CITY OF EL PASO, TEXAS
DEPARTMENT HEAD'S SUMMARY REQUEST FOR COUNCIL ACTION (RCA)

DEPARTMENT: **Human Resources**

AGENDA DATE: **10/26/2010**

CONTACT PERSON/PHONE: **Human Resources Department, Linda Ball Thomas, (915) 541-4509**

DISTRICT(S) AFFECTED: **City Wide**

SUBJECT: **AN ORDINANCE AMENDING ORDINANCE 8064 (CLASSIFICATION AND COMPENSATION PLAN) TO AMEND SECTION 3.4D REGARDING THE DETERMINATION OF THE RATE OF PAY FOR RECLASSIFIED EMPLOYEES.**

APPROVE:

BACKGROUND / DISCUSSION:

Upon approval, the amendments will update Ordinance 8064 (Classification and Compensation Plan)

PRIOR COUNCIL ACTION:

Ordinance 8064 was last amended by City Council on June 1, 2010.

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

Per Civil Service Commission approval on 09/09/2010

**********REQUIRED AUTHORIZATION**********

LEGAL: (if required) JRB **FINANCE:** (if required) _____

OTHER: _____

(Example: if RCA is initiated by Purchasing, client department should sign also)

Information copy to appropriate Deputy City Manager

APPROVED FOR AGENDA:

CITY MANAGER: _____ **DATE:** _____

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE 8064 (CLASSIFICATION AND COMPENSATION PLAN) TO AMEND SECTION 3.4D REGARDING THE DETERMINATION OF THE RATE OF PAY FOR RECLASSIFIED EMPLOYEES.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That Ordinance 8064, the Classification and Compensation Plan, shall be amended as follows as recommended by the Civil Service Commission:

Section 3. COMPENSATION PLAN

3.4 APPLICABLE SALARY RATE UNDER FOLLOWING CONDITIONS:
The following directions are to be observed in fixing the compensation of incumbents of positions under the following conditions:

D) Reclassifications to Higher Classifications. If an employee remains in a position which has been upgraded or reclassified to a higher graded class, the employee's rate of pay will be determined in accordance with the rules and provisions governing competitive reassignment.

2. Any other provisions of Ordinance 8064 relating to job classification or job specifications which conflict with these provisions are hereby rescinded.

3 All ordinances or parts of ordinances pertaining to the Classification and Compensation Plan which are in conflict with this ordinance heretofore issued are hereby repealed.

PASSED AND APPROVED this_____ day of November, 2010.

THE CITY OF EL PASO

_____
John F. Cook
Mayor

ATTEST:

_____
Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:

Elaine S. Hengen
for John R. Batoon
Assistant City Attorney

APPROVED AS TO CONTENT:

Linda Ball Thomas
Human Resources Director

APPROVED BY THE CIVIL SERVICE COMMISSION ON SEPTEMBER 9, 2010.

By: Linda Ball Thomas
Secretary

#59881 v4 - HR/Ordinance/Amend 8064/Classification & Compensation Plan
Document Author: JBAT

TRACK CHANGES FOR ORDINANCE 8064

Section 3. COMPENSATION PLAN

The Compensation Plan consists of the Salary Schedules for General Services, Executive, Professional/Managerial and other positions in the classified service not covered by a collective bargaining agreement. (Amended 08/30/88 and 11/15/05)

The Compensation Plan shall provide pay ranges according to varying levels of responsibilities and duties that enable the City to recruit and retain an effective workforce. It shall establish the value of jobs to the City organization and identify levels of compensation, including the minimums and maximums of the pay structure. Analyses of available wage and survey data shall be used to determine the competitiveness of the City's Compensation Plan in the labor market. Based on these analyses the Human Resources Department will recommend pay schedule adjustments to City Administrators for review and recommendation to City Council. (Amended 11/15/05 and 02/24/09)

3.1 SALARY SCHEDULE

The Human Resources Director or his designee shall create and maintain a document titled Ordinance 8064 Appendix "B" (Salary Schedule) containing the listing of salary range minimums, midpoints and maximums as adopted or established. The Human Resources Director shall maintain an updated Appendix "B" following any range adjustments. (Amended 04/30/96, 11/15/05, 08/28/07 and 02/24/09)

A) The base salaries or rate of pay prescribed in this section are determined on the basis of full-time employment (40 hours per week). A regular workweek schedule of less than the number of hours of full-time employment shall be considered as part-time employment and the compensation, therefore, shall be for the actual number of hours worked at the hourly rate prescribed for the job class. (Amended 11/15/05)

