

## **RULE VI**

### **PAY PLAN**

#### **RULE VI § 1**

#### **PREPARATION AND AMENDMENT OF PAY PLAN**

(Amended November 13, 1996)

The Director after consultation with the Appointing Authority and resort to such other measures of investigation and research as he may deem desirable, shall cause to be prepared and submit to the Commission for approval a pay plan for the classified service, comprising a scale of rates for each class. Each such scale of rates shall be determined with due regard to the scales of rates for other classes and to the relative difficulty and responsibility of the characteristic duties of positions of the class, the minimum qualifications requisite therefore, and the prevailing rates of pay for similar employment outside the service, economic considerations and any other factors that may properly be considered to have a bearing upon the fairness or adequacy of the rates of the pay plan. He shall also, from time to time, recommend such changes in the pay plan as changes in classes or in economic conditions, or in other factors, may render desirable. Such pay plan and changes therein shall become effective for budget purposes when approved by the City Council. (Amended October 1, 2010)

The pay plan adopted by the Commission may be found in the Addendum's Section of these Rules. (Added October 1, 2010)

The rates of pay prescribed in the pay plan provided under the requirements of this Act shall be deemed to be the rates prescribed for full-time employment for the regularly established working hours, in any period for which payment is to be made, subject to such provisions as may be made under any provision of law for holidays and leaves of absence with pay.

In establishing the pay plan, the Director shall take into consideration and be guided by the pay scales as provided in the union contracts with the City.

To follow the market as the value of jobs change, the Director shall make a recommendation to the Commission concerning a pay structure adjustment at least annually. (Added October 1, 2010)

## **RULE VI § 2**

### **SCALE OF RATES**

The scale of rates for any class shall consist of a minimum rate, a maximum rate and such intermediate rates as may appear to be necessary or equitable.

The pay of all positions in the classified service shall be determined with reference to the pay plan in effect and in accordance with the provisions of this Act; any provision of law or appropriation for any different salary rate or mode of payment for any position to the contrary notwithstanding, and no employee in such service shall be paid any compensation for service as such except in accordance with the rate fixed under the provisions of this Act, and the Rules adopted under its provisions.

VI§2.1 Repealed October 1, 2010

VI§2.2 Alternative Scales of Rates. The Director is authorized, in preparing his recommendations for pay plan purposes, to establish alternative scales of rates for a class of positions, provided:

- A. the alternative scales of rates shall consist of a scale of monthly rates, a scale of daily rates and a scale of hourly rates, or any two of them; and,
- B. the scales of rates shall be as comparable as practicable.

The Appointing Authority may select any one of the alternative scales of rates, provided that all persons holding positions of the class within a department, or organization unit shall have their remuneration computed on the basis of the same scale of rates. The Appointing Authority, with the prior approval of the Director, may, after the selection authorized herein, elect to use one of the other alternative scales of rates for a class, provided the change is uniform throughout the class within the department, or organization unit. (Amended October 1, 2010)

VI§2.3 Under no circumstances shall an employee's pay exceed the absolute maximum rate of the pay grade to which his class is assigned except as specifically permitted elsewhere in the Rules, or as specifically provided in the pay plan. (Added October 1, 2010)

**RULE VI § 3**

**APPOINTMENT RATES (Amended October 1, 2010) (Amended April 22, 2015) (Amended June 21, 2023)**

VI§3.1 Pay upon employment shall be at the minimum of the range established for the grade of the job to which the position is allocated except:

A. When economic or employment conditions cause substantial recruitment or retention difficulties, the Director may authorize the appointment of qualified applicants at a special entrance rate or may authorize the use of a special retention rate up to the midpoint for the job where employment conditions are unusual.

1. All new hires shall be paid at the special entrance rate or special retention rate. The Appointing Authority, with the approval of the Director, may adjust the salaries of employees working in the positions to which the special entrance rate applies, as well as those employees in the same department and same career progression group, to any salary up to but not to exceed the amount of the percent difference between the special rate and the minimum of salary of the job.
2. When special entrance rates or special retention rates are adjusted downward, the individual pay rates of employees occupying positions affected by the authorized rates shall not be changed.
3. Special entrance rates and special retention rates must be reported to the Commission at its next scheduled meeting after action was taken by the Director.

B. Return From Military

When an employee returns from military service and is restored to duty in his former, equivalent or lower position, his pay shall be fixed at the rate earned prior to leaving the classified service. If the job or equivalent job had been upgraded or any pay adjustments granted, he shall be granted a pay rate reflecting the impact of these adjustments, as though he had been in that job at the time of the adjustments.

