

RESOLUTION NO. 2985

A RESOLUTION OF THE CITY OF SALISBURY TO AMEND THE DISCLAIMER AND CHAPTER 3 OF THE EMPLOYEE HANDBOOK TO UPDATE THE EMPLOYEE HANDBOOK.

WHEREAS, the City of Salisbury has an Employee Handbook; and

WHEREAS, the Mayor's Office and the Human Resources Department have reviewed the Employee Handbook; and

WHEREAS, the Mayor's Office and the Human Resources Department recommend updating the Employee Handbook; and

WHEREAS, the City of Salisbury desires to amend the Employee Handbook in segments; and

WHEREAS, the City of Salisbury will amend the rest of the Employee Handbooks in future resolutions; and

WHEREAS, the recommended changes have been approved by the Mayor and reviewed by the City Council.

NOW, THEREFORE, BE IT RESOLVED by the City of Salisbury, Maryland that the Disclaimer of the Employee Handbook is amended as follows:

Chapter 3

WAGES AND HOURS

0301 Wages and Increases

The City's pay system and working schedules must ~~fit~~**comply with** the fiscal and service requirements of the City. These guidelines are largely determined by the City Budget. City tax-payers expect and require that in all matters, including our pay system, we stay within our budget. As a City employee, you share in the commitment and responsibility to our tax-paying citizens.

All wage determinations are subject to the City's budgetary process and are conditioned upon prior budgetary approval. Any wage increases described in this Chapter 3 are only available if approved as part of the City's budget.

0302 How Our Pay System Works

A. Pay and Classification– Each City job is assigned a pay grade according to such factors as: job complexity; education/experience required; scope and impact; supervision received;

supervisory duties; working relationships; working environment; and physical demands. Within each paygrade there is a minimum and a maximum compensation level and, a total of thirty pay steps which include the minimum and maximum. The minimum pay step represents the lowest amount that the City feels should be paid to any employee performing a job within that pay grade. The maximum pay step represents the highest amount that the City feels should be paid to any employee performing a job within that pay grade. All employees will be assigned to one of the listed pay steps in the pay grade.

- B. In most cases, a new employee begins employment at the minimum pay step of the pay grade for the job for which they were hired. Progression from the minimum pay step, through the pay range, is based on the annual step increase approved through the budget approval process and the employee's performance evaluation. An employee must have six months of service with the City before June 30 to be eligible for the annual step increase.* An ~~E~~employee's annual increase may be withheld due to the need to be reevaluated for receiving an overall less than ~~S~~satisfactory ~~A~~Annual or New Employee Probation Period Performance ~~R~~rating. Upon receiving a reevaluation where all areas are now rated at ~~S~~satisfactory, the employee will receive the increase effective on the first full pay period ~~following the completion of the rating period or the corresponding number of weeks after~~ ~~in October~~the annual increase is provided. The annual increase will not be retroactive. If all areas of the evaluation are not brought up to a satisfactory rating after the 90-day performance probation period, the employee forfeits the annual increase for that fiscal year and may be recommended for further performance probation or dismissal.

***Certified Police Officers and Fire Fighter/EMT/Paramedics must be off of initial probation to be considered for an annual increase. Increase will be applied upon completion of probation and will be effective on the first day of the next payroll period and will include the applicable step increase.**

Example 1: Employee A received an overall rating of less than satisfactory in February. This employee was then placed on performance probation for 90 days to bring those areas of the evaluation up to ~~S~~satisfactory. At the end of the 90-day probation period, all areas have been brought up to a ~~S~~satisfactory ~~R~~rating. This employee would not receive their annual raise until the first full pay period of October because of the 90-day Performance Probation Period, even though the probation period occurred earlier in the calendar year.

Example 2: Employee B received an overall rating of less than satisfactory in December and was placed on Performance Probation for 90 days. Following the 90-day probation period, all but two areas of the evaluation had been brought up to a satisfactory rating. This employee forfeits the annual increase and based on the inability to improve all areas of the performance may be recommended for further Performance Probation or dismissal.

- C. Annual Increases will take place in the first full pay period of July. This increase will be a minimum one step increase and will be applicable to all Regular Full Time ~~E~~employees. All employees will be notified of the increase prior to the effective date. Part Time employees' pay rates will be reviewed and calculated as an hourly rate. Generally, Part Time employees are not

eligible for the annual increase.

