

8.04 COMPENSATION

Compensation Policy

The City Auditor shall establish the compensation of employees in the Auditor's Office, subject to funding by City Council.

The ~~City Auditor~~ shall establish compensation rates for Auditor's Office classifications that take into account internal equity, labor market considerations, complexity or difficulty of the work, total compensation and the City's economic condition and that are commensurate with compensation for equivalent classifications in the City of Portland's classification system. It is the goal of the City of ~~Portland~~ Auditor to attract and retain qualified employees and encourage high levels of performance. Additionally, the ~~City Auditor's Office~~ will use a valid and consistent methodology for evaluating jobs. It is the ~~Auditor's Office~~ City's policy that:

- direct and indirect compensation (wages, premiums, health benefits, holidays, vacation and other leaves, pensions, etc.) are all to be considered in determining appropriate levels of compensation for employees;
- wage and benefits packages are considered "externally competitive" if they approximate the average of the direct and indirect compensation offered for similar work in applicable labor markets as determined by the City Auditor;
~~as determined by the Human Resources Director;~~
- other factors such as compression between classes, recruitment and retention of qualified employees, the City's economic condition, and incentives linked to performance may also be considered in establishing wages and benefits;
- annual adjustments to the compensation rates may be made based ~~upon~~ a formula that considers the consumer price index. Other adjustments may also result from a classification study or compensation review.

The ~~Auditor's Office~~ City recognizes the legitimate role of collective bargaining in determining compensation for represented employees.

~~The Council shall fix the salaries of all employees of the City.~~

Compensation Plan

During the regular budgetary process, pay grades and compensation ranges for all classifications shall be set for the upcoming fiscal year and shall be published in ~~a~~ the Auditor's Office Compensation Plan.

The ~~City Auditor's Office~~ Compensation Plan shall be revised in conjunction with the annual budgetary process and/or as a result of a classification/compensation study. The ~~Director of Human Resources~~ City Auditor ~~s~~ shall recommend appropriate pay ranges for each classification in accordance with the compensation policy.

~~Adjustments to assigned ranges for individual classifications, and p~~ resentation to Council of new classifications and ranges, shall be done in conjunction with the

annual budgetary process or as the result of a classification/compensation study, except where the ~~Director of Human Resources~~ City Auditor determines that:

1. a substantial change in the duties and responsibilities of the classification necessitates a salary adjustment; or
2. an inordinate amount of turnover within the classification is attributed to an inadequate salary level, thereby necessitating an immediate salary review; or
3. difficulty in recruitment of qualified candidates for a classification is attributed to an inadequate salary level, thereby necessitating an immediate salary adjustment; or
4. a new classification is needed at a time outside of the annual budgetary process.

See City Auditor's Compensation Plan

Double Pay Prohibited

The salaries provided for under this rule and in the various collective bargaining agreements are intended to be full compensation for services rendered to the ~~Auditor's Office~~ City. An employee shall return to the ~~City Auditor's Office~~ any compensation received for wages or benefits that were already paid for by the City. See; City Charter, Section 2-608.

Direct Deposit and Itemized Wage Statements

As part of the ~~City's~~ goal to reduce paper and create sustainable policies, and unless otherwise prohibited by a collective bargaining agreement, all newly hired ~~City~~ employees will receive their compensation through direct deposit to their designated financial institution and their itemized wage statements (remittance statements) will be available electronically through PortlandOregon.gov. Employees may request to receive paper checks in lieu of direct deposit or receive paper remittance statements.

Salary Ranges

1. Non-Represented Classifications

Each non-represented classification is assigned an open pay range with a minimum, midpoint and maximum salary rated. Non-represented employees may be paid at any rate within the assigned range and in accordance with this rule.

2. Represented Classifications

Each represented classification shall be assigned a pay range with a minimum and maximum salary range and identified steps in between the minimum and maximum rates. Represented employees must be paid within that range and on an assigned step to that range except as provided in the **Administrative Rule on Classification**.

3. All Employees

An employee's rate of pay shall not be less than the entry pay rate or more than the top pay rate for the classification except as noted below.

The ~~City Auditor~~ Director of the Bureau of Human Resources may approve retaining an employee's salary at their current rate even if they are higher than the top rate for

their classification ~~(red-circling) whereif~~ the employees would otherwise suffer a reduction in pay; ~~under the following circumstances:~~

- The reduction in pay is due to a settlement agreement; or
- The reduction in pay is ~~as~~ a result of a reclassification that occurs as part of the implementation of a classification/compensation study; or
- The reduction is part of the implementation of the Employee Transition Services Program; or
- The reduction in pay is a result of a position being reclassified downwards, but the reclass is not part of a classification/compensation study. For this exception to apply, the reduction in pay must be at least 25% ~~and~~; the position at issue is determined critical by ~~the director of the bureau and the Director of Human Resources approves red-circling as in the best interests of the City~~ the City Auditor and in the best interest of the Auditor's Office.

