



Administrative Policy

Title: Personnel Classification & Affordable Care Act Policy				
Administered By: Administrative Services (Human Resources)				
New Policy No.	Issue Date (Last Revised)	Renumber Date	Department Head Approved	City Manager Approved
01400.801	12-18-14 (N/A)	01-03-17	<i>Kelly Selin</i>	<i>[Signature]</i>



This Policy had been numbered Policy 200.01. Effective on the Renumber Date noted above, this Policy is hereby renumbered as the Policy Number noted above.

The latest version of the Policy is attached hereto and incorporated herein by reference.

Attachment: Policy 200.01
Issued: 12-18-14
Revised: N/A



Administrative Policy

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Administered By: Human Resources					
Section No.	Policy No.	Issue Date	Revision Date	Dept. Head Approved	City Manager Approved
200	.01	12/18/2014			

ARTICLE I - TITLE AND PURPOSE

This policy shall be known as the City of Corona Personnel Classification and Affordable Care Act Policy. This policy is intended to govern the exercise of some of the City Manager’s authority provided for in Corona Municipal Code (“CMC”) Section 2.04.060 and Chapter 2.40, including compliance with the Affordable Care Act. Notwithstanding anything else to the contrary in this policy, the City Manager will not take any actions with respect to Employees or Employment Positions in the City Attorney’s Department without the prior consent of the City Attorney.

ARTICLE II - DEFINITIONS

For purposes of this policy, words and phrases are grouped according to category and defined as follows:

Section 2.1 – Types of Employees

- A. Full Time Employee** shall mean an Employee who is expected, unless expressly authorized by the City Council in the Position Library and Compensation Plan, to work Full Time City Hours in an Employment Position that

is ongoing, with no specified duration or end date, and who is entitled to benefits under a Memorandum of Understanding for a represented employee group, pursuant to the Management/Confidential Group Employee Resolution or pursuant to the Executive Group Employee Resolution.

- B. Part Time Employee** shall mean an Employee who is not expected to work Full Time City Hours and who works on average less than thirty (30) hours per week (1560 hours per measurement period) during a New ACA Employee Measurement Period or a Standard Measurement Period, as applicable, in a position that is ongoing and has no specified duration or end date.
- C. Temporary Employee** shall mean an Employee who is not expected to work Full Time City Hours and who works on average less than thirty (30) hours per week (1560 hours per measurement period) during a New ACA Employee Measurement Period or a Standard Measurement Period, as applicable, in a position that is not ongoing and may have a specified duration or end date.
- D. Seasonal Employee** shall mean an Employee who is not expected to work Full Time City Hours and who works on average less than thirty (30) hours per week (1560 hours per measurement period) during a New ACA Employee Measurement Period or a Standard Measurement Period, as applicable, in a position that is not continuous in nature and is customarily for six (6) months or less, but is routinely recurrent in the same or similar capacity due to particular functions which generally occur at the same time each year.

Section 2.2 – Stages of Employment

- A. Initial Probationary Period** shall mean the at-will probationary period applicable to a newly hired Full Time Employee, as provided for in CMC Section 2.40.080.
- B. Probationary Employee** shall mean a Full Time Employee who has not yet successfully completed the Initial Probationary Period for the Employee's Employment Position or who, following completion of the Initial Probationary Period, has been promoted and has not yet successfully completed the Promotional Probationary Period for such promoted Employment Position.
- C. Promotional Probationary Period** shall mean the probationary period applicable to a Full Time Employee promoted into a new Employment Position, as provided for in CMC Section 2.40.080.
- D. Provisional Employee** shall mean a Full Time Employee, Part Time Employee or Seasonal Employee who, for budgetary purposes, is provisional until such time the Employment Position is formally added to the approved budgeted positions for the department. A Full Time Employee who is also a Provisional Employee may or may not have completed their Initial Probationary Period or

Promotional Probationary Period, as applicable. A Temporary Employee is never a Provisional Employee, since Temporary Employees are not allocated separately in departmental budgets (see Section 4.1 below).

- E. Regular Employee** shall mean a Full Time Employee who has passed the Initial Probationary Period or Promotional Probationary Period, as applicable.

Section 2.3 – Employment Actions

- A. Reclassification** shall mean the reallocation of a Position Title and corresponding Compensation Range to a different Position Title and corresponding Compensation Range in the Position Library and Compensation Plan, which may or may not include either an increase or decrease in compensation.
- B. Classification Exchange** shall mean the reallocation of a Position Title and corresponding Compensation Range to a different Position Title and the same Compensation Range in the Position Library and Compensation Plan.

