

**POLICY NUMBER:**

**APM- 5 - 78**

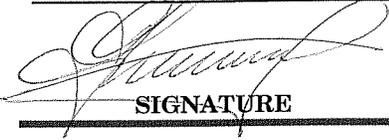
**DATE:**

October 17, 2002

**ISSUED BY:**

**Carlos A. Gimenez**

City Manager



**SIGNATURE**

# CITY OF MIAMI



**ADMINISTRATIVE POLICY**

## REVISIONS

| <u>REVISED SECTION</u> | <u>DATE OF REVISION</u> |
|------------------------|-------------------------|
| Created                | 04/16/78                |
| Revised                | 12/13/93                |
| Revised                | 10/07/02                |

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**SUBJECT: CITY OF MIAMI PAY POLICY**

**Purpose:** To revise and clarify the rules for the administration of the City's Pay Plan.

Effective this date, this administrative policy will supersede all previous directives relating to the development and administration of the Pay Plan.

**The Policy will be as Follows:**

**I Policy:**

The City of Miami Pay Policy provides the rules and regulations for determining employee compensation under all of the variations in working status and/or conditions that can occur within the classified and unclassified service of the City of Miami unless otherwise negotiated with the City's labor unions. The pay plan includes minimum and maximum rates of pay for each class of positions and such intermediate rates as may be necessary and equitable. Where appropriate, the city Manager may, at his discretion, establish minimum and maximum rates for certain positions without the inclusion of intermediate rates. Salary ranges shall be linked directly to the position classification plan and shall be determined with due regard to ranges of pay for other classes, collective bargaining, internal consistency, qualifications requisite for positions of each class, and comparable rates of pay for similar work in other employment.

**II Administration and Responsibilities:**

**A Development:**

The Director of Human Resources, under the authority of the City Manager, shall be responsible for the development and administration of a uniform and equitable pay plan.

**B Amendments and Revisions:**

The Department of Human Resources, subject to the City Manager's final approval, shall be responsible for recommendations and/or revisions to the pay plan when changes occur in responsibilities, nature of work, pay comparability, recruiting experience, comparable rates of pay, the City's financial conditions and policies, or when other pertinent conditions warrant such action. Such recommendations shall be consistent with relevant labor contracts.

**C Base Pay:**

The rates of pay prescribed in the pay plan represent base pay for full-time employment in the class. Employee's net pay will be adjusted to account for various payroll deductions and/or additional earnings.

**D Full-time Employment:**

Full-time service normally consists of a standard forty (40) hour workweek. Eligible employees who work in excess of forty (40) hours in a week normally are remunerated at the prevailing overtime rate. Exceptions to the forty (40) hour rule include firefighters on negotiated shift workweek, employees on Job Basis/"Exempt", and other employees not on a standard forty (40) hour week. (See provisions for Job Basis/"Exempt"). Any revisions in work week hours shall be in accord with relevant labor contracts.

**E Job Basis/"Exempt":**

Employees who are designated as Job Basis/"Exempt" are considered salaried employees and "Exempt" from coverage under the Fair Labor Standards Act and are, therefore, not eligible for overtime. Job Basis/"Exempt" employees are expected to work a minimum of forty (40) hours per week and use of vacation, sick leave and earned personal leave are to be properly recorded. For those employees who are considered Job Basis, any time worked in excess of the normal working hours in a day or week shall not be compensated nor credited in any way. However, when time is taken under this provision it is necessary to records such time as Job Basis/"Exempt" Leave. Job Basis/"Exempt" employees shall not be carried in a without pay status if for any reason time not worked is less than one full workday. Should an employee not have any leave time available for use, the employee may be carried without pay as long as the time not worked is equal or greater than a full workday. Job Basis leave shall not be utilized in units of more than five (5) consecutive workdays without the City Manager's approval nor shall it be used as a substitute for sick leave.

**F Part-time Employment:**

Part-time service shall consist of employment for less than the number of hours established for full-time work in that class, but no more than thirty five (35) hours per work week. Compensation shall be paid at the equivalent hourly rate of pay established for the classification. Pay rates for casual labor, event workers, and other intermittent employees may be paid rates recommended by the employment department and approved by the Director of Human Resources. Any disagreements shall be referred to the City Manager for final decision. Benefits for part-time service shall be in accordance with appropriate labor agreements.