Employees ~~whose pay is red-circled~~ in these circumstances are not eligible for pay increases, including cost of living increases, until their pay rate is within the pay grade of their assigned classification.

Progression Through a Pay Range

1. Non-Represented Employees

Non-Represented Regular, Limited Term and Job-Share employees shall progress through their assigned salary range based on the City Auditor's Performance Management System and in accordance with the Compensation Policy. See Administrative Rule on Performance Management.

2. Represented Employees

Progression to steps in the salary range shall be as prescribed in the compensation plan.

Compensation for Elected Officials

~~The salary rates for the Mayor, Commissioners and Auditor shall not be assigned to a salary schedule and shall be established separately by the Council.~~

Compensation ~~for for~~ Council Member Secretary and Administrative Staff, City Attorney and non-represented employees of the ~~City Attorney's Office~~

~~The secretary and administrative staff of each Council Member, the City Attorney, and all non-represented staff in the City Attorney's non-represented staff in the Auditor's Office shall be compensated in an open range in the non-represented salary schedule in the pay range assigned to their classification. The Elected Official, for their staff, or City Attorney for their non-represented employees, City Auditor may designate or change the employee's salary, upward within the pay range, at any time, documenting the reason, amount, and budgetary impact of the change. The following are instances where an upward adjustment of salary within the range is warranted:~~

- ~~1. to retain employees in key positions when they have a documented job offer from a potential employer; or~~
 - ~~2. to reflect a substantial increase and expansion of the job responsibilities within the classification of the employee; or~~
 - ~~3. to increase the compensation of existing employees, when because of market considerations, a new employee within the same classification and work group is initially appointed to a higher level within the range; or~~
-

4. the scope of work expected of an employee in a newly created position is broader than originally anticipated at the time the position was created.

Changing the compensation downward is not allowed unless the position is reclassified to a lower classification and Employee Movement rules are followed.

Employment Agreement and Compensation for Bureau Directors Compensation for Division Managers

~~Upon hire and as a condition of employment, bureau directors will be subject to the terms of an employment agreement the content of which has been approved by the Commissioner in Charge and the Director of Human Resources. Such agreement shall be for a term of 36 months and in the event of a termination without cause during the term of the agreement, shall provide for a severance payment, the amount to be determined at the time of hire. There will be no severance payment if the termination is for cause as defined in the employment agreement. At the end of the 36 month period the bureau director's continued employment shall be at will and at the sole discretion of the Commissioner in Charge with no obligation of severance payment upon termination.~~

The ~~Auditor~~Elected Official in charge may adjust the salary of any division bureau director at any time provided the pay adjustment is within the pay range, is upward only, and is in recognition of exemplary performance as documented in a performance review ~~submitted to the Bureau of Human Resources.~~

Initial Appointments to Other Positions Exempt from Chapter 4 of the City Charter

~~The initial appointment to other positions exempt from Chapter 4 of the City Charter may be made at a rate above the entry point if approved by the City Auditor Director of Human Resources and the Elected Official in charge.~~

Assignment of a Claim for Salary or Wages Prohibited

It is unlawful for any person or employee rendering services to the City and having a salary or wage claim against the City to make an assignment of the claim for salary or wages, whether earned or unearned, except as provided in Section 5.12.030 of the City Code.

Initial Appointment To Non-Represented Classifications

All initial full-time and part-time regular, limited duration and job-share appointments to non-represented classifications shall be to the entry rate of the pay range for the classification except as follows:

1. At the discretion of the ~~hiring manager~~Bureau Director, an employee's initial appointment to a classification may be at a rate up to the midpoint of the assigned range.
 2. Initial appointments above the midpoint may be made only with the approval of the ~~Director of Human Resources~~City Auditor.
-

Other Adjustments Within The Pay Range For Non-Represented Classifications

~~The pay rate for a non-represented employee may be adjusted within the pay range at other than initial appointment or anniversary date. Such adjustments may be made only for the following reasons and must be approved in writing by the Human Resources Director:~~

-
- ~~1. due to a bonafide retention issue for a key position, subject to the condition noted below; or~~
 - ~~2. due to a substantial increase and expansion of the job responsibilities within the classification of the employee; or~~
 - ~~3. to increase the compensation of existing employees, when due to market considerations a new employee within the same classification and work group is initially appointed to a higher level within the range; or~~
 - ~~4. the scope of work expected of an employee in a newly created position is broader than originally anticipated at the time the position was created.~~

~~**Note:** Supporting documentation of the terms and conditions of an actual competing job offer must be provided when requesting the pay adjustment. This rule is intended to address those situations when the City wishes to “save” or retain an employee who is considering separation by the acceptance of a formal offer of competing employment.~~

Initial Appointments To Represented Classifications

The initial appointment for a represented classification shall be the minimum rate for the salary range. The requirements for appointment above the minimum rate are contained in the applicable collective bargaining contract and/or in the **Compensation Plan**.

