2 would be implemented for purposes of the 3.5% COLA effective the first full pay period after July 1, 2022. Exhibits 3 and Exhibits 4 would be effective the first full pay period after July 1, 2023 and July 1, 2024.

<b>Salary Schedule</b>	<b>Title</b>
42	Accountant
69	Administrative Services Director
74	Assistant City Manager
52	Chief Water Operations Manager
52	City Clerk
68	Community & Economic Dev. Director
37	Deputy City Clerk
39	Management Analyst
66	Parks and Recreation Director
70	Public Works Director
52	Public Works Superintendent
53	Recreation and Facilities Manager
50	Recreation Manager
48	Senior Accountant
46	Senior Human Resources Analyst
45	Senior Management Analyst



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## **ARTICLE 3. BENEFITS**

### **INSURANCE CONTRIBUTION (CAFETERIA PLAN) (Does not apply to part-time employees.)**

Section 3.1. The City will contribute based on a sliding scale per Section 4.2 a specific dollar amount each month to each full-time employee to be used toward the purchase of the following benefits for the employee and the employee's dependents:

- Health Insurance
- Dental Insurance
- Vision Insurance
- Life Insurance
- Long Term Care Insurance

Each employee is required to purchase a health insurance plan unless the employee provides evidence of other health insurance coverage.

Commencing July 1, 2005, half (50%) of the total contribution amount as provided by the City for insurance benefits, not used by the employee for such benefits may be contributed to the employee's ICMA deferred compensation account upon written option by the employee to the Human Resources Officer.

### **CAFETERIA PLAN SUMMARY**

Section 3.2. Following the first full pay period starting on July 1, 2022, the City shall increase its contribution to the employee cafeteria plan for benefits including insurance as follows:

#### Employees with 2+ Dependents for Medical or Dental Insurance

The City shall contribute an additional \$100 per month to the employee cafeteria plan, for a total of \$1,305 per month.

#### Employees with 1 Dependent for Medical or Dental Insurance

The City shall contribute an additional \$100 per month to the employee cafeteria plan, for a total of \$1,265 per month.

#### Employee Only for Medical or Dental Insurance

The City shall contribute an additional \$100 per month to the employee cafeteria plan, for a total of \$1,243 per month.

#### Employees with Spouse Coverage or No Health Insurance through the City

The City shall contribute an additional \$100 per month to the employee cafeteria plan for a total of \$1,220 per month.

Section 3.3. Effective the first full pay period starting on July 1, 2023, the City shall increase its contribution to the employee cafeteria plan for benefits including insurance as follows:

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Employees with 2+ Dependents for Medical or Dental Insurance

The City shall contribute an additional \$100 per month to the employee cafeteria plan, for a total of \$1,405 per month.

Employees with 1 Dependent for Medical or Dental Insurance

The City shall contribute an additional \$100 per month to the employee cafeteria plan for a total of \$1,365 per month.

Employee Only for Medical or Dental Insurance

The City shall contribute an additional \$100 per month to the employee cafeteria plan for a total of \$1,343 per month.

Employees with Spouse Coverage or No Health Insurance through the City

The City shall contribute an additional \$100 per month to the employee cafeteria plan for a total of \$1,320 per month.

Section 3.4. Effective the first full pay period starting after July 1, 2024, the City shall increase its contribution to the employee cafeteria plan for benefits including insurance as follows:

Employees with 2+ Dependents for Medical or Dental Insurance

The City shall contribute an additional \$100 per month to the employee cafeteria plan, for a total of \$1,505 per month.

Employees with 1 Dependent for Medical or Dental Insurance

The City shall contribute an additional \$100 per month to the employee cafeteria plan for a total of \$1,465 per month.

Employee Only for Medical or Dental Insurance

The City shall contribute an additional \$100 per month to the employee cafeteria plan for a total of \$1,443 per month.

