



Legislation Text

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[COMMITTEE SUBSTITUTE FOR] ORDINANCE NO. 230953

Sponsor: Director of the Human Resources Department

Amending Chapter 2 of the Code of Ordinances of the Kansas City, Missouri, Classification and Compensation Plan, by repealing Section 2-1086 and enacting in lieu thereof a section of like number and subject matter to amend the process for hiring above the minimum and determining promotional rates of pay; and amending Committee Substitute for Ordinance No. 230058 by repealing and replacing Section 1 for the purpose of clarifying that paid parental leave remains at twelve continuous weeks.

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section A. That Chapter 2, Code of Ordinances, entitled “Administration,” relating to the Classification and Compensation Plan, is hereby amended by repealing Section 2 2-1086 and enacting in lieu thereof a new section of like number and subject matter, to read as follows.

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

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

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

(c) *Minimum and maximum rates.* Under each salary schedule there is set forth a minimum and maximum salary rate. Advancement to the maximum rate for the class shall be made on the basis of an annual evaluation report and efficiency. However, the director of human resources has the authority to approve pay bands within a pay range as requested by directors that have department specific job classifications. The director of human resources shall set the minimum and maximum salary rate of each pay band. Movement between the pay bands will be based on meeting the specific departmental criteria.

(d) *Beginning salary.* Original appointment above the minimum salary rate for a class may be made upon the approval of the department director and must be requested, reviewed, and approved by the director of human resources prior to the job offer, subject to the following conditions:

- (1) The applicant must exceed the educational and experience requirements for the position as set out in the official class specifications.
- (2) The department is responsible for ensuring internal equity within that job class and among other relevant job classes and complying with applicable employment laws.
- (3) If the applicant, chosen by the department director, cannot be hired in the lower fifty percent of the pay range for a class, the department director shall refer the applicant to the director of human resources for a determination.
- (4) If the applicant, chosen by the department director, cannot be hired in the lower seventy percent of the pay range for a class, the department director shall refer the application to the human resources committee for a determination.
- (5) When any former employee is considered for reemployment in a class in which he was previously employed, the department director may authorize an appointment above the minimum salary rate of pay for the class subject to the conditions set forth in this subsection.
- (6) The department director and the director of human resources shall keep a record of all cases of employment above the minimum rate.

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

- (1) Classified employees considered non-exempt under the Fair Labor Standards Act and covered by the collective bargaining agreement with Local Union 500, AFSCME AFL-CIO, who receive an overall performance appraisal mark of at least a "Meets Expectations" on their annual employee appraisal report shall receive an increase in accordance with the collective bargaining agreement in effect at the time, in addition to any other pay agreements in effect.
- (2) Classified employees considered non-exempt under the Fair Labor Standards Act who receive at least a "meets expectations" overall rating on their employee appraisal report shall receive an increase within their salary schedule as determined by the pay provisions in effect at that time or as determined by the city manager. Employees who are at the maximum of their salary schedule when they receive their annual performance appraisal shall be eligible for a one-time cash payment commensurate to the percent of the base pay increase that they would have been eligible for on their annual performance appraisal had they not been at the maximum of the pay grade.
- (3) Classified employees considered exempt from certain overtime provisions of the Fair Labor Standards Act, except for fire management, who receive at least a "met overall expectations" evaluation rating on their annual appraisal report shall receive an increase within their salary schedule as determined by the pay provisions in effect at that time or as determined by the city manager. Employees who are at the maximum of their salary schedule when they receive their annual performance appraisal shall be eligible for a one-time cash payment commensurate to the percent of the base pay increase that they would have been eligible for on their annual

performance appraisal had they not been at the maximum of the pay grade.

- (4) Unclassified employees who receive at least a "meets overall expectations" evaluation rating on their employee appraisal report shall receive an increase within their salary schedule as determined by the pay provisions in effect at that time or as determined by the city manager. Employees who are at the maximum of their salary schedule when they receive their annual performance appraisal shall be eligible for a one-time cash payment commensurate to the percent of the base pay increase that they would have been eligible for on their annual performance appraisal had they not been at the maximum of the pay grade.
- (5) Classified employees considered non-exempt under the Fair Labor Standards Act and covered by collective bargaining agreement with Local Union 42, IAFF, and who receive an overall performance appraisal mark of at least a "Meets Expectations" on their annual employee appraisal report shall receive an increase in accordance with the collective bargaining agreement in effect at the time, in addition to any other pay agreements in effect
- (6) Classified employees covered by the collective bargaining agreement with Local Union 3808, IAFF, and who receive an overall performance appraisal mark of at least "Meets Expectations" on their annual employee appraisal report shall receive an increase in accordance with the collective bargaining agreement in effect at the time, in addition to any other pay agreements in effect.