- D. Salary Scales will be evaluated ~~for Cost of Living Adjustments~~ **based on Market Adjustments** every few years to determine if the scale itself requires adjustment. Employees' **salaries will not be** will not be moved to meet the scale adjustment unless they are below the **market** minimum.
- E. Positions which require reclassification due to a change in the scope of work, the complexity, increased skill level, education, or market concerns require the Department Director to request the reclassification through the Human Resources Department. Once the evaluation is performed, Department Directors will receive a recommendation for the reclassification which should then be included in their Essential Items during the next fiscal budget process. **All reclassification requests should be completed prior to December 31 annually in order to be included in the upcoming budget for Essential Items.**
- F. Market Adjustments to a position may be made with the written approval of the Mayor on a case by case basis provided the evidence for requesting the adjustment is supported by verifiable documentation. This documentation must be reviewed by the Human Resources Director prior to presentation to the Mayor. This should include surveyed rates from private and public sector employers in our labor market for a similar position. A recommendation will be made to the Mayor based on an analysis of the current position and the salary survey information by the Human Resources Department.

0303 Pay for Newly Hired Employees

New employees should be ~~appointed~~ **hired at within** the minimum **window (first five steps)** of the salary grade to which their classification is assigned. Upon the approval of the Mayor, a new employee may be ~~appointed~~ **hired** at a pay step above the minimum **window** based on the following factors:

1. Inability to hire qualified applicants at the minimum appointed pay step; or
2. A shortage of qualified applicants for the particular position; or
3. Experience that exceeds the minimum qualifications for the position.

Such justification must be put in writing enumerating the reasons based on the above mentioned factors and approved by the Mayor before the offer of employment is made. This documentation must be provided by the Department Director and reviewed by the Human Resources Department prior to presentation to the Mayor.

0304 Pay Upon Promotion

- A. The City encourages current City employees to apply for vacant City positions for which they are qualified. Promotions and transfers are based on the ~~d~~Department **Director's** ~~head's~~ recommendations, work force requirements, performance evaluations, job descriptions and related City requirements.
- B. There are two categories of promotions:

1. Progression because of defined time in grade and/or education, or meeting Career Ladder requirements.
 2. Advancement to a higher grade to assume new job duties and responsibilities.
- C. The salary of a promoted employee shall be set at the lowest step in the pay grade established for the classification to which he is promoted, which represents at least a four percent (4%) increase if the promotion is because of defined time in grade and/or education, and/or certification. If the promotion is because of advancement to assume new job duties, the salary will be set at the lowest step in the pay grade that represents at least an 8% increase for a one grade increase or 12% for a two or more grade increase. (This section is not applicable to certified Police Officers and Fire Fighters/EMT/Paramedics, who must follow their departmental promotional policy and advance through their own salary scale, which does not provide for an automatic percentage, but rather the same step in the new grade.)

0305 Pay Upon Demotion

- A. If an employee applies for or requests to be placed in a job classification that moves the employee to a lower grade level, the employee will be placed in the step of the pay grade which represents the step that the employee would have achieved in the position had he been employed in that position continuously. ~~Non-disciplinary – An employee being demoted reassigned for non-disciplinary reasons shall be placed in the pay grade established for the classification to which he is demoted assigned and shall receive the pay step he would have achieved in the lower position if he had been employed in that position continuously.~~
- B. Disciplinary Demotion - An employee being demoted for disciplinary reasons shall be placed in the pay grade established for the classification to which he is demoted and shall be assigned to the highest pay step in that pay grade which represents at least an 8% decrease in pay for a one grade decrease or 12% for a two or more grade decrease.

0306 Pay Upon Lateral Transfer

The pay rate of an employee, who transfers from a position or classification within one pay grade to another position or classification within the same pay grade, shall not be affected by the transfer. Exceptions to this policy may be granted by the Mayor upon the recommendation of the ~~d~~Department head~~Director.~~

0307 Pay Upon Reclassification

- A. If the position held by an employee is reclassified to a classification assigned to a higher pay grade, the employee's pay shall be changed in the same way as if the employee had been promoted.
- B. If the position held by an employee is reclassified to a different classification, but without a change in pay grade, the employee's pay rate will remain the same.

If the position held by an employee is reclassified to a classification assigned to a lower pay grade, the employee's pay shall be changed in the same way as if the employee had been demoted for non-disciplinary reasons. placed on the step in the lower scale which does not go below their current rate.

0308 Pay for Serving in an Acting Capacity

- A. An employee, who is assigned the duties and responsibilities of another position, which is assigned to a higher pay grade, on an acting basis, ~~and who acts in this capacity for more than thirty (30) consecutive days,~~ shall receive a temporary increase in pay. This increase in pay shall be effective upon the first day of the next full pay period after they assume the position. ~~thirty first (31) calendar day in which the employee serves in such acting capacity,~~ and shall continue until the employee is relieved of this additional assignment.
- B. The increase in pay for such additional assignment shall be the higher of either the minimum pay rate of the new range, or the lowest pay step, which will provide at least an 8% increase, if the assignment represented an increase of one pay grade, or an increase of at least 12% if the assignment represented an increase of two or more pay grades. **** This is not applicable to Certified Police Officers and Fire Fighter/EMT/Paramedic. They must follow their own salary scale as developed to move to the appropriate grade and at the appropriate step.***
- C. ~~Upon the approval of the Mayor, an employee, who is assigned to work in an acting capacity, may receive a temporary increase in pay earlier than thirty days. Any department head desiring to increase the pay of an employee serving in an acting capacity earlier than the thirty first day shall submit a written explanation to the Mayor enumerating the reasons for the recommendation. The term of the employee being assigned in an acting capacity shall not be for more than a period of six months without the advice and consent of the City Council~~ written approval of the Mayor. *(This contradicts the Charter for the appointment of Department Directors)*