B) The salaries or rates of pay prescribed in this section shall be deemed to include pay for regular full-time service in every form, except pay for the use of personally owned equipment which is required to be furnished by the employee or for reimbursement of necessary expenses authorized and incurred incident to employment. (Amended 11/15/05)

3.2 PROCEDURES FOR ADVANCEMENT WITHIN PAY GRADE

A) Each pay grade has a pay rate and a maximum pay rate. Advancement to the maximum pay rate for the job class shall be as provided in Rule 5, Section 1 of the Civil Service Commission Rules. (Amended 09/15/92, 02/01/94, 11/15/05 and 02/24/09)

B) An employee shall become eligible for advancement in accordance with Rule 5 and the percentage of any increases shall be set in the budget resolution adopted for the fiscal year in which the increase is awarded. (Amended 3/22/88, 09/17/91, 02/01/94, 11/15/05)

3.3 ADMINISTRATION AND MAINTENANCE OF COMPENSATION PLAN

The Human Resources Director shall be responsible for the administration and maintenance of the Compensation Plan. The Plan will include, but shall not be limited to:

the classification and allocation of positions, the processing of salary advances, the determination of starting rates and initiation of necessary revisions of any salary schedules as adopted by City Council on the basis of changes in the relative value of duties and requirements of classes, changes in the prevailing salaries and cost of living, and any other factors that may be properly considered to have a bearing on the fairness and adequacy of the salary schedules. (Amended 11/15/05 and 02/24/09)

A) The Human Resources Director shall make a salary survey as requested by the City Manager. (Amended 11/15/05)

B) Whenever a change or amendment in the Classification and Compensation Plan affecting the arrangement of positions into classes, subdivisions or grades has been reviewed and recommended by the Civil Service Commission, the Human Resources Director shall submit the necessary reports and recommendations to the City Council. Such recommendations shall take effect when approved by the City Council. (Amended 11/15/05)

3.4 APPLICABLE SALARY RATE UNDER FOLLOWING CONDITIONS:
The following directions are to be observed in fixing the compensation of incumbents of positions under the following conditions:

A) Reinstatement from Layoff. When an employee is reinstated to duty in the same classification after separation from the City due to layoff, such employee shall be reinstated to the same pay rate received at the time of separation adjusted for any general increases, if applicable. (Passed 01/25/94, Amended 02/01/94)

B) Reinstatement from Resignation. When an employee is reinstated to duty in the same classification after separation from the City due to resignation and subsequent reinstatement, such employee shall be reinstated at the entry-level pay rate of the classification or at a rate of pay as maybe otherwise authorized by the Civil Service Commission Rules. (Passed 01/25/94, Amended 02/01/94 and 08/28/07)

C) Promotion. When an employee is promoted from one class to a higher class, such employee shall receive a salary increase as provided in the rules of the Civil Service Commission. (Amended 12/19/89, 09/15/92 and 02/24/09)

D) ~~Upgrades and~~ Reclassifications to Higher Classifications. If an employee remains in a position which has been upgraded or reclassified to a higher graded class, the employee's rate of pay will be determined in accordance with the rules and provisions governing competitive reassignment~~promotion~~. (Amended 09/17/91 and 02/24/09)

E) Downgrades and Reclassifications to Lower Classifications. If an employee's rate of pay falls within the new pay range assigned to a position that has been reclassified or downgraded, the employee's salary will be maintained within the new pay range. If the employee's rate of pay is above the highest rate for the new pay range, the employee's

salary will be set in accordance with the Civil Service Commission Rules. (Amended 09/17/91, 11/15/05 and 02/24/09)

F) Demotion or Reassignment to Lower Grade.

1. Non-disciplinary: If an employee is demoted for non-disciplinary reasons, or reassigned to a lower grade pursuant to Rule 4, Section 4, Civil Service Rules and Regulations, and his rate of pay at the time of demotion is within the new pay range, the employee's salary will be maintained within the new pay range. If the employee's rate of pay is above the new pay range, the employee's rate of pay will be reduced to the maximum pay rate for the classification to which demoted or assigned. (Passed 01/25/94) (Amended 02/01/94, 11/15/05, 02/24/09, 8/25/09)

2. Disciplinary: If an employee is demoted for disciplinary reasons, he shall have his salary reduced to a pay rate in the new pay range that is 5% below the rate of pay at the time of demotion provided that the rate of pay is not greater than the maximum pay rate for the classification to which demoted. (Passed 01/25/94, Amended 02/01/94 and 02/24/09)

