

DRAFT  
09/03/14

ORDINANCE \_\_\_\_\_-2014

AN ORDINANCE

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BE IT ORDAINED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

Section 1 - That the Mayor, on behalf of the Lexington-Fayette Urban County Government, be and hereby is authorized and directed to implement the compensation policies and procedures presented to the Urban County Council on September 9, 2014 at the Council Work Session.

Section 2 – That Section 21-15 of the Code of Ordinances be and hereby is amended to read as follows:

Sec. 21-15. Temporary appointments.

- (a) In the event there is no appointee occupying a particular classified civil service position, a vacancy exists in such position. No person except a probationary or permanent appointee within the meaning of section 21-12 or an acting appointee within the meaning of section 21-16 shall assume the duties of a vacant classified civil service position unless a temporary appointment is made under these provisions. A temporary appointee shall be salaried at the minimum entrance rate of pay of the grade salary range of the vacant position, except that any existing urban county government employee temporarily appointed shall be paid at the point in the higher grade salary range that will provide a minimum increase of seven (7) percent over the salary he received immediately prior to the temporary appointment if the appointment is one (1) grade higher than that occupied by the employee, or ten (10) percent if an additional increase of three (3) percent for the next ~~the~~ grade is two (2) or more grades higher than that occupied by the employee and two (2) percent for each additional pay grade thereafter not to exceed the maximum of the assigned range; provided,

however, the appointing authority may recommend and the urban county council may approve a ~~compensation rate of pay~~ of pay above ~~these minimums the recommended rate of pay~~ in recognition of market demands or in recognition of the experience or exceptional qualifications of the employee. A classified civil service employee of the urban county government who is temporarily appointed to another classified civil service position shall be credited with time of service in his own position for time spent in a temporary appointment.

- (b) Where it is imperative to fill a vacancy in the classified civil service, the appointing authority may make a temporary appointment, not to exceed ninety (90) days, from the list of those eligible for permanent appointment, if the person selected accepts such temporary appointment. Successive temporary appointments to the same position shall not be made under this provision. The acceptance or refusal by an eligible applicant of a temporary appointment shall not affect his standing on the register for permanent appointment, nor shall temporary service be counted as part of the probationary service in case of subsequent appointment to a permanent position.
- (c) Whenever it is imperative to fill a vacancy in the classified civil service before the commission can certify a list of ~~as many as five (5)~~ as persons eligible for appointment after competitive examination, the appointing authority shall nominate a competent person from the same class or the next lower rank to the commission; and if certified by the commission as qualified he may be appointed temporarily to fill the vacancy until an appointment can be made after competitive examination. Temporary appointments hereunder shall continue only until a regular appointment can be made from the eligible list prepared by the commission. In no case shall appointments hereunder continue longer than ninety (90) days; and in no case shall successive appointments be made of the same person or other persons to such vacancy, except as provided herein.
- (d) Where it is imperative to fill a vacancy in the classified civil service and where no one on the eligible list or by promotion from the same class or the next lower rank is available, competent and qualified, the temporary appointment may be made by the appointing authority without examination. Temporary appointments hereunder shall continue only until

the regular appointment can be made from the eligible list prepared by the commission. In no case shall appointments hereunder continue longer than ninety (90) days; and in no case shall successive appointments be made of the same person or other persons, to such vacancies, except as provided herein.

- (e) Notwithstanding the ninety (90) day limit for temporary appointments established under the preceding subsections, temporary appointments made by reasons of these provisions, made necessary solely by reason of illness or disability of regular employees, may continue during such period of disability, but in no case longer than nine (9) months.
- (f) Subject to the statutes and urban county government Charter, and except as otherwise provided by law, classified civil service employees may be temporarily appointed to positions in the urban county government which are excluded from the classified civil service. Salary and service credit provisions shall be the same as in subsection (a) hereof.

(g) An employee receiving a temporary assignment shall sign an agreement acknowledging the understanding that the assignment and pay are temporary and shall end when the position is filled or the employee is removed from the temporary position.

Section 3 – That Section 21-16 of the Code of Ordinances be and hereby is amended to read as follows:

Sec. 21-16. Acting assignments.

- (a) In the event of the absence of an employee from any position in the urban county government, the director, on the recommendation of the supervisor or supervisors, involved, and with the approval of the chief administrative officer, may assign a classified civil service employee in an acting capacity to perform the duties of the position so absented. No employee so assigned shall receive any additional compensation by reason of said assignment but shall be credited with time of service in his own position for time spent in any position in which the employee is assigned in an acting capacity. If the absence of the employee, for which

position a classified civil service employee has been assigned in an acting capacity, becomes vacant within the meaning of section 21-15, the procedures for making a temporary appointment thereunder must be initiated immediately.

