

**HILLSBOROUGH COUNTY CIVIL SERVICE BOARD
NOTICE OF PROPOSED RULE CHANGE**

RULE NO.: CSR 8

RULE TITLE: Classified Employee Compensation

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment is to revise the compensation processes and procedures for classified employees, including revising definitions, codifying internal practices and procedures, and eliminating duplicative or unnecessary terms and rule language.

SUMMARY: The proposed rule would revise the compensation processes and procedures applicable to employees covered by the Hillsborough County, Florida Civil Service Act.

RULEMAKING AUTHORITY: Chapter 2014-230, and Chapter 2000-445, Laws of Florida as amended.

LAW IMPLEMENTED: Chapter 2014-230 and Chapter 2000-445, Laws of Florida as amended.

TO BE CONSIDERED PRIOR TO ADOPTION, COMMENTS MUST BE RECEIVED BY: 5:00 p.m. on Thursday, February 8, 2018 AT Suite 1700, 601 East Kennedy Boulevard, Tampa, Florida 33602 or via email to GonzalezAR@hillsboroughcounty.org

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD: At 1:00 p.m. on Monday, February 5, 2018 AT Suite 1700, 601 East Kennedy Boulevard, Tampa, Florida 33602. **PLEASE SUBMIT YOUR WRITTEN REQUEST FOR A RULE DEVELOPMENT WORKSHOP BY 5:00 P.M. FRIDAY, FEBRUARY 2, 2018 TO:** GonzalezAR@hillsboroughcounty.org

A MEETING OF THE CIVIL SERVICE BOARD INCLUDING FINAL CONSIDERATION AND ADOPTION OF THE PROPOSED CHANGES WILL BE HELD: At 6:15 PM Wednesday, February 21, 2018 in the Planning Commission Chambers 18th Floor, 601 East Kennedy Boulevard, Tampa, Florida 33602

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Alma Gonzalez, Chief, Employee Relations, Civil Service Board at 601 East Kennedy Boulevard, Suite 1700, Tampa, Florida 33602; (813)274-6763, GonzalezAR@hillsboroughcounty.org

THE FULL TEXT OF THE PROPOSED RULE IS: See attached proposed Civil Service Rules

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED: January 17, 2018.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in a workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: The ADA Coordinator, (813)274-6749. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

Classified Employee Compensation:

8.1 General:

- (1) The pay schedules and pay ranges or pay grades contained in the current edition of the Board's Classification and Pay Plan (the Pay Plan) shall be used, in conjunction with these rules to establish and adjust the rates of pay for classified employees.
- (2) Unless otherwise permitted by these rules, prior approval of the appointing authority and the Board must be obtained to establish or adjust the pay rate of a classified employee to a rate that does not fall between the applicable current pay range minimum and maximum rates, inclusive.
- (3) Prior approval of the appointing authority and the Director must be obtained to establish or adjust the pay rate of a classified employee to a rate that does not comply with all of the provisions of these rules.
- (4) Agency heads may authorize ~~such~~ incentives and benefits as lawfully permitted, provided they are available to all similarly situated classified employees of that agency.
- (5) Initial pay rates and subsequent pay rate adjustments for classified employees shall consider the need to avoid creating internal inequity among employees in the same classification, or in another classification in the same series.

8.2 Establishing and Adjusting Rates of Pay:

- (1) The appointing authority, or delegate, and the Director, or delegate, shall review and approve the initial pay rates and subsequent pay rate adjustments for classified employees.
- (2) Unless otherwise specified in these rules (e.g., 8.2(3)b.4(a)), initial pay rates and pay rate changes shall be effective as of the effective date of the event that results in the pay rate change (e.g., hire, promotion, etc.).
- (3) In response to the following employment events, these rules, in conjunction with the Board's current Pay Plan, shall be used to establish and adjust the rates of pay for classified employees.
 - a. Initial Appointment: At the discretion of the appointing authority, the pay rate upon the initial appointment of a person to a classified position may be established at any rate between the minimum and mid-point, inclusive, of the pay range to which the position is assigned.

