



Legislation Details (With Text)

File #: 2003-0488 **Version:** 2

Type: Ordinance **Status:** Passed

File created: 11/10/2003 **In control:** Budget and Fiscal Management Committee

On agenda: **Final action:** 11/24/2003

Enactment date: 12/10/2003 **Enactment #:** 14801

Title: AN ORDINANCE related to employee classification and compensation; making technical changes; amending Ordinance 12014, Section 17, and K.C.C. 3.12.170, Ordinance 12014, Section 5, as amended, and K.C.C. 3.12.010, Ordinance 12014, Section 50, as amended, and K.C.C. 3.15.020, Ordinance 12014, Section 52, and K.C.C. 3.15.030, Ordinance 1282, Section 5, as amended, and K.C.C. 3.15.040, Ordinance 12014, Section 51, and K.C.C. 3.15.045, Ordinance 14233, Section 5, and K.C.C. 3.15.120, Ordinance 14233, Section 6, and K.C.C. 3.15.130 and Ordinance 14233, Section 7, and K.C.C. 3.15.140, adding new sections to K.C.C. chapter 3.15, recodifying K.C.C. 3.15.045, decodifying K.C.C. 3.15.090 and repealing Ordinance 12077, Section 2, and K.C.C. 3.12.070.

Sponsors: Larry Phillips

Indexes: Budget, Class/Comp, Salaries

Code sections: 3.12.170 -, 3.15 -, 3.15.020 -, 3.15.030 -, 3.15.040 -, 3.15.045 -, 3.15.100 -, 3.15.120 -, 3.15.130 -, 3.15.140 -

Attachments: 1. Ordinance 14801.pdf, 2. 2003-0488 Staff Report 11/20/03, 3. 2003-0488 Staff Report 11-12-03, 4. 2003-0488 Transmittal Letter with Fiscal Note.pdf, 5. Attachment 8-of 11/20/03 Staff Report

Date	Ver.	Action By	Action	Result
11/24/2003	2	Metropolitan King County Council	Hearing Held	
11/24/2003	2	Metropolitan King County Council	Passed	Pass
11/20/2003	1	Budget and Fiscal Management	Amended	Pass
11/20/2003	1	Budget and Fiscal Management	Recommended Do Pass Substitute	Pass
11/12/2003	1	Budget and Fiscal Management	Deferred	
11/10/2003	1	Metropolitan King County Council	Introduced and Referred	

AN ORDINANCE related to employee classification and compensation; making technical changes; amending Ordinance 12014, Section 17, and K.C.C. 3.12.170, Ordinance 12014, Section 5, as amended, and K.C.C. 3.12.010, Ordinance 12014, Section 50, as amended, and K.C.C. 3.15.020, Ordinance 12014, Section 52, and K.C.C. 3.15.030, Ordinance 1282, Section 5, as amended, and K.C.C. 3.15.040, Ordinance 12014, Section 51, and K.C.C. 3.15.045, Ordinance 14233, Section 5, and K.C.C. 3.15.120, Ordinance 14233, Section 6, and K.C.C. 3.15.130 and

Ordinance 14233, Section 7, and K.C.C. 3.15.140, adding new sections to K.C.C. chapter 3.15, recodifying K.C.C. 3.15.045, decodifying K.C.C. 3.15.090 and repealing Ordinance 12077, Section 2, and K.C.C. 3.12.070.

PREAMBLE:

It is the policy of the county to prohibit discrimination in employment on the basis of race, color, creed, religion, national origin, sex, sexual orientation, marital status or the presence of a sensory, mental or physical disability. Consistent with state and federal law, the county does not discriminate between employees by paying wages to an employee in one of the aforementioned groups at a rate less than the rate paid to another employee for equal work on jobs the performance of which requires equal skill, effort and responsibility, and that are performed under similar working conditions, except where the payment is made in accordance with: a collective bargaining agreement; a seniority system; an incentive system; a system which measures earnings by quantity or quality of production; or a differential based on any factor other than status in one of the aforementioned groups.

The incorporation of functions and thousands of employees of the municipality of metropolitan Seattle (Metro) into the county effective on January 1, 1994, required a study of county employee classification and compensation methods to integrate the workforce in a fair manner.

The study has been completed and implemented and county employees are now under the classification and compensation system. K.C.C. 3.12.170 is amended by this ordinance to reflect the completion of this study and the pay rates accomplished through the process.