Employees with Spouse Coverage or No Health Insurance through the City

The City shall contribute an additional \$100 per month to the employee cafeteria plan for a total of \$1,420 per month.

**RETIREMENT AND PRE-TAX OF EMPLOYEE CONTRIBUTIONS**

Section 3.4a. Employee Retirement Contributions.

Effective the first full pay period starting after July 1, 2017, all full-time represented employees in the Tier 1 group (2.5%@55 retirement formula) hired prior to February 19, 2012 shall pay the full 8% of the employee's PERS contribution.

Full-time employees in the Tier 2 (2%@60) and Tier 3 (PEPRA – 2%@62) retirement groups pay their full employee contribution, currently 7% for Tier 2 and 50% of the normal cost of retirement for Tier 3. Employee contributions shall continue to be collected on a pre-tax basis.

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**RETIREMENT COST SHARING**

Section 3.4b. Effective the first full pay period starting after July 1, 2018, the parties agree pursuant to Government Code section 20516(a),(f), that each Tier 1 employee shall share the cost of the employer CalPERS contributions at the rate of 0.5% which shall be made through payroll deductions. The .5% cost sharing shall be in addition to the retirement contribution in Section 3.4a. No cost sharing for Tier 2 and 3 employees.

Effective the first full pay period starting after July 1, 2019, the parties agree pursuant to Government Code section 20516(a),(f), that each Tier 1 employee shall share the cost of the employer CalPERS contributions at the rate of an additional 0.5% (for a total of 1%) which shall be made through payroll deductions. The 1% cost sharing shall be in addition to the retirement contribution in Section 3.4a. No cost sharing for Tier 2 and 3 employees.

**RETIREMENT FORMULA SUMMARY**

Section 3.5. The following table lists the City's 3 retirement tiers and corresponding retirement formula.

Tier	Formula
Tier 1 (those employees hired prior to February 19, 2012)	2.5%@55
Tier 2 (classic members* as defined by PERS and employees hired between February 19, 2012 to December 31, 2012)	2%@60
Tier 3 (PEPRA – those employees hired on or after January 1, 2013)	2%@62

\*A classic member is an employee who first established CalPERS membership prior to January 1, 2013, and who is rehired by a different CalPERS employer without a break in service of greater than six months.

**Applicable to Tier 1**

Final Average Compensation Period – 1 Year

**Applicable to Tiers 2 and 3**

Final Average Compensation Period – 3 Years

**Applicable to All Tiers**

**Fourth Level 1959 Survivor Benefit** – The City will pay all costs associated with this benefit.

**RETIREE HEALTH**

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Section 3.6. Full-time employees hired prior to March 11, 2015 who retire from the City of Lomita shall be eligible for employee-only health coverage. City shall pay employee-only monthly premiums for the employee's preferred plan (based on employee's place of residence and region, e.g., Los Angeles, etc.) from the contracting agencies annual list provided by CalPERS. Upon turning age 65, the City shall pay the Supplement/Managed Medicare Monthly Rate contribution employee-only monthly premiums for the employee's preferred plan from the contracting agencies annual list provided by CalPERS.

For employees (who retire from Lomita) hired prior to April 1, 1986, the City will pay employee-only monthly health care premiums. Employees in this category who are not otherwise qualified and do not pay into Medicare will not have their employee-only monthly health-care premiums reduced to the Supplement/Managed Medicare Monthly Supplement Rate upon turning age 65.

Employees hired on or after March 11, 2015 who retire from the City of Lomita shall be eligible for the Public Employees Medical and Hospital Care Act (PEMHCA) minimum that may be applied towards retiree employee only health insurance cost.

**DISABILITY INSURANCE (Does not apply to part-time employees.)**

Section 3.7. For competitive service employees, probationary employees, and members of the Administrative Services Unit or Field Services Unit, the City shall provide and pay for short-term and long-term disability insurance.

