

INTRODUCED: NOV 22 2004

AN ORDINANCE No. 2004- 356 - 351

ADOPTED: DEC 13 2004

To amend Ordinance No. 98-200-251, adopted June 22, 1998, which establishes guidelines for providing and computing severance pay for employees appointed by City Council, for certain permanent executive City employees appointed by a board, commission or authority, and for certain permanent City employees in the unclassified service.

Patron – City Manager

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: DEC 13 2004 AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That the guidelines for providing and computing severance pay for certain permanent employees of the City of Richmond who are appointed to their position by the Mayor or the Council pursuant to the Charter of the City of Richmond shall be as follows:

If the Mayor or the Council of the City of Richmond shall terminate the employment of any person appointed by the Mayor or the Council, respectively for any reason other than malfeasance, such person shall be entitled to receive severance pay, in addition to any salary and vacation pay to which such person may be entitled, through the actual date of separation. Severance pay shall be computed on the basis of one month's pay for each full year of service in a permanent City position, pro rated for any partial year of service rendered to the City in such a position. Such severance pay shall not exceed the amount of salary that would be due and

AYES: 9 NOES: 0 ABSTAIN: _____

REJECTED: _____ STRICKEN: _____

payable for seven months of service in such position at the appointee's then current rate of pay. However, the Mayor or the Council may, in his or its sole discretion, grant severance pay to any such appointee in any amount it may determine to be appropriate under the prevailing circumstances; not, however, to exceed seven times the then regular monthly rate of pay of such appointee. Any appointee who is terminated by the Mayor or the Council after serving for less than one full year in such position shall be entitled to one month of severance pay.

Severance pay received under the provision of this ordinance shall be included in any calculations of creditable compensation and service to which said employee shall be credited in determining retirement benefits under applicable retirement program(s) maintained by the City for the benefit of its employees.

Provided, however, and notwithstanding the provision set out above, the following Mayoral and Council appointees shall be afforded seven months severance pay: [City Manager] Chief Administrative Officer and City Attorney.

§ 2. That the guidelines for providing and computing severance pay for certain permanent employees of the City of Richmond who occupy unclassified executive positions appointed by a board, commission or authority shall be as follows:

If a board or authority of the City of Richmond shall terminate the employment of any person occupying an unclassified executive position to which such person has been appointed by a board or authority, for any reason other than malfeasance, such person shall be entitled to severance pay, in addition to any salary and vacation pay to which such person may be entitled, through the actual date of separation. Severance pay shall be computed on the basis of one month's pay for each full year of service in a permanent City position, pro rated for any partial

year of service rendered to the City in such a position. Such severance pay shall not exceed the amount of salary that would be due and payable for seven months of service in such position at the appointee's then current rate of pay. However, the appointee's board or authority may, in its sole discretion, grant severance pay to any such appointee in any amount it may determine to be appropriate under the prevailing circumstances, not, however, to exceed seven times the then regular monthly rate of pay of such appointee. Any appointee who is terminated by the board or authority after serving for less than one full year in such position shall be entitled to one month of severance pay.

Severance pay received under the provision of this ordinance shall be included in any calculations of creditable compensation and service to which said employee shall be credited in determining retirement benefits under applicable retirement program(s) maintained by the City for the benefit of its employees.

§ 3. That the guidelines for providing and computing severance pay for permanent employees of the City of Richmond who occupy unclassified executive positions appointed by the [City Manager] Chief Administrative Officer shall be as follows:

If the [City Manager] Chief Administrative Officer shall terminate the employment of any person occupying an executive position in the unclassified service, as designated in the then current pay plan adopted by the City Council, to which such person has been appointed by the [City Manager] Chief Administrative Officer, for any reason other than malfeasance, such person shall be entitled to receive severance pay, in addition to any salary or vacation pay due and payable through the actual date of separation from the service of the City. Severance pay shall be computed on the basis of one month's pay for each full year of service in a permanent City

position, pro rated for any partial year of service rendered to the City in such a position. Such severance pay shall not exceed the amount of salary that would be due and payable for seven months of service in such position at the employee's then current rate of pay. However, the [City Manager] Chief Administrative Officer may, in his or her sole discretion, grant severance pay to any such appointee in any amount it may determine to be appropriate under the prevailing circumstances; not, however, to exceed seven times the then regular monthly rate of pay of such appointee. Any appointee who is terminated by the [City Manager] Chief Administrative Officer after serving for less than one full year in such position shall be entitled to one month of severance pay.

Severance pay received under the provision of this ordinance shall be included in any calculations of creditable compensation and service to which said employee shall be credited in determining retirement benefits under applicable retirement program(s) maintained by the City for the benefit of its employees.