This ordinance establishes procedures to promote fair and consistent treatment of employee compensation, including cyclical reviews of classifications and adoption of procedures to provide consistency in pay rates for employees with similar jobs, experience and longevity.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Ordinance 12014, Section 17, and K.C.C. 3.12.170 are hereby amended to read as follows:

Equal pay for equal work - policy -- findings. It is the general policy of the county that compensation for all county employees shall be equitably provided on the basis of equal pay for equal work consistent with state and federal law. ~~((A. Findings of fact. 1.))~~ The council finds that federal and state laws against discrimination provide adequate and appropriate remedies for any pay ~~((which))~~ that is unequal on the basis of unlawful discrimination. Consistent with state and federal law, ~~((F))~~the equal pay policy ~~((set forth))~~ in this section is intended to set forth general county policy for equitable pay in county government ~~((for all equal jobs, even as to jobs between which no disparate impact exists upon protected classes))~~. Pay for represented employees is determined ~~((pursuant to))~~ in accordance with the collective bargaining procedures established by law. This section shall not affect the collective bargaining position of the exclusive bargaining representatives of any employee or of the county. This general equal pay policy does not constitute an express or implied contract; it is a general statement of county policy that cannot form the basis of a private right of action.

~~((2. The assumption by the county of rights, powers, functions and obligations of the Municipality of Metropolitan Seattle (METRO) pursuant to Proposition One, effective January 1, 1994, caused thousands of employees of METRO to become county employees in the department of metropolitan services. The county and METRO historically used different methods of determining compensation, and a thorough study of classifications of positions and pay for them is necessary before the effects of equalizing pay can be evaluated.~~

~~3. As a result, the council finds that pending the completion of such study, it is appropriate to not compare pay between classifications of the former department of metropolitan services and those of other county employees or to declare that such pay shall be equal for equal jobs unless a disparate impact on a protected class is shown, requiring remedial action.~~

~~B. Until compensation and classification schedules are adopted to apply to all county employees, this section shall not apply to compensation differences between the classifications listed in Attachment B of~~

~~Proposed Ordinance 12013 and other county classifications.))~~

SECTION 2. Ordinance 12014, Section 5, as amended, and K.C.C. 3.12.010 are hereby amended to read as follows:

Definitions. All words shall have their ordinary and usual meanings except those defined in this section which shall have, in addition, the following meanings. In the event of conflict, the specific definitions set forth in this section shall presumptively, but not conclusively, prevail.

A. "Administrative interns" are employees who are also enrolled full-time during the regular school year in a program of education, internship or apprenticeship. All administrative internships in executive departments shall be approved by the manager. Administrative interns are exempt from the career service under Section 550 of the charter.

B. "Appointing authority" means the county council, the executive, chief officers of executive departments and administrative offices, or division managers having authority to appoint or to remove persons from positions in the county service.

C. "Basis of merit" means the value, excellence or superior quality of an individual's work performance, as determined by a structured process comparing the employee's performance against defined standards and, where possible, the performance of other employees of the same or similar class.

D. "Board" means the county personnel board established by Section 540 of the charter.

E. "Career service employee" means a county employee appointed to a career service position as a result of the selection procedure provided for in this chapter, and who has completed the probationary period.

F. "Career service position" means all positions in the county service except for those which are designated by Section 550 of the charter as follows: All elected officers; the county auditor, the clerk and all other employees of the county council; the county administrative officer; the chief officer of each executive department and administrative office; the members of all boards and commissions; administrative assistants for the executive and one administrative assistant each for the county administrative officer, the county auditor, the

county assessor, the chief officer of each executive department and administrative office and for each board and commission; a chief deputy for the county assessor; one confidential secretary each for the executive, the chief officer of each executive department and administrative office, and for each administrative assistant specified herein; all employees of those officers who are exempted from the provisions of this chapter by the state constitution; persons employed in a professional or scientific capacity to conduct a special inquiry, investigation or examination; part-time and temporary employees; administrative interns; election precinct officials; all persons serving the county without compensation; physicians; surgeons; dentists; medical interns; and student nurses and inmates employed by county hospitals, tuberculosis sanitariums and health departments of the county.

Divisions in executive departments and administrative offices as determined by the county council shall be considered to be executive departments for the purpose of determining the applicability of Section 550 of the charter.

All part-time employees shall be exempted from career service membership except, all part-time employees employed at least half time or more, as defined by ordinance, shall be members of the career service.

G. "Charter" means the King County Charter, as amended.

H. "Child" means a biological, adopted or foster child, a stepchild, a legal ward or a child of an employee standing in loco parentis to the child, who is:

1. Under eighteen years of age; or
2. Eighteen years of age or older and incapable of self care because of a mental or physical disability.

I. "Class" or "classification" means a position or group of positions, established under authority of this chapter, sufficiently similar in respect to the duties, responsibilities and authority thereof, that the same descriptive title may be used to designate each position allocated to the class.

J. "Classification plan" means the arrangement of positions into classifications together with

specifications describing each classification.

K. "Compensatory time" means time off granted with pay in lieu of pay for work performed either on an authorized overtime basis or work performed on a holiday which is normally scheduled as a day off. Such compensatory time shall be granted on the basis of time and one-half.

L. "Competitive employment" means a position established in the county budget and which will require at least twenty-six weeks of service per year as the work schedule established for the position.

M. "Council" means the county council as established by Article 2 of the charter.

N. "County" means ~~((the))~~ King ~~((e))~~County ~~((of King))~~ and any other organization that is legally governed by the county with respect to personnel matters.