C. Extraordinary Qualifications/Credentials

Subject to provisions of Rule VI § 25, if an applicant who is eligible

for appointment under provisions of Rules VII and VIII possesses extraordinary or superior qualifications/credentials above and beyond the minimum qualifications/credentials, the appointing authority may pay the employee at a rate above the minimum provided that:

- a. such superior qualifications/credentials are verified and documented as job related,
- b. the rate does not exceed the midpoint of the range for the affected job,
- c. the rate is implemented in accordance with written policies and procedures established by the Appointing Authority and approved by the Director,
- d. the appointment is probational or a job appointment.
- e. The employee may be paid upon hiring or at any time within one year of the hire date. If paid after the hiring date, the pay change must be prospective. The salaries of all current probational, job appointment and permanent employees who occupy positions in the same job title and who possess the same or equivalent qualifications/credentials may be adjusted up to but not to exceed the amount of the percent difference between the special hiring rate and the regular hiring rate provided that the qualifications/credentials are also verified and documented as job related and that the rate is implemented in accordance with written policies and procedures established by the department; such policies shall be posted in a manner which assures their availability to all employees. Such adjustments shall only be made on the same date that the higher pay rate is given to the newly hired employee.
- f. If an employee with permanent status resigns and is then rehired into either the same position or into the same job title or a job with a lower maximum, the employee shall not be eligible for an increase under this rule unless there has been a break in City service of at least 30 days.
- g. Requests for exceptions to this rule must be approved by the Civil Service Commission.

VI§3.2 Reemployment Rate: (Added October 1, 2010) (Amended July 18, 2018)

If an individual is appointed from a reemployment list, his pay shall be fixed at the same rate as that paid at the time of separation, subject to any general increase that may have been provided during the interval between the layoff and reemployment, if it is within the appropriate current pay range or at the maximum rate for the class, whichever is lower. (Amended July 18, 2018)

VI§3.3 (Added October 1, 2010) Repealed July 18, 2018

**RULE VI § 4 REPEALED MARCH 20, 1974**

**RULE VI § 5 RATE OF PAY UPON DEMOTION** (Amended November 14, 1979)

VI§5.1 In the event of job abolishment, when an employee is demoted, his pay shall be fixed at the maximum rate for the new class or shall remain at his last rate in his former position, whichever is the lower.

VI§5.2 A voluntary demotion of an employee to a class held prior to a promotion, within six (6) months of said promotion, shall cause the demoted employee's rate of pay to revert to what it was prior to promotion, plus any increases that occurred since the promotion. (Added October 1, 2010)

A voluntary demotion: (Added March 22, 2018) (Amended May 17, 2023)

- A. shall not result in an increase in pay, except as a result of an approved pay plan revision or apprenticeship program;
- B. shall prohibit the employee from applying for a position in a higher grade for a period of eighteen (18) months from the date of demotion, when the voluntary demotion results in an increase in pay; and
- C. shall be approved by the Appointing Authority.

VI§5.3 If an employee, through no intentional fault of his own, becomes physically unable to perform the duties of his classification, he shall, subject to application to the Appointing Authority and approval by the Commission, be allowed to accept a position in a lower pay range for which the Director has predetermined he is qualified to perform with no loss in wages, provided that his present rate of pay falls within the

new range. If his pay exceeds the maximum rate, it shall be fixed at the maximum rate for the new class. (Added March 12, 1986) (Redesignated from Rule VI§8.3 and amended effective October 1, 2010)

VI§5.4 Demotion, voluntary or involuntary, due to inability or unwillingness to perform or for disciplinary reasons shall cause the employee's salary to be fixed at the percentage above the minimum in the lower range as the percentage above the minimum in the higher range at the time of demotion. (Added November 14, 1979)(Amended May 8, 1996) (Redesignated from Rule VI§8.2 and amended effective October 1, 2010)

VI§5.5 The pay rate of employee's demoted under this section of the Rules must fall within the respective range and shall not exceed the maximum rate of the new class. (Added October 1, 2010)

#### **RULE VI § 6                    REINSTATEMENT RATE**

Repealed October 1, 2010

An employee reinstated to his former position shall be paid at the same rate as that paid at the time of separation from his former position, subject to any general increase that may have been provided during the interval between the date of separation or promotion and reinstatement, or at the maximum rate for the class, whichever is lower unless specifically altered by a decision of the Commission during a hearing or meeting. (Added October 1, 2010) (Amended July 18, 2018)

#### **RULE VI § 7                    SALARY INCREASES** (Amended March 20, 1974) (Amended August 16, 2000)

VI§7.1 Effective immediately the rate of pay of an employee in a classified position may be increased in any period of twelve consecutive months as follows, subject to the provisions of other subsections of this Rule: (Amended March 21, 2001) (Amended October 1, 2010)

A        (Redesignated, in part, as Rule VI§7.5 and Rule VI§10.4 effective October 1, 2010)

An employee who has not attained classified status on the date a salary increase is granted by the Appointing Authority and the City Council shall receive said increase at the end of his probationary period to be effective the first pay period following

completion of his probationary period. (Added June 20, 2001)  
(Amended October 1, 2010)