G) Lateral Transfer or Reclassification to Same Grade. Whenever an employee receives a lateral transfer from one position to a different position with the same pay range, the employee shall continue to receive the same rate of pay as prior to the transfer. (Amended 02/24/09)

H. Competitive Reassignment. If an employee is competitively reassigned to a position in the same or lower pay grade as the position from which he was reassigned, the employee's new pay rate will be determined as follows: (Passed 11/15/05 and Amended 02/24/09)

1. Persons whose rate of pay falls within the assigned pay range of the new position will receive no adjustment in pay. (Amended 02/24/09)

2. Persons whose rate of pay exceeds the assigned pay range of the new position will be reduced to the maximum pay rate within the new range. The pay reduction will be immediate upon appointment to the new position. (Amended 02/24/09)

3.5 COMPENSATION FROM DIFFERENT SOURCES

In any case in which part of the compensation for services, exclusive of overtime services, is paid either by another department or an outside agency such as the County, State or the Federal Government, any such payment shall be deducted from the employee concerned, to the end that the actual compensation paid to any employee from all sources combined, for any period, shall not exceed the amount payable at the rate prescribed for their class. (Amended 02/24/09)

3.6 LONGEVITY PAY

A) Each regular, full-time employee in the classified service, and each regular, full-time employee in the unclassified service who is federally grant funded, and each unclassified Department Head not receiving longevity pay under Section 141.032, Local Government Code, Vernon's Texas Codes Annotated, shall receive on the anniversary date of his original appointment to a regular, full-time position in the City service, an additional monthly sum equal to the amount provided for an employee entitled to receive monthly longevity pay under Section 141.032 cited above unless modified by Collective Bargaining agreement. (Amended 10/20/87, 12/30/91, 11/15/05 and 02/24/09)

B) Where a break in service occurs, other than for reasons of lay off or job abolishment due to reduction in force, longevity credits accrued prior to the break in service shall not be counted for the purpose of this Ordinance in case of subsequent reinstatement or appointment. (Amended 11/15/05)

C) Longevity payments made under this Ordinance will be made on a bi-weekly basis.

3.7 PAY FOR AUTHORIZED USE OF PERSONALLY OWNED VEHICLE/TOOLS

A) If an employee who does not receive an executive vehicle allowance is required in writing by the Department Head and authorized by the City Manager to use his personally owned automobile in the performance of duties of his position, payment for such use shall be on the basis of cents per mile. Payment shall be made at least monthly in accordance with reports and certifications required by Financial Services. A fixed amount may be paid monthly in lieu of the above mileage reimbursement with the approval of the City Manager or his designee. The rate of mileage reimbursement will be established by a resolution approved by the City Council once every year. (Amended 3/15/05, 11/15/05 and 02/24/09)

B) If an employee is required, in writing, by a Department Head to use his personally owned tools in the performance of the duties of his position, payment for the supplying of such tools shall be on the basis of quarterly tool allowances to be paid to the employee. Such allowance is to be used for the replacement of broken and damaged tools and for purchasing new tools to facilitate the performance of the employee's job. The Department Head may request receipts as proof that the employee actually purchased the tools. The rate of the tool allowance to be paid quarterly will be established by a resolution approved by City Council once every year. (Passed 06/07/88, Amended 03/15/05 and 02/24/09)

3.8 PAYMENT OF MONIES DUE IN CASE OF DEATH

A) Any employee may, by written notice filed with the Human Resources Director, designate a person or persons to whom, in case of one's death, payment shall be made of any amounts due for services (including unused vacation credits). The employee may withdraw or change this designation without the consent of the person designated.

B) If no such designation is filed, and if no application has yet been made for the probate of a Will or for administration of the estate, such payment shall be made to the employee's

spouse. If there be no spouse, the amount shall be paid to such of the children as are of lawful age. If there be no such children, the amount shall be paid to the executor or administrator of his estate upon application.

C) Any person receiving payment under Paragraph B of this section, shall sign an agreement to indemnify the City against all claims asserted by others by the making of such payments.