**G Temporary Employment:**

Appointment rates and pay increases for full-time temporary employees hired on a temporary basis shall be in accordance with prescribed rules for temporary employees determined by Human Resources.

**H Disaster Leave:**

In cases where a natural disaster occurs, emergency leave may be granted to certain employees upon determination by the City Manager.

**I Appointment Range:**

The minimum rate in the pay range for each classification shall be the normal appointment rate for a new employee assigned to a position of that class. An appointment rate above the minimum rate but not the maximum may be granted if the Department Head submits to the Director of Human Resources an acceptable written justification for the higher rate. No appointment above the minimum rate shall be granted to employees moving from one employee group to another unless otherwise provided in the applicable labor agreements. Justification shall be limited to recognition of exceptional qualifications of a prospective employee or lack of available eligible at the minimum rate. When an employee is appointed at a higher rate, he/she shall be eligible for further anniversary increases until his/her rate of pay reflects the maximum for the classification. Additional pay increases beyond the maximum for the class shall be in accord with the provisions for longevity increases.

**J Classification Studies:**

1. The Department of Human Resources shall be responsible for classification studies. Department Heads may submit to the Department of Human Resources a written request for the auditing of positions within their own department. Employees may also request audits of their own positions. Such requests will be submitted through channels for recommendation of the Department Director. Such requests shall be reviewed by the Department of Human Resources. Should further action be deemed necessary, the Department of Human Resources shall conduct a study of the position and recommend action accordingly. Notification of the action taken shall be forwarded to the originating department, the Officer of Labor Relations and the Office of Budget and Management Analysis. Any significant revisions in class specifications for bargaining unit positions will be discussed early in the process with the Labor Relations Office.
2. Should the recommendation be appealed, a report concerning the appeal shall be submitted to the City Manager with recommendations from the Director of Human Resources. The final decisions shall be made by the City Manager.

**K Within Range Increases:****1. Anniversary Increases**

- a. Salary increments recognizing competent service with established ranges are provided for in the Pay Plan. Except as otherwise provided in labor agreements, on written approval from the Department Head, both classified and unclassified

employees shall receive a one step increase in salary, not to exceed the maximum rate, during the month on which the anniversary date of appointment of the employee to the current classification occurred. All anniversary increases shall be subject to review for accuracy by the Department of Human Resources.

- b. Leaves of absences without pay or suspension of any duration shall delay anniversary increases by the period of time involved unless specified in the appropriate labor agreement.
- c. Anniversary increases shall be awarded only on the basis of continued competent service by the employee in the sole discretion of the Department Head. Anniversary increases are not automatic. A Department Head may withhold, delay his/her judgment, the employee's service within the classification meets the standards of competence for the position. Employees in such cases shall be notified by the Department of the reasons for the action on being taken.

**2. Anniversary Increases for Part-time Work:**

In accordance with the AFSCME labor agreement, part-time employees hired after December 21, 1986 receive no benefits during their tenure with the City.

**3. Merit Increases:**

- a. Salary Increases for exceptional service may be requested upon recommendation of the Department Head supported by a memorandum detailing the exceptional service. Recommendations for merit increases shall be reviewed by the Director of Human Resources and submitted to the City Manager for his approval.
- b. Merit increases may consist of one or more steps above the employee's existing salary rate. Such increases may be authorized on a continuing basis or for temporary periods up to twelve (12) months.

**4. Longevity Increases:**

- a. Longevity increases as specified in the appropriate pay plans are awarded as recognition of dedicated and continued service to the City. Such increases shall be granted to classified employees on the basis of continuous uninterrupted service with the City. After ten (10) full years of service and upon approval from the Department Head, an employee shall receive an additional five percent (5%) pay equivalent to the next higher step. After fifteen (15) and twenty (20) years of service, a second and third pay increase shall be granted in accordance with the requirements for the first longevity increase. After the third

increase, no further longevity increases will be granted. All longevity increases shall be subject to review for accuracy by the Department of Human Resources.

- b. An employee's longevity date shall fall on the anniversary date of the entry with the City. Longevity increases will be delayed by suspensions and leaves without pay in accordance with Civil Service rules and applicable labor agreement provisions. Longevity dates do not change when an employee has been budgetarily rolled back.
- c. For purposes of this rule, the following shall apply: (1) Employees returning to employment with the City shall not be given seniority credit for prior years of service. (2) Demotions do not change longevity dates.
- d. In accordance with Civil Service Rules, employees who take military leave shall be credited with time taken for seniority purposes.

