

SALT LAKE CITY ORDINANCE
No. _____ of 2006

(Approving the Compensation Plan for
Regular Part-time Employees
of Salt Lake City)

AN ORDINANCE APPROVING A COMPENSATION PLAN FOR REGULAR
PART-TIME EMPLOYEES.

Be it ordained by the City Council of Salt Lake City, Utah:

SECTION 1. PURPOSE. The purpose of this Ordinance is to approve the attached Compensation Plan for Regular Part-time Employees. Three copies of said Compensation Plan shall be maintained in the City Recorder's Office for public inspection.

SECTION 2. APPLICATION. The Compensation Plan shall not apply to employees whose employment terminated prior to the effective date of this Ordinance.

SECTION 3. EFFECTIVE DATE. This Ordinance shall be deemed effective on July 1, 2006.

Passed by the City Council of Salt Lake City, Utah, this _____ day of _____, 2006.

CHAIRPERSON

Transmitted to the Mayor on _____.

Mayor's Action: _____ Approved. _____ Vetoed.

MAYOR

ATTEST:

CHIEF DEPUTY CITY RECORDER

(SEAL)

Bill No. _____ of 2006.

Published: _____.

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APPROVED AS TO FORM
Salt Lake City Attorney's Office

Date 4-25-06

By [Signature]

**COMPENSATION PLAN FOR SALT LAKE CITY CORPORATION
REGULAR PART-TIME EMPLOYEES**

I. EFFECTIVE DATE

The provisions of this plan shall be effective commencing ~~June 19, 2005~~ July 1, 2006.

II. EMPLOYEES COVERED BY THIS PLAN

A. The employees covered by this Plan are employees who meet the following:

1. Regular Part-Time employees who are classified by the City as "700 Series" employees; and
2. Regular Part-Time employees who perform essentially the same duties of employees classified by the City as "100" and "200" Series employees; and
3. Regular Part-Time employees, hired prior to June 30, 1996, who are regularly required to work twenty (20) or more but less than forty (40) hours a week; or
4. Regular Part-Time employees, hired on or after July 1, 1996, who are regularly required to work twenty-four (24) or more but less than forty (40) hours a week.

Employees are not covered by the paid leave and longevity payment provisions of this plan while they are on unpaid leave of absence. However, employees on an unpaid military leave of absence may be entitled to the restoration of certain leave benefits, as provided by city ordinance.

B. This plan does not cover seasonal employees. "Seasonal" employees are employees whose positions require them to work during a specific season of limited duration defined by the applicable City Department.

- C.
1. This plan does not cover employees who are authorized, by the City, to job-share a full-time position. Under an authorized job-share arrangement, the employees involved shall, pursuant to a written agreement between them, share in the compensation and benefits normally provided to the full-time position that is being shared. The full-time position that is being shared shall maintain its classification and the shared compensation and benefits shall be determined based on said classification.
 2. A job share arrangement will not be authorized unless the following occurs:

APPROVED AS TO FORM
Salt Lake City Attorney's Office

Date 24 April 2006
By Marc B. K.

- a. The employees, who are sharing a job, have voluntarily entered into a written agreement specifying the hours each will work and the allocation of benefits and compensation between them; and
 - b. The Department Director has approved the job sharing arrangement.
- D. This plan does not cover employees who do not perform essentially the same duties of employees classified by the City as "100" and "200" Series employees.
- E. This plan does not cover "Hourly" employees whose positions require them regularly to work less than twenty (20) hours a week.

III. WAGES

- A. To the degree that funds permit, employees classified as 700 Series Regular Part-Time employees shall be paid on an hourly basis.
- B. Wages paid to employees covered by this plan shall be based on comparability to wages paid by other public employers and private enterprises for similar work, provided, however, that employees covered by this Plan, hired on or after July 1, 1996, shall not receive compensation higher than the entry level for the applicable job grouping.
- C. The foregoing shall not restrict the Mayor from distributing appropriated moneys to employees of the City in the form of retirement contributions; lump sum supplemental performance based or special supplemental payments to employees within per annum pay limitations; or classifying and advancing employees under rules established by the Mayor.

IV. OVERTIME COMPENSATION

Subject to Memoranda of Understanding between the City and the respective Certified Bargaining Representatives or other approved compensation plans, employees who are authorized and required by their supervisors to perform City work on an overtime basis shall be compensated by pay or compensatory time off as required by the Fair Labor Standards Act.

V. EDUCATION AND TRAINING PAY

The Mayor may adopt programs for employees covered by this Plan to promote employee education and training, provided that all compensation incentives under such programs are authorized within appropriate budget limitations established by the City Council.