**B. Red Circle Rates**

All increases herein authorized by this Rule are subject to the requirement that no employee's pay shall exceed the maximum rate of the scale prescribed for his class. (Amended October 1, 2010)

This Rule shall not apply to, affect, or limit in any way an across-the-board salary increase granted by the Appointing Authority and the City Council. Further, across-the-board salary increases shall not be used to modify the pay plan. (Added October 1, 2010)

Individual pay rates that fall above the maximum rate established for the grade become red circle rates. Such rates remain in effect until the grade for the position catches up with the rate; however, eligibility for a red circle rate is lost upon demotion or separation from City service. Employees whose pay exceeds the maximum rate of the pay scale prescribed for his class upon adoption of this Rule shall not be eligible for any pay increases. (Added October 1, 2010)

Red circle rates are assigned under the conditions as outlined below: (Added October 1, 2010)

1. when the classification to which a position is allocated is assigned to a lower grade;
2. when a position is reallocated to a classification assigned a lower grade;
3. when an adjustment to the pay structure has the effect of lowering the maximum rate for the grade to which a job is assigned;
4. upon granting an across-the-board or merit increase which results in an employee's pay exceeding the maximum rate;  
or
5. when an employee's pay exceeds the maximum of the approved grade. Any employee whose rate of pay exceeds the maximum rate established for the appropriate class of

work but not more than twenty percent (20%) shall not be required to suffer a salary loss, but shall be ineligible for any further pay increases until such time as such increases are permissible in accord with the provisions stipulated elsewhere in these Rules or in the pay plan permitting pay above the maximum rate; or is permissible as a result of an adjustment to the pay structure which has the effect of increasing the maximum rate for the grade to which a class is assigned.

- C. An employee's eligibility for the increases authorized under this section of the Rules shall not be interrupted by: (Amended October 1, 2010)
  - 1. His promotion or reassignment;
  - 2. His demotion;
  - 3. The reallocation of his position to a lower class;
  - 4. A change in the salary range assigned his class position;
  - 5. His appointment to an equivalent or lower class position in the same or another department without a break in service of one or more working days;
  - 6. Time served by him in the military service if he is re-employed under the provisions of these Rules; (Amended October 1, 2010) or
  - 7. His transfer from a position in one department to a position in another department. (Amended October 1, 2010)
- D. (Redesignated as Rule XI§1.6.A and Rule XI§2.6.A effective October 1, 2010)
- E. Any adjustment or increase that an employee receives under provisions of other sections of these Rules, unless otherwise indicated, shall not be charged against such employee's eligibility to receive the regular increases authorized under this section.



- F. (Redesignated as Rule VI§17.1.A and Rule VI§17.2 effective October 1, 2010)
- G. Repealed August 16, 2000
- H. Prior approval of the Civil Service Commission must be obtained in the case of an increase in pay which, by itself or with another increase, will have the effect of increasing an employee's pay more than fourteen percent (14%) in any twelve (12) consecutive months, except where the Appointing Authority and the City Council grants an across-the-board salary increase. (Amended January 15, 1997) (Amended October 1, 2010)
- I. Should an employee not be granted an increase in salary for which he has attained eligibility, the Appointing Authority shall furnish the employee a written statement detailing the reasons for denial of the salary increase. An appeal to the Commission shall be available to any classified employee who has reason to believe that the denial has been made without just cause. (Amended October 1, 2010)
- J. The following changes in the rate of pay of an employee shall not constitute increases in pay within the meaning of this section: (Redesignated from Rule VI§7.3 and amended effective October 1, 2010)
  - 1. A change in the rate of pay to the minimum rate of a higher class made necessary by the promotion of an employee; or
  - 2. A change in the rate of pay made necessary by a change in the minimum rate of pay established for the class of position involved.

VI§7.2 Repealed March 20, 1974

VI§7.3 (Redesignated to Rule VI§7.1.J effective October 1, 2010)

VI§7.4 Merit Increases (Added October 1, 2010)

- A. Upon adoption by the Commission of a performance evaluation plan and upon a satisfactory showing that the proper implementation has occurred, each employee may be granted a

merit increase if the Appointing Authority has determined from an objective evaluation that his overall performance merits such an award. An employee with a rating of “competent”, “very good” or “outstanding” shall be eligible to receive a two percent (2%), three percent (3%), or four percent (4%), respectively, increase of his individual pay rate on the first day of the pay period immediately following his anniversary date. Increases shall be retroactive to the pay period immediately following the employee’s pay raise eligibility date.

- B. Merit increases may not cause an employee’s pay to exceed the pay range maximum, nor may a merit increase be awarded to an employee whose pay exceeds the respective pay range maximum.
- C. Employees with “improvement needed” or “unsatisfactory” ratings on their performance evaluation shall not be eligible for a merit increase for twelve (12) months following the unsatisfactory evaluation.
- D. If funds approved for merit increases are inadequate to cover the application of guidelines provided under this section consistently to all employees classified under these Rules, no merit increase shall occur.

