



## Legislation Text

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**File #:** 070551, **Version:** 2

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070551  
SUBSTITUTE 2  
060493  
ALD. MURPHY

A substitute ordinance relating to an adjustment to base pay for management employees.

This substitute ordinance amends Part II, Sections 3, 4 and 12 of Salary Ordinance File Number 060493.

The provisions of this ordinance will be in force and effect from and after Pay Period 1, 2008 (December 30, 2007).

The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Part II. Sections 3, 4 and 12 of ordinance File Number 060493 relative to rates of pay of offices and positions in the City Service is hereby amended as follows (Effective Pay Period 1, 2008 - December 30, 2007):

Under Part II, Administration of Pay Plan, delete Sections 3, 4 and 12 in their entirety and substitute the following:

**Sec. 3. Recruitment Above the Minimum:** To recruit qualified persons, appointment of a person to a position may be at a rate above the minimum rate within the established pay range provided it is determined by the Common Council that such rate is necessary and provided there is a footnote authorizing it. Otherwise a recruitment study request must be made to the Department of Employee Relations to determine the appropriate pay range necessary to recruit qualified candidates. With regard to positions covered by Part I, Sec. 2 of this Salary Ordinance, salary rates shall be in accordance with special provisions included in that section and in Part II, Sec. 12 (for management) or Sec. 14 (for Assistant City Attorneys) of this ordinance.

**Public Health Nurses and Public Health Nurse Supervisor:** Any person who has held, by regular appointment, a position in the City service classified as Public Health Nurse, or Public Health Nurse Supervisor, has resigned in good standing from the service, and meets the criteria listed below, may upon recommendation of the appointing authority, be re-employed in such position or in another position of the same classification at a pay step above the minimum rate of the established pay range. The pay step may not, however, be higher than one pay step above the current recruitment step which the individual would be eligible for on the basis of the time they previously worked in positions in the same pay range. The criteria for being paid this higher rate is 1) determination by the Department of Employee Relations that there are recruitment problems for such position due to the shortage of qualified personnel and 2) in the judgement of the Department of Employee Relations, supported by a review of the employment history of the individual, such re-employment above the minimum rate would best serve the interests of the City.

**Candidates with Masters' Degrees:** Except as otherwise provided in this ordinance, any qualified candidate for appointment to a City position allocated to Salary Grades 001 through 003 and Pay Ranges 500 through 535, which requires for appointment possession of a bachelor's degree from a school approved by the Department of Employee Relations, who possesses a master's degree, may upon review of the appropriateness of graduate training by the Department of Employee Relations be initially employed at the third rate of the pay range (or 10% above the minimum for positions in Salary Grade 001 through 003), upon approval of the Department of Employee Relations. Any incumbent of a City position allocated to Salary Grades 001 through 003 and Pay Ranges 500 through 535 requiring for appointment the possession of a bachelor's degree from a school approved by the Department of Employee Relations may, upon earning a master's degree from such an approved school and approval of the Department of Employee Relations after a review of the appropriateness of graduate training, be advanced to that step or rate of pay in the pay range or salary grade to which the employee would otherwise have been entitled had initial appointment been at the third rate of the pay range or 10% above the minimum of the salary grade. Such employees shall retain their salary anniversary dates.

Sec. 4. Voluntary Demotions and Demotions Resulting from Bumping for Year Round Positions: Whenever an employee (except those in bargaining units having different seniority and layoff contract provisions from the District Council 48 bargaining unit) is bumped down, or elects to take a voluntary demotion to another position in anticipation of being bumped, from positions which have traditionally provided year-round employment, the employee shall be paid at the normal maximum rate of the position the employee bumps to if this rate is not higher than the rate the employee was paid prior to being bumped.

If the maximum rate of the position the employee bumps to is higher than the rate the employee had been earning, the employee shall be paid the highest rate in the new pay range which does not exceed the rate the employee had been earning.