3.9 EXECUTIVE COMPENSATION PLAN

A) The Executive Compensation Plan shall include directors of all departments, assistant directors of all departments and all other positions set forth in Appendix "A". (Amended 11/15/05 and 08/28/07)

B) The salary schedules of the Plan shall consist of salary ranges, with a minimum and maximum for each range in accordance with Appendix "B". Assignment of job classes within the salary schedule shall be approved by the Civil Service Commission with concurrence of City Council. (Amended 11/15/05)

C) The entry salary for any person covered under the Plan shall be determined by the City Manager but normally shall be no greater than the midpoint of the salary range for that job class; however, an applicant or employee may be hired or promoted up to the third quartile of the range in accordance with Rule 5, Section 4, of the Civil Service Commission Rules and Regulations. (Passed 01/25/94, Amended 02/01/94, 3/15/05, 08/28/07 and 02/24/09)

D) Any increase in salary for those employees covered in the Executive Compensation Plan shall be in the percentage set in the budget resolution adopted for the fiscal year in which the increase is awarded and shall be based on the criteria established in Rule 5, Section 1, of the Civil Service Commission Rules. (Amended 09/15/92, 02/01/94 and 11/15/05)

E) Employees in the Executive Compensation Plan shall be evaluated annually on the employee's class entry anniversary date. (Amended 02/01/94 and 02/24/09)

F) All Department Heads, and Assistant Departments Heads covered in the Executive Compensation Plan, shall not at any time receive a base salary less than the base salary received by any subordinate supervised or directed. Salaries for such Department Heads and Assistant Department Heads shall be set at a minimum of 5% over the annual base salary of the subordinates supervised or directed.

3.10 PROFESSIONAL/MANAGERIAL PLAN

A) The Professional/Managerial Plan shall include classes within professional and managerial functions as set forth in Appendix "A". (Amended 11/15/05)

B) The salary schedules of the plan shall consist of salary levels, with minimum and maximum pay rates for each level, in accordance with Appendix "B" attached hereto and incorporated herein. Assignment of classes within the salary schedule shall be approved by the Civil Service Commission with concurrence of City Council. (Amended 11/15/05)

C) The entry salary of any person covered under the plan shall normally be at the minimum of the salary range; however, an applicant or employee may be hired or promoted at a higher salary in accordance with Rule 5, Section 5, of the Civil Service Rules. (Amended 11/01/94 and 02/24/09)

D) Any increases in salary for those employees covered in the Professional/Managerial Plan shall be in the percentage set in the budget resolution adopted for the fiscal year in which the increase is awarded shall be based on the criteria established in Rule 5, Section 5 of the Civil Service Commission Rules. (Amended 09/15/92, 02/01/94, and 11/15/05)

E) Employees in the Professional/Managerial Compensation Plan shall be evaluated annually on the employee's class entry anniversary date. (Amended 02/01/94, 08/28/07 and 02/24/09)

3.11 SHIFT DIFFERENTIAL

A) If an employee is required to work hours at other than the normal daytime hours, he shall be entitled to a shift differential in addition to the regular rate of pay. (Amended 04/10/90 and 02/24/09)

B) Such differential shall be a flat cents per hour amount added to the employee's regular rate:

- ⇒ The evening shift differential shall be 30¢ per hour for all regular hours worked if the employee is required to work at least four hours between the hours of 4 p.m. and 12 midnight. (Amended 11/15/05 and 02/24/09)
- ⇒ The graveyard shift differential shall be 60¢ per hour for all regular hours worked if the employee is required to work at least four hours between the hours of 12 midnight and 8 a.m.(Amended 11/15/05 and 02/24/09)
- ⇒ Employees whose work hours fall into both evening and graveyard shifts shall be paid the shift differential corresponding to the shift on which the majority of hours were worked. If the employee's work shift is divided evenly between the evening and graveyard shifts that is from 8 p.m. to 4 a.m., shift differential for four hours will be paid at 30¢ per hour and four hours at 60¢ per hour. (Amended 11/15/05 and 02/24/09)
- ⇒

C) Shift differential pay will not be paid for hours not worked.

D) Shift differential will not be paid to exempt employees or to seasonal temporary employees, except as may be authorized by the City Manager. (Amended 11/15/05)

E) Shift differential payments made under this section will be made on a bi-weekly basis. The City Council, through the budget resolution or by other appropriate resolution, may establish additional shift differential payments to address temporary recruitment and/or retention issues not adequately addressed in this Ordinance. All recommendations for the establishment of additional shift differential payments shall be made by the City Manager and submitted to the Council for approval. (Amended 02/24/09)