**VI§7.5 Across-the-Board Increases (Redesignated, in part, from Rule VI§7.1.A effective October 1, 2010)**

An across-the-board increase refers to an increase in pay by the same percentage of each employee’s actual pay rate that is provided on the same date to all employees classified under these Rules.

**VI§7.6 Personnel status change forms or other documents reporting pay increases must be received in the Human Resources offices at least five (5) work days before the end of the pay period in which the increase is effective. Forms received less than five (5) work days before the end of the pay period shall be held over and made effective, subject to the limitations of these Rules, beginning with the next succeeding pay period. No pay increase shall be retroactive to a date prior to the pay period in which the personnel form is initiated. (Added October 1, 2010)**

**RULE VI § 8****PAY REDUCTIONS (Amended November 14, 1979)**

The rate of pay of any employee may be decreased under the conditions and subject to the procedural requirements hereinafter prescribed.

- VI§8.1 The Appointing Authority may, for cause, reduce the salary of an employee within the salary range not to exceed five percent (5%). Notice of intention to effect a reduction in pay and the reasons for such action shall be given to the employee and the Director in writing, by the Appointing Authority, ten (10) days prior to the effective date of the reduction and the reduction shall be reported to the Director on a Personnel Status Change form established for this purpose. Any classified employee who believes that his rate has been reduced without just cause may appeal to the Commission in accordance with the provisions of Rule XIII. (Amended October 1, 2010)
- VI§8.2 (Redesignated as Rule VI§5.4 effective October 1, 2010)
- VI§8.3 (Redesignated as Rule VI§5.3 effective October 1, 2010)
- VI§8.4 An employee's pay is subject to reduction when, after a hearing before the Commission, it is determined that the employee has benefited from increased pay as a result of either a violation of these Rules, or an abuse of the discretion granted in these Rules. (Added October 1, 2010)
- VI§8.5 Any employee whose rate of pay exceeds the maximum rate established for the appropriate class of work by more than twenty percent (20%) shall be required to suffer a salary reduction to a rate equivalent to twenty percent (20%) above the maximum rate and shall be ineligible for any further pay increase(s) until such time as such increase(s) is permissible in accord with the provisions stipulated elsewhere in these Rules or in the pay plan permitting pay above the maximum rate, or is permissible as a result of an adjustment to the pay structure which has the effect of increasing the maximum rate for the grade to which a class is assigned. (Added October 1, 2010)

**RULE VI § 9****PAY RATES FOR TEMPORARY EMPLOYEES ON SPECIAL PROJECTS**

The Rules may provide for the payment of employees temporarily employed to be paid at the minimum rate provided for the class, except that, with prior approval of the Commission, the Appointing Authority

may pay a temporary employment appointment a pay rate of up to the market value of the pay range provided for the class, subject to the following conditions: (Amended October 1, 2010)

- A. that the appointee possesses extraordinary or superior qualifications/credentials above and beyond the minimum qualifications/credentials required which have been verified and documented as job related, and that additional pay shall be limited to five percent (5%) per year of formal education or documented paid work experience, or other valuable qualification or credential; (Added October 1, 2010)
- B. that the appointee was, or is currently, satisfactorily employed by another government jurisdiction in a capacity equivalent to the position involved, which employment has been verified, and that additional pay shall be limited to five percent (5%) per year of experience; (Added October 1, 2010) and
- C. that the duties and responsibilities of a position require the employment of a person with qualifications/credentials that differ significantly from those normally required for other positions in the same class, and the persons who possess such qualifications are not readily available in the labor market at the minimum entrance rate in the pay grade. (Added October 1, 2010)

VI§9.1 (Redesignated to Rule VIII§4.13 effective October 1, 2010)

VI§9.2 The Director, subject to approval by the Commission, shall have authority to validate the qualifications/credentials credited for purposes of this section. (Added October 1, 2010)

## **RULE VI § 10      COMPENSATION FOR PART-TIME SERVICES**

Repealed October 1, 2010

- VI§10.1 When part-time service is rendered, it shall be the duty of the Appointing Authority to certify to the Director, on each notice of appointment or change in status of the employee, the percent of full-time hours to be worked. (Amended October 1, 2010)
- VI§10.2 When part-time service in any position is authorized or rendered, the actual compensation to be paid shall be the appropriate hourly rate. (Added October 1, 2010)

VI§10.3 An employee paid on a bi-weekly basis, who is employed for only part of a pay period shall be paid for the proportionate calendar days worked. (Added October 1, 2010)

VI§10.4 A permanent, part-time employee shall be entitled to the same pay provisions provided in this section of the Rules that he would receive if he were employed on a full-time basis. (Redesignated from Rule VI§7.1.A effective October 1, 2010)