0309 Compensatory Time Nonexempt Employees

- A. Policy Statement – The City of Salisbury provides compensation in the form of time off or cash payment for employees required to work in excess of their normal workweek.
- B. Overview
1. Overtime must be authorized by the employee's supervisor before the overtime is worked. Employees may be paid for overtime hours, or if approved by their supervisor, may receive compensatory time in accordance with this policy.
 2. Overtime hours are calculated based on hours worked during a nonexempt employee's designated workweek. Hours worked up to forty (40) hours in a single workweek accrue ~~overtime pay or compensatory time~~ on an hour for hour basis. Hours worked in excess of 40 hours per week accrue overtime pay ~~or compensatory time~~ at a rate of 1 ½ hours of pay or compensatory time for each hour of overtime. Hours worked means actual work done by the employee. For example, hours taken for sick leave, vacation, holidays, personal leave or other paid or unpaid absences do not

count toward the 40 hours per week. Police, Fire and EMS employees will be eligible for the time and a half rate according to department workweek regulations.

3. Meal time is excluded from the overtime calculation, provided that the employee is not required to perform any duties during the meal period.
4. Take home work is not permitted unless there is a signed telework agreement on file for the position.
5. When an employee travels outside of the area for work, transit time (excluding meal times) ~~on an employee's time~~ will be eligible for compensatory time. Also travel time in the area is included in computing hours of work if the employee travels during regular work hours, travels from one worksite to another, or is called out after work hours in emergency situations.

C. Accrual

1. Employees are encouraged to take their compensatory time within 30 days.
2. Compensatory time should be used before ~~vacation~~ annual leave time unless annual leave time is at risk of being lost when near the end of the fiscal year.
3. When an employee has accumulated 80 hours of compensatory time, the employee must schedule a meeting with the employee's supervisor to discuss how the compensatory time balance can be drawn down.
4. When an employee has accumulated ~~120~~ 160 hours, the employee cannot earn any additional compensatory time and must be paid for all overtime exceeding ~~120~~ 160 hours.
5. The City reserves the right at any time to pay an employee for overtime in lieu of accruing or accrued compensatory time.

D. Payment

1. Compensatory time must be paid out upon cessation of employment or retirement.
2. Compensatory time generally is payable at the employee's rate in effect at the time the employee is being paid for compensatory time. An employee who is paid for compensatory time upon cessation of employment or retirement, shall be paid the greater of (i) the average regular rate received by such employee during the last three years of employment, or (ii) the final regular rate received by such employee.
3. Compensatory time must be paid out when an employee moves from a nonexempt job to an exempt job at the rate last paid to the employee for the non-exempt position.

E. Not Transferable Non-Convertible

Compensatory time may not be converted to any other type of leave ~~or transferred to any other position within The City of Salisbury.~~

F. Transition Provision

~~Upon adoption an employee will have 180 calendar days to bring their Compensatory Time accounts into compliance with these new rules if they exceed the new limits.~~

0310 Compensatory Time Exempt Employees

A. Policy Statement

The City of Salisbury wishes to recognize that in some situations, City of Salisbury employees who are exempt from the overtime provisions of the federal Fair Labor Standards Act and equivalent Maryland law (collectively referred to herein as "FLSA exempt") may be required to work significantly longer ~~work hours or work weeks~~ than ~~are~~ normally ~~are~~ required. This policy is designed to treat such situations equitably and to recognize the work, commitment and dedication of employees who put in those extended hours. This policy applies to all City of Salisbury employees designated as FLSA exempt and is the only compensatory time policy applicable to these employees.

B. Purpose of Compensatory Time

Full-time FLSA exempt employees generally are expected to work at least thirty-five (35) or forty (40) hours each week, depending on their schedule, and as many hours as necessary to complete their jobs. This policy does not change these expectations. It does, however, recognize the existence of unusual circumstances in which the workload of particular City of Salisbury exempt employees may be especially burdensome. Examples of these circumstances might include but are not limited to:

1. Temporary high priority project assignments with mandatory deadlines,
2. Overload work performed while vacancies in a department are being filled,
3. High volume of service calls, or
4. Work required in meeting work deadlines related to the administrative cycle.