**WORKERS' COMPENSATION**

Section 3.8. In the event that a regular employee incurs a job-related accident or injury while in the conduct of official City business, the employee may integrate his/her Workers' Compensation payments with the use of sick leave and/or vacation leave. During any pay period, the sum of the workers' compensation payments, sick leave, and vacation leave cannot be greater than the employee's salary.

**DEFERRED COMPENSATION AND MISSION SQUARE RETIREMENT (FORMERLY ICMA) DEFERRED COMPENSATION LOAN PROGRAM**

Section 3.9. All City employees are eligible for the Deferred Compensation Program. All contributions will be made by the employees, except as provided in Section 4.1.

Section 3.10. Employees have the option to participate in the Mission Square Retirement employee loan program relative to the City's deferred compensation program. Employees wishing to participate in the program may apply directly to Mission Square Retirement and will be subject to their requirements. Under current guidelines,

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employees may not borrow greater than  $\frac{1}{2}$  of their fund balance and would be required to pay any loan balance upon separation from the City.

#### **FLEXIBLE SPENDING ACCOUNT**

Section 3.11. The City will provide employees a voluntary "Flexible Spending Account". The Flexible Spending Account is offered pursuant to provision of Section 125 of the Internal Revenue Code. This account has been established to permit employees to pay for certain authorized expenses such as health insurance premium co-pays, health insurance deductible, and child care services from pre-tax dollars. (a) Enrollment in the Plan for current employees is required every Plan Year and is limited to the annual open enrollment period or no later than sixty (60) days following the date of becoming eligible due to a mid-year Change in Status event. (b) Eligible employees may contribute, on a pre-tax basis, to a flexible spending account, each bi-weekly pay period up to the established amount pursuant to the IRC annual maximum. An employee election to participate in the Plan shall be irrevocable for the remainder of the Plan year. Once a salary reduction has begun, in no event will changes to elections or discontinuation of contributions be permitted during the Plan year except to the extent permitted under Internal Revenue Service rulings and regulations and with the City's Plan Document. (c) Any unused amounts remaining in an employee's account at the end of the Plan Year must be forfeited except that the City may permit an employee to carry over unused amounts to be used in the following Plan Year in accordance with the City's Medical Expense Reimbursement Plan Document and the IRC regulations.

#### **WELLNESS STIPEND**

Section 3.12. Employees will be provided an annual stipend of \$150 towards wellness related programs. These include a health club membership, smoking cessation, weight loss, fitness trackers, etc. The City Manager and/or his designee shall make determinations for items not listed.

#### **TRAINING OF EMPLOYEES**

Section 3.13. (Tuition reimbursement does not apply to part-time employees.) Purpose of Training Program and Policy. It is the Policy of the City of Lomita to develop maximum efficiency in the performance of official duties by City employees by providing for the training of employees in the performance of their official duties, and by assisting them in fulfillment of their duties and responsibilities as well-informed citizens of the community.

The Personnel Officer shall monitor training programs, provide support and assistance to department directors in the administration of internal training programs, and submit recommendations to the City Manager. The development of a continuous program of post-entry training as a part of the normal operation of City administration shall be

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encouraged. All other things being equal, priority consideration shall be given to training opportunities sponsored by and conducted within the City.

**Tuition Reimbursement.** The City will provide to employees up to \$2,000 per fiscal year per employee for tuition reimbursement for courses which relate to their job assignment, or when they are pursuing a degree in a major with potential value to the City. The completion date of the class shall be used in determining the fiscal year in which the benefit shall apply. To be eligible, an employee must be a regular employee and have completed at least one year of service with the City; receive no other duplicate benefits under any student aid programs; receive prior written approvals by the employee's supervisor on a form approved by the City Manager before registering for class, provide the Personnel Officer with evidence of satisfactory completion of a course within thirty (30) days (a "C" grade or better or a "pass" in a pass/fail grading system); and forward to the Personnel Officer all classroom materials for which City reimbursement is being requested.

