

ORDINANCE NO. 051043

Amending Article VIII of the Administrative Code of Kansas City, Missouri, relating to the Classification and Compensation Plan, by adding policy language to Section 2-1086 addressing the approval authority and application of compensation plans for On-Call Pay.

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Article VIII of the Administrative Code of Kansas City, Missouri, is hereby amended by repealing Section 2-1086, relating to the Classification and Compensation Plan, and in lieu thereof the following section is hereby enacted:

Sec. 2-1086. Interpretation and application of compensation plan.

(a) *Rates.* All rates prescribed in the grades of pay for city officers and employees represent the total remuneration, including pay in every form authorized for full-time employment except as otherwise set forth in this Section. Where employment in a position is on a part-time basis, that is, where the week's work is less than an ordinary workweek or where the day's work on a continuing basis consists of less than the ordinary number of working hours of an ordinary working day, such service shall be compensated on the basis of the equivalent hourly rate for full-time employment.

(b) *Equivalent compensation.* It shall be permissible, in the interest of the service, to pay equivalent compensation on any other time basis than that specified in the salary range; provided that, in determining the equivalent rate on a different time basis, the relative earnings for full-time employment during a given period of time shall be taken as determining equivalency.

(c) *Minimum and maximum rates.* Under each salary schedule there is set forth a minimum and maximum salary rate. Advancement to the maximum rate for the class shall be made on the basis of an annual evaluation report and efficiency.

(d) *Beginning salary.* Original appointment above the minimum salary rate for a class may be made upon the approval of the department director, subject to the following conditions:

- (1) A full reference check must be made by the department and fully documented.
- (2) The applicant must exceed the educational and experience requirements for the position as set out in the official class specifications.
- (3) The department is responsible for ensuring internal equity within that job class and among other relevant job classes and complying with applicable employment laws.

ORDINANCE NO. 051043

- (4) If the applicant chosen by the department director cannot be hired in the lower fifty percent of the pay range for a class, the department director shall refer the application to the director of human resources for a determination.
- (5) If the applicant chosen by the department director cannot be hired in the lower seventy percent of the pay range for a class, the department director shall refer the application to the human resources committee for a determination.
- (6) When any former employee is considered for reemployment in a class in which he was previously employed, the department director may authorize an appointment above the minimum salary rate of pay for the class subject to the conditions set forth in this subsection.
- (7) The department director shall keep a record of all cases of employment above the minimum rate.

(e) *Salary advancements.* If funds are available, salary increases within the appropriate pay grade may be given on an employees pay anniversary date if the employee has received a met overall expectations or higher evaluation rating on the last annual employee appraisal report.

- (1) Classified employees considered non-exempt under the Fair Labor Standards Act who receive at least a meets expectations overall rating on their employee appraisal report shall receive an increase within their salary schedule as determined by their supervisor.
- (2) Classified employees considered exempt from certain overtime provisions of the Fair Labor Standards Act, except for fire management, who receive at least a met overall expectations evaluation rating on their employee appraisal report shall receive an increase within their salary schedule as determined by their supervisor. For purposes of this section, fire management is defined as employees in the classifications of Assistant Fire Marshal, Hazmat Chemical Analyst, Administrative Battalion Fire Chief, and Deputy Fire Chief.
- (3) Fire Management employees who receive at least a met overall expectations overall rating on their employee appraisal report shall receive a one step increase within their pay grade on their pay anniversary date.
- (4) Unclassified employees who receive at least a meets overall expectations evaluation rating on their employee appraisal report shall receive an increase within their salary schedule as determined by their supervisor.

ORDINANCE NO. 051043

For employees considered non-exempt under the FLSA, an increase may be delayed not to exceed 90 calendar days from the pay anniversary date provided the department head furnishes full justification for the action to the concerned employee and the human resources director. Employees considered exempt under FLSA receiving an evaluation rating of failed to meet overall expectations on their annual employee appraisal report will not receive an increase for that year of service. Employees receiving two consecutive overall failed to meet expectations evaluation ratings will be recommended for termination. Salary increases shall take effect at the beginning of the pay period nearest to the pay anniversary date and shall constitute a new pay anniversary date.

(f) *Pay increases for exceptional service.*

- (1) Additional pay increases within the pay grade may be granted to recognize exceptional service rendered by employees considered non-exempt under FLSA and employees in fire management. The department head concerned shall make increases for exceptional service only after written justification and documentation has been provided to the director of human resources.
- (2) Each department shall prepare specific criteria for granting pay increases for exceptional service applicable to the department's work. After completion of the initial probationary period all regular employees covered by the FLSA and employees in fire management are eligible for consideration for a pay increase to recognize exceptional service rendered. A pay increase for exceptional service work shall not constitute a new pay anniversary date for the employee concerned. An employee may receive only one pay increase for exceptional service within the pay grade in any 12-month period from award.
- (3) Pay increases for exceptional service may not exceed five percent of the total average number of regular employees eligible for exceptional services increases assigned to a department in any fiscal year, except that in a department with less than 10 employees covered by the FLSA not more than one exceptional service pay increase may be granted in any fiscal year.
- (4) Department heads shall maintain appropriate records to demonstrate adherence with this subsection (f). Pay increases for exceptional service shall be funded out of existing departmental budgets.

(g) *Payments by other agencies.* In any case in which part of the compensation for services in a position, exclusive of overtime services, is paid by another department or division or an outside agency such as the county, the state or the federal government, or from a different fund or account, any such payments shall be deducted from the compensation of the employee concerned, to the end that the total compensation paid to

ORDINANCE NO. 051043

any employee from all sources combined, for any period, shall not exceed the amount payable at the rate prescribed for the class of position to which the employee is certified and assigned.