#### **RULE VI § 11**

#### **COMPENSATION FROM MORE THAN ONE SOURCE**

No payment or allowance shall be made to any employees in respect of any service rendered to the City by him either in the discharge of his ordinary duties or in the performance of other duties imposed upon him or which he may undertake to perform, that will have the effect of causing his total compensation or pay for any period to exceed the amount authorized hereunder, as determined by the rate prescribed, except as may be expressly authorized under any provision made by due authority for payment for overtime work in excess of the hours required for full-time employment. (Amended October 1, 2010)

#### **RULE VI § 12**

#### **PAY UPON JOB CORRECTION OR GRADE ASSIGNMENT** **(Amended October 1, 2010)**

When the Commission assigns a job to a different grade or changes the allocation of a position from one class to another by job correction, the rate of employees in the positions of any class for which a rate is established or changed or reallocation made shall be adjusted as follows: (Amended October 1, 2010)

- A. The rate of any employee who is paid at less than the minimum rate of the scale prescribed for his class shall forthwith be increased to such rate;
- B. Repealed October 1, 2010
- C. The rate of any employee who is paid at a rate between the minimum rate and the maximum rate of the scale prescribed for his class, but not corresponding with any specified rate of such scale, shall not be changed; or
- D. The rate of any employee who is paid at a rate in excess of the maximum rate of the scale prescribed for his class shall be

governed by the provisions of Rule VI§7.1.B.3.

**RULE VI § 13**

**COMPENSATION FOR PART OF A PAY PERIOD**

When an employee receiving a salary on a bi-weekly basis is employed for part of a pay period, compensation shall be allowed for the proportionate calendar time he is employed. (Amended October 1, 2010)

When less than a full pay period of time is lost while the employee remains on the payroll and no authorized leave with pay is allowed, deduction shall be made for the proportionate calendar time lost, including any intervening holiday or regular day off, provided that:

- A. When a holiday or regular day off immediately precedes or follows a period of leave without pay, deduction shall not be made for the holiday or regular day off;
- B. When authorized leave without pay is five (5) calendar days or less, no deduction shall be made for any Sunday or holidays included in such leave; (Amended October 1, 2010)
- C. When an employee is on leave without proper approval by the Appointing Authority, a deduction shall be made for any holiday or regular day off which immediately precedes or follows or is included in such period of leave without pay. This does not prohibit other disciplinary action in the discretion of the Appointing Authority; or
- D. When a holiday or regular day off immediately precedes, follows, or is included in a disciplinary action whereby the employee has been suspended of his duties without pay, deduction shall be made for the holiday or regular day off. (Added October 1, 2010)

**RULE VI § 14**

When an employee is transferred from one budget unit to another and a holiday or regular day off intervenes between the last day worked in the budget unit releasing the employee and the first day worked in the budget unit employing the person after the transfer, payment for the intervening holiday or regular day off shall be made by the budget unit employing the person the major portion of the pay period. If two budget units employ the person for the same length of time during the pay period, the budget unit releasing the employee shall be liable for any payment due for such intervening holiday or regular day off.

**RULE VI § 15****CHANGE IN RATE OF PAY**

When any change is made in the rate of pay of an employee, the Appointing Authority must file with the Director a copy of the "Personnel Status Change" form approved by the Commission. The Director shall endorse this form before a copy thereof is filed with the Payroll Department. No change in the rate of pay of any employee shall be made by the Payroll Department unless and until a Personnel Status Change form properly signed by the Appointing Authority and endorsed by the Director has been filed with the head of the Payroll Department. The Director shall have the authority to prohibit any change in pay that does not comply with this Rule or any other Rule adopted by the Commission. (Amended October 1, 2010)

**RULE VI § 16****PAY UPON REALLOCATION (Redesignated from Rule V§2.3, in part, effective October 1, 2010)**

When the duties of a position are so changed that the position in effect becomes one of a different class from that to which it is allocated, such change shall abolish the former position and create a new position of such different class.

- A. If the reallocation of a position is to a class with a higher maximum rate of pay, the employee's rate of pay shall be fixed in accordance with Rule VI§17.
- B. If the reallocation is to a class with a lower maximum rate of pay, the rate of pay of the employee, if within the range of the class to which the position is reallocated, shall not be changed by reason of the reallocation.
- C. If the reallocation is to a class with the same maximum rate of pay, the rate of pay of the employee, if within the range of the class to which the position is reallocated, shall not be changed by reason of the reallocation.
- D. The rate of pay of any employee who is paid at a rate in excess of the maximum rate of the class to which the position is reallocated shall be governed by the provisions of Rule VI§7.1.B.