An employee who elects to take a position in a pay range which has special attainment steps, who meets the qualifications prescribed, or who would have qualified for them on the date the appropriate contract became effective, shall be paid the appropriate step.

In no event shall the employee, by application of this provision, be paid in excess of the rate the employee was earning prior to the reduction unless otherwise authorized.

When an employee who has been bumped to another position as specified in this paragraph is appointed to a different position, the employee shall be paid at least the highest step or rate of pay in the new range which does not exceed the step or rate of pay from which the employee had initially been bumped.

Whenever an employee in a year-round position, other than those affected by the layoff procedure specified in the above paragraph, compensated in accordance with this ordinance is appointed, transferred, demoted, or reinstated to a position at a lower rate of pay, the employee shall receive the step or rate of pay in the pay range which represents the number of years the employee has served in the position to which the employee has been appointed and in positions which are compensated at the same or a higher rate of pay.

Seasonal Employees - Job Change - Pay Rate: Whenever an employee in a position of a seasonal or part-time nature but compensated on a biweekly basis is appointed, transferred, demoted, or reinstated to a position compensated at the same or at a lower rate of pay, the employee shall be compensated in accordance with the employee's years of service for the City in positions which are compensated at the same or a higher rate of pay.

Recall to a Different, Higher-Level Position: Notwithstanding any of the above, when an employee, except those in bargaining units having different seniority and layoff contract provisions from the District Council 48 bargaining unit, who has been reduced in rank from a position the employee previously held, is recalled to a job classification in a pay level above the employee's current position but lower than the pay level of the original position, the employee will be paid at a rate nearest the rate paid in the original position.

In no event shall the employee, by application of this clause, be paid in excess of the rate of pay the employee was earning prior to the employee's reduction unless otherwise authorized. The above paragraph will not apply to laborers and other related positions now covered by the Time-in-Grade rules for positions affected by seasonal fluctuations.

Employees Covered by Bargaining Units Other than District Council 48: An employee in a bargaining unit having different seniority and layoff contract provisions from the District Council 48 bargaining unit shall be covered by the provisions of the employee's union's specific contract.

Budgeted Amount for a Position Versus Salary Ordinance: In case of a variation between the amount of money set up in the budget for a particular position and the amount an incumbent of a position would normally receive under the terms of this ordinance, the employee shall be paid according to the terms of this ordinance.

## Sec. 12. Management Pay Plan

a. Scope: This section of the Salary Ordinance pertains to management job classifications listed under salary grades 001 through 020 inclusive in Part I of this Ordinance, except as otherwise stated in this Ordinance.

b. Authority: The Department of Employee Relations shall have responsibility for administering the provisions of

this section subject to the review of the Common Council's Committee on Finance and Personnel.

c. Equal Opportunity: Principles of merit and equity shall prevail in all aspects of the administration of this Ordinance. As specified in ch. 109 of the Milwaukee Code of Ordinances, it is unlawful to discriminate because of sex, race, religion, color, national origin or ancestry, age, disability, lawful source of income, marital status, sexual orientation or familial status in regard to job posting, hiring, training, tenure, promotion, compensation, or enforcement of any rule or employment policy and other terms and conditions of employment.

d. Recruitment: Except as provided elsewhere, appointment shall be at the minimum rate of the grade to which the classification is allocated. In the event it becomes necessary to recruit at a rate above the minimum, recruitment may be authorized at a rate up to 60% of the maximum of the salary grade with the approval of the Department of Employee Relations and the Chair of the Committee on Finance and Personnel. A listing of appointments made pursuant to this provision shall be communicated to the Committee on Finance and Personnel.

e. Salary Advancement:

(1) Intent: This Ordinance is intended to provide the basic policies and procedures for administering the Management Pay Plan. It is also intended that all officers and employees shall fully cooperate with the Department of Employee Relations in the administration of this Plan. The Department of Employee Relations is authorized to develop procedures and guidelines necessary to carry out the intent of this section, including the development of guidelines for conducting annual performance reviews.