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

Salary increases shall take effect on the employee's pay anniversary date.

(f) *Pay increases for exceptional service.*

- (1) Additional pay increases within the pay grade may be granted to recognize exceptional service rendered by employees considered non-exempt under FLSA of up to four percent for those not covered under a collective bargaining agreement or for those employees covered under a collective bargaining agreement, the increase shall be made in accordance with the provisions of the CBA in effect. The department head concerned shall make increases for exceptional service only after written justification and documentation has been provided to the director of human resources.
- (2) Each department shall prepare specific criteria for granting pay increases for exceptional service applicable to the department's work. After completion of the initial probationary period all regular employees covered by the FLSA are eligible for consideration for a pay increase to recognize exceptional service rendered. A pay increase for exceptional service work shall not constitute a new pay anniversary date for the employee concerned. An employee may receive only one pay increase for exceptional service within the pay grade in any 12-month period from

award.

- (3) Pay increases for exceptional service may not exceed five percent of the total average number of regular employees eligible for exceptional services increases assigned to a department in any fiscal year, except that in a department with less than ten employees covered by the FLSA not more than one exceptional service pay increase may be granted in any fiscal year.
- (4) Department heads shall maintain appropriate records to demonstrate adherence with this subsection (f). Pay increases for exceptional service shall be funded out of existing departmental budgets.

(g) *Payments by other agencies.* In any case in which part of the compensation for services in a position, exclusive of overtime services, is paid by another department or division or an outside agency such as the county, the state or the federal government, or from a different fund or account, any such payments shall be deducted from the compensation of the employee concerned, to the end that the total compensation paid to any employee from all sources combined, for any period, shall not exceed the amount payable at the rate prescribed for the class of position to which the employee is certified and assigned.

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

(1) Definition of promotion and demotion.

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

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

- (2) In the case of promotion for those employees not covered under a CBA, the rate of pay of the promoted employee shall be increased by four percent for each higher pay grade up to a maximum of three grades totaling 12 percent. Those who are within six months of their next pay anniversary date when promoted shall receive an additional two percent increase.
- (3) In the case of a promotion in which the employee moves from a non-exempt position to an exempt position, the rate of pay of the promoted employee shall be increased by eight percent. Employees within six months of their next pay anniversary date when promoted shall receive an additional two percent increase.
- (4) In the case of a promotion in which the employee moves from a bargaining unit position to a management non-exempt position or vice versa, the rate of pay of the promoted employee shall be increased by eight percent. Those employees promoting to a management non-exempt position within six months of their next pay anniversary date when promoted shall receive an additional two percent increase.
- (5) If an employee receives a promotion that falls under subsections (2), (3), or (4):
 - a. decisions for the employee to receive a rate of pay higher than provided in subsection (2), (3), or (4) up to 50 percent shall be at the discretion of the department director.

- b. the department director may make a request to the director of human resources that the employee receive a rate of pay increase between 50 percent and up to 70 percent of the pay range for a class and approval of such request shall be at the discretion of the director of human resources.
 - c. the department director may make a request to the human resources committee that the employee receive a rate of pay increase at a percentage 70 percent or greater of the pay range for a class and approval of such request shall be at the discretion of the human resources committee.
- (6) In the case of transfer, the employee's pay rate will remain unchanged at the time of transfer.
 - (7) In the case of demotion, the rate of the demoted employee shall be reduced by four percent per grade for a maximum of three grades, totaling 12 percent.
 - (8) In the case of demotion in which the employee moves from an exempt position to a non-exempt position, the rate of pay of the demoted employee shall be decreased by eight percent.
 - (9) In the case of demotion in which the employee moves from a management non-exempt position to a bargaining unit position or vice versa, the rate of pay of the demoted employee shall be decreased by eight percent.
 - (10) An employee who is demoted involuntarily due to misconduct or unsatisfactory performance shall not be eligible for promotion or a merit increase for a period of one year from the time of demotion.
 - (11) An employee who is demoted as a result of a reasonable job accommodation shall not have the rate of pay decreased unless the maximum of the new job classification is below the current salary. In such case, the employee will be moved to the maximum of the new pay range.
 - (12) In all cases, the new rate shall be at least the minimum and not more than the maximum of the new pay grade.
 - a. If the salary change does not place the employee on a step in a bargaining unit position, the employee will move to the next higher step except as specifically provided otherwise in this section.
- (i) *Salary rate upon promotion, transfer or demotion for employees covered under a collective bargaining agreement.* Promotions, demotions and transfers shall be made in accordance with the provisions of the CBA in effect.
- (j) *Part-time and temporary employment.* Part-time or temporary employees shall be compensated on the basis of the equivalent hourly rate paid for full-time employment and shall be paid for only those hours which they actually work.

