

Sec. 18-5. - Annual setting of classifications, pay plans and benefits.

(a) *Pay plan adjustments; exceptions.* On or before May 1 of each year, the career service board shall recommend classification and pay plan adjustments to the mayor and city council for all job classifications in the career service and for job classifications not in the career service based upon the duties of the job classifications except: those to which the provisions of [section 9.2.1](#) of the Charter apply; the ranks in the classified service of the fire and police departments; deputy sheriffs, deputy sheriff majors, and deputy sheriff division chiefs. Any pay rate recommended by the board shall be equal to generally prevailing rates in the Denver metropolitan area as reflected in the annual survey of generally prevailing rates and shall provide like pay for like work. If it is determined, pursuant to criteria proposed by the career service board and approved by the council, that the generally prevailing rates in the Denver metropolitan area are inadequate to attract qualified candidates for certain classifications, or that there are no comparable positions in the Denver metropolitan area, then the pay rate for those classifications may be equal to the generally prevailing pay rates in either the region or the nation.

(b) *Annual implementation of pay plan adjustments.* The mayor and the city council may accept, reject or modify any pay recommendation made by the board or the director pursuant to this section. The recommendation required under subsection (a) of this section shall be implemented in the following manner to the extent justified by the annual survey of generally prevailing pay rates:

- (1) When the recommendation is to increase the range minimum of a pay grade, the range minimum shall be increased to reflect market data, with the range maximum in the pay grade modified by the percentage increment necessary to maintain the structure and integrity of the current pay grade. Each employee in the adjusted pay grade shall maintain his or her current rate of pay and classification. In no event shall the employee receive less than the range minimum of the pay grade assigned to his or her classification or less than his or her current rate of pay. These adjustments shall occur no later than July 1 of the year in which the recommendation is made.
- (2) When the recommendation is to change a classification to a higher pay grade, the pay for employees in that classification shall be increased by increments of four and fifty-five hundredths (4.55) percent per pay grade increase on January 1 of the year following the recommendation. This subsection shall only apply to employees who are in the affected classification on the effective date of the change. In no event shall the employee be paid in excess of the range maximum of the range. These adjustments shall occur no later than January 1 in the year following the year in which the recommendation is made.
- (3) The annual ordinance implementing the pay plan adjustments in accordance with this section and updating the classification and pay plan shall incorporate any interim adjustments to the classification and pay plan made by the Executive Director of the Office of Human Resources as provided in section 18-42(d), to the extent the city council chooses to ratify such interim adjustments.

Sec. 18-40. - Provisional classes.

(a) In cases where a new kind of work is to be performed by an employee of the city, and where such work is not provided for in the existing classification and pay plan, or in cases where it is necessary to change the pay grade of an existing class, the Executive Director of the Office of Human Resources or the career service board is hereby authorized to change the pay grade or to create a provisional class to which the position of such employee or employees may be allocated and to designate the pay grade applicable to such class. Such pay grade shall in every case where practicable be one of the pay grades set forth in the pay plan, ~~but in the discretion of the career service~~

~~board, in the case of a position to be filled by intermittent appointment, may be an hourly rate to be fixed by it.~~

(b) No provisional class shall exist for longer than six (6) months.

~~(c) The career service board shall give the mayor, the manager of finance and the city council written notice of the creation of any provisional class, or change in the pay grade of any class, together with the rates of pay applicable thereto and such notice shall be authority for the manager of finance to pay incumbents of positions affected by such change for a period not to exceed six (6) months.~~

(Ord. No. 959-05, § 1, 12-19-05; Ord. No. 775-07, § 19, 12-26-07)

Sec. 18-42. - Classification plans and pay schedules.

(a) Classification plans and pay schedules, and any amendments thereto, shall be approved by the city council by ordinance, subject to the exceptions for interim adjustments set forth in subsection (d) of this section. Current classification plans and pay schedules for all employees in the career service and for those employees not in the career service as set forth in division 3 of this article II shall be kept and maintained on record in the office of the clerk and recorder and the Office of Human Resources at all times, and shall be available for public inspection both in person and on-line. Each class title set forth in the classification plans shall be assigned a pay grade corresponding to the pay schedules.

(b) Pay schedules shall be provided for all class titles and pay grades identified in the classification plans. The term "pay schedule" is deemed to be synonymous with "pay plan" within the meaning of the charter and this code. Separate pay schedules shall be provided for exempt and non-exempt classes. For purposes of this section, the term "exempt" refers to classes which are exempt from overtime requirements of the federal Fair Labor Standards Act, whether or not such classes are authorized to be paid overtime because of community standards. For purposes of this section, the term "non-exempt" refers to classes which are entitled to receive overtime payments under the requirements of the Fair Labor Standards Act.

(c) The classification plans and pay schedules shall also include:

(1) Training pay schedules.

(2) A community rate schedule of hourly pay rates applicable to classes that are used on an on-call or part-time basis.

(d) After any annual setting of classifications and pay plans as required in section 18-5, and before the next annual setting of classifications and pay plans, the Executive Director of the Office of Human Resources may make interim adjustments to classifications and pay schedules without the need for city council approval to the extent allowed by this subsection. Any such interim adjustments shall be subject to ratification by the city council in the ordinance approving the next annual setting of classifications and pay plans as provided in section 18-5(b)(3), or at such earlier time as approval may be requested by the Executive Director. To the extent any interim adjustment is not expressly approved in the next annual ordinance or such earlier time as approval has been requested, the adjustment shall be deemed to be rescinded. Subject to the exceptions provided in section.18-5(d)(6)(a)-(d), the interim adjustments that the Executive Director is authorized to make to classifications and pay schedules under the authority of this subsection are limited to the following:

(1) Abolishment of any existing classification;

(2) Creation of any new classification or classifications;

- (3) Classification title changes;
- (4) Classification changes for purposes of overtime eligibility; and
- (5) Individual classification pay grade increases.
- (6) Provided, however, that interim adjustments to the classification and pay plan changes shall not be authorized and shall remain subject to council approval by ordinance if the proposed changes:
 - (a) Involve twenty-five (25) or more employees;
 - (b) Involve the creation of five (5) or more classifications at one time;
 - (c) Involve employees in three (3) or more city departments or agencies; or
 - (d) Involve a projected annual cost of fifty thousand dollars (\$50,000.00) or more to the city in the first full year of implementation.