Section 2.4 – Affordable Care Act Terminology

- A. Affordable Care Act** (also sometimes referred to as “ACA”) shall mean the Patient Protection and Affordable Care Act (PL 111-148, March 23, 2010, 124 Stat 119).
- B. ACA Eligible Employee** shall mean an Employee who is deemed to be eligible for minimum health care benefits during a New ACA Employee Stability Period or a Standard Stability Period, as applicable, under the Affordable Care Act (which employee is referred to as a “full time employee” in the ACA, but who would not meet the definition of Full Time Employee under this policy). By way of example and without limiting the foregoing or the specific provisions of the ACA portion of this policy (see Article VII below), an ACA Eligible Employee would generally be a Part Time Employee, Temporary Employee or Seasonal Employee who works, on average, at least 30 hours per week during a New ACA Employee Measurement Period or a Standard Measurement Period, as applicable.
- C. New ACA Employee** shall mean an Employee first hired by the City as a Part Time Employee, Temporary Employee or Seasonal Employee or who has been rehired by the City as a Part Time Employee, Temporary Employee or Seasonal Employee more than thirteen (13) consecutive weeks after ending a prior Employment Position. An Employee meeting the above definition shall be considered a New ACA Employee until the end of their New ACA Employee Measurement Period.

- D. **New ACA Employee Administrative Period** shall mean the period that commences at the end of the New ACA Employee Measurement Period and ends on the last date of the first calendar month following the end of the New ACA Employee Measurement Period.
- E. **New ACA Employee Measurement Period** shall mean the twelve (12) month period that commences on the first day of the first calendar month following the date that a New ACA Employee starts employment with the City and ends on the date that is 365 days later.
- F. **New ACA Employee Stability Period** shall mean the twelve (12) month period commencing on the first day after the end of the New ACA Employee Administrative Period and ending on the date that is 365 days later.
- G. **Standard Administrative Period** shall mean the period commencing on October 15th of each year and ending on December 31st of the same year.
- H. **Standard Measurement Period** shall mean the twelve (12) month period commencing on October 15th of each year and ending on October 14th of the following year.
- I. **Standard Stability Period** shall mean the twelve (12) month period commencing on January 1st of each year and ending on December 31st of the same year.

Section 2.5 – Miscellaneous Terms

- A. **Appointing Authority** shall mean the City Manager, except when the City Attorney is the appointing authority as provided for in CMC Section 2.16.080.
- B. **At Will Employee** shall mean an Employee who can be disciplined or terminated at any time, without proof of cause or other justification. In addition, unless expressly provided for in a binding agreement executed by such Employee and an authorized City representative, the Employee can be disciplined or terminated without any procedural, hearing or appeal rights. The following Employees are At Will Employees: (1) Part Time Employees; (2) Temporary Employees; (3) Seasonal Employees; (4) Employees specified in CMC Section 2.40.050(A) and included in the Management/Confidential Group Employee Resolution; and (5) all Employees included in the Executive Group Employee Resolution.
- C. **Class Specification** (also informally sometimes referred to as “Class Spec”) shall mean all of the following for a particular Employment Position: (1) the Position Title; (2) examples of duties for the position; (3) the minimum educational, certification and/or training requirements for the position; (4) the minimum physical requirements for the position; (5) the minimum experience requirements for the position; and (6) the Compensation Range for the position.

- D. **Classification Plan** shall mean the collection of Class Specifications approved by the Human Resources Department for every Employment Position in the Position Library and Compensation Plan. The Classification Plan is further discussed in Article III of this policy.
- E. **Compensation Range** shall mean the minimum and maximum Compensation Steps and corresponding minimum and maximum monthly compensation amounts assigned for each Position Title, as outlined in the Position Library and Compensation Plan.
- F. **Compensation Step** shall mean a step on the compensation chart maintained by the Finance Department which delineates an hourly, monthly and annual compensation amount. Each Compensation Step shall be set one-half of one percent (0.5%) apart from the next Compensation Step.
- G. **Competitive Service** shall mean, as provided for in CMC Section 2.04.050, all Employment Positions other than those filled by At Will Employees.
- H. **Employee Type** shall mean a Full Time Employee, Part Time Employee, Seasonal Employee or Temporary Employee.
- I. **Employees** shall mean all persons employed by the City of Corona.
- J. **Employment Position** shall mean an authorized position into which a person may be employed, which position must be included in the Position Library and Compensation Plan.
- K. **Full Time City Hours** shall mean a gross number of 2,080 hours per calendar year (26 pay periods multiplied by 80 hours per pay period), including holidays and other authorized days off.
- L. **Position Library and Compensation Plan** shall mean the document approved by the City Council which specifies a comprehensive list of authorized Employment Positions, as well as at least the following for each position: (1) Position Title; (2) Compensation Range; (3) departments or divisions authorized to utilize the Employment Position; and (4) other notes applicable to the Employment Position. The Position Library and Compensation Plan is further discussed in Article III of this policy.
- M. **Position Series** shall mean a grouping of Position Titles with similar Class Specifications, including without limitation a flex series.
- N. **Position Title** shall mean the title of a particular Employment Position.

