TO: HONORABLE CITY COUNCIL

FROM: CITY MANAGER DEPARTMENT: HUMAN RESOURCES

DATE: AUGUST 9, 2004 CMR:389:04

SUBJECT: APPROVAL OF CONTRACT FOR UNPAID SABBATICAL LEAVE FOR RUBEN GRIJALVA FOR ONE YEAR (AUGUST 2004 TO AUGUST 2005)

RECOMMENDATION

Staff recommends Council approval of the attached contract between the City of Palo Alto and Ruben Grijalva effective August 14, 2004 through August 14, 2005.

BACKGROUND

Ruben Grijalva has worked for the City of Palo Alto for 15 years, 10 of which have been as Fire Chief. The Governor’s office has offered him an appointment to the position of State Fire Marshal, subject to confirmation by the Senate. Due to the uncertainty of the confirmation, Chief Grijalva has requested an unpaid sabbatical from the City of Palo Alto for one year. The sabbatical will provide restructuring opportunities that will result in significant ongoing savings to the City.

DISCUSSION

Due to the honor associated with an appointment to a key State position and Chief Grijalva’s exemplary performance during his 15 years of service to Palo Alto, the City Manager is recommending the City Council approve the attached contract to enable Mr. Grijalva to accept this appointment. The contract provides the following:

- One year unpaid sabbatical without benefits commencing August 14, 2004 up to August 14, 2005.

- During the sabbatical Mr. Grijalva shall not be the Fire Chief and shall be placed in a vacant management position within the City for which he is qualified so the Fire Chief
position may be filled.

- All earned but unpaid accrual balances shall be paid to Mr. Grijalva during the pay period closest to August 14, 2004.

- An agreement that Mr. Grijalva will return to City of Palo Alto for minimum of six months after the end of the sabbatical in order to be eligible for the management benefit programs that he would otherwise have been entitled to prior to the sabbatical.

- An agreement that, in the event Mr. Grijalva does not return to a position with the City for at least six months, he shall not be entitled to the above benefits.

- Mr. Grijalva agrees to indemnify the City of Palo Alto against any lawsuit claims or litigation resulting from this agreement.

**RESOURCE IMPACT**

As with all organizational vacancies, Executive Staff has reviewed this vacancy to determine if a restructuring opportunity exists within the Fire Department. Based on staff’s analysis, a total of approximately $174,000 of regular salaries and benefit costs can be saved during fiscal year 2004-05. This can be achieved by not filling the vacant Fire Chief position until January 2005. After January 2005, staff would recommend filling the Fire Chief position and eliminating the Coordinator, Environmental Protection position. The responsibilities of the Coordinator position would be transferred to the Fire Marshal/Deputy Fire Chief.

**POLICY IMPLICATIONS**

This action recommended in this report is consistent with prior Council policy regarding management sabbaticals, although an unpaid sabbatical is not part of the Management Compensation agreement.

**ENVIRONMENTAL REVIEW**

This action does not require an environmental review.

**ATTACHMENT**

A. Sabbatical Agreement Between the City of Palo Alto and Ruben Grijalva.

PREPARED BY: Leslie Loomis, Director of Human Resources