VI. SHIFT DIFFERENTIAL

Employees covered by this Plan may receive a shift differential based on Department Director approval as follows:

The City shall pay an hourly premium of fifty cents (\$.50) to employees who work a regularly scheduled swing shift or night shift (starting hours between 12:00 noon and 5:59 a.m.).

VII. ALLOWANCES

- A. Meal Allowance. Employees covered by this Plan shall be eligible for meal allowances in the amount of \$8.00 when said employees work 10 or more consecutive hours, if the employees are working two hours or more beyond their regular work schedule, as pre-approved by their supervisor. Said employees may also receive \$8.00 for each additional 4-hour consecutive period of work.
- B. Automobiles.
 - 1. The Mayor may authorize, under City policy, an employee covered by this Plan to utilize a City vehicle on a take-home basis, and shall, as a condition of receipt, require said employee to reimburse the City for a portion of the take-home vehicle cost as provided in City ordinance.
 - 2. Employees who are authorized to use, and who do use, privately owned automobiles for official City business shall be reimbursed for the operation expenses of said automobiles at the currently approved City mileage reimbursement rate.
- C. Uniform Allowance. Employees covered by this Plan shall be provided monthly uniform allowances of Fifty Dollars (\$50.00), or uniforms will be actually provided, when the employees are required to wear uniforms in the performance of their duties. Uniform allowances are provided on the condition that the employees maintain their uniforms in reasonably good, clean, neat and pressed condition. Uniforms shall have proper identification and insignias and shall not be frayed or unsightly. Uniforms shall be in full compliance with applicable Department regulations. Failure to maintain the uniform in accordance with the above shall be grounds for disciplinary action, including forfeiture of uniform allowances provided in this paragraph.
- D. Other Allowances. The Mayor may, within budgeted appropriations, authorize the payment of other allowances in extraordinary circumstances (as determined by the Mayor) and as dictated by City needs.

VIII. HOURS OF SERVICE

- A. Hours Worked. Regular Part Time employees regularly work less than 40 hours per work week. 40 hours shall constitute a normal work week for purposes of overtime. Overtime work is to be discouraged. Only hours actually worked shall be used in determining overtime. In case of emergency or whenever public interest demands, an employee may be required to perform overtime work by a Department director.
- B. Rest Periods. Employees shall be allowed a 15-minute rest period during each consecutive 4-hour working period, which time shall be included within the work shift, except where extraordinary circumstances render such break impracticable. A reasonable effort shall be made to provide such breaks near the middle of each 4-hour work period; provided, however, there shall be no additional compensation paid to employees electing or required to forego such rest period.
- C. Meal Period. Employees shall be granted a lunch period not to exceed sixty (60) minutes during each 8-hour work shift; provided, however, said lunch period shall be scheduled in accordance with the operational needs of the Department as determined by the shift supervisor. No employee shall be compensated for such periods unless the employee is required by the supervisor to be on a work site, and is required to perform any work during such time, and then such employee shall be paid for actual time worked. In lieu of payment, the employee may, with the consent of the supervisor, end the work shift early by the same number of minutes worked into the lunch break.

IX. LEAVES OF ABSENCE

Employees covered by this Plan shall receive leaves of absence as provided in this paragraph. Employees do not earn or receive leave benefits while on unpaid leave of absence. However, employees on an unpaid military leave of absence may be entitled to the restoration of such leave benefits, as provided by city ordinance.

- A. Holidays
 - 1. The following days shall be recognized and observed as holidays for employees covered by this plan. Such employees shall receive 4 hours of pay at their regular rate of pay for each of the unworked holidays:
 - a. New Year's Day, the first day of January.
 - b. Martin Luther King Day, the third Monday of January.

- c. President's Day, the third Monday in February.
 - d. Memorial Day, the last Monday of May.
 - e. Independence Day, the fourth day of July.
 - f. Pioneer Day, the twenty-fourth day of July.
 - g. Labor Day, the first Monday in September.
 - h. Veteran's Day, the eleventh day of November.
 - i. Thanksgiving Day, the fourth Thursday in November.
 - j. The Friday after Thanksgiving Day. (Floating holiday, see explanation below.)
 - k. Christmas Day, the twenty-fifth day of December.
 - l. One personal holiday, taken upon request of the employee and at the discretion of the supervisor. The probation period must be completed before the personal holiday can be taken.
- 2. When any holiday listed above falls on a Sunday, the following business day shall be considered a holiday. When any holiday listed above falls on a Saturday, the preceding business day shall be considered a holiday. In addition to the above, any day may be designated as a holiday by proclamation of the Mayor and/or the City Council.
 - 3. No employee shall receive in excess of 4 hours of holiday pay for a single holiday. Employees must work or be on authorized leave their last scheduled working day before and the next scheduled working day following the holiday to qualify for holiday pay.
 - 4. Holiday Exception. In lieu of taking the day after Thanksgiving Day as a holiday, employees may observe this holiday up to 50 days prior to Thanksgiving Day, provided that the date chosen is approved in writing by the supervisor.