The City may withhold from an employee's final paycheck sums equal to any amounts which have been reimbursed after course completion if an employee resigns or retires prior to two years per the schedule below.

Effective July 1, 2016, Employees who separate from the City prior to two years after receiving such reimbursement shall pay back the City at the following ratios: 1) Between 0 and 6 months – 100%; 2) Between 6 months and 1 year – 75%; and 3) Between 1 year and 2 years – 50%.

#### **GROUP LIFE INSURANCE POLICY**

Section 3.14. The City shall provide a group life insurance policy to all represented and non-represented employees in the amount of fifty thousand dollars (\$50,000). New hires will be eligible for this benefit on the first of the month following employment.

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## **ARTICLE 4. VACATION AND LEAVE**

### **ANNUAL VACATION ACCRUAL RATE**

Section 4.1. Department Director Vacation Leave Accrual. Paid vacation leave for department directors shall accrue based on combined years of full-time employment with the City and with other public agencies (e.g., cities, counties, public utilities, special districts, etc.). The following positions shall be eligible for vacation leave per this section: Administrative Services Director, Assistant City Manager, City Clerk, Community and Economic Development Director, and Public Works Director. Paid vacation shall accrue for department directors, on a bi-weekly basis, at the rates shown below:

#### **Service Years 1-5:**

During the first five years of service, eligible positions as listed above shall earn vacation leave with pay from the first date of employment at the rate of ten (10) days each year. Probationary employees (other than promotional probationary employees) cannot use paid vacation unless otherwise authorized by the City Manager. Thus, for every one year of service through the fifth year of service, such employee is entitled to eighty (80) paid vacation hours annually.

#### **Service Years 6-20:**

Beginning with the sixth year, eligible positions as listed above shall earn vacation at the rates, in days per year, shown below:

Years of Service	Annual Vacation Hours
0-5	80
5+-9	120
10-14	160
15-20	200
20+	240

#### **Service Years 20 and thereafter:**

Beginning with the twentieth year of service such employees shall earn vacation at the rate of 240 hours each year.

Section 4.2. Paid vacation leave shall accrue, on a bi-weekly basis, at the rates shown below (for positions not listed in Section 4.1). The following positions shall be eligible for vacation leave per this section: Chief Water Operations Manager, Deputy City Clerk, Senior Human Resources Analyst, Senior Management Analyst, Management Analyst, Public Works Superintendent, Recreation and Facilities Manager, Recreation Manager, Senior Accountant and Accountant.



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**Service Years 1-5:**

During the first five years of employment, employees earn vacation leave with pay from the first date of employment at the rate of eighty hours each year. Probationary employees (other than promotional probationary employees) cannot use paid vacation unless otherwise authorized by the City Manager. Thus, for every one year of service through the fifth year of employment an employee is entitled to eighty hours paid vacation annually.

**Service Years 6-20:**

Beginning after the completion of five years of service and continuing through the twentieth year of service, an employee shall earn vacation at the rates, in hours per year, shown below:

Years of Service	Vacation Hours Earned
0-5	80
5+-9	120
10-15	160
16	168
17	176
18	184
19	192
20+	200

**VACATION LEAVE BALANCE, ACCRUAL AND CESSATION OF ACCRUAL**

Section 4.3. No employee may accumulate more than 320 hours of vacation. The City will notify any employee approaching the maximum accumulation. An employee will stop accruing vacation leave when his or her accumulated vacation balance reaches 320 hours. An employee shall not accrue additional vacation leave until the employee uses vacation time and his or her accumulated vacation leave balance again falls below 320 hours. Vacation leave should be used when possible within the year following the year in which it is earned. When an employee leaves City service the balance of any earned and unused vacation days will be paid at the employee's current rate of pay.