(2) Increases Within Salary Grade: Except as provided below, employees shall be eligible for a salary increase of 3.1% within a 12-month rating period. This salary increase shall be effective on the employee's anniversary date provided job performance during the rating period has been fully satisfactory. Job performance during the rating period must be documented by a minimum of one written performance review. These increases shall be up to the maximum of the salary grade. In the event of a less than fully satisfactory performance during the rating period, a department head may delay or withhold this salary increase. Department heads who intend to delay or withhold a salary increase must notify the Department of Employee Relations and the affected employee before taking such action. Employees have a right to appeal this decision before the City Service Commission.

(3) Exceptional Achievement Awards: A nonpensionable, non-base building, lump sum equal to 1% of the midpoint of the employee's current salary grade may be awarded for exceptional performance that is measurable and consistent with the mission and objectives/outcomes established by policy makers for the department. These awards must be approved by the Department of Employee Relations and an individual may not receive more than one award during a 12 month period. The Department of Employee Relations shall establish administrative guidelines for approving these awards.

(4) Professional Development Awards: A nonpensionable, non-base building, lump sum award of \$700 may be granted to an employee for attaining a professional degree, designation or certification that is not required by the job but is related to the mission, goals, and objectives of the department. These awards are not ongoing and must be approved by the Department of Employee Relations. The Department of Employee Relations shall establish guidelines for approving these awards.

(5) Job Performance Reviews: A minimum of one performance review shall be conducted within a 12-month rating period in accordance with the guidelines established by the Department of Employee Relations.

(6) Seasonal Managers: City employees who are appointed to management positions on a seasonal basis, and who revert to non-management classifications during the remainder of the year, shall be eligible for a full salary adjustment during the pay period in which they achieve a cumulative twenty six (26) pay periods of service in management. Such adjustments will be made under the same conditions as for others in the plan.

(7) Department Heads: Otherwise eligible heads of departments shall be entitled to receive a performance review and salary adjustment under the same conditions as established for general City managers. Evaluations of department heads shall be made by their appointment authority. For those department heads who serve under boards and commissions appointed by the Mayor, this recommended performance evaluation and salary adjustment shall be forwarded to the Mayor, who shall have final determination in assessing each department

head's job performance during the preceding rating period, and approving the salary increment.

(8) Comptroller, City Attorney, Municipal Judges, City Treasurer and City Clerk: These individuals shall receive a 3.1% increase on their salary anniversary pay period up to the maximum of the salary grade. These adjustments shall begin in 1995 and occur in each succeeding year thereafter, provided that the individual is otherwise eligible. It is the intent of this provision that all Municipal Judges be paid at the same rate of pay. Except in the case of the City Clerk, individuals subsequently elected to these positions shall begin at the rate being paid to their predecessor. In the case of the City Clerk, if the Steering and Rules Committee does not approve the adjustment in the amount authorized, no adjustment shall be granted.

(9) Mayor, Aldermen, President of the Common Council are paid according to s. 350-100 of the Milwaukee Code of Ordinances, which is also reflected in Part I, Section 2 of the Salary Ordinance.

f. Promotion

(1) Promotion: A promotion may take place by reclassification to a higher salary grade, reallocation to a higher salary grade, or appointment to a different, higher level position.

(2) Professional, Management and Leadership Categories: For salary administration purposes all management job classifications have been grouped into one of three categories: Professional, Management and Leadership. Salary adjustments resulting from a promotion are based upon movement within the same category or to a new category. Except as otherwise noted, all promotions into or within salary grades 001 through 019 result in a 3% increase except an initial promotion into a classification designated as Management is 5%, an initial promotion into a classification designated as Leadership is 7% and the employee must be paid at least the minimum and no more than the maximum of the salary grade. The Department of Employee Relations must review and authorize the calculation of all salary rates prior to promotion.