ARTICLE III - CLASSIFICATION PLAN

Section 3.1 – Adoption, Amendment and Administration

- A. Adoption of Plan:** Under the direction and approval of the City Manager, the Human Resources Department may adopt and, as needed, amend the Classification Plan.
- B. Maintenance of the Plan:** The Classification Plan shall be administered and maintained by the Human Resources Department and shall be accessible to all City departments.
- C. Classification Studies:** The Human Resources Department may, upon direction of the City Manager, initiate and prepare classification studies of one or more Employment Positions. The study may look at any of the following, as may be recommended by the Human Resources Department and authorized by the City Manager: (1) the Class Specification for each Employment Position and its relationship to the Classification Plan; (2) the Class Specification for each Employment Position and its relationship to other similarly situated municipalities; (3) the Class Specification for each Employment Position within a Position Series and their relationship to the Classification Plan; (4) the Class Specification for each Employment Position within a Position Series and their relationship to a similar position series in other similarly situated municipalities; or (5) any other characteristics of the Classification Plan authorized by the City Manager. Based upon such classification studies, the Human Resources Department shall, as directed by the City Manager, recommend appropriate amendments to the Classification Plan and/or appropriate amendments to the Position Library and Compensation Plan to be approved by the City Council.

Section 3.2 – Conformance to Position Library and Compensation Plan

- A. Position Library and Compensation Plan:** The Position Library and Compensation Plan shall require the approval of the City Council following any recommendations by the City Manager and the Human Resources Department. The Position Library and Compensation Plan, which shall be maintained by the Human Resources Department, is strictly a resource document of available Employment Positions and the positions listed therein are not necessarily funded.
- B. Requirement for Class Specifications:** Class Specifications shall be developed for the Classification Plan only for those City Employment Positions listed in the Position Library and Compensation Plan.

ARTICLE IV – EMPLOYMENT POSITIONS

Section 4.1 – Authorized Employment Positions

- A. Included in Position Library and Compensation Plan:** No person shall be employed in an Employment Position, as a Full Time Employee, Part Time Employee, Seasonal Employee or Temporary Employee, unless the Employment Position is listed in the Position Library and Compensation Plan. This requirement shall apply to Provisional Employees also.
- B. Minimum Qualifications:** All Employees shall meet or exceed the minimum qualifications set forth in the Class Specification for the Employee's Employment Position, without exception.
- C. Types of Employment Positions:** A department can fill any Employment Position listed in the Position Library and Compensation Plan with a Full Time Employee, Part Time Employee or Seasonal Employee, provided the position is included in the department's budget or is filled by a Provisional Employee, or by a Temporary Employee provided there are sufficient funds available in the department's personnel budget.
- D. Underfilling in a Position Series:** When an Employment Position is part of a Position Series and a department budgets that position at a step higher than the lowest level step in the Position Series, the position may be filled by an Employee at a lower level in the Position Series.
- E. Underfilling the Type of Position:** When a department budgets an Employment Position as a Full Time Employee position, the position may be filled by a Part Time Employee, Seasonal Employee or Temporary Employee, provided there are sufficient funds available in the department's personnel budget. When a department budgets an Employment Position as a Part Time Employee or Seasonal Employee position, the position may be filled by the other type of employee, or by a Temporary Employee, provided there are sufficient funds available in the department's personnel budget.
- F. Overfilling the Type of Position:** When a department budgets an Employment Position as a Part Time Employee or Seasonal Employee position, the position may be filled by a Full Time Employee if the department's budget is adjusted or if the Full Time Employee is a Provisional Employee, provided there are sufficient funds available in the department's personnel budget.

Section 4.2 – Position Control

- A. Departmental Budget Allocations:** Beginning in the Fiscal Year 2015-16 budget, the number of Employment Positions allowed to be filled in each

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department for Full Time Employees, Part Time Employees and Seasonal Employees shall be allocated by Position Title and Employee Type. Temporary Employee positions may vary based on the departmental needs and, therefore, will not be allocated separately in each departmental budget, but will be budgeted as a lump sum amount.

- B. City Manager Authority (Recruitment May Be Necessary):** As provided for in CMC Section 2.04.060 and Chapter 2.40, the City Manager shall have the authority to approve the following actions without City Council approval. The City Manager may approve these actions in isolation or in conjunction with his or her authority to transfer City Employees between departments or to reorganize City departments, including without limitation through consolidating or combining offices, Employment Positions, departments, divisions, units or similar portions of departments.
1. Change in Allocated Positions: The City Manager may adjust the number of Full Time Employee, Part Time Employee and Seasonal Employee Employment Positions allocated to a department, provided there are sufficient funds available in the department's personnel budget.
 2. New Positions; Provisional Employees: The City Manager may authorize a Provisional Employee to be hired or transferred into a new Full Time Employee, Part Time Employee and Seasonal Employee Employment Position within a department, provided there are sufficient funds available in the department's personnel budget.
 3. Change to Part Time: The City Manager may fill any Employment Position listed in the Position Library and Compensation Plan with a Part Time Employee, provided there are sufficient funds available in the department's personnel budget.
 4. Deactivate Employment Positions: The City Manager may deactivate Employment Positions listed in the Position Library and Compensation Plan, such that departments are no longer able to utilize them even if budgeted.
 5. Classification Duplication: Notwithstanding the department listed in the Position Library and Compensation Plan for a Position Title or Position Series, the City Manager may duplicate the Position Title and/or Position Series in another department, provided that there is no other change to the Class Spec for impacted position(s), including without limitation the Compensation Range, and provided there are sufficient funds available in the department's personnel budget.

