

1 **BY AUTHORITY**

2 ORDINANCE NO. _____
3 SERIES OF 2018

COUNCIL BILL NO. CB18-0156
COMMITTEE OF REFERENCE:
Finance & Governance

5 **A BILL**

6 **For an ordinance authorizing the Executive Director of the Office of Human**
7 **Resources to make certain interim adjustments to the classification and**
8 **pay plan, which adjustments will be submitted for City Council approval by**
9 **ordinance annually or such earlier intervals as the Executive Director may**
10 **determine is appropriate.**
11

12 **WHEREAS**, pursuant to section 9.1.1 (C) and (D) of the Charter and Article I of Chapter 18,
13 D.R.M.C., the Office of Human Resources has recommended to the City Council an amendment
14 authorizing the Executive Director of the Office of Human Resources to make certain interim
15 adjustments to the classification and pay plan, which adjustments will be submitted for City Council
16 approval by ordinance annually or such earlier intervals as the Executive Director may determine is
17 appropriate;

18
19 **NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY**
20 **OF DENVER:**

21
22 **Section 1.** That effective **beginning of the first work week following approval by the**
23 **Mayor or by the City Council over the Mayor's veto**, the classification and pay plan is hereby
24 amended as follows:

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

26
27 (a) *Pay plan adjustments; exceptions.* On or before May 1 of each year, the career
28 service board shall recommend classification and pay plan adjustments to the mayor and city
29 council for all job classifications in the career service and for job classifications not in the
30 career service based upon the duties of the job classifications except: those to which the
31 provisions of [section 9.2.1](#) of the Charter apply; the ranks in the classified service of the fire
32 and police departments; deputy sheriffs, deputy sheriff majors, and deputy sheriff division
33 chiefs. Any pay rate recommended by the board shall be equal to generally prevailing rates in
34 the Denver metropolitan area as reflected in the annual survey of generally prevailing rates
35 and shall provide like pay for like work. If it is determined, pursuant to criteria proposed by the
36 career service board and approved by the council, that the generally prevailing rates in the
37 Denver metropolitan area are inadequate to attract qualified candidates for certain
38 classifications, or that there are no comparable positions in the Denver metropolitan area, then
39 the pay rate for those classifications may be equal to the generally prevailing pay rates in
40 either the region or the nation.

1
2 (b) *Annual implementation of pay plan adjustments.* The mayor and the city council
3 may accept, reject or modify any pay recommendation made by the board or the director
4 pursuant to this section. The recommendation required under subsection (a) of this section
5 shall be implemented in the following manner to the extent justified by the annual survey of
6 generally prevailing pay rates:
7

- 8 (1) When the recommendation is to increase the range minimum of a pay grade,
9 the range minimum shall be increased to reflect market data, with the range
10 maximum in the pay grade modified by the percentage increment necessary to
11 maintain the structure and integrity of the current pay grade. Each employee in
12 the adjusted pay grade shall maintain his or her current rate of pay and
13 classification. In no event shall the employee receive less than the range
14 minimum of the pay grade assigned to his or her classification or less than his
15 or her current rate of pay. These adjustments shall occur no later than July 1 of
16 the year in which the recommendation is made.
17
- 18 (2) When the recommendation is to change a classification to a higher pay grade,
19 the pay for employees in that classification shall be increased by increments of
20 four and fifty-five hundredths (4.55) percent per pay grade increase on January
21 1 of the year following the recommendation. This subsection shall only apply to
22 employees who are in the affected classification on the effective date of the
23 change. In no event shall the employee be paid in excess of the range
24 maximum of the range. These adjustments shall occur no later than January 1
25 in the year following the year in which the recommendation is made.
26
- 27 (3) The annual ordinance implementing the pay plan adjustments in accordance
28 with this section and updating the classification and pay plan shall incorporate
29 any interim adjustments to the classification and pay plan made by the
30 Executive Director of the Office of Human Resources as provided in section 18-
31 42(d), to the extent the city council chooses to ratify such interim adjustments.
32

33 **Sec. 18-40. - Provisional classes.**

34
35 (a) In cases where a new kind of work is to be performed by an employee of the city, and
36 where such work is not provided for in the existing classification and pay plan, or in cases where
37 it is necessary to change the pay grade of an existing class, the Executive Director of the Office
38 of Human Resources or the career service board is hereby authorized to change the pay grade
39 or to create a provisional class to which the position of such employee or employees may be
40 allocated and to designate the pay grade applicable to such class. Such pay grade shall in every
41 case where practicable be one of the pay grades set forth in the pay plan, ~~but in the discretion of~~
42 ~~the career service board, in the case of a position to be filled by intermittent appointment, may~~
43 ~~be an hourly rate to be fixed by it.~~
44