**L Anniversary Increases for the Executive Service:**

- 1. The Director of Human Resources shall notify the City Manager in writing of the due dates of anniversary increases for members of his staff and Heads of Departments.
- 2. Department Heads shall notify the Department of Human Resources of recommended anniversaries for Deputy and Assistant Directors in their respective departments. Upon receipt of such recommendations, the Department of Human Resources shall check for accuracy and forward them to the City Manager for his approval.

**M Range Changes:**

Changes in salary ranges for job classes may be requested by Department Heads and/or employees occupying the position if the salary range is not established by a collective bargaining agreement. The Department of Human Resources shall conduct a study of the classification and discuss the findings with the Department Head. The Director of Human Resources shall determine the appropriate salary range consistent with the existing Pay Plan. In the event of a difference of opinion, the Director of Human Resources shall submit the matter to the City Manager for final decision. Upon request of the Labor Relations Office, the Department of Human Resources may review the salary range for a bargaining unit class and submit recommendations to the Labor Relations Office. When a higher salary range is approved, increase for incumbents will be determined by the Director of Personnel for non-unit employees and by the collective bargaining agreement for bargaining unit employees. The rule for non-unit employees is that the employee goes to the step in the higher range that is equivalent in amount to the rate of pay in the prior range. This action does not require a salary rate increase, as do promotions or advancements. Pay inequities, if

any, will be evaluated by the Director of Human Resources in accordance with Section 21 of this Policy, APM-5-78.

**N Salary Ranges for New Classifications:**

When a new classification is developed, the Director of Human Resources shall submit it to the Labor Relations Office, which will determine whether the new class belongs in an existing bargaining unit. The salary range will be determined by the Director of Human Resources, consistent with the existing Pay Plan. In the event of a difference of opinion, the Director of Human Resources shall submit the matter to the City Manager for final approval.

**O Pay Rates in Transfers, Promotions or Advancements:**

1. Employees transferred from one position to another in the same classification or to classes with the same salary range shall retain the same rate of pay. Employees promoted or advanced to a higher class shall be paid at the minimum rate in the new range, or the rate that most nearly represents an increase of two pay steps or as otherwise determined by the City Manager, above the employee's present salary rate, whichever is greater; provided the employee may not be paid a rate above the maximum step except in accordance with the provisions on merit increases and longevity increases. Employees promoted or advanced shall not be placed on a longevity step unless they meet the provisions for a longevity increase. For each promotion or advancement, such employees shall have a new anniversary date that will be used for the consideration of anniversary increase.
2. After receiving a first longevity increase, an employee promoted or advanced to a higher class shall be granted an increase in accordance with the above rule for promotions and advancements. Such an employee shall be credited for the first longevity in the he/she shall continue to be eligible for further anniversary increases until his/her rate of pay reaches the first longevity rate in the salary range of the higher class. When the employee has completed fifteen (15) or twenty (20) years of service, he/she shall receive a pay increase in accord with the provisions for a second or third longevity increase.
3. Temporary promotions under Civil Service Rule 8.10 shall be considered in the same manner as those for permanent employees. Upon termination of a temporary promotion or advancement, the employee shall revert to his/her former classification and rate due as if the temporary promotion or advancement had not been made. Employees temporarily promoted and subsequently permanently promoted shall retain the same pay rate.
4. Temporary employees and new hires appointed temporarily pending the establishment of a new register shall not accrue any seniority and must end their temporary appointment prior to being appointed to a full-time classified or unclassified position.

5. When any promotion, advancement or transfer under this section results in an inequity in pay, the inequity may be reviewed and adjusted by the Director of Human Resources.