- (b) If the absence of the employee exceeds fifteen (15) working days, the employee so assigned shall be salaried at the point in the grade salary range of the absent employee that will provide a minimum increase of seven (7) percent over the salary he received immediately prior to the acting assignment if the assignment is to a grade one (1) grade higher than that occupied by the employee an additional increase of three (3) percent for the next grade higher than that occupied by the employee and two (2) percent for each additional pay grade thereafter not to exceed the maximum of the assigned range; provided, however, the appointing authority may recommend and the urban county council may approve a compensation-rate of pay above these minimums the recommended rate of pay in recognition of market demands or in recognition of the experience or exceptional qualifications of the employee. In no case shall the employee receive a salary lower than the minimum-entrance rate of pay of the grade salary range of the higher position. However, all employees so assigned whether entitled to a pay increase or not, shall receive credit for time of service in their own position for time spent in any position in which the employee is assigned in an acting capacity.
- (c) In the event a vacancy within the meaning of section 21-15 arises, which vacancy must, owing to a bona fide emergency, be immediately filled by an employee, the mayor, the chief administrative officer or the supervisor or supervisors involved may assign a classified civil service employee to such position in an acting capacity. Such assignment shall be valid only until the provisions of section 21-15, relating to temporary appointments, can be initiated and completed.
- (d) In the event there is no qualified person in the classified civil service to assume the duties of the position, appointments shall be made in accord with subsections (b) through (f) of section 21-15.
- (e) An employee receiving an acting assignment shall sign an agreement acknowledging the understanding that the

assignment and pay are for filling an acting position and shall end when the absent employee returns, the employee is removed from the acting position or pursuant to subsection (c) above.

Section 4 – That Section 21-17 of the Code of Ordinances be and hereby is amended to read as follows:

Sec. 21-17. Transfers or Lateral Movement.

- (a) The director, subject to the approval of the chief administrative officer, may approve an interdepartmental or intradepartmental transfer in the same class without examination or certification if an employee initiates a request and secures the approval of the supervisor into whose unit the transfer is to be made.
- (b) The director, subject to the approval of the chief administrative officer and affected supervisors, may approve, without examination or certification, involuntary interdepartmental or intradepartmental transfer of employees in the same classification because of reorganizations or changes in work load. Employees so affected shall be given reasonable written advance notice.
- (c) Permanent employees who are transferred to another position in the same classification shall not be required to undergo a probationary period in the position into which they have been transferred.
- (d) The director, subject to the approval of the chief administrative officer, may approve one (1) intradivisional transfer in the same class without examination for any employee during his probationary period. Upon written request of the employee after at least four (4) weeks of employment, the director shall verify that the supervisor involved concurs and that the employee has received orientation in the new position. Probationary employees shall not be eligible for transfer more than once nor to positions outside their division. Time spent by the probationary employee in his original position shall be counted as part of his six-month probationary period.

(f) If an employee is selected for a position in a new job class that has the same pay grade as the current job class, the employee shall not receive a new salary recommendation and shall transfer to the new job class at the current salary.

Section 5 – That Section 21-18 of the Code of Ordinances be and hereby is amended to read as follows:

Sec. 21-18. Promotions.

All vacancies in the classified civil service shall be filled through open, competitive examination unless the urban county council shall designate by ordinance positions for which examinations, shall first be given exclusively to current employees. The certification of applicants for all appointments and promotions shall be based on an evaluation of examination, qualification, seniority and military preference, as provided in the statutes and ordinances.

Any urban county government employee who obtains a position within the classified civil service having a higher grade than his former position shall have his salary placed at the point in the higher grade salary range that will provide a minimum increase of seven (7) percent if the promotion is to a grade one (1) grade higher than that occupied by the employee and additional increase of three (3) percent for the next grade higher than the employee's current position and two (2) percent for each additional pay grade thereafter. The resulting pay shall be no less than the entrance rate of pay of the new pay grade and shall be no less than a seven (7) percent increase. The new salary shall not be more than the maximum salary of the assigned pay grade; provided, however, that the appointing authority may recommend and the urban county council may approve a rate of pay above these recommended rate of pay in recognition of market demands or in recognition of the experience or exceptional qualifications of the employee. In no case, however, shall the employee receive a salary lower than the entrance rate of pay of the grade salary range of the higher position.

Section 6 – That Section 21-26 of the Code of Ordinances be and hereby is amended to read as follows:

Sec. 21-26. Entrance rates.

