

Career Service Rule Section 2-20 B. - Adoption, Amendment or Repeal of Career Service Rules. When the Board or the Personnel Director considers that a change in the Rules is necessary or desirable, the procedure shall be as follows: ... 2) The proposed rule change shall be posted on bulletin boards and made available to appointing authorities, employees, and the general public for comments and suggestions. A short summary of the proposed rule changes shall be posted with the proposed rule change. 4) A public hearing on the proposed rule change shall be held by the Board."

**PLEASE POST ON ALL BULLETIN BOARDS AS SOON
AS POSSIBLE**

Public Hearing Notice - No. 417

A Career Service Board Public Hearing has been scheduled regarding **a proposed revision to the Career Service Rules in connection with the implementation of simplified pay ranges.**

The scheduled time for the public hearing is **THURSDAY, SEPTEMBER 16, 2010, at 9:00 A.M.**, in the **CSA Board Room, 4.F.6.**, Webb Municipal Building, 201 West Colfax Avenue.

If anyone wishes to be heard by the Board on this item, please contact Leon Duran at 720-913-5168 no later than 12:00 Noon on **MONDAY, SEPTEMBER 13, 2010.**

If anyone wishes to submit written comments, please submit them

**IN PERSON NO LATER THAN 12:00 NOON ON
MONDAY, SEPTEMBER 13, 2010, TO:**

Pete Garritt
HR Supervisor
Career Service Authority
201 West Colfax, 4th Floor
Denver, Colorado 80202

**BY MAIL TO BE RECEIVED NO LATER THAN 12:00 NOON ON
MONDAY, SEPTEMBER 13, 2010, ADDRESSED TO:**

Pete Garritt
HR Supervisor
Career Service Authority
201 West Colfax, Department 412
Denver, Colorado 80202

**BY FAX, TO BE RECEIVED NO LATER THAN 12:00 NOON ON
MONDAY, SEPTEMBER 13, 2010 TO: (720-913-5720)**

**OR BY E-MAIL TO BE RECEIVED NO LATER THAN 12:00 NOON ON
MONDAY, SEPTEMBER 13, 2010 TO: Peter.Garritt@denvergov.org**

PLEASE POST ON ALL BULLETIN BOARDS

AS SOON AS POSSIBLE

RULE PROPOSAL 407B

TO: Appointing Authorities, Managers, and Employees

FROM: Jeff Dolan, CSA Director

DATE: September 2, 2010

SUBJECT: Proposed revision to the Career Service Rules in connection with the implementation of simplified pay ranges

THIS PROPOSED REVISION TO THE CAREER SERVICE RULES IS BEING POSTED FOR PUBLIC COMMENT AND HEARING TO BE HELD ON

THURSDAY, SEPTEMBER 16, 2010, at 9:00 A.M.

As part of the Total Compensation project, the City's current system of pay ranges divided into steps is being changed. Once new pay tables have been approved by the City Council in October of this year, all steps will be removed from pay ranges. Pay ranges will still be tied to a pay grade and assigned to job titles. Pay ranges will still have range minimums and range maximums as they do now. However, pay within each pay range will no longer be forced to fall upon a step. As a result, the Career Service Authority (CSA) is proposing that several Career Service Rules be revised in order to implement this change. Under this proposal, increases and decreases in pay which are mandated by the rules will be based on percentage changes rather than step changes. In addition to removing references to steps and replacing them with references to percentages, CSA is proposing the following changes:

- 'Entry rate' will be changed to 'range minimum'.
- 'Maximum rate' will be changed to 'range maximum'.
- References to the 'Employee Internship Appointment' are being removed from Rule 9.
- A subsection is being added to Rule 9 explaining how pay will be set after a return from promotional probation.

If you would like to schedule a meeting with a member of Career Service Authority to discuss this proposal prior to the Public Hearing, please contact Pete Garritt at 720-913-5671.