**RULE VI § 17****PROMOTION RATE (Added October 1, 2010)**

- VI§17.1 When an employee is promoted to a class with a higher pay grade, his pay shall be increased as follows:
- A. An employee who receives a promotion shall be granted a seven percent (7%) salary increase or have his salary raised to the minimum rate of the new class, whichever is the higher; or (Amended January 15, 1997) (Redesignated from Rule VI§7.1.F and amended effective October 1, 2010)
  - B. An employee who receives a three (3) grade or higher promotion shall be granted a ten and one-half percent (10.5%) salary increase or have his salary raised to the minimum rate of the new class, whichever is higher. (Added October 1, 2010)
- VI§17.2 In the event an employee is receiving a salary greater than the maximum rate of his current class and is promoted to a higher class, the salary increase shall be calculated on the maximum rate of his current class and not his current salary. (Added January 15, 1997)(Redesignated from Rule VI§7.1.F and amended effective October 1, 2010)
- VI§17.3 The rate of pay of any employee who is paid at a rate in excess of the maximum rate of the class to which he has been promoted shall be governed by the provisions of Rule VI§7.1.B.5. (Added October 1, 2010)

**RULE VI § 18****OVERTIME PAY (Added October 1, 2010)**

An employee in the classified service may be required by the Appointing Authority to work overtime and shall be compensated for overtime in accordance with Fair Labor Standards Act, hereinafter referred to as "FLSA", for overtime conditions.

It is the intent of civil service to ensure equal distribution of overtime by assigning overtime to the employee who is qualified to do the job by rotation based on seniority within the job classification within the department. The initial distribution and assignment of overtime shall be by seniority. After the initial overtime assignment, overtime will be worked by those employees in the job classification having worked the least amount of overtime.

A chart of overtime assigned and worked shall be kept in each department based on the applicable overtime premium rate (for example, two (2) hours worked shall be posted as three (3) hours if at



time and one half). Each January 1<sup>st</sup> the hours listed on such charts shall be set back to zero while the order of names on such charts shall begin with the most senior employee within the job classification.

Voluntary overtime work offered but refused shall be recorded as above and given equal consideration as overtime actually worked in regards to eligibility for future overtime assignments. Refusals to work voluntary overtime shall be made in writing. If an employee is in a leave status or cannot be contacted for overtime, the Appointing Authority shall go to the next eligible employee and the employee will not be penalized for the overtime offered and will remain eligible for the next overtime assignment.

When an employee is on extended leave for a period greater than four (4) weeks, not including annual leave, he will be positioned on his department's overtime list for his class utilizing the mean average overtime hours worked by all employees within his assigned job classification within the department.

If the overtime assignment requires qualifications not possessed by the next senior employee eligible for voluntary overtime work, the Appointing Authority shall so advise the employee and go to the next eligible employee possessing the required qualifications and the employee will not be penalized for the overtime offered and will remain eligible for the next overtime assignment.

Overtime pay provisions shall not apply to classes of work designated as exempt in the pay plan. It is expected that employees in the exempt classes will work whatever hours are required to satisfy the needs of the service and will adjust their working schedules to meet such needs.

#### VI§18.1 Methods of Compensation for Overtime

Overtime compensation for non-exempt employees may be granted in the form of cash payment or compensatory leave earned.

#### VI§18.2 Compensatory Leave

- A. Compensatory leave credited to an employee shall be used with prior approval of the department head.

- B. An employee who has been credited with compensatory leave may be required, by the department head, to take all or part of such leave at any time.
- C. Payment is required under circumstances defined in Rule VI§18.5.

VI§18.3 Compensation Rate for Non-Exempt Employees

- A. All FLSA overtime shall be compensated at the time and one-half rate.
- B. Overtime performed during official closures due to emergency situations shall be compensated at the time and one-half rate.
- C. Overtime performed and actually worked on a holiday may be compensated at the time and one-half rate.

VI§18.4 Compensation Rate for Exempt Employees (Added October 1, 2010)  
(Amended June 16, 2021)

The Appointing Authority shall compensate exempt employees in accordance with one of the following options:

- (a) No overtime compensation.
- (b) Compensation at the straight (hour for hour) rate may be granted to exempt employees who are required to work overtime due to business necessity to perform essential services. Overtime compensation may be granted in the form of cash payment or compensatory leave earned.
- (c) Overtime performed during official closures due to emergency situations shall be compensated in accordance with Rule VI § 20.

VI§18.5 Caps and Payment of Overtime Earned (Added October 1, 2010)

- A. Non-exempt employees who accrue compensatory leave at the time and one-half rate shall accumulate no more of such compensatory leave than allowed under FLSA. Once the maximum balance of compensatory leave earned at time and one-half is reached, any additional work in excess of the

employee's established work period must be paid to the non-exempt employee in cash at the time and one-half rate.

- B. For non-exempt employees, payment shall be made at the end of the fiscal year for any unused compensatory leave at the rate defined in Rule VI§18.3.
- C. Upon separation of employment or promotion to an assistant management or management level of a department or division, all compensatory leave credited to a non-exempt employee shall be paid according to the method of calculation of hourly rate contained in the Fair Labor Standards Act at the final rate received by the employee or, upon promotion, at the regular rate of the lower classification.

VI§18.6 Prior authorization and approval from the department head must be given for any overtime worked.