O. "Developmental disability" means a developmental disability, as defined in RCW 71A.10.020(2), as amended, attributable to mental retardation, cerebral palsy, epilepsy, autism or other neurological or other condition of an individual found by the secretary of the Washington state ~~((d))~~Department of ~~((s))~~Social and ~~((h))~~Health ~~((s))~~Services, or designee to be closely related to mental retardation or to require treatment similar to that required for individuals with mental retardation, which disability originates before the individual attains age eighteen, which has continued or can be expected to continue indefinitely, and which constitutes a substantial handicap for the individual.

P. "Direct cost" means the cost aggregate of the actual weighted average cost of insured benefits, less any administrative cost therefor. Any payments to part-time and temporary employees under this chapter shall not include any administrative overhead charges applicable to administrative offices and executive departments.

Q. "Director" means the manager of the human resources division.

R. "Division" means the human resources division or its successor agency.

S. "Domestic partners" are two people in a domestic partnership, one of whom is a county employee.

T. "Domestic partnership" is a relationship whereby two people:

1. Have a close personal relationship;

2. Are each other's sole domestic partner and are responsible for each other's common welfare;
3. Share the same regular and permanent residence;
4. Are jointly responsible for basic living expenses which means the cost of basic food, shelter and any other expenses of a domestic partner which are paid at least in part by a program or benefit for which the partner qualified because of the domestic partnership. The individuals need not contribute equally or jointly to the cost of these expenses as long as they agree that both are responsible for the cost;
5. Are not married to anyone;
6. Are each eighteen years of age or older;
7. Are not related by blood closer than would bar marriage in the state of Washington;
8. Were mentally competent to consent to contract when the domestic partnership began.

U. "Employed at least half time or more" means employed in a regular position which has an established work schedule of not less than one-half the number of hours of the full-time positions in the work unit in which the employee is assigned, or when viewed on a calendar year basis, nine hundred ten hours or more in a work unit in which a work week of more than thirty-five but less than forty hours is standard or one thousand forty hours or more in a work unit in which a forty hour work week is standard. If the standard work week hours within a work unit varies (for instance, employees working both thirty five and forty hours), the manager, in consultation with the department, is responsible for determining what hour threshold will apply.

V. "Employee" means any person who is employed in a career service position or exempt position.

W. "Executive" means the county executive, as established by Article 3 of the charter.

X. "Exempt employee" means an employee employed in a position that is not a career service position under Section 550 of the charter. Exempt employees serve at the pleasure of the appointing authority.

Y. "Exempt position" means any position excluded as a career service position by Section 550 of the charter. Exempt positions are positions to which appointment may be made directly without a competitive hiring process.

Z. "Full-time regular employee" means an employee employed in a full-time regular position and, for full-time career service positions, is not serving a probationary period.

AA. "Full-time regular position" means a regular position which has an established work schedule of not less than thirty-five hours per week in those work units in which a thirty-five hour week is standard, or of not less than forty hours per week in those work units in which a forty-hour week is standard.

BB. "Grievance" means an issue raised by an employee relating to the interpretation of rights, benefits, or condition of employment as contained in either the administrative rules or procedures, or both, for the career service.

CC. "Immediate family" means spouse, child, parent, son-in-law, daughter-in-law, grandparent, grandchild, sibling, domestic partner and the child, parent, sibling, grandparent or grandchild of the spouse or domestic partner.

DD. "Incentive increase" means an increase to an employee's base salary within the assigned pay range, based on demonstrated performance.

EE. "Integrated work setting" means a work setting with no more than eight persons with developmental disabilities or with the presence of a sensory, mental or physical handicap as specified in K.C.C. 3.12.180. This definition refers to all county offices, field locations and other work sites at which supported employees work along side employees who are not persons with development disabilities employed in permanent county positions.

FF. "Life-giving and life-saving procedures" means a medically-supervised procedure involving the testing, sampling, or donation of blood, organs, fluids, tissues and other human body components for the purposes of donation without compensation to a person for a medically necessary treatment.

GG. "Manager" means the manager of the human resources division or its successor agency.

HH. "Marital status" means the presence or absence of a marital relationship and includes the status of married, separated, divorced, engaged, widowed, single or cohabiting.

II. "Part-time employee" means an employee employed in a part-time position. Under Section 550 of the charter, part-time employees are not members of the career service.

JJ. "Part-time position" means an other than a regular position in which the part-time employee is employed less than half time, that is less than nine hundred ten hours in a calendar year in a work unit in which a thirty-five hour work week is standard or less than one thousand forty hours in a calendar year in a work unit in which a forty-hour work week is standard, except as provided elsewhere in this chapter. Where the standard work week falls between thirty-five and forty hours, the manager, in consultation with the department, is responsible for determining what hour threshold will apply. Part-time position excludes administrative intern.

KK. "Part-time regular employee" means an employee employed in a part-time regular position and, for part-time career service positions, is not serving a probationary period. Under Section 550 of the charter, such part-time regular employees are members of the career service.