(h) *Salary decreases.* A department head may reduce for cause the salary of an employee within the pay grade prescribed for the class. In the case of a permanent employee, notice of intention to effect a reduction in pay and the reasons for such action shall be given to an employee and the director of human resources not less than ten working days prior to the effective date of reduction. A permanent status employee whose salary is reduced shall be entitled to a hearing before the human resources board, in accordance with provisions of section 125 of the Charter.

(i) *Salary rate upon promotion, transfer or demotion.*

(1) *Definition of promotion and demotion.*

A. *Promotion.* When an employee moves from one position to a vacant position having a higher maximum rate.

B. *Demotion.* When an employee moves from one position to a vacant position having a lower maximum rate than the position previously vacated.

(2) In the case of promotion, the rate of pay of the promoted employee shall be increased by 4 percent for each higher pay grade up to a maximum of three grades totaling a 12 percent.

(3) Employees who are within six months of their next pay anniversary date when promoted shall receive a pay increase according to the following:

A. With a one-grade increase, the employee will receive a 6 percent increase.

B. With a two-grade increase, the employee will receive a 10 percent increase.

C. With a three-grade increase, the employee will receive a 14 percent increase.

This shall not apply to employees in F and FME pay grades.

(4) In all cases the new rate of shall be at least the minimum and not more than the maximum of the new pay grade.

(5) In the case of a promotion in which the employee moves from a non-exempt position to an exempt position, the rate of pay of the promoted

ORDINANCE NO. 051043

employee shall be increased by 8 percent. Employees within six months of their next pay anniversary date when promoted shall receive a 10 percent pay increase. In all cases the new rate shall be at least the minimum and not more than the maximum of the new pay grade.

- (6) In the case of transfer, the employees pay rate will remain unchanged at the time of transfer.
- (7) In the case of demotion, the rate of the demoted employee shall be reduced by 4 percent per grade for a maximum of three grades, totaling 12 percent. In all cases, the new rate shall be at least the minimum and not more than the maximum of the new pay grade.
- (8) In the case of demotion in which the employee moves from an exempt position to a non-exempt position, the rate of pay of the demoted employee shall be decreased by eight percent. In all cases, the new rate shall be at least the minimum and not more than the maximum of the new pay grade.
- (9) An employee who is demoted involuntarily shall not be eligible for promotion or a merit increase for a period of one year from the time of demotion.
- (10) *Fire Management:*
 - A. For promotions within fire management, the rate of pay of the promoted employee shall be increased to the minimum of the new range or the next higher step in the new pay grade, whichever is greater. For promotions to fire management, the rate of pay of the promoted employee shall be increased by eight percent.
 - B. For transfers within fire management, the employees pay rate will remain unchanged.
 - C. For demotions within fire management, the rate of pay of the demoted employee shall be moved to the step closest to a four percent decrease for a one grade change, an eight percent decrease for a two grade change, and a twelve percent decrease for a three grade change. For demotions outside of fire management, the rate of pay of the demoted employee shall be decreased by eight percent and then moved to the step closest to an eight percent decrease.
 - D. The new rate shall be at least the minimum and not more than the maximum of the new pay grade.

ORDINANCE NO. 051043

- E. If the salary change does not place the employee on a step, the employee will move to the next higher step except as specifically provided otherwise in this section.

(j) *Salary rate upon promotion, transfer or demotion for employees covered under the Memorandum of Understanding with Local 42 - International Association of Fire Fighters and in the classifications of Field Battalion Chief and Fire Dispatcher III.* In the case of promotion, the rate of pay of the promoted employee shall be increased to the minimum of the new range or the next higher step in the new pay grade, whichever is greater. In the case of transfer, the employees pay rate will remain unchanged. In the case of demotion, the rate of pay for the demoted employee shall be moved to the step closest to a four percent decrease for a one grade change, an eight percent decrease for a two grade change, and a twelve percent decrease for a three grade change.

(k) *Part-time and temporary employment.* Part-time or temporary employees shall be compensated on the basis of the equivalent hourly rate paid for full-time employment and shall be paid for only those hours which they actually work.

(l) *Total remuneration.* Any salary rate established for an officer or employee shall be the total remuneration for the officer or employee, not including reimbursement for official travel. Except as otherwise provided in this article, no officer or employee shall receive pay from the city in addition to the salary authorized under the schedules provided in the pay plan for services rendered by him, either in the discharge of his ordinary duties or any additional duties which may be imposed upon him or which he may undertake or volunteer to perform. Nothing contained in this subsection shall be deemed to prohibit payments to employees pursuant to section 2-981 or payments or awards to employees made pursuant to an approved safety incentive program of the city manager's employee safety board, nor shall there be any prohibition to provide for the eligibility for a top performance executive bonus program or other incentive plans for managers as executed by the city manager.

(m) *Accelerated salary advancements.* An increase in compensation, within the limits provided in the pay grade for a class, may be granted at any time by the city manager after a certification by the human resources director that the accelerated increase is justified on the basis of a need to retain qualified employees in the class. The city manager, in any given fiscal quarter, shall not grant accelerated salary increases which raise annual wages in excess of \$20,000.00, and he shall keep a record of the increases he has granted pursuant to this subsection.

(n) *Incentive programs.* The department director, with the approval of the human resources director, may establish incentive plans for performance and achievement levels. These plans may include monetary awards and salary increases.

(o) *On-Call Pay.* A Department Director, with the approval of the Human Resources Director, may establish an on-call incentive pay plan for situations that require

ORDINANCE NO. 051043

employees to remain fit-for-duty and available to respond to emergency call-in situations in a timely manner for a period of 24 hours, or more.

Section 2. That this ordinance will become effective ten days after its passage.

Approved as to form and legality:

Lana K. Torczon
Assistant City Attorney