

MEMORANDUM

REVISION 55 SERIES C

TO: Holders of CSA Rule Books
FROM: Career Service Board
DATE: June 17, 2011
SUBJECT: Revision to Career Service Rules

The Career Service Board has approved the following revisions to Career Service Rule 9-100 Payment for Overtime and related rules.

Earlier this year, the Controller's Office changed their practices regarding how non-exempt employees are paid. As a result, the City no longer makes a distinction between salaried and hourly non-exempt employees. Now, all non-exempt employees are treated the same as far as pay practices are concerned. The attached rule change is necessary to remove outdated references to salaried non-exempt employees in Rule 9.

Additionally, this revision moves current definitions of 'emergency' and 'essential employees' to the beginning of Rule 9 so that they are easier to find.

	<u>Page Number</u>	<u>Issuance Dates</u>
Remove:	9-1,2 9-16 9-19 9-21, 9-22, 9-23	October 14, 2010
Replace:	9-1,2 9-16 9-19 9-21, 9-22	June 17, 2011

PLEASE INSERT IN YOUR RULE BOOK AS SOON AS POSSIBLE. THANK YOU.

RULE 9
PAY ADMINISTRATION
(Effective April 1, 2006; Rules Revision Memos 7C and 9C)

Purpose statement

The purpose of this rule is to explain the establishment and administration of pay practices (except merit increases and merit payments), and hours of work.

Section 9-5 Definitions

(Revised effective October 17, 2010; Rule Revision Memo 47C)

- A. Classification series: The arrangement in sequence of classes that are alike in the kind but not in level. For the purposes of a market adjustment within the salary range, a classification series shall include first line supervisors and lead workers.
- B. Demotion: An appointment of an employee to a position in a classification in which the range minimum of the pay grade of the new classification is lower than the range minimum of the classification previously held.
- C. Emergency: An emergency shall include the following events: fire, flood, catastrophe, severe weather conditions that impact public safety or essential services; other unforeseeable emergency where a station must be staffed and another employee is not available for work; or an occurrence affecting the general public which requires immediate action. A declared emergency shall mean an emergency declared by the Mayor or an appointing authority that complies with the definition of emergency stated above (Revised effective June 17, 2011; Rules Revision Memo 55C).
- D. Essential city services: The determination of what constitutes an essential City service shall be made at the discretion of appointing authorities (Revised effective June 17, 2011; Rules Revision Memo 55C).
- E. Market Conditions: Factors and trends in the market as determined by a compensation analysis that may affect compensation rates such as the supply and demand of workers.
- F. Pay Factors: Appointing authorities who wish to hire employees at higher than the range midpoint, or increase the salary of promoted employees by more than 8.0%, or provide an equity adjustment, must provide Career Service Authority (“CSA”) with documentation explaining how any or all of the following pay factors affected their decision:
 - 1. Market conditions;
 - 2. Related experience;
 - 3. Previous work record;
 - 4. Salary history;

5. Specialization of education;
 6. Quality/quantity of education.
 7. Internal equity;
 8. Level of responsibility accepted;
- G. Promotion: An appointment of an employee to a position in a classification in which the range minimum of the pay range of the new classification is higher than the range minimum of the pay range of the classification previously held.
- H. Re-allocation: The formal process of assigning an existing position to its proper classification on the basis of the duties performed and the responsibilities exercised.
- I. Promotional re-instatement: A promotion of an employee resulting from certification from a re-instatement list.
- J. Re-instatement: An appointment of a laid off employee resulting from certification from a re-instatement list.
- K. Re-promotion: A promotion of an employee to a position in a higher classification in which the employee was previously employed within the preceding five (5) years, or to a successor classification; or to any classification for which the employee is qualified, with the same or intervening range minimum as the former classification. Appointments that meet the definition of a promotional re-instatement are not re-promotions.
- L. Transfer: An appointment of an employee to one classification from another, if the range minimum of the pay range of the new classification is the same as the range minimum of the pay range of the classification previously held.

Section 9-6 Designees

Appointing authorities, including the Career Service Personnel Director ("Personnel Director"), may delegate any authority given to them under this Rule 9 to a subordinate employee.

Section 9-10 Pay practices

- A. Pay practices include, but are not limited to items such as pay when first employed, changes in pay resulting from changes in position or classification, differentials, overtime pay, standby pay, merit increases and merit payments.
- B. The kind and level of pay practices for Career Service employees shall be determined by the Career Service Board ("Board") following a survey of other employers or based on the City's needs.
- C. Applicability to Deputy Sheriffs: None of the provisions of this Rule 9 shall apply to employees who hold positions in classifications in the Undersheriff pay schedules.

- D. The work week shall begin on Sunday and end on Saturday unless otherwise designated by the appointing authority.

9-72 Posting of Changes in Work Schedules

(Re-numbered October 10, 2008; Rules Revision Memo 32C)

- A. If work schedules are changed, appointing authorities shall post such schedules so that affected employees are provided with adequate notice of the change in advance of the work week in which it is supposed to occur. However, appointing authorities may require an employee to arrive early or stay beyond his or her regular work schedule or return to work to provide essential City services without such notice. (Revised effective September 21, 2010; Rules Revision Memo 49C; and effective June 17, 2011; Rules Revision Memo 55C).
- B. Employees are permitted to request a temporary change in daily work schedules in order to accommodate personal needs. Appointing authorities have the discretion to grant this request based on the business needs of the department or agency.