- (a) The rate of pay for an employee upon initial employment in the classified civil service shall normally be made at the minimum-entry rate of pay of the grade salary range specified for his class. The appointing authority may recommend and the urban county council may approve a compensation-rate of pay above the minimum-entry rate of pay for the grade when it is found to be difficult to recruit qualified persons at the minimum-entry rate of pay or in recognition of the experience or exceptional qualifications of a candidate. An employee who successfully completes his probationary period prior to the end of the fiscal year in which he is hired, shall receive .75 times the merit pool percentage on the first day of the subsequent fiscal year; provided, however, that no employee shall receive a salary lower than the minimum for his grade salary range.
- (b) Upon permanent appointment, an employee holding the position of communications officer senior-apprentice in the division of police shall be automatically reclassified to the position of communications officer senior and shall have his salary adjusted in accordance with section 21-30.
- (c) The rate of pay for a new employee with no equivalent and relevant level of experience shall be the entry rate of pay of the salary range to which the job classification is assigned.
- (d) The rate of pay for new employees whose experience and credentials can be verified, may be placed in the range according to their experience, educational credentials and certification.
- (e) The appointing authority may recommend and the urban county council may approve a rate of pay above the recomendend rate when it is found to be difficult to recruit qualified persons at the recommended rate of pay or in recognition of the experience or exceptional qualifications of a candidate.
- (f) Before a salary offer is made, the Division of Human Resources shall consider the current salaries and length of service in the same or similar job class or classes of the incumbents.

Section 7 – That Section 21-26.1 of the Code of Ordinances be and hereby is amended to read as follows:

Sec. 21-26.1. ~~Rates upon promotion, e~~Demotion.

~~(a) Any urban county government employee who obtains a position within the classified civil service having a higher pay grade than his former position shall have his salary placed at the point in the higher grade salary range that will provide a minimum increase of seven (7) percent if the appointment is to a grade which is one (1) grade higher than that occupied by the employee or ten (10) percent if the appointment is to a grade two (2) or more grades higher than that occupied by the employee; provided, however, that the appointing authority may recommend and the urban county council may approve a compensation rate above these minimums in recognition of market demands or in recognition of the experience or exceptional qualifications of the employee. In no case, however, shall the employee receive a salary lower than the minimum of the grade salary range of the higher position. At the end of his probationary period, the employee is entitled to participate in the merit pool under the same conditions as a newly hired employee pursuant to section 21-26(a).~~

(ba) The appointing authority, upon the recommendation of the director and approval of the urban county council, may grant voluntary demotion to an employee who meets the following criteria:

- (1) The employee must apply in writing to his division director for voluntary demotion to an existing vacant position, and the division director shall forward the completed application to the director.
- (2) The employee must have previously held a position in the class to which he is requesting demotion or have been on an eligibility list for the position or have performed a majority of the duties of the position even if the class title may have changed after he left the position.
- (3) The employee must secure the approval of the supervisor into whose division the demotion is to be made.
- (4) The employee must have received a rating of at least satisfactory on one (1) of his last two (2) performance evaluations; however, an employee who has received



a rating of unsatisfactory on either of his last two (2) performance evaluations shall not be eligible for voluntary demotion.

- (5) An employee who seeks voluntary demotion because of physical inability to perform job duties must provide appropriate medical documentation to support the request. Said documentation shall be attached to the employee's written request for voluntary demotion.
- (6) Any employee who is granted a voluntary demotion shall be placed in the grade salary range of the position to which he is being demoted with a seven (7) percent reduction in salary for the first pay grade below the employee's current pay grade, an additional three (3) percent reduction in salary for the next pay grade and a two (2) percent reduction for each additional pay grade thereafter~~at the salary he was earning before the promotion plus any scale adjustments made to the lower grade salary range and any merit increases earned in the position from which he is being demoted~~, provided, however, that no employee shall be paid below the entrance rate of pay or above the maximum for the grade~~, and no employee shall receive a salary in excess of that of an incumbent in the position whose qualifications and years in service are equal to those of the demoted employee. If the demotion is to a position not formerly held by the employee, he shall be placed at the minimum of the grade salary range plus the merit pool percentage awarded during the employee's tenure in the higher grade.~~
- (7) The director shall make reasonable rules and regulations necessary to implement this section.
  - (b) If an employee is selected for a position in a new job class that has a lower pay grade than the current job class, the employee shall be placed in the grade salary range of the job class to which he is being demoted with a seven (7) percent reduction in salary for the first pay grade below the employee's current pay grade, an additional three (3) percent reduction in salary for the next pay grade and a two (2) percent reduction for each additional pay grade thereafter; provided, however, that no employee shall be paid

below the entrance rate of pay or above the maximum for the grade.

Section 8 – That Section 21-30 of the Code of Ordinances be and hereby is amended to read as follows:

Sec. 21-30. ~~Salary adjustment on change of classification plan.~~  
Reclassification or Reallocation.