LL. "Part-time regular position" means a regular position in which the part-time regular employee is employed for at least nine hundred ten hours but less than a full-time basis in a calendar year in a work unit in which a thirty-five hour work week is standard or for at least one thousand forty hours but less than a full-time basis in a calendar year in a work unit in which a forty-hour work week is standard. Where the standard work week falls between thirty-five and forty hours, the manager, in consultation with the department, is responsible for determining what hour threshold will apply.

MM. "Pay plan" means a systematic schedule of numbered pay ranges with a minimum, maximum and intermediate steps for each pay range, a schedule of assignment of each classification to a numbered pay range and rules for administration.

NN. "Pay range" means one or more pay rates representing the minimum, maximum and intermediate steps assigned to a classification.

OO. "Pay range adjustment" means the adjustment of the numbered pay range of a classification to another numbered pay range in the schedule based on a classification change, competitive pay data or other

significant factors.

PP. "Personnel guidelines" means only those operational procedures promulgated by the manager necessary to implement personnel policies or requirements previously stipulated by ordinance or the charter. Such personnel guidelines shall be applicable only to employees assigned to executive departments and administrative agencies.

QQ. "Position" means a group of current duties and responsibilities assigned by competent authority requiring the employment of one person.

RR. "Probationary employee" means an employee serving a probationary period in a regular career service. Probationary employees are temporary employees and excluded from career service under Section 550 of the charter.

SS. "Probationary period" means a period of time, as determined by the manager, constituting the final step in the competitive screening process for career service or for promotion from one career service position to another. An appointment to the career service, whether following successful completion of an initial probationary period of county employment or a promotional probationary period, shall not be final unless the employee successfully completes this probationary period.

TT. "Probationary period salary increase" means a within-range salary increase from one step to the next highest step upon satisfactory completion of the probationary period.

UU. "Promotion" means the movement of an employee to a position in a classification having a higher maximum salary.

VV. "Provisional appointment" means an appointment made in the absence of a list of candidates certified as qualified by the manager. Only the manager may authorize a provisional appointment. An appointment to this status is limited to six months.

~~((VV.))~~ WW. "Provisional employee" means an employee serving by provisional appointment in a regular career service. Provisional employees are temporary employees and excluded from career service

under Section 550 of the charter.

((~~WW~~)) XX. "Recruiting step" means the first step of the salary range allocated to a class unless otherwise authorized by the executive.

((~~XX~~)) YY. "Regular position" means a position established in the county budget and identified within a budgetary unit's authorized full time equivalent (FTE) level as set out in the budget detail report.

((~~YY~~)) ZZ. "Salary or pay rate" means an individual dollar amount which is one of the steps in a pay range paid to an employee based on the classification of the position occupied.

((~~ZZ~~)) AAA. "Serious health condition" means an illness or injury, impairment or physical or mental condition that involves one or more of the following:

1. An acute episode that requires more than three consecutive calendar days of incapacity and either multiple treatments by a licensed health care provider or at least one treatment plus follow-up care such as a course of prescription medication; and any subsequent treatment or period of incapacity relating to the same condition;
2. A chronic ailment continuing over an extended period of time that requires periodic visits for treatment by a health care provider and that has the ability to cause either continuous or intermittent episodes of incapacity;
3. In-patient care in a hospital, hospice or residential medical care facility or related out-patient follow-up care;
4. An ailment requiring multiple medical interventions or treatments by a health care provider that, if not provided, would likely result in a period of incapacity for more than three consecutive calendar days;
5. A permanent or long-term ailment for which treatment might not be effective but that requires medical supervision by a health care provider; or
6. Any period of incapacity due to pregnancy or prenatal care.

((~~AAA~~)) BBB. "Temporary employee" means an employee employed in a temporary position and in

addition, includes an employee serving a probationary period or is under provisional appointment. Under Section 550 of the charter, temporary employees shall not be members of the career service.

~~((BBB.))~~ CCC. "Temporary position" means a position which is not a regular position as defined in this chapter and excludes administrative intern. Temporary positions include both term-limited temporary positions as defined in this chapter and short-term (normally less than six months) temporary positions in which a temporary employee works less than nine hundred ten hours in a calendar year in a work unit in which a thirty-five hour work week is standard or less than one thousand forty hours in a calendar year in a work unit in which a forty hour work week is standard, except as provided elsewhere in this chapter. Where the standard work week falls between thirty-five and forty hours, the manager, in consultation with the department, is responsible for determining what hour threshold will apply.

~~((CCC.))~~ DDD. "Term-limited temporary employee" means a temporary employee who is employed in a term-limited temporary position. Term-limited temporary employees are not members of the career service.

Term-limited temporary employees may not be employed in term-limited temporary positions longer than three years beyond the date of hire, except that for grant-funded projects capital improvement projects and information systems technology projects the maximum period may be extended up to five years upon approval of the manager. The manager shall maintain a current list of all term-limited temporary employees by department.