**P Pay Rates in Assignments to Higher Classification:**

1. Regulations involving salary increases for bargaining unit employees assigned to work out of classification shall be in accord with relevant labor provisions, if any. This also applies to bargaining unit employees assigned to non-bargaining unit positions.
2. Salary increases for non-unit employees assigned to a higher class or "working out of classification" shall be as provided below.
3. For purposes of this rule, assignment to a higher class means that an employee has been assigned additional duties because of the prolonged absence of an employee who is classified in the higher class; because of a vacancy in urgent need of being filled within a department; or because operating requirements present the need for such duties to be performed for a period of time.
4. Assignments to higher classifications may be made for periods of up to thirty (30) consecutive days or less without a salary adjustment. (Note: Requests for extension beyond the thirty (30) day period shall be treated in accord with Civil Service Rules or applicable labor agreement provisions.) Authorization for assignment to a higher classification shall be evaluated and determined by the Department of Human Resources in accordance with applicable labor agreements and Civil Service Rules. The Director of Human Resources may approve an increase in pay which will normally be one step above the employee's existing rate or the first step of the higher range, whichever is greater unless otherwise specified in the applicable labor agreement.
5. Generally, such an increase shall not be granted: (1) When it is the normal responsibility of the employee to act or perform the functions of an employee in another class because of the latter's absence (for example, when the job specification so provides, or when an assistant normally acts for a higher level supervisor); (2) during the vacation leave of an employee in the higher class; (3) when it is not practical or possible for an employee to perform the full job of a higher class for a brief temporary period of time.
6. An employee may not be assigned to a higher class unless he/she is qualified to perform the duties of the higher class; provided, however, that this is not intended to preclude training assignments.

**Q Pay Rates in Demotions, Downgrading, Return to Former Classifications, and Reductions in Range:**

1. Employees demoted from one class to another class because of disciplinary reasons shall be placed at the equivalent step number in the salary range of the lower classification. (For example, an employee

working as a Secretary II, salary range 17, step 4, shall be reduced to a Secretary I, salary range 15, step 4).

2. A probationary employee returning to a former classification shall return to the same step held prior to being promoted or advanced.
3. A permanent employee returning to a former classification shall return to the step held in their previous classification, had they not been promoted or advanced. The City Manager may elect to return a permanent employee who request to voluntarily return to a former classification by an amount equivalent to 5% below his/her present rate of pay in the range of the lower classification. (For example, the same employee working as a Secretary II shall return to the former classification of Secretary I, salary range 15, step 5. Such a salary represents an amount 5% below the previous rate). The same applies to unclassified or support staff employees voluntarily returning to a former classification.
4. Employees may be demoted for medical reasons, other than on the job injuries, to a lower classification with or without loss of pay. Such action may be initiated by the department if the City Physician certifies that such an employee is medically incapable of performing his/her current duties.
5. Demotion with or without loss of pay becomes effective only after approval by the Director of Human Resources.
6. Employees who are rolled back for budgetary reasons shall be placed at the equivalent step number in the salary range of the lower classification. Employees returning from layoff into a similar or like classification shall be placed at the equivalent step number in the new classification, provided the receiving department has sufficient funding. When a position is downgraded as the result of a classification study, the employee may exercise rights under rollback provisions of the Civil Service Rules, or with the concurrence of the Department Director may elect to remain in the same position and retain his/her current rate. This is commonly called a "red-circle" rate. When an employee retains a red-circle rate above the maximum for the lower classification, it is called a full red-circle. The employee shall not receive increases of any kind until the maximum for the lower class exceeds his/her retained rate. When an employee is red-circled at a pay step number, it is called a partial red-circle. In these cases, an employee may receive cost of living increases while remaining at the same pay step number.
7. Permanent Civil Service employees appointed to the unclassified or executive service, upon the end of their appointment, shall be returned to their former Civil Service classification and shall be placed at the step of the salary range he/she would have been had they not been appointed to the unclassified or the executive service.

8. Demotions and return to former classifications of permanent employees shall require changes in anniversary dates. The new anniversary date, which will correspond, with the effective date of the change in classification shall be used in the consideration of future anniversary increases. Probationary employees who return to a former classification assume their former anniversary dates.
9. An employee's existing salary may be reduced within his/her range when the employee's quality of service does not meet the standard of competence required for his/her position. When reducing an employee's salary, the Department Head shall notify the employee of the reasons for the action being taken. Any such reduction shall be subject to review by the Director of Human Resources and final decision shall be made by the City Manager.
10. Recommendations for demotions, downgrading, and return to former classifications, are subject to review under prevailing conditions with final approval from the Department of Human Resources.

**R Pay Rate on Return from Military Leave:**

An employee returning from military leave shall be placed at the step in the salary range in which the employee would have been had the employee remained in his/her position.