45 (b) No provisional class shall exist for longer than six (6) months.
46

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

1 ~~exceed six (6) months.~~

2
3 (Ord. No. 959-05, § 1, 12-19-05; Ord. No. 775-07, § 19, 12-26-07)

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

5
6 (a) Classification plans and pay schedules, and any amendments thereto, shall be
7 approved by the city council by ordinance, subject to the exceptions for interim adjustments set
8 forth in subsection (d) of this section. Current classification plans and pay schedules for all
9 employees in the career service and for those employees not in the career service as set forth
10 in division 3 of this article II shall be kept and maintained on record in the office of the clerk
11 and recorder and the Office of Human Resources at all times, and shall be available for public
12 inspection both in person and on-line. Each class title set forth in the classification plans shall
13 be assigned a pay grade corresponding to the pay schedules.

14
15 (b) Pay schedules shall be provided for all class titles and pay grades identified in the
16 classification plans. The term "pay schedule" is deemed to be synonymous with "pay plan"
17 within the meaning of the charter and this code. Separate pay schedules shall be provided for
18 exempt and non-exempt classes. For purposes of this section, the term "exempt" refers to
19 classes which are exempt from overtime requirements of the federal Fair Labor Standards Act,
20 whether or not such classes are authorized to be paid overtime because of community
21 standards. For purposes of this section, the term "non-exempt" refers to classes which are
22 entitled to receive overtime payments under the requirements of the Fair Labor Standards Act.

23
24 (c) The classification plans and pay schedules shall also include:

25
26 (1) Training pay schedules.

27
28 (2) A community rate schedule of hourly pay rates applicable to classes that are
29 used on an on-call or part-time basis.

30
31 (d) After any annual setting of classifications and pay plans as required in section 18-5,
32 and before the next annual setting of classifications and pay plans, the Executive Director of
33 the Office of Human Resources may make interim adjustments to classifications and pay
34 schedules without the need for city council approval to the extent allowed by this subsection.
35 Any such interim adjustments shall be subject to ratification by the city council in the ordinance
36 approving the next annual setting of classifications and pay plans as provided in section 18-
37 5(b)(3), or at such earlier time as approval may be requested by the Executive Director. To the
38 extent any interim adjustment is not expressly approved in the next annual ordinance or such
39 earlier time as approval has been requested, the adjustment shall be deemed to be rescinded.
40 Subject to the exceptions provided in section.18-5(d)(6)(a)-(d), the interim adjustments that the
41 Executive Director is authorized to make to classifications and pay schedules under the
42 authority of this subsection are limited to the following:

43
44 (1) Abolishment of any existing classification;

45
46 (2) Creation of any new classification or classifications;

47
48 (3) Classification title changes;

49

- 1 (4) Classification changes for purposes of overtime eligibility; and
 2
 3 (5) Individual classification pay grade increases.
 4
 5 (6) Provided, however, that interim adjustments to the classification and pay plan
 6 changes shall not be authorized and shall remain subject to council approval by
 7 ordinance if the proposed changes:
 8
 9 (a) Involve twenty-five (25) or more employees;
 10
 11 (b) Involve the creation of five (5) or more classifications at one time;
 12
 13 (c) Involve employees in three (3) or more city departments or agencies; or
 14
 15 (d) Involve a projected annual cost of fifty thousand dollars (\$50,000.00) or
 16 more to the city in the first full year of implementation.
 17
 18
 19
 20

21 **Section 2.** That the foregoing amendments shall be reflected in the full classification and
 22 pay plan kept and maintained in the office of the Clerk and Recorder, as reflected at Clerk Filing
 23 No. 17-0206-O, and at the Office of Human Resources, and shall be available for public inspection
 24 both in person and on-line.
 25

26 COMMITTEE APPROVAL DATE: February 13, 2018 (Consent)

27 MAYOR-COUNCIL DATE: February 20, 2018

28 PASSED BY THE COUNCIL _____.

29 _____ - PRESIDENT

30 APPROVED: _____ - MAYOR _____

31 ATTEST: _____ - CLERK AND RECORDER,
 32 EX-OFFICIO CLERK OF THE
 33 CITY AND COUNTY OF DENVER

34 NOTICE PUBLISHED IN THE DAILY JOURNAL _____

35 PREPARED BY: Karla Pierce, City Attorney's Office DATE: February 22, 2018

36 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of
 37 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
 38 ordinance. The proposed ordinance **is not** submitted to the City Council for approval pursuant to §
 39 3.2.6 of the Charter.

40 Kristin M. Bronson, City Attorney for the City and County of Denver

41 BY:  _____, Assistant City Attorney DATE: Feb 22, 2018