~~((DDD.))~~ EEE. "Term-limited temporary position" means a temporary position with work related to a specific grant, capital improvement project, information systems technology project or other nonroutine, substantial body of work, for a period greater than six months. In determining whether a body of work is appropriate for a term-limited temporary position, the appointing authority will consider the following:

1. Grant-funded projects: These positions will involve projects or activities that are funded by special grants for a specific time or activity. These grants are not regularly available to or their receipt predictable by the county;

2. Information systems technology projects: These positions will be needed to plan and implement new information systems projects for the county. Term-limited temporary positions may not be used for on-going maintenance of systems that have been implemented;

3. Capital improvement projects: These positions will involve the management of major capital improvement projects. Term-limited temporary positions may not be used for on-going management of buildings or facilities once they have been built;

4. Miscellaneous projects: Other significant and substantial bodies of work may be appropriate for term-limited temporary positions. These bodies of work must be either nonroutine projects for the department or related to the initiation or cessation of a county function, project or department;

5. Seasonal positions: These are positions with work for more than six consecutive months, half-time or more, with total hours of at least nine hundred ten in a calendar year in a work unit in which a thirty-five hour work week is standard or at least one thousand forty hours in a calendar year in a work unit in which a forty hour work week is standard, that due to the nature of the work have predictable periods of inactivity exceeding one month. Where the standard work week falls between thirty-five and forty hours, the manager, in consultation with the department, is responsible for determining what hour threshold will apply; and

6. Temporary placement in regular positions: These are positions used to back fill regular positions for six months or more due to a career service employee's absence such as extended leave or assignment on any of the foregoing time-limited projects.

All appointments to term-limited temporary positions will be made by the appointing authority in consultation with the manager before the appointment of term-limited temporary employees.

SECTION 3. Ordinance 12014, Section 50, as amended, and K.C.C. 3.15.020 are hereby amended to read as follows:

Procedures - schedule of pay ranges - salary schedule - within-range pay increases. ~~((The provisions of t))~~ This section ~~((shall be applicable))~~ applies to all positions in the executive branch,

noncommissioned positions in the office of the sheriff and the department of assessments allocated to a classification ~~((assigned a pay range in Ordinance 7996, Sections 3 and 4, as amended, and K.C.C. 3.15.040))~~ approved by the council.

A.1. Except as otherwise provided by ordinance, the schedule of pay ranges shall consist of ninety-nine pay ranges, each containing ten steps as approved ~~((in the annual cost of living ordinance))~~ by ordinance annually.

2. On a continuing three-year cycle, the executive shall assess market conditions and determine whether to make adjustments, if any, to pay ranges assigned to existing classifications.

B. ~~((Employees may receive within-range increases from one step to the next higher step, upon satisfactory completion of the probationary period and annually thereafter as provided in 1. through 3. of this subsection B. The manager shall adopt guidelines and criteria for salary advancement for satisfactory work e))C~~ onsistent with K.C.C. 3.12.350((-)), the manager of the human resources management division shall establish guidelines for pay increases in accordance with the following:

1. Employees may receive within-range increases from one step to the next higher step upon satisfactory completion of the probationary period. All probationary-period ~~((salary))~~ pay increases must be supported by documented performance appraisal. Probationary-period ~~((salary))~~ pay increases exceeding Step 5 must have prior written approvals by the department director and the manager of the human resources management division. In the event of the completion of the probationary period by a division of human resources employee, ~~((in addition to the manager of the human resource division,))~~ the county administrative officer must provide prior written approval for probationary-period ~~((salary))~~ pay increases exceeding Step 5. A written report listing the number of employees who have received probationary increases above Step 5 must be ~~((made semiannually to the council managementrtlch))~~ filed with the clerk of the council for distribution to the chair of the labor, operations and ((customer services)) technology committee or its successor((-)) committee on February 15 and August 15 of each year;

2. ~~((Annual step incentive increases shall be prospective and given on January 1 with prior written approval and justification by the department in which the employee works. The manager of the human resources division shall establish guidelines consistent with this chapter for incentive pay increases.~~

3. Employees are eligible for a step increase on the basis of performance and current step position as authorized in the incentive pay program step increase guidelines, in accordance with the following, as applicable:

a. ~~In recognition of above-standard or exceptional performance, the appointing authority may grant an annual increase exceeding a single step;))~~ Employees may be eligible to receive increases annually in accordance with the following principles:

~~((b.))~~ a. An incentive ((f))increase((s beyond Step 5 must be based upon above-standard performance and)) must be supported by an annual documented performance appraisal approved by the department director, or his or her designee, and the documented performance appraisal must be maintained in the employee's personnel file. Incentive increases shall be prospective only and shall be effective on January 1 following the year on which the appraisal was based;