(k) *Total remuneration.* Any salary rate established for an officer or employee shall be the total remuneration for the officer or employee, not including reimbursement for official travel. Except as otherwise

provided in this article, no officer or employee shall receive pay from the city in addition to the salary authorized under the schedules provided in the pay plan for services rendered by him, either in the discharge of his ordinary duties or any additional duties which may be imposed upon him or which he may undertake or volunteer to perform. Nothing contained in this subsection shall be deemed to prohibit payments to employees pursuant to section 2-981 or payments or awards to employees made pursuant to an approved safety incentive program of the city manager's employee safety board, nor shall there be any prohibition to provide for the eligibility for a top performance executive bonus program or other incentive plans for managers as executed by the city manager. Upon attainment of goals/incentives, employees allocated to classes covered by the provisions of the work agreement between the city and Local 500-American Federation of State, County and Municipal Employees are eligible to receive bonus/incentive payments in accordance with the provisions of the work agreement in effect.

(l) *Accelerated salary advancements.* An increase in compensation rate, within the limits provided in the pay grade for a class, may be granted at any time by the city manager, following the completion of the employee's initial probationary period. The city manager, in any given fiscal quarter, shall not grant accelerated salary increases for employees in the classified system in excess of \$20,000.00, and they shall keep a record of the increases they have granted pursuant to this subsection.

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

(n) *On-call pay.* A department director, with the approval of the human resources director, may establish an on-call pay plan for situations that require employees to remain fit-for-duty and available to respond to emergency call-in situations in a timely manner for a period of 24 hours.

(o) *Shift differential.* Classified non-exempt employees not covered under a CBA will receive the following shift differential:

- (1) \$1.10 per hour for shifts beginning between 2:00 p.m. through 8:59 p.m.
- (2) \$1.20 per hour for shifts beginning between 9:00 p.m. through 3:59 a.m.
- (3) \$1.75 per hour for working a weekend shift. A designated weekend shift is defined as any shift that starts on or after 2:00 p.m., on Friday, and continuing through any shift that starts on or before, but not after 8:59 p.m., on Sunday.

Section B. That Ordinance No. 230058 is amended by repealing Section 1 and enacting a new Section 1 in lieu thereof to read as follows:

Section 1. That Chapter 2, Code of Ordinances, entitled "Administration," is hereby amended by repealing Section 2-1104 and enacting in lieu thereof new section of like number and subject matter, to read as follows.

Sec. 2-1104. Special leave.

(a) *Jury duty.* An employee may receive special leave with pay when he or she is required to serve on a jury and the hours of jury duty conflict with the hours of his or her city work. Such employees may keep the

county or state jury fee; however, employees must convey his or her federal jury fee to the city through his or her department head. In case the employee serves on a jury during his or her nonworking hours or days, the employee shall be permitted to keep the jury fee. However, the employee must inform his or her supervisor of his or her jury service. Jury leave for all regular employees allocated to classes covered by a memorandum of understanding shall be governed by the appropriate memorandum of understanding.

(b) *Training courses.* Special leave with pay may also be granted by a department head, with the approval of the director of human resources, for the purpose of allowing a regular employee to engage in official training courses or to participate in other official activities.

(c) *Sabbatical leave for judges of municipal court.* Upon recommendation for approval by the presiding judge and approval by the city manager, judges of the municipal court shall be granted a sabbatical leave of up to six months for purposes of full-time study or teaching directly related to the profession of law. No judge shall be eligible for such leave unless he or she has served at least three years. No judge shall be granted such leave more than once during any five-year period. Not more than one judge per fiscal year shall take sabbatical leave. During any such leave a judge shall continue to be paid by the city at the rate of one-half the regular salary and shall continue to be eligible for participation in the city health and life insurance programs, pension program and other employment benefits.

(d) *Community partnership initiative.* Each fiscal year, any regular employee may be allowed a maximum of eight hours paid leave to volunteer with area schools, including those of their children, or to volunteer with one of the city's approved combined charity organizations. The employee must timely request this leave and leave shall be granted only when it will not cause undue or unnecessary imbalances in staffing levels. Employees not participating in activities for which this leave was granted to them shall have this paid leave time changed to absences without leave and appropriate disciplinary action will be taken. The department of human resources will monitor the use of the community partnership initiative and may promulgate additional requirements in its rules and regulations.