8.2 (Continued)

b. Agency Initiated Pay Rate Adjustments:

1. Prior to the first day of each fiscal year (October 1 for most covered agencies) or as soon as practical thereafter, it shall be the responsibility of each agency head to communicate, in writing, to the Director, the agency compensation policy that will be in force during the upcoming fiscal year with regard to the following potential pay rate adjustments for classified employees:
 - (a) Performance-based or merit-based rate adjustments (in cycle), to include rate adjustments available at the completion of initial or conditional probation, if any; and
 - (b) Performance-based or merit-based rate adjustments due to extraordinary job performance (out of cycle); and
 - (c) Rate adjustments in response to changes in the cost of living (COLA); and
 - (d) Rate adjustments in response to changes in the rates paid by competing employers (market equity).
2. Agency fiscal year policies shall impact in a similar manner all similarly situated classified employees of that agency throughout the identified fiscal year.
3. Agency fiscal year policies shall specifically address the policy impact on a classified employee, whose rate is at or near the pay range minimum or maximum, in a manner that precludes the pay rate falling below the range minimum or exceeding the range maximum. For example, employees at the maximum are not eligible for an increase ~~or employees at the maximum in base pay, but may be eligible to~~ receive a lump sum equivalent in lieu of a base pay rate increase.

8.2 (Continued)

4. The performance-based or merit-based rate adjustment portion of Agency fiscal year policies, shall, at a minimum, include the following provisions:
 - (a) The effective date for all such pay rate changes shall be the start of the pay period in which the review period end date falls. Exceptions to this requirement ~~by~~may be granted by the Director.
 - (b) Identification of the percent increase(s) and/or dollar amount(s) that will be awarded, based on job performance ratings arrived at through the procedures defined in Rule 12, to a classified employee who completes a job performance review period of the following types during the fiscal year:
 - i. Initial Probation
 - ii. Conditional Probation
 - iii. Non-Probationary (~~recurring~~aAnnual ~~Review~~)
 - (c) The percent increase(s) and/or dollar amount(s) and eligibility criteria for an extraordinary (out of cycle) job performance-based rate adjustment.
 - ~~(d) Consideration of the need to avoid creating internal inequity among employees in the same classification, or in another classification in the same series.~~
5. Upon approval by the Director of the specific approach, agencies may also adjust the pay rates of individuals or groups of classified employees in response to documented internal inequity. Such action shall not result in a pay rate reduction for any classified employee.

c. Pay Changes for Promotion or Lateral Appointment

1. An appointing authority may exercise its discretion to adjust the pay rate of a tenured classified employee for the following appointments:
 - a. Promotion Appointment as defined by Rule 7.2(2)a; and Promotion Due to Reclassification: as defined by Rule 5.5(5)a shall be adjusted between a minimum of 5%, and up to the maximum pay rate.

8.2 (Continued)

~~1. This rule applies to both the promotion appointment of a person to a classified position and to the reclassification of a filled position that results in a promotion for the position incumbent.~~

~~2. In such cases, at the discretion of the appointing authority, the pay rate shall be adjusted to a rate that results in a pay increase that conforms to the following provisions:~~

~~(a) Minimum pay rate increase of 5%~~

~~(b) Maximum pay rate increase of 15% or to the corresponding pay range mid point, whichever is higher.~~

~~j. b. Lateral Appointment to a Different Classification and Lateral Classification Change Due to Reclassification: as defined in Rule 7.2(3)a~~

~~1. This rule applies to both the lateral appointment of a person to a classified position that is assigned to a different job classification than the position the employee is leaving (other class transfer) and to the reclassification of a filled position that results in an “other class transfer” for the position incumbent.~~

~~2. In such cases, at the discretion of the appointing authority, the pay rate may remain unchanged or be increased in accordance with this rule.~~

~~32. Where a Ppay rate adjustments in such cases for a promotion or lateral appointment shall not exceed 15% or the pay range maximum, whichever is less, results in a pay rate above the rate paid to the highest classified employee in the same classification, the Appointing Authority shall provide the Director with documentation regarding the need to award the increase.~~

~~k. d. Lateral Appointment within the Same Classification: In such cases, the pay rate shall remain unchanged.~~

~~l. e. Demotion Appointment (non-disciplinary) and Demotion Due to Reclassification (non-disciplinary):~~

1. This rule applies to both the voluntary demotion appointment of a person to a classified position and to the reclassification of a filled position that results in a demotion for the position incumbent.