**ADMINISTRATIVE LEAVE**

Section 4.4. The positions of Chief Water Operations Manager, Deputy City Clerk/Executive Assistant, Human Resources Analyst, Management Analyst, Public Works Superintendent, Recreation Manager and Senior Accountant will receive forty (40) hours of administrative leave each calendar year. The full forty (40) hours shall be credited to the employee in January of each year. Administrative leave may be taken as time off with pay during the year. Any unused administrative leave will be paid off on the last payday in December of each year. New employees, who are eligible for this leave, shall accrue administrative leave on the first of the month following the date of

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employment. The amount accrued in the first year of employment shall be on a prorated basis.

### **EXECUTIVE LEAVE**

Section 4.5. The positions of Administrative Services Director, Assistant City Manager, City Clerk, Community and Economic Development Director, Public Works Director Parks and Recreation Director and Recreation and Facilities Manager, will receive seventy-two (72) hours of executive leave each calendar year. The full seventy-two (72) hours shall be credited to the employees in January of each year. Executive leave may be taken as time off with pay during the year. Any unused executive leave will be paid off on the last payday in December of each year. New employees, who are eligible for this leave, shall accrue executive leave on the first of the month following the date of employment. The amount accrued in the first year of employment shall be on a prorated basis.

Executive leave may be taken as time off with pay during the year. Any unused executive leave will be paid off on the last payday in December of each year. New employees, who are eligible for this leave, shall accrue executive leave on the first of the month following the date of employment. The amount accrued in the first year of employment shall be on a prorated basis.

### **HOLIDAYS (DOES NOT APPLY TO PART-TIME EMPLOYEES)**

Section 4.6. Employees shall have the following holidays as vacation with pay:

- New Year's Day (January 1st)
- Martin Luther King Day (3rd Monday in January)
- President's Day (3rd Monday in February)
- Memorial Day (last Monday in May)
- Independence Day (July 4th)
- Labor Day (1st Monday in September)
- Veteran's Day (November 11th)
- Thanksgiving Day (4th Thursday in November)
- Friday after Thanksgiving
- Christmas Eve (1/2 day)
- Christmas Day (December 25th)
- Up to four working days from December 26 to December 31 during the holiday closure (see Section 5.7 - Holiday Closure).
- One Personal Holiday (Floating)\*

\*Must be taken within the fiscal year granted.

### **HOLIDAY CLOSURE**

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Section 4.7. Starting in 2016, the City will be closed between December 25 and January 1. Starting in 2016, Columbus Day will no longer be a recognized city holiday and starting in 2017, Lincoln's Birthday will no longer be a recognized city holiday. The City will provide up to four days of paid vacation during the closure. Should a particular year include only 3 working days between Christmas Day and New Year's Day, each employee will be credited with one floating holiday.

### **SICK LEAVE**

Section 4.8. Sick Leave Generally. The granting of sick leave shall be determined by the following rules:

- 1) Sick leave with pay for employees shall accrue in accordance with Subsection (4) below.
- 2) In addition to the reasons identified in Subsection (4) below, an employee eligible for sick leave with pay shall be granted such leave for the following reasons:
  - a) Personal illness or physical incapacity.
  - b) Enforced quarantine of the employee in accordance with community health regulations.
  - c) Doctor and dental appointments.
  - d) Maternity leave. Employees shall be able to apply sick leave to maternity leave in the amount of their accrued sick leave to date. An employee may only use sick pay for the period of medical disability.
  - e) Paternity leave up to a maximum of forty hours per individual situation.
- 3) Sick leave may not be taken until after it has been accrued.
- 4) Competitive service employees, probationary employees, and members of the Administrative Services Unit or Field Services Unit, shall accrue sick leave with pay, on a bi-weekly basis, at a rate of 9 hours for each month of employee service, and any such leave accrued but unused in any year shall be credited to the following year. Observed holidays occurring during the sick leave shall not be counted as a day of such leave. Sick leave is not a right which an employee may use at his/her discretion. Accumulated sick leave may only be used in case of necessity and actual personal sickness or disability, or up to twelve days of accumulated sick leave per fiscal year may be used to care for the employee's ill child, spouse, parent, parent-in-law, registered domestic partner, sibling or grandparent.
  - a) An employee must call within thirty (30) minutes after the regular starting time of his/her assigned shift and report to his/her supervisor.
  - b) Except in extraordinary circumstances, failure to call within the thirty (30) minute time limit is a basis for denying use of sick leave.
  - c) Sick leave pay will not be granted to an employee who fails to call as directed, even if accrued, unused sick leave is available.
  - d) A doctor's statement will be required prior to returning to work if an employee is absent for three (3) days or more.