6. **Promoting within a Position Series (other than Flex):** The City Manager may approve a promotion to a higher level position in a Position Series (other than a flex series), provided there are sufficient funds available in the department's personnel budget, the Employee meets the established minimum qualifications for the higher level position, and the Employee is substantially performing the duties of the higher level position satisfactorily.

7. **Companion Position - Advance Replacement of Terminating Employee:** A department head, with prior approval from the City Manager, may request the Human Resources Department to fill the position of a key employee who will be terminating employment with the City with a companion position which is the same Class Specification as that of the terminating Employee; provided, however, that if the companion position is filled with a Temporary Employee, the Employee's compensation for the position shall be reduced in accordance with Section 4.4(B) below. The companion position will be automatically eliminated on the effective date of termination for the terminating Employee. For purposes of this section, the City Manager shall, with the recommendation of the Human Resources Department, determine whether an Employee is a key employee.

8. **Companion Position – Replacement During Leave of Absence:** A department head, with prior approval from the City Manager, may request the Human Resources Department to fill the position of an Employee who is on a leave of absence with a temporary companion position which is the same Class Specification as that of the Employee who is on a leave of absence; provided, however, that if the companion position is filled with a Temporary Employee, the Employee's compensation for the position shall be reduced in accordance with Section 4.4(B) below. The companion position will be automatically eliminated upon the return to work of the Employee who was on a leave of absence.

- C. **City Manager Authority (Recruitment Not Necessary):** As provided for in CMC Section 2.04.060 and Chapter 2.40, the City Manager shall have the authority to approve the following actions without City Council approval and without following the recruitment process noted in Section 5.2 below. The City Manager may approve these actions in isolation or in conjunction with his or her authority to transfer City Employees between departments or to reorganize City departments, including without limitation through consolidating or combining offices, Employment Positions, departments, divisions, units or similar portions of departments.
 1. **Reclassification:** The City Manager may approve a Reclassification, provided there are sufficient funds available in the department's personnel

budget. This authority includes promotions or demotions through Reclassification, when warranted and in conjunction with a department head's request.

2. **Classification Exchange:** The City Manager may approve a Classification Exchange, provided there are sufficient funds available in the department's personnel budget.
3. **Technical Title Changes:** The City Manager may change the name of a Position Title or the name of a Position Series listed in the Position Library and Compensation Plan, provided that there is no other change to the Class Spec for an impacted position, including without limitation the Compensation Range. The next time that the City Council is asked to make substantive changes to Position Library and Compensation Plan, the City Manager shall also ask the City Council to update the impacted position(s) accordingly.
4. **Promoting within a Flex Position Series:** The City Manager may approve a promotion to a higher level position in a flex series, provided there are sufficient funds available in the department's personnel budget, the Employee meets the established minimum qualifications for the higher level position, and the Employee is substantially performing the duties of the higher level position satisfactorily.

Section 4.3 – Part Time and Seasonal Employment Positions

- A. Part Time Employees - Hours:** When in the opinion of the department head it would be in the City's best interest to have an Employment Position filled by one or more Part Time Employees, the City Manager may approve of such Part Time Employee position(s), provided that each Part Time Employee is expected to work, on average, less than thirty (30) hours per week during a New ACA Employee Measurement Period or a Standard Measurement Period, as applicable.
- B. Seasonal Employees - Hours:** When in the opinion of the department head it would be in the City's best interest to have an Employment Position filled by a Seasonal Employee, the City Manager may approve of such Seasonal Employee. In addition, Seasonal Employees may work more than thirty (30) hours per week during the season for which the Seasonal Employee is employed, provided that the Seasonal Employee is expected to work, on average, less than thirty (30) hours per week during a New ACA Employee Measurement Period or a Standard Measurement Period, as applicable.
- C. Part Time and Seasonal Employees - Compensation:** Part Time Employees and Seasonal Employees shall be paid the hourly rate indicated for their

Compensation Step within the Compensation Range for their Employment Position. All Part Time Employees and Seasonal Employees shall begin an Employment Position at the lowest Compensation Step within the Compensation Range. Part Time Employees and Seasonal Employees may be advanced up the Compensation Range within the sole discretion of their department head and the City Manager.

- D. Part Time and Seasonal Employees – Supervision & Direction:** Part Time and Seasonal Employees shall be considered Employees of the department into which they are hired or transferred, and shall report to, be supervised by and take day-to-day direction from the department head or his or her designee.