**RULE VI § 19      CALL OUT DUTY (Added October 1, 2010)**

An employee called back to work after having completed his regular shift due to a sudden or unexpected event shall be paid at the rate of one and one-half (1 ½) times his regular rate of pay for a minimum of three (3) hours. Call out pay shall not be paid but once in any given three (3) hour period. (Edited October 20, 2010) (Amended November 20, 2019)

Employees called to work less than three (3) hours before the scheduled start of the work day shall be paid one and one-half (1 ½) times their normal hourly rate for that position of the three (3) hours remaining from the time the employee was called to work and the time the employee was scheduled to start work. (Added March 25, 2015)

This call out provision shall not apply to an employee who is called to start his regular shift earlier than the normal reporting time, nor shall it apply to an employee who is held over at the end of a shift. Employees who are scheduled to work after his regular shift shall not be paid under the call out provisions of this section. (Added October 20, 2010)

**RULE VI § 20      COMPENSATION DURING AN EMERGENCY (Added October 1, 2010)**

If an employee reports to work at his regular shift and is sent home due to an emergency declared by the Appointing Authority, he shall be paid for his regular shift at the rate to which he would be entitled.

An employee in a classification that is considered essential during an emergency that reports to work at his regular shift and must remain on duty due to the emergency declared by the Appointing Authority shall be paid for his regular shift at his regular rate of pay and shall receive paid leave of absence for the regular shift hours worked when the emergency no longer exists, to be calculated at the rate paid for his regular shift. Said leave of absence shall be subject to approval of the Appointing Authority.

**RULE VI § 21**

**SHIFT DIFFERENTIAL PAY** (Added October 1, 2010)

- VI§21.1 Employees assigned to and working the second shift shall be paid a shift differential of fifty (\$.50) per hour for all hours worked on that shift and consecutive hours worked beyond the normal end of that shift. An employee whose shift begins between 2:00 p.m. and 10:59 p.m. shall be considered as assigned to and working the second shift.
- VI§21.2 Employees assigned to and working the third shift shall be paid a shift differential of one dollar (\$1.00) per hour for all hours worked on that shift and consecutive hours worked beyond the normal end of that shift. An employee whose shift begins between 11:00 p.m. and 5:00 a.m. shall be considered as assigned to and working the third shift.
- VI§21.3 An employee assigned to and working a 12-hour shift beginning between 5:00 p.m. and 7:00 p.m. shall be paid shift differential of seventy-five (\$.75) per hour for all hours worked on that shift and consecutive hours worked beyond the normal end of that shift.
- VI§21.4 Documentation assigning the employee to the appropriate shift shall be maintained in the employee's personnel file.

**RULE VI § 22**

**SPECIAL ASSIGNMENT PAY** (Redesignated from Rule VIII § 8 effective October 1, 2010)

- VI§22.1 No reduction shall be made in the salary of such employee assigned temporary duties in a position of a class lower than the class of his regular position. (Redesignated from Rule VIII§8.1 effective October 1, 2010)
- VI§22.2 An employee assigned temporary duties in a class higher than the class of his regular position shall have his pay fixed at the rate he would have received upon promotion to the higher position on the first day of assignment to the higher position. (Redesignated from Rule VIII§8.2 effective October 1, 2010) (Amended March 20, 2019)
- VI§22.3 While on special assignment, all pay increases to which the employee is entitled in his permanent position shall be calculated on his authorized rate

of pay in his permanent position and the special assignment pay adjusted accordingly. (Amended January 16, 2008) (Redesignated as Rule VIII§8.3 and amended effective October 1, 2010)

## **RULE VI § 23**

### **HOLIDAY PAY**

- VI§23.1 Employees shall be paid a holiday allowance at their regular hourly rate for the number of hours they would normally have been scheduled to work if the day was not a holiday. (Added October 1, 2010)
- VI§23.2 Whenever the Appointing Authority determines in advance that any employee shall be required to work on any holiday, the employee shall, in addition to holiday pay, be compensated at time-and-one-half for all hours worked on the holiday. An employee shall have the option to receiving the compensation provided in this section in the form of a cash payment or compensatory leave earned. (Redesignated from Rule XI§7.2.B effective October 1, 2010) (Amended September 2, 2020)
- VI§23.3 Holidays which occur during unpaid leaves or suspensions shall not be paid. (Added October 1, 2010)
- VI§23.4 Employees working twelve (12) hour rotating shifts or a non-traditional work week shall: (Added October 1, 2010)
- A. observe the actual calendar holiday as defined in Rule XI§7.1;
  - B. not receive a holiday allowance as defined in Rule VI§23.1 when not scheduled to work on the actual calendar holiday; and
  - C. receive a holiday allowance as provided in Rule VI§23.1 and VI§23.2 when a holiday is worked.
- VI§23.5 When an employee is called into work on a holiday due to a sudden and unexpected event, the employee shall be entitled to call out pay as provided in Rule VI§19. (Added September 2, 2020)