Appointment of Temporary Employees

Initial appointment for full-time and part-time non-represented temporary employees shall be set in the same manner as regular non-represented employees. Temporary employees in represented classifications are appointed and progress through the pay range in accordance with the applicable collective bargaining agreement.

Casual Employees

~~The Council shall establish a separate salary schedule for classifications designated by the Director of Human Resources to meet seasonal work needs of the City.~~ The ~~Bureau Director~~City Auditor or designee may appoint and change the pay rates of casual employees to any pay rate within the pay range designated in the compensation plan for the classification.

Transfers

1. Non-Represented Employees

When a regular non-represented employee transfers to a position in a different classification with the same pay range, the ~~bureau director~~hiring manager may appoint the employee:

- a. At their current pay rate and anniversary date for future eligibility for performance increases, or
 - b. As provided above under Initial Appointment for Non-Represented Classifications. The employee’s anniversary date changes to reflect new appointment.
-

Employees who transfer to a different position in the same classification maintain their current pay rate and anniversary date.

2. Represented Employees

When a regular represented employee is either temporarily or permanently appointed to a position within the same or a different classification with the same maximum rate of pay, the employee's pay rate shall be the step within the range, which is closest to, but no lower than the employee's regular rate of pay in the former classification.

Promotion

1. Non-Represented Employees

When a regular or limited duration employee is appointed to a classification with a higher maximum pay range, the ~~bureau director~~ hiring manager may appoint the employee:

- a. At the entry rate for the higher pay range, or at a pay rate in the higher pay range which gives them a 5.0 percent pay increase (not to exceed the maximum of the salary range) whichever is higher, or
- b. As provided above under Initial Appointment for Non-Represented Employees.

A regular employee's salary shall not be reduced due to an appointment to a position in a classification with a higher maximum pay range.

2. Represented Employees

When an employee is either temporarily or permanently appointed to a classification with a higher maximum rate of pay, the employee's pay rate shall be the step within the higher classification range which represents at least a 3% increase over the employee's regular rate in their former classification, provided that in no event shall the new rate of pay exceed the maximum rate for the higher classification.

Demotion

1. Non-Represented Employees

If a permanently appointed employee voluntarily demotes to a lower paying classification they shall retain their anniversary date and their salary shall be at the rate in the new pay range, which affords the least reduction in pay. In no event shall an employee receive an increase in pay upon demotion.

2. Represented Employees

Except as provided in the Administrative Rule on Classification, when an employee is either temporarily or permanently appointed to a classification with a lower maximum rate of pay, the employee shall retain their anniversary date and their rate of pay shall be the step in the lower classification pay range which represents the least or no reduction in pay for the employee. In no event shall an employee receive an increase in pay upon demotion.

Employees demoted for disciplinary reasons shall receive the rate of pay in the lower salary range of the new class specified as part of the disciplinary action. In no case shall the employee's rate of pay be below the first step of the new classification.

Reinstatement or Reappointment From a Layoff List or Return from Leave of Absence

When an employee is reinstated under the reinstatement rules, reappointed from a layoff list or returned from leave of absence, their salary rate shall be at the same position in the pay range as when the employee last served in that classification.

If a current employee is recalled from layoff and the current salary for the classification the employee is serving in exceeds their salary at the time of layoff, the rules on promotion will apply.

Reappointment after Return From Leave of Absence

See **Administrative Rule on Reinstatement**.

Anniversary Date and the Impact of Leaves and Prior Service

Except as provided below, the anniversary date of an employee is the date of initial appointment to the classification. Thereafter, an anniversary date for pay purposes shall be adjusted to exclude time spent on layoff or officially approved leaves of absence of more than 30 days in duration, unless otherwise required by federal or state law.

When an employee is regularly appointed to a classification with previous time served:

1. The anniversary date shall be adjusted to reflect credit for time in class per applicable ~~HRARs~~ administrative rules or contractual languages; or
2. At the discretion of the ~~Bureau Director~~ City Auditor or designee, the employee shall be granted additional compensation per initial appointment to the Non-Represented Classification rule and the anniversary shall be reset to the date of appointment.

An officially approved absence from duty without pay because of military leave, Family Medical Leave, or injury in line of duty shall not change an employee's anniversary date.

If as a result of layoff an employee bumps to a lower classification in which they previously held status, the employee's anniversary date in the lower classification will be adjusted for pay purposes to include all time served in the lower classification.

