



RESOLUTION NO. 2009-266

A RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO RESTORING LEAVE ACCRUALS FOR PERMANENT CITY EMPLOYEES WHICH WERE LOST DURING ACTIVE MILITARY DEPLOYMENTS OF MORE THAN THIRTY ONE (31) DAYS; AND, COMPENSATION FOR LOST LEAVE OF FORMER PERMANENT CITY EMPLOYEES WHO SERVED IN ACTIVE MILITARY DEPLOYMENTS OF MORE THAN THIRTY ONE (31) DAYS CALLED INTO ACTIVE DUTY AS A RESULT OF THE ONGOING MIDDLE EASTERN CONFLICT; AND, RESTORATION OF EMPLOYEE PAYMENTS TO THE CITY HEALTH AND WELFARE TRUST FOR EMPLOYEES WHO DID NOT UTILIZE HEALTH AND WELFARE TRUST BENEFITS DURING THE DEPLOYMENT

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, 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 maintain pay and certain benefits which may be lost as a result of military deployment; and

WHEREAS, on June 24, 2008, the Council adopted Resolution 2008-154 which, among other things, amended Resolution 2007-192 and added a provision to continue certain leave accruals during periods of deployment which would otherwise be lost, amended again when Council adopted the current Resolution 2009-145; and

WHEREAS, the City of Fresno desires to restore certain leave amounts lost during periods of applicable military deployment and extend compensation for this lost leave to permanent City employees who have left City service; and,

Adopted _____
Approved 12/17/09
Effective _____

2009-266



WHEREAS, the City of Fresno desires to restore employee payments to those employees on applicable military deployments who were members of the City Health and Welfare Trust but did not use benefits provided by the Trust:

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

1. Resolution No 2009-145 is amended so that permanent employees who have lost vacation, sick leave, annual leave and/or administrative leave balances to which they are otherwise entitled by unit designation and employee status, during a period of deployment for active military duty as a result of the ongoing Middle Eastern conflict since January 1, 2002, shall have their applicable leave balances credited for said lost leave. Where a cap exists on the accrual of certain types of leave, The City will post up to one hundred (100) hours to the appropriate leave bank of current employees, and post an additional ten (10) hours per pay period until the total leave which would have been earned during deployments is posted to the employees leave bank.
2. Provisions of Fresno Municipal Code 3-108 that would otherwise prohibit provision of leave will not apply to these employees.
3. Should permanent City employees otherwise eligible for such leave credit as indicated above, have left City service or passed away, compensation for such lost leave shall be issued, to the extent and in the manner the leave would have been paid under the appropriate City regulations or Memorandum of Understanding provisions, if so requested by the former employee within one year of approval of this resolution, except that such



payment will be made to the estate or beneficiaries of any former employee who passed away.

This Resolution shall be in full force and effect from December 17, 2009 through the last day of June of 2010. All other provisions of Resolution 2009-145 remain in full force and effect.

CLERK'S CERTIFICATION

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

I, REBECCA E. KLISCH, CMC, City Clerk of the City of Fresno, certify that the foregoing Resolution was adopted by the Council of the City of Fresno, California, at a regular meeting held on the 17 day of December, 2009.

REBECCA E. KLISCH, CMC
City Clerk

By Rebecca Klisch
Deputy

APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE

BY: Tommi R. Saghatelian
Tommi R. Saghatelian, Deputy City Attorney

Ayes : Borgeas, Brand, Dages, Perea, Westerlund, Xiong, Sterling
Noes : None
Absent : None
Abstain : None