- (a) An employee whose pay grade is changed to a higher grade through a reclassification or reallocation of his position shall have his salary placed at the point in the higher grade salary range that will provide a minimum increase of seven (7) percent if the reclassification or reallocation is to a grade one (1) grade higher than that existing prior to the reclassification or reallocation ~~or ten (10) percent~~ an additional increase of three (3) percent if the reclassification or reallocation is to a grade two (2) ~~or more~~ grades higher and two (2) percent for each additional grade thereafter; provided, however, the appointing authority may recommend and the urban county council may approve a ~~compensation~~ rate of pay above ~~these minimums~~ the recommended rate of pay in recognition of market demands or in recognition of the experience or exceptional qualifications of the employee. In no case, however, shall the employee receive a salary lower than the ~~minimum~~ entrance rate of pay for the grade salary range.
- (b) An employee whose pay grade is changed to a lower grade through a reclassification or reallocation shall retain his salary at the higher level. All employees receiving a rate of pay above the maximum rate prescribed for the class to which their position was reclassified or reallocated shall continue to receive such pay without further increase so long as their positions remain in a class having a rate below the rate now being paid the employee.
- (c) An employee shall be eligible for a ~~merit salary~~ increase or cost of living adjustment in the position to which he has been reclassified or reallocated on the first day of the fiscal year after the reclassification or reallocation.
- (d) The effective date of all reclassifications or reallocations shall be the beginning of the next pay period following approval by the Urban County Council.

Section 9 – That Section 22-23 of the Code of Ordinances be and hereby is amended to read as follows:

Sec. 22-23. Entrance rates.

- (1) The rate of pay for an employee upon initial employment in a position covered by this chapter which is assigned a pay grade shall normally be ~~made at the minimum~~ the entry rate pay of the grade salary range specified for his class. The appointing authority may recommend and the urban county council may approve a ~~compensation rate~~ of pay above the ~~minimum for the grade recommended rate~~ when it is found to be difficult to recruit qualified persons at the ~~minimum recommended rate of pay~~ pay or in recognition of the experience or exceptional qualifications of a candidate.  
~~An employee who serves six (6) months or longer prior to the end of the fiscal year in which he is hired shall receive .75 times the merit pool percentage on the first day of the subsequent fiscal year; provided, however, that no employee shall receive a salary lower than the minimum for his grade salary range.~~
- (2) For those positions covered by this chapter which are not assigned to a grade, the compensation shall be as provided by ordinance.
- ~~(3) An employee appointed to the position of legislative aide to council trainee, after six (6) months of satisfactory service, and with the recommendation of the council administrator may be reclassified to the position of legislative aide to council and, when so reclassified, shall have his salary adjusted to that of a legislative aide to council.~~
- (3) The rate of pay for new employees whose experience and credentials can be verified, may be placed in the range according to their experience, educational credentials and certification.

(4) The appointing authority may recommend and the urban county council may approve a rate of pay above the recommended rate when it is found to be difficult to recruit qualified persons at the recommended rate of pay or in recognition of the experience or exceptional qualifications of a candidate.

(5) Before a salary offer is made, the Division of Human Resources shall consider the current salaries and length of service in the same or similar job class or classes of the incumbents.

Section 10 – That 22-27 of the Code of Ordinances be and hereby is amended to read as follows:

Sec. 22-27. ~~Salary adjustment on change of classification plan~~ Reclassification or Reallocation.

For those positions covered by this chapter which are assigned a grade:

- (1) An employee whose pay grade is changed to a higher grade through a reclassification or reallocation of his position shall have his salary placed at the point in the higher grade salary range that will provide a minimum increase of seven (7) percent if the reclassification or reallocation is to a grade one (1) grade higher than that existing prior to the reclassification or reallocation ~~or ten (10) percent~~ an additional three (3) percent if the reclassification or reallocation is to a grade two (2) ~~or more~~ grades higher and two (2) percent for each additional grade thereafter; provided, however, the appointing authority may recommend and the urban county council may approve a ~~compensation~~ rate of pay above ~~these minimums~~ the recommended rate of pay in recognition of market demands or in recognition of the experience or exceptional qualifications of the employee. In no case, however, shall the employee receive a salary lower than the ~~minimum~~ entrance rate of pay for ~~his~~ the grade salary range.

- (2) An employee whose pay grade is changed to a lower grade through a reclassification or reallocation shall retain his salary at the higher level. All employees receiving a salary above the maximum rate prescribed for the class to which their position was reclassified or reallocated shall continue to receive such pay without further increase so long as their positions remain in a class having a rate below the rate being paid the employee.
- (3) An employee shall be eligible for a merit increase in the position to which he has been reclassified or reallocated on the first day of the fiscal year after the reclassification or reallocation.

Section 11 - That this Ordinance shall become effective September 22, 2014.

PASSED URBAN COUNTY COUNCIL:

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MAYOR

ATTEST:

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CLERK OF URBAN COUNTY COUNCIL  
PUBLISHED:

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