**S Overtime:**

**1. Authorization for Non-Bargaining Unit Employees:**

- a. All worked performed in excess of an employee's normal workweek shall be considered overtime work in accordance with the Fair Labor Standards Act provisions. Employees who are considered to be Job Basis/"Exempt" shall not be eligible for overtime as defined in this provision. Job Basis/"Exempt" employees are not to accrue Job Basis/"Exempt" leave time.
- b. An eligible employee shall be compensated for overtime only when the overtime work is authorized by the Department Head or his/her designee.
- c. Employees entitled to overtime compensation may, at their discretion, receive payment in cash or compensatory time off in accordance with paragraph b, below. Granting of such requests shall be subject to the final approval of the Department Head.
- d. All overtime worked shall be reported on a payroll attendance record and submitted to the Payroll Division of the Finance Department.
- e. Departments shall maintain records of compensatory time earned and used. The maximum accumulation of compensatory time hours is one hundred (100) hours. Employees who have accumulated a maximum of one hundred (100) hours shall

receive pay rather than compensatory time. Requested time off for those hours above one hundred (100) hours shall be scheduled at a time mutually agreeable to the employee and the department.

2. **Payment for Non-Bargaining Unit Employees:**

Eligible employees performing compensable overtime work shall be paid time and one-half their straight time hourly rate of pay or shall be given compensatory time at the rate of time and one-half for such work. For purposes of this rule, straight time shall mean the base pay of the employee including additional compensation for special items as defined under the Fair Labor Standards Act. This overtime rate shall be all-inclusive and no additional compensation in the form of shift differential shall be paid.

3. **Overtime for Bargaining Unit Employees:**

Overtime and holiday pay for bargaining unit employees shall be authorized and compensated in accordance with existing labor agreements and the Fair Labor Standards Act overtime provisions.

**T** **Shift Differential:**

1. **Non-Bargaining Unit Employees:**

The Director of Human Resources will establish equitable procedures for payment of shift differential for non-bargaining unit employees. Disagreements will be submitted to the City Manager for final decision.

2. **Bargaining Unit Employees:**

Shift differential for bargaining unit employees will be authorized and paid in accordance with relevant labor agreement provisions.

**U** **Amended Salary Schedules:**

When amended salary schedules are adopted, employees will be placed at appropriate rates in the new salary ranges in accordance with applicable provisions of labor agreements and this policy. Whenever necessary, the City Manager will issue special rules to assure an orderly conversion to the new schedules.

**V** **Special Problems:**

Departments may call to the attention of the Director of Human Resources certain pay problems resulting from subjects not covered by this pay policy or existing labor agreements, including inequities that may develop in the compensation of non-bargaining unit employees. The Director of Human Resources shall study such problems and make appropriate recommendations to the City Manager. Such recommendations may include changes in basic salary levels, revisions in overtime pay or shift differential, and any other appropriate

recommendations to resolve problems in the compensation of non-bargaining unit employees that may arise after the issuance of this policy.

**W     Certification of Personnel and Pay Actions:**

No disbursing officer shall make or approve or take any part in making or approving any payment for services rendered by any person holding positions in the classified and unclassified service unless the required personnel forms bear the certification of the Human Resources Director or designee that the persons named therein have been appointed and are employed in accordance with the provisions of these rules. Pay actions involving the Executive Service (and merit increases) must bear the certification of the City Manager prior to issuance of payment.

**X     Delegation and Implementation:**

1. The City Manger personally retains the authority to approve all merit increases, all increases of any kind for members of his own staff, for department directors, deputies and assistant directors, and for unclassified; and to approve such exceptions to this policy as he may deem appropriate. Forms approved by the City Manager will be returned to the Department of Human Resources for processing.
2. The Director of Human Resources or designee is authorized to approve all other pay actions, except that items in dispute as specified above shall be referred to the City Manager for processing.
3. Forms authorizing pay actions, when signed by the City Manager or the Director of Human Resources in accordance with paragraphs (a) and (b) above, shall be forwarded to the Office of Budget and Management Analysis and the Payroll Division of the Finance Department for processing.
4. In the event of a budget crisis, the Office of Budget and Management Analysis shall make appropriate recommendations to the City Manager, who may determine that certain pay actions (including reclassifications, merit increases, anniversary increases, and longevity increases) shall be deferred. The Department of Human Resources and the Labor Relations Office will normally advise on such recommendations. Upon formal notification by the City Manager, the Department of Human Resources shall defer such pay actions until further authorization is granted by the City Manager.
5. The Director of Human Resources is authorized to develop such forms and procedures as may be appropriate to implement the provisions of this policy.

Nothing in this document is intended to limit any benefits provided in existing labor agreements, to provide or increase benefits beyond those included in labor agreements, or to set policy or precedent for future negotiations.