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- e) Failure to validate an absence in Sub-Paragraph (4)(d) above with a doctor's statement is grounds for denying use of sick leave. The employee has an obligation to keep his/her supervisor informed as to his/her condition and whereabouts at all times.
  - f) Any employee who misses work due to illness or injury, shall, upon return to work, fill out an absence report indicating his/her illness or injury and the reason he or she felt they could not report for work.
  - g) In cases of suspected abuse of sick leave, a supervisor may require a doctor's statement for any illness. Continued abuse will be cause for discipline.
- 5) Once an employee has accumulated 480 hours of sick leave, the City may thereafter at the option of the City and employee, each year, elect to buy back one-half of each year's accumulated sick leave. The compensation will be equal to the employee's usual straight time hourly rate of pay times the number of hours bought back.

#### **SICK LEAVE DONATION POLICY**

Section 4.9. Per the Personnel Rules (currently Section 5.3, paragraph 2)

#### **FAMILY CARE LEAVE (Does not apply to part-time employees.)**

Section 4.10. Per page 67 of the Personnel Rules (Family and Medical Care Leave Policy).

#### **BEREAVEMENT LEAVE (Does not apply to part-time employees)**

Section 4.11. Competitive service employees, probationary employees, members of the Administrative Services Unit, and members of the Field Services Unit are eligible for bereavement leave. For travel less than 300 miles, employees shall be eligible for a maximum of three (3) days bereavement leave for the death of a member of the employee's immediate family. For travel greater than 300 miles, employees shall be eligible for a maximum of four (4) days bereavement leave for the death of a member of the employee's immediate family. Immediate family is limited to a parent, step-parent, spouse, child, step-child, brother, sister, uncle, aunt, mother-in-law, father-in-law, grandfather, grandmother, grandchild, son-in-law or daughter-in-law, regardless of residence.

If an employee is required to be absent beyond the maximum number of days listed above, additional days must be charged against accumulated vacation/comp time leave.

#### **MILITARY LEAVE**

Section 4.12. Military leave shall be granted in accordance with the provisions of Chapter 7, Division 2, Part I, of the California Military and Veterans' Code. All employees entitled to military leave shall give the appointing authority an opportunity within the limits of military regulations to determine when such leave shall be taken.

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**JURY DUTY LEAVE (Does not apply to part-time employees)**

Section 4.13. Employees required to serve as a juror shall be compensated for the difference between their normal salary and the compensation for jury duty, less travel pay, during the period of such service, provided that the employee does not serve more than once in any calendar year. To be eligible for City compensated jury duty leave, employees must provide the Personnel Officer with evidence of jury duty service, including the hours and days thereof, from the Court. In the event such evidence is not provided, any time missed may be deducted from the employee's vacation time or offset from future earnings. During their jury duty leave, night shift employees will be transferred to the day shift.

Deposit in the United States mail of a first-class letter, postage paid, addressed to the employee's last known place of residence, shall be reasonable notice.

**ARTICLE 5. SAVINGS CLAUSE**

Section 5.1. Should any provision of this agreement, or an application thereof, be unlawful by virtue of any federal, state, or local laws and regulations, or by court decision, such provision shall be effective and implemented only to the extent permitted by law, regulation, or court decision. But in all other respects, the provisions shall continue in full force and effect.