

RESOLUTION 2014-41

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, RELATING TO PAY FOR NON-REGULAR EMPLOYEES AND REPEALING RESOLUTION NO. 9173.

THE CITY COUNCIL OF THE CITY OF FULLERTON HEREBY RESOLVES AS FOLLOWS:

Section 1: Non-Regular Appointments

Each person employed in a classification listed in Appendix A shall be a non-regular employee. Such employees shall work on a part-time, seasonal, on-call, emergency, intermittent, substitute or other irregular basis.

Section 2: Non-Regular Appointments to Regular Classifications

An employee appointed to a regular classification on a temporary, hourly basis shall be a non-regular employee. The hourly compensation for such appointments shall be set in accordance to the City Council approved salary range for the classification as set forth in the City of Fullerton Schedule of Base Salary Rates and Allocation of Classes to Salary Ranges.

Section 3: Overtime Pay

(A) FLSA – Non-Exempt Employees

With the exception of those described in paragraph (B), non-regular employees are covered by the Fair Labor Standards Act (FLSA).

Non-exempt non-regular employees shall receive overtime pay in accordance with the FLSA for all hours actually worked in excess of 40 hours in a seven-day work period.

(B) FLSA – Exempt Employees

Any person employed by the Parks and Recreation Department to work only in recreation programs which operate no more than seven consecutive months in any calendar year, and any person employed in a professional, administrative or management capacity is not covered by the FLSA and therefore exempt from it.

(C) If the FLSA is invalidated, set aside or otherwise held inapplicable to local governments, this Section shall not apply.

Section 4: Benefits

Any person employed in a classification listed in Appendix A – Group A is excluded from CalPERS membership in accordance with the contract between the City of Fullerton and CalPERS. Such employees shall be enrolled in the City's Federal Insurance Contribution Act (FICA) replacement plan.

Any person employed in a classification listed in Appendix A – Group B or in a regular classification as a non-regular employee shall be enrolled in the City's FICA replacement plan unless or until he or she qualifies for membership in CalPERS and is required to enroll in the CalPERS retirement. Enrollment in the FICA replacement plan shall cease when CalPERS enrollment becomes effective.

Section 5: Cancellation/Effective Date

This Resolution supersedes Resolution 9173. It is effective June 21, 2014.

ADOPTED BY THE FULLERTON CITY COUNCIL on JUNE 3, 2014.

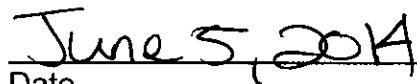


Douglas B. Chaffee, Mayor

ATTEST:



Lucinda Williams, City Clerk



Date