§ 4. That the guidelines for providing and computing severance pay for permanent employees of the City of Richmond in the unclassified service who are not otherwise entitled to severance pay shall be as follows:

If a permanent City employee within the classes of positions of the unclassified service, as designated in the then current pay plan as adopted by Council, is [separated] terminated from such unclassified service, for reasons other than malfeasance, misfeasance, misconduct or by forfeiture, and such person is not otherwise entitled to severance pay pursuant to any other provision of law, such person may, at the discretion of the employee's appointing authority, be

awarded severance pay in addition to any unused vacation leave accrued and any salary due and payable through the actual date of separation from City service.

Such severance pay shall be computed on the basis of one month's pay for every full year of service in a permanent City position, or a pro-rata part of a month's pay for any part-year of service to the City in such a position; provided, however, such severance pay shall not exceed the amount of salary that would be due and payable for six (6) months service in such position at the person's then current rate of pay; and further provided, that the employee's appointing authority may, at their discretion, grant severance pay to any such unclassified employee in any amount appropriate under the prevailing circumstances, not however, to exceed six (6) times the then regular monthly rate of pay of such employee.

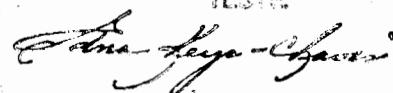
Severance pay received under the provision of this ordinance shall be included in any calculations of creditable compensation and service to which said employee shall be credited in determining retirement benefits under applicable retirement program(s) maintained by the City for the benefit of its employees.

§ 5. This amendatory ordinance shall supersede Ordinance No. 89-202-180, adopted July 10, 1989; Ordinance No. 89-203-181, adopted July 10, 1989; Ordinance No. 94-156-147, adopted June 27, 1994; [and] Ordinance No. 96-172-155, adopted June 10, 1996; and Ordinance No. 98-200-251, adopted June 22, 1998.

§ 6. This amendatory ordinance shall be in force and effect ~~[upon adoption]~~ as of the date the amendments to the Charter of the City of Richmond for which Chapters 877 and 898 of the 2004 Acts of Assembly of Virginia provide become in full force and effect.

A TRUE COPY:

TESTE:



CITY CLERK



CITY OF RICHMOND

DEPARTMENT OF HUMAN RESOURCES

RECEIVED
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OFFICE OF CITY ATTORNEY

Edition: 1

DATE: October 18, 2004

TO: The Honorable Members of City Council

THRU: Calvin D. Jamison, City Manager

FROM: L. Chester Brazzell, HR Director *[Signature]*

RE: EXECUTIVE AND UNCLASSIFIED SEVERANCE

PURPOSE: To amend ordinance 98-200-251 which provides for computing severance pay for employees in the Executive and Unclassified service to insert in section 3 "Chief Administrative Officer" for City Manager and to include a separate section for the Chief Administrative Officer.

REASON: The objective is to create a mechanism that allows the continued temporary service of the City Manager and Deputies during the transition of government. The titles of City Manager and Deputy City Manager will cease in January 1, 2005. In the event that incumbents in either title are asked to serve for a temporary transition period, this ordinance allows the continuation of their current terms and conditions of employment.

RECOMMENDATION: The recommendation is to approve the provision as presented.

BACKGROUND: The City Charter establishes the Mayor and Chief Administrative Officer as of January 1, 2005. Also, the title City Manager expires on this date. The current ordinance entails four groups of employees:

1. Appointees of City Council
2. Unclassified Executives appointed by a board, commission, or authority
3. Unclassified Executives appointed by the City Manager
4. Unclassified employees in permanent positions who are not in the above group.

The City Charter gives the Chief Administrative Officer the authority to appoint department heads and the Mayor, with the consent of Council, to appoint the Chief Administrative Officer. This paper replaces City Manager with Chief Administrative Officer in section 3.

In addition there is a need to have a severance section for the Chief Administrative Officer. This paper recommends the same terms and conditions as the other Executive employees (one month per year of service, not to exceed seven months).

COST TO THE CITY: None

REVENUE TO THE CITY: None

DESIRED EFFECTIVE DATE: January 1, 2005.

REQUESTED INTRODUCTION DATE: November 8, 2004

CONSIDERATION BY OTHER GOVERNMENTAL ENTITY(IES):

This paper will be reviewed and approved by City Manager's Office, Retirement Office, Budget Office and Legal Department prior to submission.

CITY COUNCIL PUBLIC HEARING DATE: November 22, 2004

AFFECTED AGENCIES: Retirement Office, Budget Office, Law Department, Human Resources