8.2 (Continued)

2. In such cases, at the discretion of the appointing authority, the pay rate may remain unchanged or be reduced in accordance with the following provisions:
 - (a) The pay rate shall be no less than the result of the relative position formula defined in Rule 8.2(4) below; and
 - (b) If the employee was previously assigned to the classification to which the employee is being demoted, the pay rate shall be no less than the highest rate paid to the employee when previously assigned that classification; and
 - (c) The pay rate shall not exceed the pay range maximum.

gf. Demotion Appointment (disciplinary) and Demotion Due to Reclassification (disciplinary):

1. This rule applies to both the discipline-driven demotion appointment of a person to a classified position and to the discipline-driven reclassification of a filled position that results in a demotion for the position incumbent.
2. In such cases, at the discretion of the appointing authority, the pay rate shall be reduced in accordance with the following provisions:
 - (a) The pay rate that results from the application of the relative position formula defined in Rule 8.2(4) below; or
 - (b) If the employee was previously assigned to the classification to which the employee is being demoted, the pay rate shall be no less than the highest rate paid to the employee when previously assigned that classification.

hg. Return to Former Class: In ~~such~~ cases as defined under Rule 7.3(2)e, the pay rate may remain unchanged ~~or increased~~ at the discretion of the appointing authority, or the employee may be placed in the same position of the salary range that was previously held, plus any pay adjustments that the employee would have received in accordance with the agency's current fiscal year compensation policy.

8.2 (Continued)

i.h. Performance Improvement Program Completion: In such cases, the pay rate shall remain unchanged; including cases where PIP ends and the employee is returned to work.

ij. Classification Assigned to a Higher Pay Range: At the discretion of each impacted appointing authority, and with the concurrence of the Director, ~~unless an agency head certifies that funding limitations preclude this action,~~ the pay rates of employees assigned to the classification may remain unchanged or be increased in accordance with the relative position formula defined in Rule 8.2(4) below as a result of a labor market analysis. The pay rates of all employees within each appointing authority shall be adjusted in a like manner.

kj. Classification Assigned to a Lower Pay Range: In such cases, the pay rate shall remain unchanged.

(4) Relative Position Formula: This formula is referenced by other sections of these rules as either an optional or mandatory method to be used in calculating pay rate adjustments for classified employees in a variety of circumstances:

a. Relative Position Pay Rate = (A / B) x C where:

1. A = Current Pay Rate
2. B = Pre-Action Pay Range Mid-Point
3. C = Post-Action Pay Range Mid-Point

b. Round to nearest penny using standard rounding rules.

8.3 Bonus Payments

a. Bonus payments may be provided to classified employees provided they are available to all similarly situated classified employees of that agency. Such payments must be approved in accordance with federal and state laws. Bonus payments made to nonexempt employees must comply with the FLSA requirements on overtime compensation. Generally bonuses, other than lump sum discretionary, are included in the regular rate of pay when calculating the overtime rate.

If the funding source is from a sponsored or grant funded program, the award must be reviewed to ensure the bonus payment complies with sponsor/grant requirements and there are no restrictions on bonus payments.

b. A bonus is defined as a lump sum, non-cumulative cash award that may be granted to an employee in the following situations:

1. **Performance:** for a significant contribution that substantially benefits the appointing authority, project, or unit, or as a productivity bonus when certain pre-determined productivity measures are met during the performance period;

2. **Sign-On:** used as an incentive in recruiting employees with high demand skills or key talent requirements. These awards can help avoid higher, ongoing fixed compensation costs when recruiting key, hard to fill positions;

3. **Retention:** used to retain employees.

c. A sign-on or retention bonus may be awarded when such compensation is in the best interest of Hillsborough County and:

(1) market conditions in the relevant job category justify offering a bonus to obtain or retain the services of qualified personnel; or

(2) such compensation is justified in order to obtain or retain an employee with outstanding qualifications, and

(3) the employee receiving the bonus agrees to remain with the agency not less than 12 months, or forfeit and repay the bonus payment.

d. Bonus payments cannot be awarded in lieu of paying overtime wages to nonexempt employees that are required by wage and hour law.

8.34 Overtime:

- (1) It is the responsibility of the appointing authority to determine whether each position is covered by or is exempt from the Federal Fair Labor Standards Act [FLSA].
- (2) In accordance with the FLSA, employees who fill roles that are defined as non-exempt shall receive overtime at a rate of not less than one and one-half times the base pay rate (as defined in the FLSA) for each hour worked in a workweek which exceeds 40 hours (except in the case of public safety workers, in which case the number of weekly hours may vary). Such overtime may be paid in cash or as compensatory leave (within the parameters set forth in the FLSA and Rule 10).
- (3) Overtime work shall be authorized at the sole discretion of the appointing authority.
- (4) The opportunity for overtime work shall be extended in a similar manner to all similarly situated employees within an agency.
- (5) Employees who refuse to perform directed overtime work or perform overtime work without prior authorization may be subject to disciplinary action as provided in Rule 11.
- (6) For overtime compensation purposes, authorized holidays, vacation, and sick leave, may be considered as time actually worked. Other absences, including administrative leave, bereavement leave, civic leave, military leave, newborn leave, previously earned compensatory leave, and any other time not worked, shall be excluded from time worked in computing basic hours beyond which premium overtime rates are paid. [NOTE: For the purpose of this rule, vacation and sick leave may be counted as time worked at the end of the work week it is taken. Accordingly, the amount of vacation and sick leave charged may be adjusted to preclude the payment of overtime, provided the adjustment is made within the same work week as the overtime is performed.]