~~((e. Increases beyond Step 8 must be based upon outstanding performance and must be supported by performance appraisal; or~~

d. ~~Employees receiving incentive increases whose current salary does not coincide with a step on the pay plan shall be advanced to a step on the pay plan which shall be the next higher step after such an incentive increase.~~

e.)) b. For employees currently in Steps 1 through 4 in the pay range, the appointing authority may grant an increase of a single step for standard performance and may grant an increase exceeding a single step for above-standard or outstanding performance, as defined by the manager of the human resources management division;

c. For employees currently in Steps 5 through 7 in the pay range, the appointing authority may grant

an increase of one or more steps for above-standard performance; and

d. For employees currently in Steps 8 through 9 in the pay range, the appointing authority may grant an increase of one step, not to exceed the top of the pay range, for outstanding performance;

~~((C1.))~~ 3. An appointing authority may grant ~~((to))~~ an employee ~~((an increase to a salary))~~ incentive pay up to five percent above the top step of the range for a period of twelve months, if all of the following conditions are met:

a. ~~((F))~~the employee is not a department director;

b. ~~((F))~~the employee ~~((must have))~~ has been at the top step of the prior or current range for ~~((at least two consecutive years))~~ two years before the award of the increase; and

c. ~~((F))~~the employee ~~((must have))~~ has demonstrated continuous outstanding performance ~~((, which must be supported by performance appraisal.))~~;

~~((2. Incentive increases must have prior written approval by the department director, which must be maintained in the employee's personnel file;~~

~~3. Incentive increases above the top step may not exceed five percent.~~

~~4. Incentive increases above the top step will be in effect for twelve months only. Such increases must be justified each year by subsection C.1. through 3. of this section.~~

~~D.))~~ 4. All incentive increases are subject to the availability of funds. Within-range incentive increases are not automatic but shall be given only upon the ~~((affirmative action))~~ written direction of the appointing authority, as defined in K.C.C. 3.12.010B, within the guidelines established by the manager of the human resources management division;

5.a. When the manager of the human resources management division reclassifies a position to a higher classification, the pay rate of the incumbent employee shall be increased to the first step of the pay range of the new classification or the nearest step that constitutes an increase of no more than five percent above the former rate of pay, whichever is greater.

b. A pay increase as a result of reclassification may not exceed the top step of the new range, unless the employee's former pay includes an above-Step-10 amount as a result of an incentive increase. If the employee's former pay includes an above-Step-10 amount as a result of an incentive increase, the employee's new pay is calculated upon the above-Step-10 amount. If the increase from reclassification results in pay that is above the top step of the new range, the pay shall be reduced to the top step of the new range at the end of the incentive period unless the employee requalifies for an above-Step-10 incentive award.

c. Implementation of a reclassification and any related pay change shall be prospective and is effective when the classification is approved by the manager of the human resources management division. The pay increase as a result of reclassification may not exceed five percent above the top step in any case; and

6. When the manager of the human resources management division adjusts the pay range of a classification, the incumbent employee shall be placed at the same step in the new pay range as the employee was in the previous range. Implementation of any pay range adjustment shall be prospective and is effective when approved by the manager of the human resources management division or, if required by K.C.C. 3.15.040, by the labor, operations and technology committee, or its successor committee.

SECTION 4. Ordinance 12014, Section 52, and K.C.C. 3.15.030 are hereby amended to read as follows:

Reclassification((s)) and reassignment of pay ranges. ~~The ((director shall have the responsibility and authority to))~~ manager of the human resources management division may reclassify any position to an existing or new classification and reassign pay ranges to existing classifications. ((In the case of a reclassification, an incumbent employee shall be placed on the first step of the newly assigned pay range or on the step which is the nearest to but not less than five percent more than the incumbent's previous salary, whichever is greater, but not greater than the top step, except for annual incentive increases provided for in this chapter or otherwise provided by ordinance. In the case of a reassignment of a pay range to an existing classification, an incumbent employee shall be placed on the same step of the newly assigned pay range as the previously assigned pay

~~range. Any salary adjustments resulting from said reclassification or pay range reassignment shall not become effective until such time as the executive certifies that sufficient funds are available, within the then existing appropriation of the department within which the position is being reclassified.))~~

SECTION 5. Ordinance 1282, Section 5, as amended, and K.C.C. 3.15.040 are hereby amended to read as follows:

Classification changes. The ~~((personnel))~~ manager of the human resources management division may abolish, amend or create new classifications, except as provided in this section. ~~((provided t))~~The assignment or reassignment of pay ranges to ((said)) a classification or classifications ((shall be)) is subject to ((the provisions of Section)) K.C.C. ((3.15.030 herein, provided further,)) 3.15.020. A request for the creation of any ((appointed)) classification((, position, or reclassification of any appointed position, regardless of pay range)) applicable to regular exempt positions, as defined in K.C.C. 3.12.010, or any pay range adjustments for ((positions)) classifications exceeding range 54 or movements of four or more pay ranges for an existing classification or any pay range adjustment affecting two or more classifications in a classification series, shall be ((confirmed by the Administration and Justice Committee prior to)) filed with the clerk of the council for distribution to the chair of the labor, operations and technology committee, or its successor committee, and confirmed by the committee before implementation.

SECTION 6. K.C.C. 3.15.045, as amended by this ordinance, should be recodified as K.C.C. 3.15.025.