## **RULE VI § 24**

### **WORKMEN'S COMPENSATION INSURANCE PAY**

(Amended July 21, 2004) (Amended September 15, 2004)  
(Redesignated from Rule XI§2.2 and amended effective October 1, 2010)

When an employee is absent from work due to disabilities for which he is entitled to workmen's compensation, he: (Added October 1, 2010)

- A. shall, to the extent of the amount that his sick leave balance allows, be granted sick leave not to exceed the amount necessary to receive total payments for leave and workmen's compensation equal to his regular salary;
- B. may, to the extent of the amount that his annual leave balance allows, be granted annual leave not to exceed the amount necessary to receive total payments for leave and workmen's compensation equal to his regular salary; and
- C. Leave credits resulting from adjustments due to workmen's compensation shall not be available for use until the employee's return to duty.

**RULE VI § 25**

**COMPENSATION VIOLATIONS (Added October 1, 2010)**

If payments to an employee are found to have been made in violation of the provisions of the laws, Rules, or pay and classification plans governing the compensation of classified employees, the Director may take such corrective action he deems appropriate or may direct the Appointing Authority to take such corrective action. Corrective actions may include, but are not limited to, rescinding any actions associated with the violation and the associated compensation, and/or restitution by the employee. The Appointing Authority or affected employee may appeal such corrective action to the Commission.

**RULE VI § 26**

**APPRENTICE PAY PROGRESSION (Added August 26, 2015)  
(Amended June 16, 2021)**

- VI§26.1 The Commission may approve apprenticeships for classes where employees are required to obtain certification by a statute or an agency with lawful rule-making authority or participate in a formal, documented training program where completion is required in order for continued employment.
- VI§26.2 Contingent on approved funding, the pay of an employee in an apprenticeship program will progress to the program completion rate as justified by progress in training.
- VI§26.3 Employment may occur between the minimum of the pay grade and a program completion rate as justified by certifications. Unsuccessful completion of training within the predefined training period shall result

in demotion of the employee if a vacancy is available for which the employee is qualified, or termination of the employee.

A. An apprentice period may be extended by the Commission for the following reasons:

1. Authorized absences occurring during the apprenticeship.

2. Failure by the governing authority to fund the apprenticeship pay progressions, as described in VI§26.2 above.

a. Extensions granted under the provisions of VI§26.2(A)(2) shall be effective upon approval by the Commission and remain in effect until appropriate funding is secured or for a maximum of one calendar year from the date of approval, whichever comes first.

b. The Commission may grant subsequent extensions, subject to the conditions set forth VI§26.2(A)(2)(a) above.

3. Failure by the governing authority to fund the training program required for successful completion of the training program and continued employment in the class.

a. Extensions granted under the provisions of VI§26.2(A)(3) shall be effective upon approval by the Commission and remain in effect until appropriate funding is secured or for a maximum of one calendar year from the date of approval, whichever comes first.

b. The Commission may grant subsequent extensions, subject to the conditions set forth VI§26.2(A)(3)(a) above.

B. Employees participating in an apprenticeship program, who have not completed the program, shall not be eligible for merit increases.

- C. The Director of Civil Service shall, after consultation with the Appointing Authority, have the authority to make minor pay adjustments to employees of a class while administering apprenticeship progressions and upon completion of the apprenticeship programs, to preserve pay differentials related to seniority, qualifications, or merit, subject to funding.

## **RULE VI § 27**

### **MARKET ADJUSTMENT (Added March 20, 2019)**

To maintain market competitiveness, classified employees in active status for a designated time period prior to the payment date shall be granted a market adjustment when compression issues and market conditions as determined by Civil Service so warrant and funds are approved.

The amount of base pay adjustment shall be as follows:

- A. If the employee's hourly rate of pay is fixed at a point from the minimum up to the 1st quartile (first quarter) of his pay range, his pay shall be increased by 4%.
- B. If the employee's hourly rate of pay is fixed at a point above the 1st quartile up to the midpoint (second quarter) of his pay range, his pay shall be increased by 3%.
- C. If the employee's hourly rate of pay is fixed at a point above the midpoint up to the 3rd quartile (third quarter) of his pay range, his pay shall be increased by 2%.
- D. If the employee's hourly rate of pay is fixed at a point above the 3rd quartile up to the maximum (fourth quarter) of his pay range, his pay shall be increased by 2%.

All increases herein authorized are subject to the requirement that no employee's pay shall exceed the maximum rate of pay established for the job.

Any adjustment or increase which an employee receives under the provisions of other rules, unless otherwise indicated, shall not affect such employee's ability to receive increases authorized under this rule.

For all employees on special assignment the market adjustment shall be calculated based upon the authorized rate of pay in his regular



position. The employee's rate of pay while on special assignment shall be recalculated based on his new rate of pay in his regular position.

The Appointing Authority may for reasonable business reasons request an exception to this rule from the Commission.