

RESOLUTION NO. 2024-022

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHINO, CALIFORNIA, AMENDING CERTAIN PORTIONS OF RESOLUTION NO. 2023-060, 85-52, 85-53, 85-54 AND SUBSEQUENT RESOLUTIONS PERTAINING TO COMPENSATION AND TERMS AND CONDITIONS OF EMPLOYMENT FOR EMPLOYEE POSITION CLASSIFICATIONS REPRESENTED BY THE AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES (AFSCME), AND UNREPRESENTED SWORN MANAGEMENT EMPLOYEES

WHEREAS, the City Council of the City of Chino ADOPTED Resolution Nos. 2023-060, 85-52, 85-53, 85-54, and subsequent resolutions to establish changes to salaries, benefits, and terms and conditions of employment for City employees, and

WHEREAS, the wages, hours, and terms and conditions of employment of affected employees are codified in a variety of City Resolutions, Memorandums of Understanding, Summaries of Benefits and Agreements, and

WHEREAS, one or more of the following agreed-upon changes to wages, hours, and terms and conditions of employment may regard subject matter previously set forth in City Resolutions, Memorandums of Understanding, Summaries of Benefits, Agreements, and/or have become prevailing practices which have developed over time, and

WHEREAS, to the extent that any of the following changes address subject matters already codified in City Resolution, Memorandums of Understanding, Summaries of Benefits, Agreements, or defined by prevailing practices, it is the intent of the City that said codified wages, hours and terms and conditions of employment and those matters defined by prevailing practices, continue in full force and effect subject to modifications described herein.

NOW, THEREFORE, BE IT RESOLVED the City Council of the City of Chino does hereby amend the Memorandum of Understanding with AFSCME and Summary of Benefits with Unrepresented Sworn Management that were previously adopted and which are updated to reflect changes as approved effective where applicable to the date of original implementation of a program; promotion to a position; reportable to CalPERS with all provisions applying only to those individual who are employment by the City of Chino on the day following the adoption of this Resolution.

Section 1. PROVISIONS APPLICABLE TO CLASSIFICATIONS REPRESENTED BY AFSCME.

- A. Stand-by/Call Back Duty Programs – the following will be authorized as established in compliance with the provisions contained in the Memorandum of Understanding regarding the rules and compensation established for Stand-by/Call Back Duty and

the Stand-by/Call Back Duty Procedure Manual except as individual policies and procedures may be specific to the work performed:

- Building/Facilities Maintenance Duty Program
- Water Equipment Maintenance Duty Program
- Water Treatment Duty Program
- Fleet Maintenance Duty Program
- General Maintenance Duty Program (Streets, Grounds, etc.)

All Stand-by/Call Back Duty Procedure Manuals will be approved by the Director of Public Works and the Director of Human Resources/Risk Management prior to implementation and distribution to affected employees.

Section 2. PROVISIONS APPLICABLE TO THE CHIEF OF POLICE.

- A. The Chief of Police will receive a contribution to a Retirement Health Savings Plan equal to the contribution provided to the Deputy Chief of Police and Captain classifications.
- B. The Chief of Police will receive the same Management Leave benefit as the Executive Management Team.

Section 3. PROVISIONS APPLICABLE TO THE DEPUTY CHIEF OF POLICE AND CAPTAIN CLASSIFICATIONS.

- A. The Summary of Benefits applicable to Unrepresented Sworn Management, which includes the Deputy Chief of Police and the Captain classifications will have the language struck in the fourth paragraph under the heading of "HOLIDAY PAY," which begins with the words "Special compensation..." and it will be replaced with the following language: "Holiday Pay will be reported in accordance with the applicable sections of the California Government Code, California Code of Regulations and the City's contract with the California Public Employee's Retirement System. Holiday Pay falls within the definition of special compensation/reportable compensation per CalPERS and applies to the positions of Deputy Chief of Police and Captain who are scheduled to work on all City-designated holidays that fall on their regular workdays."
- B. The City of Chino holds no fiduciary duty to the affected employee for any changes to the law that affect the special compensation promised by CalPERS for compensation tied to any aspect of Holiday Pay as reportable compensation other than that the City will serve as the reporting party.

Section 4. PROVISIONS APPLICABLE TO AFFECTED EMPLOYEES.

- A. Except as so modified, all other terms and conditions of employment shall remain unmodified and in full force and effect.
- B. SAVINGS CLAUSE - Should any portion of this Resolution be held invalid by law and/or a court of competent jurisdiction or entity with legal standing, then only that clause will be stricken, and the remainder of the Resolution will be in full force and effect. The City and the affected employee association will immediately commence to negotiate to replace any invalid or illegal provision. However, no such replacement is mandated.

APPROVED AND ADOPTED THIS 7th day of May 2024.

EUNICE M. ULLOA, MAYOR

ATTEST:

**NATALIE GONZAGA, CITY CLERK
CITY OF CHINO**

State of California)
County of San Bernardino)ss.
City of Chino)

I, Natalie Gonzaga, City Clerk of the City of Chino, do hereby certify that the foregoing Resolution was duly adopted by the City Council at a regular meeting held on the 7th day of May 2024, by the following votes:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

NATALIE GONZAGA, CITY CLERK