Section 4.4 – Temporary Employment Positions

- A. Temporary Employees – Hours:** When in the opinion of the department head it would be in the City's best interest to have an Employment Position filled by one or more Temporary Employees, the City Manager may approve of such Temporary Employee position(s), provided that each Temporary Employee is expected to work, on average, less than thirty (30) hours per week during a New ACA Employee Measurement Period or a Standard Measurement Period, as applicable.
- B. Temporary Employees - Compensation:** Temporary Employees shall be paid an hourly rate which is approximately five percent (5%) less than the lowest Compensation Step of the Compensation Range for their Employment Position, by having their hourly rate set ten (10) Compensation Steps below such lowest Compensation Step. Temporary Employees shall not receive Compensation Step advances based on any factor, including without limitation hours of service or length of employment.
- C. Temporary Employees - Assignments:** Temporary Employees may be utilized to perform any work assignments that are not ongoing, including without limitation: (1) short duration projects; (2) overflow work which cannot be performed by Full Time Employees, Part Time Employees or Seasonal Employees without incurring overtime or other costs; (3) companion positions as further provided for in Section 4.2 above; or (4) to fill-in for Full Time Employees, Part Time Employees or Seasonal Employees who are on leave or unavailable to work for any reason.
- D. Temporary Employees – Assignment Request & Estimated Length of Employment:** If a department head is in need of a Temporary Employee, they shall submit a request to the Human Resources Department. The request shall include the Employment Position needed, a brief description of the assignment, an estimate of the number of hours per week needed and the anticipated duration of the assignment. In the event the department head requires the

Temporary Employee for a longer period of time than originally anticipated, they shall submit a request for an extension to the Human Resources Department, which request shall include the number of hours per week needed and the duration of the requested extension of employment.

- E. Temporary Employees – Supervision & Direction:** Temporary Employees shall be considered Employees of the Human Resources Department and shall report to and be supervised by the department head or his or her designee; provided, however, Temporary Employees will take day-to-day direction from the department to which the Temporary Employee is assigned.

Section 4.5 – Part Time, Seasonal and Temporary Employment Positions

- A. Enrollment in CalPERS – Part Time Employment Positions:** Immediately upon employment, the City shall enroll in CalPERS Part Time Employees who are required to work at least an average of twenty (20) hours per week and whose Employment Position is expected to continue for one year or longer.
- B. Enrollment in CalPERS – Seasonal and Temporary Employment Positions:** The City will enroll in CalPERS Seasonal Employees and Temporary Employees who are not already CalPERS members and who work as an Employee more than the minimum number of hours for mandatory enrollment in CalPERS (currently, one thousand (1000) hours in a fiscal year); provided, however, that such enrollment will not occur unless and until the mandatory enrollment threshold is met.
- C. Other Wages & Benefits – Part Time, Seasonal and Temporary Employment Positions:** Other than enrollment in CalPERS, as discussed above, Part Time, Seasonal and Temporary Employees are not included in the competitive service of the City, and shall be provided only those wages and benefits mandated by applicable federal, state or local laws, rules or regulations. The only wages mandated by local laws, rules or regulations shall be those provided for in CMC Section 2.40.060(B)(2). By way of example for wages mandated by federal or state laws, rules or regulations, they shall include applicable federal or state overtime wages. There are no benefits mandated by local laws, rules or regulations. By way of example for benefits mandated by federal or state laws, rules or regulations, they may include health coverage mandated by the Affordable Care Act (addressed by this policy), as well as sick leave mandated by the California Healthy Workplaces, Healthy Families Act of 2014 (Chapter 317, Statutes of 2014) (see section 2.04.060(Y) of this code). Part Time Employees, Seasonal Employees and Temporary Employees shall not be members of or included in, and shall not receive any compensation or benefits provided in, any Memorandum of Understanding with any City employee group, the Management/Confidential Group Employee Resolution or the Executive Group Employee Resolution.

- D. **Permanent Employment:** Part Time Employees, Seasonal Employees and Temporary Employees may apply for any other Full Time, Part Time, Seasonal and Temporary Employment Positions within the City when they are qualified and when there are openings for such positions.
- E. **At Will Employees:** Part Time Employees, Seasonal Employees and Temporary Employees are At Will Employees.

ARTICLE V – EMPLOYMENT PROCEDURES

Section 5.1 – Competitive Service

- A. **Merit Based System:** As provided for in CMC Section 2.04.060 and Chapter 2.40, the City's personnel system is merit based for Employment Positions that are in the Competitive Service, such that appointments and promotions for such positions shall be made on the basis of merit and fitness.
- B. **Roles in System:** Except as provided for in Section 2.5(A) above and in CMC Section 2.16.080 and CMC Chapters 2.04 and 2.40 (with respect to the City Attorney's authority over certain employees), the City Manager shall act as the Appointing Authority and shall administer the City's Competitive Service personnel system. As directed by the City Manager and in consultation with the department head recruiting for an Employment Position, the Human Resources Department shall determine methods to evaluate the qualifications of applicants, which may include oral, computer or written exercises or tests, as well as evaluations of the applicant's education, training and experience. Notwithstanding anything else to the contrary in this policy, the City Manager will not take any actions with respect to Employees or Employment Positions in the City Attorney's Department without the prior consent of the City Attorney.

Section 5.2 – Competitive Service Recruitment Process

- A. **Requests for Recruitment:** Requests for applicant recruitment or appointment in the Competitive Service shall be made by department heads in writing on forms prescribed by the Human Resources Department, which forms shall be maintained on record for that Employment Position.
- B. **Recruitment Procedures and Personnel Forms:** Pursuant to Administrative Policy 200.02 (Method of Filling Vacancies/Appointments), the Human Resources Department shall conduct the recruitment process, arrange for background checks and physical examinations, administer the oath of office and complete and execute any other forms required for employment for all Employees in the Competitive Service.