(e) *Paid parental leave.* In order to allow parents time to bond with and care for their new child as well as medically recover from giving birth, all regular and appointed employees who are eligible to take leave under the city's family and medical leave policy shall be granted paid parental leave due to the birth of the employee's child or the placement within the employee's home of an adopted child in accordance with the following provisions:

- (1) An eligible employee will receive up to twelve continuous weeks of pay at 100 percent of the employee's base pay per birth or adoption event.
- (2) An employee may take paid parental leave intermittently, provided the leave is taken in no less than one week increments and is approved by the employee's manager. All paid parental leave must be utilized within 9 months following the birth or adoption of a child.
- (3) If both parents are eligible employees, each will receive the leave available under sections (e)(1) and (e)(2) of this section.
- (4) Leave will be based on the employee's certified normal rate of pay, not including premiums or overtime.
- (5) All paid parental leave will run concurrently with family and medical leave under the city's

family and medical leave policy. Paid parental leave will not reduce eligibility for other types of paid and unpaid leaves such as sick leave, vacation, personal leave, holiday, and short-term disability but will not increase available family and medical leave beyond a total of 12 weeks.

- (6) An eligible employee must submit a completed employee request for family and medical leave form, requesting FML leave to the human resources benefits office at least 30 days prior to the anticipated date of the leave. To the extent the 30-day notice is not possible, the employee must submit a completed employee request for family and medical leave form to the human resources benefits office as soon as possible.
 - (7) Multiple births or adoptions do not increase the length of leave granted for the birth or adoption event.
 - (8) An eligible employee will be required to furnish appropriate medical documentation for the birth of a child. If applicable, the medical certification requirements for FML leave will govern. The medical documentation must be completed and signed by the individual's health care provider.
 - (9) An eligible employee will be required to furnish appropriate adoption documentation, such as a letter from an adoption agency, or from the attorney in cases of private adoptions.
 - (10) Surrogate mothers and sperm donors are excluded from coverage under this policy.
 - (11) Employees who have given birth to a child and elect to place that newborn child for adoption may receive up to six continuous weeks of pay at 100 percent of the employee's base pay with a medical professional's recommendation that such leave is necessary. All paid parental leave for parents who elect to place their newborn child/children for adoption must be utilized within 6 weeks following the birth.
 - (12) In the unfortunate event that the new child dies during the time of paid parental leave, the employee shall receive up to six continuous weeks of pay at 100 percent of the employee's base pay. If the death occurs after the employee has already utilized six weeks of paid parental leave, the employee shall receive two additional weeks of paid leave. All paid parental leave taken under this subsection must be utilized within 6 weeks following the death of the child.
 - (13) A fraudulent request for paid parental leave shall be grounds for serious disciplinary action, up to and including termination of employment. Any paid parental leave that is taken and later found to be fraudulent shall be deducted from the employee's leave balance.
- (f) *Election worker leave.*
- (1) Any city employee qualified to work as an election judge, poll judge or poll worker may be granted eight hours paid leave to volunteer at any general, primary, general municipal or special election. Such employee may keep the election worker fee from the county election board. Such employee may receive paid leave under this subsection for a maximum of two election days annually, totaling 16 hours annually. Any employee requesting such leave shall certify that he or she is qualified and scheduled to volunteer as an election worker.
 - (2) Such leave shall not be available to employees of the fire department.

(g) *Paid Dependent Care Leave.* All regular and appointed employees who are approved to take twelve weeks of continuous leave under the city's family and medical leave policy shall be granted paid dependent care leave one time during the course of their employment with the city to care for their immediate family with a serious health condition in accordance with the following provisions:

- (1) The term "immediate family" is defined for the purpose of this section as an employee's spouse or registered domestic partner; dependent child of the employee, spouse, or registered domestic partner; or employee's parent.
- (2) The term "serious health condition" shall mean an illness, injury, impairment or physical or mental condition that involves inpatient care or continuing treatment by a health care provider.
- (3) An eligible employee will receive up to two weeks of pay for dependent care of an immediate family member with a serious health condition at 100 percent of the employee's base pay. Dependent care leave may be utilized one time by each employee during the course of their employment with the city.
- (4) Leave will be based on the employee's certified normal rate of pay, not including premiums or overtime.
- (5) An employee shall take dependent care leave in no less than one-week increments. An employee is not required to use dependent care leave in consecutive weeks.
- (6) All paid dependent care leave will run concurrently with family and medical leave under the city's family and medical leave policy.
- (7) The director of human resources may establish reporting and documenting requirements for the use of dependent care leave. An employee may be required to submit a medical certificate or other documentation for any absence under this section. Failure to fulfill any requirements established for use of dependent care leave may result in a denial of such leave.

A fraudulent request for paid dependent care leave shall be grounds for serious disciplinary action, up to and including termination of employment. Any paid dependent care leave that is taken and later found to be fraudulent shall be deducted from the employee's leave balance.

Approved as to form:

Katherine Chandler
Senior Associate City Attorney