Section 3-5 Definitions

- A. Certification: The act of providing an appointing authority with one or more lists of candidates eligible to be hired into a particular vacancy.
- B. Demotion: An appointment of an employee to a position in a classification in which the ~~entry rate~~ range minimum of the pay ~~range~~ grade of the new classification is lower than the ~~entry rate~~ range minimum of the pay range of the classification previously held.
- C. Eligible candidate: An applicant for a vacant position who meets the criteria required for placement on a list.
- D. Examination: The Career Service Board is authorized to adopt, administer and enforce rules concerning competitive examinations of competence by the City Charter (See Appendix). The CSA may give one or all of the following kinds of examinations:
1. Evaluation of experience and education;
 2. Written;
 3. Skill-based;
 4. Assessment interview; or
 5. Any other appropriate measures.
- E. Promotion: An appointment of an employee to a position in a classification in which the ~~entry rate~~ range minimum of the pay range for of the new classification is higher than the ~~entry rate~~ range minimum of the pay range for of the employee's ~~current~~ classification previously held.
- F. Recruitment: The process by which CSA solicits individuals to apply for positions within the Career Service.
- G. Re-employment: An appointment of a former employee to a position in the 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 ~~entry rate~~ range minimum or a lower ~~entry rate~~ range minimum as than the former classification, subject to the following conditions:
1. Former employees whose separation was the result of a dismissal are not eligible for re-employment.
 2. An appointment that meets the definition of a re-instatement in Rule 5 **APPOINTMENTS AND STATUS** is not a re-employment appointment.
 3. In order to determine eligibility for re-employment into a successor classification, the Career Service Personnel Director ("Personnel Director") may, on a case-by-

case basis, review the duties previously performed as well as classification and pay.

- H. 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 ~~entry rate~~ or an intervening ~~entry rate~~ **range minimum** as the former classification. Appointments that meet the definition of a promotional re-instatement in Rule 5 **APPOINTMENTS AND STATUS** are not re-promotions.
- I. Transfer: An appointment of an employee from a position in one classification to a different position in a classification with the same ~~entry rate~~ **range minimum**:
 - 1. In a different department or agency; or
 - 2. In a different classification in the same department or agency.

Section 5-70 Types of Appointments

5-71 Appointments of Applicants Who Are Not in the Career Service

- A. Employment appointment: An appointment made as a result of certification of an employment list in accordance with Rule 3 **SELECTION**.
- B. Re-instatement appointment: An appointment of a former employee who had been laid off or who resigned in lieu of a lay-off, which is made as a result of certification from a re-instatement list in accordance with Rule 3 **SELECTION**.
- C. Re-employment appointment: An appointment of a former employee to a position in the 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 ~~entry rate~~ **or lower range minimum than** as the former classification ~~or a lower entry rate~~, subject to the following conditions:
 - 1. Former employees whose separation was the result of a dismissal are not eligible for re-employment;
 - 2. An appointment that is a re-instatement is not a re-employment;
 - 3. In order to determine eligibility for re-employment into a successor classification, the Personnel Director may, on a case-by-case basis, review the duties previously performed as well as classification and pay; and
 - 4. A former employee who is re-employed shall serve in an employment probationary status.

5-72 Appointments of Employees Who Are in the Career Service

- A. Promotional appointment: An appointment of an employee to a position in a classification in which the ~~entry rate~~ **range minimum** of the pay range for the new classification is higher than the ~~entry rate~~ **range minimum** of the pay range for the employee's current classification.
- B. Promotional re-instatement appointment: An appointment of an employee who has been demoted in lieu of lay-off which is made as a result of certification from a re-instatement list in accordance with Rule 3 **SELECTION**.
- C. Re-promotional appointments: A ~~promotional appointment~~ of an employee to a ~~different~~ 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 ~~entry rate~~ or an intervening ~~entry rate~~ **range minimum** as the former classification, subject to the following conditions:
1. Appointments that are promotional re-instatements are not re-promotions;
 2. In order to determine eligibility for re-promotion into a successor classification, the Personnel Director may, on a case-by-case basis, review the duties previously performed as well as classification and pay; and
 3. An employee who is re-promoted shall serve in a promotional probationary status.
- D. Transfer appointment: An appointment of an employee from a position in one classification to a different position in a classification with the same ~~entry rate~~ **range minimum**:
1. In a different agency; or
 2. In a different classification in the same agency.
- E. Demotion appointment: An appointment of an employee to a position in a classification in which the ~~entry rate~~ **range minimum** of the pay ~~range~~ **grade** of the new classification is lower than the ~~entry rate~~ **range minimum** of the ~~pay~~ **range of the** classification previously held. However, this transaction shall not apply when an employee returns from promotional probation.
- F. Return from promotional probation appointment: Change of a career status employee serving promotional probation to a position in the class from which promoted within the agency from which promoted. (Effective December 3, 1981, Rules Revision Memo 25B).

