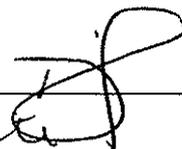
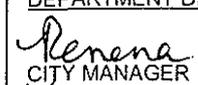




AGENDA ITEM NO.	1/B
COUNCIL MEETING	04/25/2013
APPROVED BY	
For	
DEPARTMENT DIRECTOR	
	
CITY MANAGER	

April 25, 2013

FROM: TJ Miller, Assistant Director
Personnel Services Department

SUBJECT: ADOPT RESOLUTION AUTHORIZING EXTENDING SALARY DIFFERENTIAL, CITY-PAID PORTION OF HEALTH AND WELFARE CONTRIBUTION BENEFITS AND CONTINUING LEAVE ACCRUALS FOR MILITARY DEPLOYED EMPLOYEES

RECOMMENDATION

It is recommended that the Council approve the attached resolution authorizing the extension of salary differential and the City-paid portion of health and welfare contribution benefits for permanent employees during military deployments in excess of thirty-one (31) days up to the amount charged by the Fresno City Employees Health & Welfare Trust, and the continuation of leave accrual during the period of deployment.

EXECUTIVE SUMMARY

Council is asked to consider the adoption of the attached resolution which 1) extends payment of the salary differential and payment of the city-paid portion of health and welfare contributions 2) continues leave accruals to which the employee would otherwise be entitled, continuously during the period of longer military deployments up to the amount charged by the Fresno City Employees Health & Welfare Trust. These benefits are currently in place subject to annual renewal by Council.

BACKGROUND

Since September 11, 2001, military conflicts have required the use of National Guard and Reserve troops and Council has approved annual resolutions that provide salary differential benefits as well as certain health and welfare premiums for employees who are serving on active military duty for more than thirty-one (31) days of deployment. In 1994 Congress enacted The Uniformed Services Employee Re-employment Rights Act (USERRA), which established certain rights and benefits for employees, and duties for employers, following return from service and other employment-related rights. Resolution 2012-97 authorized payment of the salary differential and the City paid portion of health and welfare premiums for those employees covered by either the City of Fresno Health & Welfare Trust or the Local 39 Health & Welfare Trust and the continuation of leave accruals to which the employee would otherwise be entitled during the time of deployment, expires June 30, 2013. This Resolution continues those benefits through June 30, 2014. The City paid portion shall be set by the City of Fresno Health & Welfare Trust. Any further extension of these benefits would need to be approved by Council next year.

FISCAL IMPACT

The fiscal impact of this action fluctuates dependent upon the number of permanent employees on long-term military leave. In FY13, three City employees were deployed of which two received salary differential pay and three received the City paid portion of health and welfare premiums. The fiscal impacts as of March 6, 2013 are: \$31,430.53 to the General Fund, zero to the Enterprise Funds and zero to the Internal Service Funds.

Attachments: Resolution

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO EXTENDING PAYMENT OF SALARY DIFFERENTIAL BENEFITS AND THE CITY'S PORTION OF THE EMPLOYEE'S HEALTH AND WELFARE CONTRIBUTION; AND PROVIDING FOR CERTAIN CONTINUING LEAVE ACCRUALS FOR PERMANENT CITY EMPLOYEES WHILE EMPLOYEES ARE SERVING IN ACTIVE MILITARY DUTY ON DEPLOYMENTS OF MORE THAN THIRTY ONE (31) DAYS FOR PERMANENT CITY EMPLOYEES CALLED INTO ACTIVE DUTY AS A RESULT OF THE ONGOING MIDDLE EASTERN CONFLICT.

WHEREAS, certain employees of the City of Fresno have been called into active military duty as a result of the ongoing Middle Eastern conflict; and

WHEREAS, these employees and their families may suffer a reduction of income as a result of being called into active military duty; and

WHEREAS, the City of Fresno is supportive of the employees of the City who have been called into active military duty and finds that it is in the public interest to continue to provide these employees with that portion of their City base salary lost due to their active military duty, and to continue to provide for the City's portion of the employees' Health and Welfare Contribution, and to allow employees to continue to accrue certain leave balances; and

WHEREAS, on June 14, 2012, the Council adopted Resolution 2012-97 which, among other things, called for the City to continue to provide the salary and benefits differential to permanent City employees; and

WHEREAS, payment of the salary differential benefit; payment of the City's portion of the employees' Health and Welfare Contribution; and the employee is currently covered by either the City of Fresno Health & Welfare Trust

Date Adopted:

Date Approved:

Effective Date:

City Attorney Approval:  4/2/13

Resolution No.

or the Local 39 Health & Welfare Trust, up to the amount charged by the City of Fresno Health & Welfare Trust; and continued accrual of those vacation, sick leave, annual leave and/or administrative leave balances to which they are otherwise entitled by unit designation and employee status during that period of deployment, are currently provided through June 30, 2013, and the Council wishes to extend the date through which the City will pay said benefits.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Fresno that

1. Resolution No. 2012-97 is amended so that the salary differential benefit and the City's portion of the employees' Health and Welfare Contribution provided for therein shall be paid through the last day of June of 2014 in accordance with the provisions below; and,
2. For active duty military deployments in excess of thirty-one (31) days, said employees shall continue to accrue vacation, sick leave, annual leave and/or administrative leave balances to which they would otherwise be entitled, if they were not deployed, by unit designation and employee status during that period of deployment.

This Resolution shall be in full force and effect from July 1, 2013. All other provisions of Resolution 2012-97 remain in full force and effect.

* * * * *

CLERK'S CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, YVONNE SPENCE, City Clerk of the City of Fresno, certify that the foregoing Resolution was adopted by the Council of the City of Fresno, at a regular meeting held on the _____ day of _____, 2013.

AYES :
NOES :
ABSENT :
ABSTAIN :

Mayor Approval: _____, 2013

Mayor Approval/No Return: _____, 2013

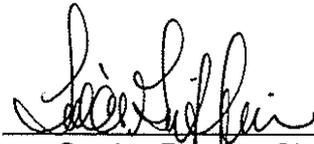
Mayor Veto: _____, 2013

Council Override Vote: _____, 2013

YVONNE SPENCE, CMC
City Clerk

BY: _____

APPROVED AS TO FORM
CITY ATTORNEY'S OFFICE

BY:  _____
Senior Deputy City Attorney

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