5. Employees become eligible for compensatory time in these situations only when they are unable to fulfill the tasks within normal business hours.

C. How Earned

Compensatory time is granted on an hour-for-hour basis. There is no provision for earning time and a half for hours exceeding the work-week. Time will be earned and usable in 15 minute increments. Compensatory time is earned only with prior approval from the Department Head Director or his designee. Both the employee and the supervisor shall discuss in advance the need for unusually long work hours in a workweek for which compensatory time might be appropriate. When compensatory time is to be accrued based on discussions described above, all documented hours worked beyond thirty- five (35) or forty (40) in a workweek, depending on their schedule, shall be granted as compensatory time. Work taken home will not be eligible for Compensatory time. For travel outside the area, transit time (excluding meal times) on an employee's time will be eligible for Compensatory time as will travel time inside the area when during regular work hours; travel from one worksite to another, and if called out after work hours in emergency situations.

D. How Used

1. Employees must obtain prior approval from their supervisor in order to use Compensatory time. Compensatory time should be taken before ~~vacation~~ annual leave time is taken, unless annual leave time is at risk of being lost when near the end of the fiscal year.

2. Employees are encouraged to take Compensatory time within the following 30 days. When 80 hours of Compensatory time are accumulated, the supervisor must schedule a conference to schedule draw down of the Compensatory time with the employee. Compensatory time accumulated in excess of **160** hours must be taken within 30 days. At retirement any accumulated Compensatory time will be either taken or paid out on the same basis as accumulated sick leave at the option of the employee **which is a maximum of 25% of the accrued compensatory time. Nothing over 160 hours will be considered in this computation.**

~~Not Transferable~~**Non-Convertible** Compensatory time may not be converted to any other type of leave or transferred to any other position within The City of Salisbury.

E. Records

Compensatory time will be authorized in writing. If the need for compensatory time is due to an emergency, then the authorization will be as soon as practical after the event requiring the compensatory time. The employee's record of accumulated compensatory time will be kept on the City's payroll system by each department's payroll clerk. The amount of accumulated compensatory time, annual leave, and sick leave will be shown on the employee's bi-weekly pay summary.

F. Separation

Upon cessation of employment prior to retirement or eligibility for retirement, there is no payout of compensatory time, and any remaining compensatory time is lost.

G. Executive Compensation Time

Department Heads **Directors, Deputy City Administrators**, and the City Administrator are also eligible to accumulate Compensatory time in the same manner as other exempt employees with the following exceptions:

1. This time is earned and usable in full one hour increments.
2. The accumulated Compensatory time will be kept by the executive and reported to the Mayor (in the case of the City Clerk accumulated Compensatory Time will be reported to the City Council President) every June 30th and December 31st.

H. ~~Transition Provision~~


~~Upon adoption an employee will have 180 calendar days to bring their Compensatory Time accounts into compliance with these new rules if they exceed the new limits.~~

Underlined and Bold indicate additions


~~Strikethrough~~ indicate deletions

THE ABOVE RESOLUTION was introduced and read and passed at the regular meeting of the City of Salisbury held on the 13th day of January 2020, and is to become effective immediately upon adoption.

ATTEST:



Kimberly R. Nichols, City Clerk



John R. Heath, President
Salisbury City Council

APPROVED BY ME THIS 21st day of JANUARY, 2020.



Jacob R. Day, Mayor



City of
Salisbury
Jacob R. Day, Mayor

DATE: December 11, 2019

TO: Julia Glanz, City Administrator

FROM: Jeanne Loyd, Director of Human Resources

SUBJ: Employee Handbook

Please find attached a copy of a Resolution to effect changes identified in the City Employee Handbook which include Chapter 3.

Changes include exclusions from the standard pay system for both Police and Fire sworn staff. These changes are based on the two separate pay scales and their development two years ago. This excludes automatic 8 and 12 percent increases for promotions and provides that they follow the rules established for their specific pay scales which is based on service and merit.

This section also clarifies pay in order for an employee to take a lower grade position by the employee's request from where they are currently. This further explains the various ways that an employee will be paid when moved to a lower grade level if for disciplinary reasons or by reorganization.

The City is requesting the removal of the 30 day waiting period to pay individuals that are placed in an acting role to assume a higher level of responsibility for a temporary period of time and to remove the need for advice and consent from the City Council regarding the time period allowed for this acting period.

The City would like to increase the comp time maximum from 120 hours to 160 hours to avoid the common issues faced annually regarding the approval of carrying over additional time. This is also done to be more aligned with what our State and Federal competitors are currently doing regarding the issue of compensatory time. We are also looking to allow employees when moving to a different department to take their comp time with them rather than be paid out at the time of the move.