Impact of Appointments to Other Classifications

If a permanently appointed employee accepts a temporary appointment in a classification in the same pay range and is later reappointed to the former classification, the employee shall retain their current salary rate and anniversary date.

If a permanently appointed employee accepts a temporary appointment in a classification in a higher pay range and is later reappointed to the former classification the employee's anniversary date and salary rate shall be reset as if they had continued in the original classification.

Shift Differentials

~~Emergency Communications Supervisors and other non-represented employees assigned to work a full swing shift or full graveyard shift as their regular shift are entitled to a shift differential as follows:~~

~~Swing shift—\$.84 cents per hour.~~

~~Graveyard shift—\$1.16 per hour.~~

~~As used in this Section, a “swing shift” is any work shift that begins between 12:00 noon and 6:59 p.m., inclusive, and ends no later than 5:00 a.m. and a “graveyard shift” is any work shift that begins between 7:00 p.m. and 11:00 p.m., inclusive and ends no later than 9:00 am.~~

~~The hourly premium authorized by this section does not apply during hours on vacation, sick leave, or any other paid leave of absence.~~

~~Recreation Supervisors are not eligible for shift differentials.~~

Special Assignment Pay

Upon request by a ~~division manager~~bureau, special assignment pay differentials may be reviewed and approved by the ~~City Auditor~~Director of Human Resources for the incumbents of positions who are assigned to supervise the work of one or more employees whose base salaries are in the same or higher salary range as the supervisor.

The amount of the pay differential may be up to ten percent (10%) above the top of the pay range for the incumbent’s classification for such assignment. Such special assignment pay differential shall remain in effect for the duration of the assignment only, unless rescinded sooner by the ~~bureau or Director of Human Resources~~City Auditor.

Compensation for Controlled Classes

Under exceptional circumstances, a class may be identified as a “controlled class” and pay may be established at levels necessary to accomplish compelling City purposes. Such actions shall be based on a review and approval by the ~~Human Resources Director~~City Auditor and shall be established for a specific period of time.

Exceptional circumstances may include:

1. market comparisons
2. recruitment and retention issues
3. exceptional personnel shortages that require departure from the normal salary range assignment for a classification; or
4. a temporary organizational need that cannot be accommodated within current salary schedule assignments.

The classification shall return to the original salary range assignment at the end of the time period designated for the higher pay range, unless the ~~Human Resources Director~~City Auditor approves an extension.

The employee, who is in a “controlled class”, during a period of time when a higher salary range assignment is designated, may continue to receive normal merit adjustments within the new range. Upon returning the classification to its original salary range assignment, affected employees will only continue at their current rate of pay providing that rate is not higher than the control point of the range. The ~~Human Resources City Auditor Director~~ may consider red-circling the pay of such employees in cases where the controlled class has been established for the maximum period of time.

The process for approving a higher rate for a “controlled class” shall be as follows:

1. A ~~bureau hiring manager~~ may make a request and provide an initial basis for consideration by ~~Management Services~~ the Human Resources Director.
2. ~~Management Services~~ The Human Resources Bureau shall confirm or further research the need for the use of a controlled class.

Upon the completion of such review, the ~~Human Resources Director~~ City Auditor shall approve or deny the request for adjustment of compensation for the classification. Such pay range designated or established by the ~~Human Resources Director~~ City Auditor shall not be more than 20% over the current pay range, and shall be limited to a period of not more than two years, unless extended by the ~~Director of Human Resources~~ City Auditor based on additional review at the end of the two year period.

Pay Status

An employee is in paid status when working, when on paid leave, or when on worker's compensation leave. An employee is not in paid status after the last day of work when separated because of resignation, dismissal, death, retirement or ~~I~~layoff.

Payment to Separated Employees

Employees who separate from City service shall be paid in accordance with applicable law.

Boards and Commissions

No member of any board or commission shall receive any salary or other compensation for their services on such board or commission.

Overtime

See the Administrative Rules regarding Hours of Work and Overtime: **8.02 Hours of Work and Overtime Compensation: FLSA Covered Employees** and **8.03 Hours of Work, Overtime Compensation & Management Leave: FLSA Exempt Employees**.

Administrative Rule History

~~Adopted by Council March 6, 2002, Ord. No. 176302, Effective April 5, 2002~~
~~Revised October 15, 2002~~
~~Revised August 13, 2003~~
~~Revised October 24, 2003~~
~~Revised July 1, 2004~~
~~Revised December 22, 2004~~
~~Revised September 16, 2005~~
~~Revised July 9, 2007~~
~~Revised April 17, 2009~~

~~Revised October 19, 2010~~
~~Amended by Ord. No. 184958, effective November 25, 2011~~
~~Revised December 4, 2013~~
~~Revised April 25, 2016~~