SECTION 7. Ordinance 12014, Section 51, and K.C.C. 3.15.045 are each hereby amended to read as follows:

Classification ~~((of positions))~~ plan.

A. The ~~((director))~~ manager of the human resources management division shall develop and maintain a classification plan for all positions within the career service ~~((which))~~ system. The plan shall provide that all positions ~~((which))~~ that are substantially similar ~~((and comparable))~~ as to kind, difficulty~~((,))~~ and responsibility of work are included in the same ~~((class))~~ classification.

B. The classification plan (~~((shall))~~) should set forth for each career service (~~((class))~~) classification a title, a definition, distinguishing characteristics, representative examples of work(~~((;))~~) and the knowledge and skills necessary to perform the work.

C. The (~~((director shall periodically))~~) manager of the human resources management division should, on a continuing three-year cycle, review the classification plan, and may add, combine, abolish(~~((;))~~) or revise the specifications or establish new (~~((classes))~~) classifications, as provided in K.C.C. 3.12.040.

D. Whenever reorganization, change in job content or council action causes the duties of a position to change, or (~~((such))~~) a position appears to have been incorrectly classified, the (~~((director))~~) manager of the human resources management division may reclassify the position to a more appropriate classification (~~((after conferring with the appointing authority and employee involved and reviewing recommendations and suggestions))~~).

SECTION 8. K.C.C. 3.15.090 should be decodified.

SECTION 9. Ordinance 14233, Section 5, and K.C.C. 3.15.120 are hereby amended to read as follows:

((Salary)) Pay on initial employment.

A.1. New county employees shall (~~((normally))~~) start at the first step of the (~~((salary))~~) pay range. If necessary for recruitment, however, (~~((the))~~) a department director (~~((on occasion))~~) may authorize an offer of a higher (~~((salary))~~) pay step (~~((in order to attract an exceptionally qualified candidate. In the event that a department director determines it is necessary to hire above the first step, a copy of te appointment letter, together with a statement of the reason for hiring above the first step, must be provided to the manager of the human resources division at the time of hire. The following are criteria, one of which must be met, in order to hire above the first step:~~

1. ~~The candidate's education and experience are significantly above the minimum requirements for the position;~~

2. ~~The candidate has an especially desirable skill, talent, knowledge or ability;~~

3. ~~The candidate has a current salary that is above the first step of the of the salary range; or~~
4. ~~he candidate has a competing written, formal offer of employment that is above the first step of the salary range)).~~

2. At least one of the following criteria must be met to hire an employee above the first step:

a. The candidate's education and experience are significantly above the minimum requirements for the position;

b. The candidate has an especially desirable skill, talent, knowledge or ability;

c. The candidate has a current salary that is above the first step of the of the salary range; or

d. The candidate has a competing written, formal offer of employment that is above the first step of the salary range.

3. If a department director determines it is necessary to hire an employee above the first step, a copy of the appointment letter, together with a statement of the reason for hiring the employee above the first step, must be provided to the manager of the human resources management division at the time of hire.

B. The county administrative officer (~~((or his or her designee then))~~) may (~~((give approval to hire))~~) approve the hiring of an ((applicant)) employee above Step 5. In such cases, the county administrative officer (~~((or his or her designee))~~) must issue prior written approval to the department director and send a copy of the written notification to the executive.

C. The executive shall report in writing (~~((on a semiannual basis to the council's management,))~~) filed with the clerk of the council for distribution to the chair of the labor, operations and ((customer services)) technology committee, or its successor committee, on the number of instances ((where persons)) when employees are hired above Step 5 on February 15 and August 15 of each year.

SECTION 10. Ordinance 14233, Section 6, and K.C.C. 3.15.130 are each hereby amended to read as follows:

((Salary)) Pay on promotion.

A.1. ~~((If an appointing authority promotes an employee, the employee must be placed the greater of:~~

~~a. step 1 of the new salary range; or~~

~~b. the step that constitutes a two-step increase or approximately five percent above the former rate of~~

~~pay.~~

~~2. A promotional salary increase may not exceed the top step of the new range, except if the former salary step includes an above-Step-10 amount as a result of an incentive increase. If the former salary step includes an above-Step-10 amount as a result of an incentive increase, the employee's new salary is based upon the above-Step-10 amount. If the promotional increase results in a salary that is above the top step of the new range, the salary shall be reduced to the top step at the end of the merit period unless the employee requalifies for an above-Step-10 merit award. The promotional salary increase may not exceed five percent above the top step in any case.))~~ A pay increase as a result of reclassification may not exceed the top step of the new range, unless the employee's former pay includes an above-Step-10 amount as a result of an incentive increase. If the employee's former pay includes an above-Step-10 amount as a result of an incentive increase, the employee's new pay is calculated upon the above-Step-10 amount. If the increase from reclassification results in pay that is above the top step of the new range, the pay shall be reduced to the top step of the new range at the end of the incentive period unless the employee requalifies for an above-Step-10 incentive award.