G. End of training or internship probationary period:

1. The department or agency shall report to the CSA, in writing, at the conclusion of the trainee or intern probationary period, whether the trainee or intern has successfully completed the probationary period by acquiring the competencies, knowledge, skills and abilities necessary to satisfactorily perform the duties of the position.
2. An appointing authority may request, in writing to the ~~Career Service~~ Personnel Director, that the trainee or intern be deemed to have successfully completed the probationary period prior to the employee's completion of the trainee or intern probationary period.
3. Upon a determination by CSA that the trainee or intern has successfully completed the trainee or intern probationary period, the department or agency may request that CSA conduct a recruitment so that the trainee or intern may compete for the position.

5-84 Reasonable Accommodations for Individuals with Disabilities Policy

F. Reassignment

13. If an employee is reassigned to either an equivalent or demotion position, the employee shall ~~be paid at~~ **continue to receive** the ~~step~~ **pay rate** ~~closest to the one he or she earned in the former position~~ **unless this exceeds the range maximum of the pay range of the new classification in which case the employee shall receive the range maximum of the pay range of the new classification** ~~without a pay increase.~~

Section 8-10 Definitions

- A. Benchmark classification: A classification that is representative of several classifications within an occupational group for which external pay data can be readily collected.
- B. Classification: One or more positions so nearly alike in the essential character of their duties and responsibilities that the same pay grade, title and specification can be applied, and such that they can fairly and equitably be treated alike under like conditions for all other personnel purposes.
- C. Market survey: The collection, analysis and reporting of external pay data for a number of benchmark classifications.
- D. Occupational groups: Groupings of classifications that are so similar in the nature of the work performed that the same pay survey adjustments can be applied.
- E. Pay survey adjustment: A pay survey adjustment is a change in the pay structure resulting from a comparison with the pay prevailing in the Denver Metropolitan Area.
- F. Pay grades: Identifying numbers for pay ranges within a pay schedule.
- G. Pay ranges: The range of pay in a pay grade beginning at the ~~entry rate~~ range minimum and going to the range maximum ~~rate~~ of the pay grade. The A pay range is established for assigned to a classification by the classification and pay ordinance.
- H. Pay schedules: A pay schedule is a listing of the pay grades, and the corresponding pay ranges ~~steps for each classification in an occupational group.~~

Section 9-5 Definitions

- 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. (Revised effective April 1, 2006; Rules Revision Memo 9C)
- B. Demotion: An appointment of an employee to a position in a classification in which the ~~entry rate~~ **range minimum** of the pay grade of the new classification is lower than the ~~entry rate~~ **range minimum** of the classification previously held.
- ~~C. Employee Internship Appointment: An appointment of an employee to an entry level position in a new classification in accordance with the provisions of the Employee Internship program established by the Career Service Personnel Director ("Personnel Director").~~
- ~~D. Entry Rate: The first step in a pay range.~~
- ≡ **C.** 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.
- D.** **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 6.9%, or provide an equity adjustment must provide 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;**
- ≡ **E.** Promotion: An appointment of an employee to a position in a classification in which the ~~entry rate~~ **range minimum** of the pay range **for of** the new classification is higher than the ~~entry rate~~ **range minimum** of the pay range **for of** the ~~employee's current~~ classification **previously held**.
- ⊖ **F.** 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. (Revised effective May 3, 2006; Rules Revision Memo 8C)