9-73 Interruption of Work and Pay During City-wide Emergency

(Effective June 8, 2007; Rules Revision Memo 20C: Re-numbered October 10, 2008; Rules Revision Memo 32C)

- A. An employee who is excused from work for the day or any part of the day when the work program is interrupted (e.g., because of weather) shall be considered to have worked the number of hours included in his or her regular daily schedule. An on-call employee who is called to work and not assigned because of an interruption or change in the work program shall be considered to have worked two (2) hours on that day.

B. Work interruptions during a Citywide emergency declared by the Mayor

In addition to pay for the interrupted work hours, employees who work during the hours of a City-wide emergency declared by the Mayor are eligible for compensation for working during hours attributed to the emergency condition as follows:

1. Non-exempt employees shall also receive pay for the actual time they work during the City-wide emergency. For purposes of determining if an employee is entitled to overtime, the work hours interrupted by the City-wide emergency shall be counted as time worked in addition to time actually worked and other amounts, such as paid holidays, periods of paid leave, or any discharge of compensatory time, as provided by the overtime provisions of this rule.

Section 9-90 Overtime

9-91 Policy

(Revised effective June 17, 2011; Rules Revision Memo 55C)

- A. In accordance with the FLSA, all work performed in excess of forty (40) hours per week by non-exempt employees shall be designated overtime work for the purposes of compensation, subject to the following exceptions:
 - 1. Non-career employees working for seasonal recreational establishments that do not operate for more than seven months in any calendar year shall be exempt from overtime pay and shall be paid the straight time hourly rate for all hours worked in a work week, including all hours worked in excess of forty (40) hours per week.
 - 2. Non-career employees whose rates of pay are set by the community rate schedule established by ordinance shall be paid overtime according to that schedule. If the community rate schedule makes no provisions for overtime, such employees shall be paid overtime in accordance with section 9-100.
- B. If a paid holiday, a period of paid leave, or discharge of compensatory time occurs during a work week, such time shall be counted as time worked when determining whether an employee has worked overtime. Time spent taking courses outside of the normal work day shall not be counted as time worked, even if the employee receives paid training leave to take the courses, unless the City has required the employee to take the course.
- C. Unpaid leave shall not count as time worked.
- D. The hours worked as an election judge by an employee shall not be counted as time worked for the purposes of determining overtime eligibility. If an employee wishes to work as an election judge during a regularly scheduled shift, the employee must request leave from the appointing authority.

Section 9-100 Payment for Overtime

(Revised effective June 17, 2011; Rules Revision Memo 55C)

- A. Non-exempt employees: Non-exempt employees who work overtime shall receive compensation at the rate of one and one-half (1 ½) times the regular rate of pay applicable to the position.
1. The regular rate of pay shall be computed as follows:
 - a. Multiply the hourly rate by the employee's actual hours of work in the work week to determine the weekly salary equivalent.
 - b. Total the weekly salary equivalent plus all payments for differentials, standby, and any other compensation required by FLSA to be included in the regular rate of pay for the work week, and divide by the number of hours the employee actually worked during that week.
 2. Compensatory time:
 - a. Overtime compensation may be paid either in cash or in compensatory time off, at the discretion of the appointing authority. The appointing authority shall inform employees of the department's or agency's overtime compensation policy. Compensatory time off shall be accrued at the rate of one and one-half (1-1/2) times the overtime hours worked. An employee who has accumulated eighty (80) hours of compensatory time and is required to work overtime shall only be paid for such overtime in cash. All accrued compensatory time shall be used by March 31st or paid out in cash by the final pay period of April of that year.
 - b. Payment for accrued compensatory time on separation: An eligible non-exempt employee who has accrued compensatory time in accordance with this section shall receive payment for the unused portion of such accrual when the employee is separated from the Career Service. The rate of compensation for such payment shall be the larger of the following:
 1. The average regular rate received by such employee during the last three years of the employee's employment; or
 2. The final regular rate received by such employee.

- B. Exempt employees eligible to receive overtime: The overtime rate shall be:
1.
 - a. At the rate established for non-exempt employees by this rule if eligible under paragraph 9-93 A.
 - b. At the rate established by the DHHA for comparable positions if eligible under paragraph 9-93 B.
 - c. At the straight time hourly rate of pay applicable to that position, if eligible under paragraph 9-93 C, where the hourly rate is computed by dividing the annual salary by 52 and then dividing by the regular hours of the position; and
 - d. At the rate of one and one-half (1 ½) times the hourly rate of pay applicable to that position if eligible under paragraph 9-93 D, where the hourly rate is computed by dividing the annual salary by 52 and then dividing by the regular hours of the position.
 2. How paid: Overtime compensation for eligible exempt employees shall be paid in cash. Exempt employees eligible for overtime shall not accrue or use compensatory time in lieu of pay, except for Holiday Compensatory Time as defined in Rule 10 **PAID LEAVE**.

Section 9-110 Record Keeping

(Revised effective April 1, 2008; Rule Revision Memo 26C)

- A. Responsibility for maintaining time and compensation records may be vested in the Department of Finance, the CSA, or the agencies, as may be agreed among them from time to time.
- B. The content of these records shall be governed by guidelines established by CSA (see Appendix).
- C. These records shall be retained for a minimum of six (6) calendar years, in a location where they would be available for inspection within seventy-two (72) hours from the date when requested by the Wages and Hours Administrator or designees.