(3) Salary Anniversary Date: For purposes of salary adjustment under this plan, all managers will retain their salary anniversary date when they are promoted or reallocated to a higher salary grade, except that adjustments are made for time off the payroll or deferred salary increments.

g. Demotions: Demotions of management employees are under the authority of and administered by the Department of Employee Relations. In instances where a management employee disagrees with the salary determination associated with a demotion, he or she may appeal to the Employee Relations Director. Managers, who are demoted for any of the reasons stated below, will retain their last salary anniversary date for pay progression purposes.

The placement of the manager's salary in the new salary grade after the demotion will be determined as follows:

<u>Type of Demotion</u>	<u>Reason for Demotion</u>	<u>Determination of Rate of Pay after Demotion</u>
<b>Involuntary demotion (disciplinary action issued by hiring authority)</b>	Ineffective job performance (Includes Expiration of	A decrease in pay of 3% or the maximum of the new salary grade, whichever is lower. <i>Exempt Appointment-Discharge)*</i>
	Misconduct (Includes Expiration of Exempt Appointment-Discharge)*	Same percentage above the minimum of the lower salary grade as was the current rate of pay above the minimum of the higher salary grade.
<b>Involuntary Demotion (due to factors outside the control of the manager)</b>	Reclassification, reassignment, reduction in work force, or anticipation of such reduction. (Includes Expiration of Exempt Appointment-Separation)**	Same rate of pay or the maximum of the new salary grade, whichever is lower.

<b>Voluntary Demotion</b>	Career Change (Includes Expiration of Exempt Appointment- Resignation)***	A decrease in pay of 3% or the maximum of the new salary grade, whichever is lower.
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\* *Expiration of Exempt Appointment-Discharge*- involuntary expiration of exempt appointment by the hiring authority for disciplinary reasons including unsatisfactory performance or misconduct.

\*\**Expiration of Exempt Appointment-Separation*- involuntary expiration of exempt appointment for reasons related to reclassification, reassignments, reductions in workforce or the anticipation of such reduction.

\*\*\**Expiration of Exempt Appointment-Resignation* - voluntary resignation by exempt employee due to career change.

h. Flexible Schedule: Employees excluded from the provision of s. 350-5 of the Milwaukee Code of Ordinances (Exclusion from Overtime) in salary grades 004 and above may, upon department head approval, work on a flexible schedule, so that the daily work schedule may be adjusted from time to time as necessary and appropriate to fulfill assigned duties and responsibilities. Such adjustments may include starting and quitting times that are earlier or later than established in the normal work schedule of the department, and may include more or less than eight hours in any particular day and more or less than forty hours in any particular week.

i. Overtime: Where management positions are excluded from s. 350-5 of the Milwaukee Code of Ordinances (salary grades 004 and above) the rates of pay established recognize the fact that a certain amount of overtime is considered appropriate and normal for these supervisory and management positions.

j. Salary Adjustment Appeals: Managers may appeal the delay or denial of an increase to the City Service Commission. The Commission may hear such cases directly or appoint one or more persons to serve as hearing examiners whose recommendations would be made to said Commission for review and approval. The Department of Employee Relations shall establish policies and procedures for conducting such appeals.

k. Correction of Obvious Errors or Inequities: In the event that a transaction made pursuant to this Section results in an obvious misapplication of its intent, the Director of Employee Relations, with the approval of the Finance and Personnel Committee Chair, is authorized to make equity adjustments or corrections.

Part 2. All ordinances or parts of ordinances contravening the provisions of this ordinance are hereby repealed.

Part 3. The provisions of this ordinance are deemed to be in force and effect from and after Pay Period 1, 2008 (December 30, 2007).

Part 4. This ordinance will take effect and be in force from and after its passage and publication.

City Clerk's Office  
TJM  
10/12/07