Proposed revisions to Career Service Rules regarding simplified pay ranges
Prepared for public hearing notice, 9/2/10

- ≡ **G.** Promotional re-instatement: A promotion of an employee resulting from certification from a re-instatement list.
- ‡ **H.** Re-instatement: An appointment of a laid off employee resulting from certification from a re-instatement list.
- ↓ **I.** 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 ~~entry rate~~ **range minimum** or an intervening ~~entry rate~~ **range minimum** as the former classification. Appointments that meet the definition of a promotional re-instatement are not re-promotions.
- ⚡ **J.** Transfer: ~~For the purposes of these rules, a~~ An appointment of an employee to one classification from another, if the ~~entry rate~~ **range minimum** of the pay range for the new classification is the same as the ~~entry rate~~ **range minimum** of the pay range for 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 to a subordinate employee.

Section 9-20 Pay When First Employed

- A. An appointing authority may set pay for a new employee ~~at a step higher than the entry rate~~ **range minimum** (but not to exceed the **range maximum** ~~last step~~ of the applicable pay **range** ~~schedule~~) if necessary to obtain the services of an unusually well-qualified person. The decision to appoint at a **pay rate** ~~step~~ higher than the ~~entry rate~~ **range minimum** shall be based on any ~~or all~~ of the following **pay** factors **as defined in this rule.**

- ~~1. Market conditions;~~
- ~~2. Related experience;~~
- ~~3. Previous work record;~~
- ~~4. Specialization of education;~~
- ~~5. Salary history;~~
- ~~6. Quality/quantity of education.~~

In any event, qualifications of the new employee should exceed the minimum qualifications stated in the classification specification, and internal equity shall be considered.

- B. The appointing authority shall submit documentation with the Personnel Action Form documenting the justification for hiring an employee at or above **the mid-point of the applicable pay range** ~~step "11" in a non-exempt pay schedule or at or above step "13" in an exempt pay schedule.~~

Section 9-30 Changes in Classification and Pay

A change in an employee's classification may occur through promotion, transfer, demotion, Employee Internship Appointment, re-allocation, or re-instatement.

9-31 Promotion and re-promotion

(Revised effective May 20, 2008; Rule Revision Memo 28C)

- A. Upon promotion an employee's pay shall be **increased by at least** ~~set at the closest matching step in the new pay grade to a~~ six and nine-tenths percent (6.9%) increase, except that under appropriate circumstances, the provisions of subsection 9-31 B. may be applied. ~~If there is no step in the new pay range that exactly matches the employee's pay with a 6.9% increase, the pay shall be set at the step in the new pay range that is closest to the amount of the 6.9% increase, even if this results in an increase of less than 6.9%.~~ In no event shall the pay upon promotion be lower than the entry rate **range minimum** or exceed the **range maximum** ~~last step~~ of the pay range for **of** the new classification.
- B. The appointing authority may designate the pay upon promotion at a rate higher than six and nine-tenths percent (6.9%) to obtain the services of an unusually well-qualified candidate. The decision to set pay upon promotion at a rate higher than 6.9% shall be based on any or all of the following **pay** factors **as defined in this rule.**
- ~~1. Internal equity;~~
 - ~~2. Market conditions;~~
 - ~~3. Related experience;~~
 - ~~4. Previous work record;~~
 - ~~5. Specialization of education;~~
 - ~~6. Salary history;~~
 - ~~7. Level of responsibility accepted;~~
 - ~~8. Quality/quantity of education.~~
- C. The appointing authority shall submit documentation with the Personnel Action Form documenting the justification for increasing pay upon promotion by more than the amount allowed under the provisions of subsection 9-31 A.
- D. Within the short range pay schedule the employee's pay shall be **increased by** ~~set at the closest matching step in the new pay grade to a~~ five percent (5%) increase **but** not to exceed the **range maximum** ~~last step~~ of the pay range for **of** the new classification. ~~If there is no step in the new pay range that exactly matches the employee's pay with a 5% increase, the pay shall be set at the step~~

~~in the new pay range that is closest to the amount of the 5% increase, even if this results in an increase of less than 5%.~~

E. Demotion and subsequent re-promotion:

1. If an employee demotes without a loss in pay, that employee is not eligible for an increase in pay upon re-promotion if such re-promotion occurs within twelve months following the date of the demotion.
2. In all other circumstances, an employee being re-promoted will have their pay set under the provisions of subsection 9-31 A.