8.45 Special Forms of Compensation:

(1) Stand-by Assignments:

- a. An Appointing Authority may require any classified employee of that agency to accept stand by assignments.
- b. Employees on stand-by assignment are required to maintain a state of readiness to work during other than regularly scheduled hours, may be compensated at the rate of one hour's salary at the employee's regular rate of pay, for each eight hour period of such availability. Fractional periods of stand by duty shall be compensated proportionately. Any employee who performs work for the employer during the period of stand-by status (i.e. phone calls, paperwork etc.) shall be compensated for all such time actually worked.
- c. This provision shall be equally applicable to employees equipped by the appointing authority with electronic communication devices and to those who are required to otherwise promptly acknowledge and/or react to messages or telephone calls received during the stand by period.
- d. While the time spent on stand-by duty is not considered hours worked for overtime purposes, all compensation paid to an FLSA non-exempt employee for stand-by duty shall be included in calculating that employee's base pay rate for overtime purposes.
- e. Eligibility for stand by pay is not affected by a concurrent paid holiday.

(2) Call-In from Stand-by Assignment:

- a. If, while serving on stand-by status, an employee is required to perform work on behalf of the appointing authority (on-site or remotely), such employee shall be compensated on a portal-to-portal basis for all time actually worked.
- b. A minimum of two hours compensation shall be paid to the employee each time that he or she is required to report to a work site during the period of stand-by status, except that total paid hours shall not exceed the total hours of the corresponding stand-by period.
- c. All hours paid in accordance with this provision shall be included in the total hours worked when determining eligibility for payment of overtime at premium rates.

8.45 (Continued)

- d. Compensation for this purpose is separate and distinct from that authorized in Rule 8.3(1) for stand by assignment Compensation for stand-by assignment and call-in from stand-by assignment shall not be paid simultaneously for the same time period.

(3) Emergency Call-In:

- a. An off-duty employee, not on stand-by status and not otherwise scheduled to work that day, who is required to report to a physical worksite in an emergency situation shall be compensated on a portal-to-portal basis for all such time actually worked.
- b. A minimum of two hours compensation shall be paid to the employee each time that he or she is required to a physical worksite, or be compensated for the actual number of hours worked, if such time worked exceeds the two hour minimum.
- c. All hours paid shall be included in the total hours worked when determining eligibility for payment of overtime at premium rates.

- (4) Shift Differential: At the sole discretion of the appointing authority, a pay rate differential may be paid to employees who work a shift that includes hours between the hours of 6:00 p.m. to 7:00 a.m.

8.56 Deferred Compensation:

- (1) Appointing Authorities shall provide classified employees who, on or before February 2, 1997, elected to participate in Sick Leave Plan “B”, as legal consideration for this change, contribution to a County Deferred Compensation Program an amount equal to one percent (1%) of the employee’s wages received for working all regularly scheduled hours. This contribution shall be in addition to all other wages paid and will begin the month after an employee notifies the Agency that a deferred compensation account has been opened.
- (2) In addition to the required contribution in (1) above, the agency may provide classified employees a contribution to a County Deferred Compensation program in an amount it deems appropriate.

RULE EIGHT

Rule 8

The following Rules are amended to conform references to the changes in Rule 8:

Rule 5.5(5)b - Impact of Position Reclassification on the Position Incumbent:

Rule 5.5(5)c - Impact of Position Reclassification on the Position Incumbent:

Rule 5.7(3) - Impact of Job Classification Regrading on the Position Incumbent

Rule 5.7(4) - Impact of Job Classification Regrading on the Position Incumbent

Rule 7.2(3)e - Lateral Appointment

Rule 7.2(4)c - Demotion Appointment

Rule 7.3(2)e - Return to Former Classification:

Rule 11.7(1) - Reduction-In-Force

Rule 11.8(j) - Workers' Compensation Dismissal and Return to Work Program