Section 5.3 – At Will Employees

- A. Procedures:** At Will Employees, who are outside of the Competitive Service, shall be recruited, appointed and/or promoted into their Employment Positions in a manner determined by the City Manager in his or her discretion.

Section 5.4 – Competitive Service and At Will Employees

- A. Physical/Psychological Exams:** All Employees shall, at the City's expense, undergo a physical and/or psychological exam based on the Employment Position criteria prior to the commencement of employment. Based on the results of such exam(s), the Human Resources Department shall determine whether the applicant is qualified for employment and shall notify the department head and City Manager. Such health care records and reports from the physical and/or psychological exams shall be retained by the Human Resources Department in a confidential file separate from the personnel files for the Employee. The Human Resources Department may require a physical or psychological re-examination, as necessary, upon change of work assignment or as specified in Section 5.4(B) below.
- B. Re-Examinations:** When good cause exists, the City Manager, the Human Resources Department or the department head who supervises an Employee may order the Employee to take a leave of absence. Thereafter, the Human Resources Department may require the Employee to undergo a further physical or psychological examination at any time, using the examination parameters applicable to the Employee's then current Employment Position. The Employee will not be permitted to return to work until such time it is determined that the Employee can perform the Employee's duties without impairing the health or safety of the public, the Employees' health or safety, or the health or safety of other Employees in the Employee's department or in the City.
- C. Personnel Records:** Records of Employees retained by the Human Resources Department, whether retained in the personnel file or in a separate health care file, are confidential and shall not be open to public inspection, except as required by state or federal law. Records retained by the Human Resources Department may be examined by Employees to the extent allowed by applicable law or as a matter of their official duties. Information may be provided to others to the extent allowed by applicable law and, as applicable, a Memorandum of Understanding with an employee group, the Management/Confidential Group Employee Resolution or the Executive Group Employee Resolution.

ARTICLE VI – COMPENSATION ADMINISTRATION

Section 6.1 – Compensation

- A. Base Pay for all Employees:** The base pay for each Employee, at any given time, is identified as a Compensation Step.
- B. Starting Pay for Employees in the Competitive Service:** Newly hired or promoted Employees in the Competitive Service, unless otherwise approved as provided herein, shall be compensated at the first Compensation Step in the Compensation Range for the Employment Position for which they are hired or promoted. The City Manager may, in his or her discretion, approve a request by a department head that a newly hired or promoted Employee be compensated at a Compensation Step that is higher than the first Compensation Step for the Employment Position. Such a request shall be made only if, in the opinion of the department head and the Human Resources Department, the Employee exceeds the minimum qualifications for the position. The request shall be submitted in writing to the Human Resources Department on the prescribed form and shall be approved by the City Manager prior to the offer of employment or promotion being given to the Employee.
- C. Starting Pay for At Will Employees:** Newly hired or promoted At Will Employees shall be compensated at a Compensation Step determined by the City Manager in his or her sole discretion, so long as the Compensation Step is within the Compensation Range for the Employment Position.
- D. Annual Increases for all Employees:** Employees may receive annual increases within the Compensation Range for their Employment Position, to the extent allowed or required by, as applicable, the Memorandum of Understanding with their employee group, the Management/Confidential Group Employee Resolution or the Executive Group Employee Resolution.
- E. Advanced Merit Increases for all Employees:** In addition to the annual increases provided for in Section 6.1(D) above, the City Manager may, in his or her discretion, approve a request by a department head that an Employee be given an advanced merit increase within the Compensation Range for their Employment Position. Such a request shall be made only if, in the opinion of the department head, the Employee has provided superior service to the City. The request shall be submitted in writing to the Human Resources Department on the prescribed form and shall be approved by the City Manager prior to being implemented.

Section 6.2 – Special Compensation

- A. Out of Classification Pay for Full Time Employees:** The City Manager may approve a request by a department head that a Full Time Employee be paid out of classification pay if the employee is required to perform duties and responsibilities beyond those normally required to be performed for their current Employment Position, as specified in the Class Specification for that position. Such a request shall be made only if, in the opinion of the department head and the Human Resources Department, the Employee is entitled to such by, as applicable, the Memorandum of Understanding with their employee group, the Management/Confidential Group Employee Resolution or the Executive Group Employee Resolution. The out of classification pay for an Employee shall be in an amount also specified in such memorandum of understanding or resolution. When the Employee is no longer required to perform such additional duties and responsibilities, the out of classification pay will cease and the Human Resources Department shall process the forms necessary to return the Employee's pay to their normal base pay.
- B. Spanish Language Pay for Full Time Employees:** The City Manager may approve a request by a department head that a Full Time Employee be paid Spanish language pay if Spanish language skills are necessary for the Employee to provide good service. Such a request shall be made only if, in the opinion of the department head and the Human Resources Department, the Employee is entitled to such by, as applicable, the Memorandum of Understanding with their employee group, the Management/Confidential Group Employee Resolution or the Executive Group Employee Resolution. The Spanish language pay for an Employee shall be in an amount also specified in such memorandum of understanding or resolution. To receive Spanish language pay, the Employee shall be required to successfully complete oral and/or written examinations demonstrating proficiency in the Spanish language, which examinations shall be administered by the Human Resources Department.
- C. Other Special Compensation for Full Time Employees:** The City Manager may approve a request for other special compensation if the Employee is entitled to such compensation by, as applicable, the Memorandum of Understanding with their employee group, the Management/Confidential Group Employee Resolution or the Executive Group Employee Resolution.