9-32 Transfers

When an employee transfers, the employee shall receive the same pay as before the transfer, unless that would be more than the range maximum last step of the new pay range of the new classification. In that case the employee's pay shall be set at the range maximum last step of the new pay range of the new classification.

9-33 Demotion

A. Voluntary demotion:

1. A voluntary demotion is a demotion initiated through the request or application of an employee.
2. When an employee voluntarily demotes, pay shall be set by the appointing authority and shall not be decreased by more than six and nine-tenths percent (6.9%), unless doing so is necessary to keep the employee's pay from exceeding the range maximum last step of the pay range of the new classification. Before the pay can be set at a pay rate higher than the employee's current pay rate, the Personnel Director's prior approval will be required.

- B. Demotion in lieu of lay-off: Upon a demotion in lieu of lay-off, the employee shall continue to receive the pay rate he or she earned before the demotion unless this exceeds the range maximum of the pay range of the new classification in which case the employee shall receive the range maximum of the pay range of the new classification. ~~pay shall be maintained at the level received before the demotion, or at the last step of the pay range in the new classification, whichever is lower. If the level received before the demotion does not correspond to a step in the new pay range, the closest higher step shall be paid.~~

C. Involuntary demotion:

1. An involuntary demotion is a demotion initiated:
 - a. Through disciplinary action in accordance with Rule 16 **DISCIPLINE AND DISMISSAL**; or
 - b. In lieu of disqualification in accordance with Rule 14 **SEPARATION OTHER THAN DISMISSAL**; or
 - c. In lieu of separation during employment probation in accordance with Rule 5 **APPOINTMENTS AND STATUS**.
2. When an employee is involuntarily demoted, pay shall be set by the appointing authority. At least a six and nine-tenths percent (6.9%) reduction shall be required.

D. In no event shall the pay upon demotion be lower than the ~~entry rate~~ **range minimum** or exceed the **range maximum** ~~last step~~ of the pay range ~~for~~ **of** the new classification.

9-34 **Return from Promotional Probation** ~~Employee Internship Appointment~~

When an employee is returned from promotional probation, the employee shall receive the same pay the employee was receiving before the promotion. However, this amount shall be adjusted to take into account the effect of any pay changes (such as a merit increase) or classification changes to the employee's former classification, that occurred during the period after the promotion and before the return from promotion.

~~When a current Career Service employee accepts an Employee Internship Appointment, pay shall be set by the appointing authority. Any stop between stop "1" and stop "9" of the non-exempt pay schedule or stop "11" of the exempt pay schedule may be designated. In no event shall the new pay be lower than the entry rate or higher than stop "9" of the non-exempt pay schedule or stop "11" of the exempt pay schedule for the new classification.~~

9-35 Re-allocation

When an employee transfers, the employee shall receive the same pay as before the transfer, unless that would be more than the range maximum last stop of the new pay range of the new classification.

- A. When a position is re-allocated to another classification, the incumbent's pay shall receive the same pay as before the re-allocation unless that would be less than the range minimum of the pay range of the new classification be set at a step that is closest to that employee's existing rate of pay without losing pay. In that case the employee's pay shall be set at the range minimum of the pay range of the new classification. If the employee's pay is higher than the range maximum last stop of the pay range of the new classification, the employee's pay shall remain at the employee's existing rate of pay until such time that either:
1. The employee changes positions; or
 2. The pay range of the new classification catches up to the employee's rate of pay when the pay range is adjusted.