2. Implementation of a reclassification and any related pay change shall be prospective and is effective when the classification is approved by the manager of the human resources management division. The pay increase as a result of reclassification may not exceed five percent above the top step in any case.

B. If a promotion results from something other than a reclassification, the promoted employee may be placed at a higher step in the ~~((salary))~~ pay range when the department director determines this action is warranted, if the criteria and procedures in ~~((section 5 of this ordinance))~~ K.C.C. 3.15.120 are met and if funds are available in the agency.

SECTION 11. Ordinance 14233, Section 7, and K.C.C. 3.15.140 are hereby amended to read as

follows:

Assignment to special duty.

A. An appointing authority, with the prior written approval of the department director and the manager of the human resources management division, or his or her designee, may temporarily assign an employee to ((~~special duty under either of the following conditions:~~

1. ~~Temporarily assigning the work of)) an existing higher-level classification ((to the employee. This work must)) when the higher-level duties and responsibilities comprise the majority of the work performed((;)).~~
((or

2. The employee is designated as a lead worker, if both of the following conditions exist:

a. ~~There is a need for limited supervisory authority to perform certain duties, for example, to assign and distribute work or to maintain a balanced workload among employees who are in the same classification or a classification that has the same salary range. Such an assignment does not preclude lower level positions from being in the work group being led and does not preclude employees in lower level job classifications from serving as the lead for a work group in which there are employees in higher level positions; and~~

b. ~~The duties listed in subsection A.2.a. of this section do not justify reclassifying the position.~~

~~B. An appointing authority may assign an employee to))~~ B. The maximum period of special duty ((for a maximum of)) is six months, except as provided in this section.

1. A special duty assignment may be extended to a maximum of twelve months if authorized in advance in writing by the department director ((~~prior to~~)) and the manager of the human resources management division before the expiration of the initial six-month period((~~Special duty assignments may be extended for a total of eighteen months if authorized in advance in writing by the department director and the manager of the human resources division prior to the expiration of the one-year period~~)).

2. Any further extensions must be authorized in writing in advance by the department director and the county administrative officer ((~~or his or her designee,~~)) based upon a specific determination that a special duty

assignment continues to meet the requirements stated in this chapter and that a position reclassification is not appropriate. Such cases shall only include back-filling for a regular position ~~((where))~~ when: (a) an incumbent employee is absent because of an extended leave of absence for a medical disability, as required under reasonable accommodation provisions of applicable state or federal law((;)); (b) it is military reserve duty; or (c) it is the performance of a project ((where)) when a higher level of work has a definite termination date. ~~((Extensions beyond eighteen months are limited to a maximum of six months and must be authorized only by the county administrative officer.))~~ Special duty assignments may not exceed two years in duration.

C. A special duty assignment must be made in writing to the employee before the beginning of the assignment. The written notice must provide the classification title and description and must list the specific duties that the employee is to perform and the duration of the assignment. ~~((It))~~ The written notice must also include a statement that the assignment will not confer on the employee any new privilege, right of appeal, right of position, transfer, demotion, promotion or reinstatement. A special duty assignment may be revoked at any time at the discretion of the appointing authority. Special duty pay may not be assigned retroactively.

D. ~~((An employee who is assigned to special duty based upon lead worker responsibilities must receive an increase to a salary step that most closely approximates a five percent increase within the employee's current salary range. If the special duty assignment involves working in a higher job classification, t))~~ The special duty increase shall be to the first step of the ((salary)) pay range of the existing higher-level job classification or to a ((salary)) pay step in the existing higher classification that ((most closely approximates five percent over the employee's current rate of pay)) provides an increase of no more than five percent above the former rate of pay, whichever is greater.

E. Special duty compensation may not exceed the top step of the new range ~~((except in the following two situations:~~

- ~~1. For a lead worker assignment where compensation may exceed the maximum of the pay range by no more than five percent; or~~

2. ~~Where~~) if the employee was receiving above-Step-10 ~~((merit))~~ incentive pay~~((;))~~. In those instances, the pay may exceed the maximum of the new ~~((salary))~~ pay range by no more than five percent and ~~((it))~~ shall continue only as long as the ~~((merit))~~ incentive pay would have remained in effect.

F. When the special duty assignment is completed, the employee's ~~((salary))~~ pay shall revert to the ~~((salary))~~ pay rate ~~((at which))~~ the employee would have ~~((been))~~ received if the employee had not been assigned to special duty.

G. Special duty pay ~~((may not be awarded retroactively))~~ shall not be considered part of an employee's base pay rate for purposes of placement within a salary range as a result of promotion or reclassification.

NEW SECTION. SECTION 12. There is hereby added to K.C.C. chapter 3.15 a new section to read as follows:

Chapter not a contract. This chapter does not constitute an express or implied contract. It is a general statement of county policy that cannot form the basis of a private right of action.

SECTION 13. Ordinance 12077, Section 2, and K.C.C. 3.12.070 are hereby repealed.