ARTICLE VII – AFFORDABLE CARE ACT PROVISIONS

Section 7.1 – Compliance with ACA

- A. ACA Effective Date:** Commencing on January 1, 2015, the City shall comply with all mandates of the Affordable Care Act.
- B. Requests for Recruitment of Less than Full Time Employees:** Requests for applicant recruitments for Part Time Employees, Seasonal Employees and Temporary Employees shall be submitted in writing to the Human Resources Department pursuant to Section 5.2 above. The request shall include the Employment Position, employment type (Part Time, Seasonal or Temporary), the number of hours the Employee is anticipated to work, and the anticipated duration of the Employee's employment with the City.
- C. Full Time Employee Benefits:** Full Time Employees will be provided the health care benefits that are set forth in the applicable Memorandum of Understanding for their employee group, the Management/Confidential Group Employee Resolution or the Executive Group Employee Resolution.
- D. ACA Eligible Employees:** Employees who are anticipated to work consistently over thirty (30) hours per week, but who do not meet the definition of Full Time Employee under this policy, will be deemed an ACA Eligible Employee upon such determination. Within ninety (90) days of their employment with the City, ACA Eligible Employees will be offered the opportunity to enroll, at the City's expense, in the lowest cost employee-only health care coverage, which coverage will satisfy the minimum essential coverage requirements in the ACA, and will be given the option of purchasing family coverage as provided for in Section 7.1(E) below.
- E. ACA Eligible Employees - Option to Purchase Family Medical Coverage:** ACA Eligible Employees will be given the opportunity to purchase family medical coverage at their sole cost and expense. Any ACA Eligible Employee who elects to purchase family medical coverage must maintain current payments to the City for the family medical coverage. If the ACA Eligible Employee fails to maintain such payments, the City will discontinue the family medical coverage. Thereafter, such Employee will be given the right to receive continued family medical coverage under COBRA at the Employee's own expense as provided for in Section 7.1(F) below.
- F. ACA Eligible Employees - COBRA Benefits:** If an ACA Eligible Employee no longer qualifies as an ACA Eligible Employee, or if they fail to maintain current payments to the City for their elected family medical coverage, they will be given the right to receive continued medical coverage under COBRA at the Employee's own expense.

- G. No City Benefits for Part Time, Seasonal or Temporary Employees:** The City will not provide health care benefits to Part Time Employees, Seasonal Employees and Temporary Employees, except during such periods, if any, that such Employees qualify as ACA Eligible Employees.
- H. Documentation of Hours Worked; Eligibility; Reporting:** The City will document all hours worked by Part Time Employees, Seasonal Employees and Temporary Employees, as well as the eligibility status of each Employee for annual reporting and other purposes as provided for in this Article VII, as required by the Affordable Care Act.
- I. ACA Eligible Employees - No Opt-Out Cash Value for Benefits:** ACA Eligible Employees who choose not to enroll in the health care coverage offered by the City shall not receive any type of opt-out allowance, payment or compensation of any kind in lieu of such declined health care coverage.

Section 7.2 – New ACA Employees

- A. New ACA Employees - Duration:** As stated in Section 2.4 above, a New ACA Employee is considered as such only until the end of their New ACA Employee Measurement Period. Following such time, the Employee shall thereafter be evaluated under the Standard Administrative Period, Standard Measurement Period and Standard Stability Periods provided for in Section 7.3 below.
- B. New ACA Employee Administrative Period:** During the New ACA Employee Administrative Period, the Human Resources Department will: (1) review the average number of hours per week that the New ACA Employee worked during the New ACA Employee Measurement Period, as provided for in Section 7.2(C) below; (2) notify the New ACA Employee whether he or she qualifies as an ACA Eligible Employee; and (3) conduct open enrollment for the New ACA Employee if he or she qualifies as an ACA Eligible Employee.
- C. Calculation of Average Hours Worked During New ACA Employee Measurement Period:** During the New ACA Employee Administrative Period, the Human Resources Department shall determine the average number of hours per week that the New ACA Employee worked during the New ACA Employee Measurement Period by doing the following: (1) totaling the number of hours worked by the New ACA Employee during the New ACA Employee Measurement Period; and (2) dividing that total by the number of weeks in the New ACA Employee Measurement Period. In calculating the total number of hours worked, the City shall include the hours that the New ACA Employee actually worked and the hours for which payment is made or otherwise due to the Employee.