~~In no event shall the employee receive less than the entry rate of the pay range of the new classification.~~

- B. When an employee meets the requirements to progress to a higher classification in a current delegated progressive classification series and the Personnel Director approves the progression to the higher classification, the employee's pay shall be set increased by at a step that reflects a two and one quarter percent (2.25%) increase in pay. In no event shall the employee receive less than the entry rate range minimum of the pay range grade of the new classification.
- C. When a classification is changed to a different occupational group, pay grade, and/or pay range as the result of a re-allocation as described in Rule 7 **CLASSIFICATION**, the pay for employees in that classification shall remain the same as it was before the re-allocation be set at the step in the new pay range that is closest to the employees' current rate of pay without a loss in their current pay. In no event shall an employee receive less than the entry rate range minimum of the new pay range of the new classification.

9-36 Re-instatement Appointment or Promotional Re-instatement Appointment

Upon re-instatement or promotional re-instatement, either after lay-off or after demotion in lieu of lay-off, an employee's pay shall be set at the rate of pay the employee received immediately prior to such lay-off or demotion in lieu of lay-off. If payment at this rate would result in a decrease in pay for a current City employee, the pay rate shall be set at the pay step closest to the employee's present rate of pay, without a loss in pay. In no event shall the pay rate be lower than the entry rate range minimum of the pay range.

Section 9-50 Recruitment and Retention Pay

C. Counter offer:

2. An appointing authority may make a counter offer to an employee when the following conditions have been met:

b. The counter offer does not exceed the **range maximum of** ~~highest step~~ ~~in~~ the pay range the employee occupies at the time the offer is extended;

9-62 Equipment Differential

D. The total base pay for any pay period, excluding overtime and shift differential, shall not exceed the **range maximum of** ~~last step~~ of the higher level classification.

Section 13-10 Definitions:

D. Merit Increase: Periodic increase to an employee's base rate of pay determined by an employee's PEP rating and current pay **rate** ~~step~~.

E. Merit Payment: Lump sum payment of one percent (1%) of an employee's current annual salary (before any applicable withholding) determined by the employee's PEP rating and current pay **rate** ~~step~~. A merit payment will not increase an employee's base rate of pay.

Section 13-60 Eligibility for Merit Increases and Merit Payments

B. 1. The funding for merit increases and merit payments is provided in the annual appropriation ordinance. The **pay increase** ~~number of steps~~ associated with a particular performance rating shall be reviewed annually and adjusted as necessary to reflect prevailing practices in the community. The award of merit increases and merit payments is contingent upon this annual appropriation being approved by City Council. In case of a conflict between ordinance and these rules, the ordinance will prevail.

13-61 Merit Date:

C. Failure to file PEPR:

1. If a PEPR is not received in the office of CSA within thirty (30) calendar days after the merit date, a merit increase, equivalent to the **pay increase step** the employee would have received for a "Successful" rating, shall be granted retroactively to the merit date.

13-62 On-call Employees and Employees in Other Pay Schedules

- B. Positions in the community rate and short range pay schedules are on-call, accordingly, merit increases or merit payments are not available. However, employees in these schedules may **receive a two and one quarter percent (2.25%) pay increase (not to exceed the range maximum of the applicable range)** ~~advance one (1) pay step in the pay range~~ upon the approval of the appointing authority, except during a declared fiscal emergency, after having served:
1. Two consecutive annual terms (an annual term is a minimum of three hundred (300) hours); or
 2. One term and completion of a certificate program as approved by the appointing authority.
- C. The Training pay schedule only has one **pay rate step**; accordingly merit increases cannot be granted.

16-74 Guidelines for involuntary temporary reduction of pay

When an involuntary temporary reduction in pay is imposed on an employee, the employee's pay shall not be reduced:

- A. More than **four and fifty-five hundreds percent (4.55%)** ~~two pay steps~~; or
- B. Below the **range minimum** ~~lowest step~~ of the employee's pay range; or
- C. For less than seven (7) pay periods; or
- D. For more than thirteen (13) pay periods.

Any merit increase award shall be based on the employee's normal rate of pay, not their **employee's** temporarily reduced rate of pay.