3.12 CERTIFICATION PAY (Passed 02/24/09)

A certification pay program is hereby established and the City Manager is authorized to determine if or when the program will be utilized, and when utilized, when it shall cease. Such determinations shall be based on the availability of funding, the need to incent employees to obtain certifications, and recruitment and/or retention issues. The purpose of certification pay is to provide an incentive to employees to earn certifications, currently administered by the International Code Council (ICC), or other certifying agency, as adopted by the City, not required in current job classification specifications for use in the effective and efficient delivery of core business services. The intention of the certification pay is to provide an incentive to develop the capacity of employees employed at the Development Services Department. Certification pay will be made only to employees who have met the requirements of this section and are allocated to the job classifications in A below. (Passed 02/24/09)

A) Eligibility. Employees in the following job classifications assigned to Development Services Department are eligible to receive certification pay: (Passed 02/24/09)

13320 Civil Engineer Associate
13370 Electrical Engineer Associate
13570 Mechanical Engineering Associate
13815 Engineering Lead Technician
13820 Engineering Senior Technician
13830 Engineering Technician
17130 Chief Building Inspector
17210 Building Inspector Supervisor
17215 Building Combination Inspector Supervisor
17220 Building Inspector
17225 Building Combination Inspector
17230 Electrical Inspector Supervisor
17240 Electrical Inspector
17250 Mechanical & Plumbing Inspector Supervisor
17260 Plumbing Inspector
17270 Mechanical Inspector
17280 Landscape Inspector
17340 Chief Plans Examiner
17343 Senior Plans Examiner
17350 Building Plans Examiner

17360 Mechanical & Plumbing Plans Examiner
17370 Electrical Plans Examiner
17380 Landscape Plans Examiner

B) Submission of Certificate. In order to receive certification pay, the eligibility requirements as set forth in A above must be met and a copy of a current certificate must be submitted to the Human Resources Department and the immediate supervisor. (Passed 02/24/09)

Employees are responsible for monitoring renewal dates and submitting documentation of renewed certifications to the Human Resources Department and the immediate supervisor. (Passed 02/24/09)

C) Payment for Certification. Employees meeting the requirements of A and B above are eligible for a maximum additional 2.5% per hour worked for each active certificate. All such amounts in the section shall be established by the City Manager based on funding made available by the City Council or in such other amount as provided in the budget resolution. The computation for certification pay shall be the employee's hourly base rate of pay. Possession of multiple certificates may be combined up to a maximum of up to 15% of the eligible employee's hourly base rate of pay. If an employee is at the maximum of the pay rate for their classification, certification of pay will be calculated on that maximum hourly amount. Employees occupying classifications that require certification(s) contained in D below are not eligible for certification pay for the required certificate(s). (Passed 02/24/09)

Employees seeking the Residential Combination Inspector (RCI) certification will not be paid up to 5% until all four (4) exams (residential building, mechanical, electrical and plumbing inspector) have been successfully completed and the RCI certification has been obtained and submitted as described in B above. (Passed 02/24/09)

The Commercial Combination Inspector certification will be paid up to 5% per hour worked, computed by the employee's hourly base rate of pay. (Passed 02/24/09)

The effective date of certification pay will begin on the first day of the pay period following the week in which the certificate was submitted to the Human Resources Department following the implementation of certification pay. Certification pay made under this Ordinance will be made on a bi-weekly basis. (Passed 02/24/09)

Employees must notify the Development Services director within two business days if any certification is suspended or revoked. (Passed 02/24/09)

D) Listing of Approved Certificates. The following certifications are the only recognized certificates eligible for payment of certification pay: (Passed 02/24/09)

Commercial Building Inspector
Commercial Electrical Inspector
Commercial Plumbing Inspector
Commercial Mechanical Inspector
Building Plans Examiner
Electrical Plans Inspector
Mechanical Plans Examiner
Plumbing Plans Examiner
Residential Combination Inspector
Residential Plan Review
Commercial Combination Inspector
Accessibility Inspector/Plans Examiner
Commercial Energy Inspector
Residential Energy Inspector/Plans Examiner
Certified Building Official
Fire Inspector I
Fire Inspector II
Fire Plans Examiner
Green Building Technologies

E) Exam Fees. Employees are responsible for paying for the exams and requesting reimbursement. The City will reimburse the cost of exam fees which result in a certification in D above being issued, including residential inspector certification exams required to obtain the Residential Combination Inspector (RCI) certification. (Passed 02/24/09)

F) Renewal Fees. The City will pay the renewal fees for certifications included in D above. The City will pay residential inspector categories renewal fees; however these categories are not eligible for certification pay described in C above. (Passed 02/24/09)