- D. Offer of Required Health Care Coverage to ACA Eligible Employees:** If the Human Resources Department determines, during the New ACA Employee Administrative Period, that a New ACA Employee qualifies as an ACA Eligible Employee during the New ACA Employee Measurement Period, such Employee will be offered the opportunity to enroll, at the City's expense, in the lowest cost employee-only health care coverage, which coverage will satisfy the minimum essential coverage requirements in the ACA, and will be given the option of purchasing family coverage as provided for in Section 7.1(E) above.
- E. Benefits Provided During New ACA Employee Stability Period:** A New ACA Employee who qualifies as an ACA Eligible Employee and receives health care benefits from the City during the New ACA Employee Stability Period, pursuant to the requirements of the ACA, will continue to receive such health care benefits during the New ACA Employee Stability Period. Such health care benefits will cease for New ACA Employees who terminate employment, either voluntarily or involuntarily, during the New ACA Employee Stability Period, provided that such Employee will be given the right to receive continued coverage under COBRA at the Employee's own expense as provided for in Section 7.1(F) above.
- F. Re-Evaluation During Standard Administrative Period; Maintenance During New ACA Employee Stability Period:** The average number of hours worked by a New ACA Employee who receives health care benefits from the City during the New ACA Employee Stability Period will be reviewed again at the next Standard Administrative Period, as provided for in Section 7.3 below. Notwithstanding the forgoing, the New ACA Employee will continue to receive health care benefits from the City for the remainder of the New ACA Employee Stability Period, regardless of whether the New ACA Employee qualifies as an ACA Eligible Employee during the next Standard Measurement Period.
- G. Cessation of New ACA Employee Measurement Period; Movement to Standard Periods:** As referenced in Section 7.2(A) above, once a New ACA Employee has been employed with the City for the full New ACA Employee Measurement Period, the Employee shall thereafter be evaluated under the Standard Administrative Period, Standard Measurement Period and Standard Stability Periods provided for in Section 7.3 below.
- H. Treatment During Periods Between New ACA Employee Stability Period and Standard Stability Period:** If there is a period between the end of the New ACA Employee Stability Period and the beginning of the first full Standard Stability Period during which an Employee is employed, the treatment of an Employee as a ACA Eligible Employee or not a ACA Eligible Employee that applies during the New ACA Employee Stability Period shall continue to apply until the beginning of the first full Standard Stability Period during which the Employee is employed.

- I. Change in Employment Position During New ACA Employee Measurement Period:** If a New ACA Employee experiences a change in Employment Position before the end of the New ACA Employee Measurement Period such that the New ACA Employee becomes a Full Time Employee, such Employee will be provided the health care benefits that are set forth in the applicable Memorandum of Understanding for their employee group, the Management/Confidential Group Employee Resolution or the Executive Group Employee Resolution on or before the earlier of the first day of the fourth full calendar month following the change in Employment Position or the first day of the first month following the end of the New ACA Employee Measurement Period.

Section 7.3 – Standard Periods

- A. Standard Administrative Period:** During the Standard Administrative Period, the Human Resources Department will: (1) review the average number of hours per week that all Part Time Employees, Seasonal Employees and Temporary Employees worked during the Standard Measurement Period, as provided for in Section 7.3(B) below; (2) notify all Part Time Employees, Seasonal Employees and Temporary Employees whether they qualify as an ACA Eligible Employee; and (3) conduct open enrollment for all ACA Eligible Employees.
- B. Calculation of Average Hours Worked During Standard Measurement Period:** During the Standard Administrative Period, the Human Resources Department shall determine the average number of hours per week that all Part Time Employees, Seasonal Employees and Temporary Employees worked during the immediately preceding Standard Measurement Period by doing the following: (1) totaling the number of hours worked by each Part Time Employee, Seasonal Employee and Temporary Employee during the Standard Measurement Period; and (2) dividing that total by the number of weeks in the Standard Measurement Period. In calculating the total number of hours worked, the City shall include the hours that each Employee actually worked and the hours for which payment is made or otherwise due to the Employee.
- C. Offer of Required Health Care Coverage to ACA Eligible Employees:** If the Human Resources Department determines, during the Standard Administrative Period, that a Part Time Employee, Seasonal Employee or Temporary Employee qualifies as an ACA Eligible Employee during the immediately preceding Standard Measurement Period, such Employee will be offered the opportunity to enroll, at the City's expense, in the lowest cost employee-only health care coverage, which coverage will satisfy the minimum essential coverage requirements in the ACA, and will be given the option of purchasing family coverage as provided for in Section 7.1(E) above.

- D. Benefits During Standard Stability Period:** A Part Time Employee, Seasonal Employee or Temporary Employee who qualifies as an ACA Eligible Employee and receives health care benefits from the City during a Standard Stability Period, pursuant to the requirements of the ACA, will continue to receive such health care benefits during the Standard Stability Period immediately following the Standard Measurement Period in which the Employee qualified as an ACA Eligible Employee. Such health care benefits will cease for Employees who terminate employment, either voluntarily or involuntarily, during the Standard Stability Period, provided that such Employee will be given the right to receive continued coverage under COBRA at the Employee's own expense as provided for in Section 7.1(F) above.