B. Leaves That Qualify under the Family and Medical Leave Act (FMLA) and Vacation or Personal Leaves

- 1. Benefits in this section are for the purpose of continuing income to employees during paid vacation or personal leave and absence due to illness, accident or personal reasons. Some of these absences may qualify under the Family and Medical Leave Act (FMLA). This is a federal law that provides up to 12 weeks of unpaid leave each year and protects jobs

and health care benefits for eligible employees who need to be off work for certain “family and medical” reasons. APPENDIX B outlines the FMLA rights and obligations of the employee and the City. The City requires all employees using FMLA leave to exhaust their paid leave allotments for FMLA-qualifying events prior to taking FMLA leave unpaid. The paid leave parameters are defined in this Compensation Plan.

2. Employees covered by this Plan, hired on or prior to June 30, 1996, shall receive vacation, sick leave, hospitalization leave, bereavement leave, personal leave, if they select the option, and other benefits which are provided to “300” and “600” Series Regular Part-Time employees in Section XXV of the “Compensation Plan for Salt Lake City Corporation” 600 Series” and “300 Series” Exempt and Non-Exempt Professional Employees.” All the rights, terms and conditions under which the leave benefits are provided are the same as those set out in the Compensation Plan for “600 Series” and “300 Series” Regular Part-Time employees.
3. The Plan Year of the Personal Leave Plan begins in each calendar year on the first day of the pay-period that includes November 15. Under this Personal Leave Plan, covered employees, hired on or after July 1, 1996, shall receive personal leave as specified below: Where the leave is not related to the employee’s own illness or disability—or an event that qualifies under the FMLA—a personal leave request is subject to supervisory approval based on the operational requirements of the City and any policies regarding the use of such leave adopted by the department in which the employee works.
 - a. An employee, who regularly works between 24 and 32 hours a week, shall receive 24 hours of paid leave to be used by the employee for any reason.
 - b. An employee, who regularly works more than 32 hours but less than 40 hours a week, shall, receive 40 hours of paid leave to be used by the employee for any reason.
 - c. Personal leave must be used in no less than 4-hour increments.
 - d. Personal leave granted herein, shall be in lieu of vacation, sick leave, dependent leave, funeral (bereavement) leave, hospitalization leave, dependent leave and all other paid leaves.
 - e. Not later than October 31st in each calendar year, employees covered by personal leave may elect, by notifying their Personnel/Payroll Administrator in writing, to:
 1. Convert any unused personal leave hours available at the end of the first pay period of November for a lump sum payment equal to the following: For each converted hour,

the employee shall be paid 50 percent of the employee's hourly base wage rate in effect on date of conversion. In no event shall total pay hereunder exceed 12 hours for those employees who regularly work between 24 and 32 hours a week, and 20 hours for those employees who regularly work between 32 and 40 hours a week.

2. Carry over to the next calendar year up to 24 unused personal leave hours, if an employee who regularly works between 24 and 32 hours a week. If an employee who regularly works between 32 and 40 hours a week, carry over to the next calendar year up to 40 hours of unused personal leave hours.
3. Convert a portion of unused personal leave hours, for a lump sum payment as provided in subparagraph (1) above and carry over a portion as provided in subparagraph (2) above.

f. Termination Benefits. At termination of employment for any reason, accumulated unused personal leave hours, minus any adjustment necessary after calculating the "prorated amount," shall be paid to the employee at 50 percent of the hourly base wage rate on date of termination for each unused hour. For purposes of this benefit, "prorated amount" shall mean the amount of personal leave credited at the beginning of the plan year, multiplied by the ratio of the number of months worked in the plan year (rounded to the end of the month which includes the date of separation) to 12 months. If the employee, at the time of separation, has used personal leave in excess of the prorated amount, the value of the excess amount shall be reimbursed to the City and may be deducted from the employee's final paycheck.

g. Short Term Disability Insurance. Protection against loss of income when an employee is absent from work due to short term disability shall be provided to employees covered under this Plan through short term disability insurance (SDI). For purposes of service credit, the SDI benefit will be prorated based on the hours an employee is regularly required to work in a week. There shall be no cost to the employee for SDI. SDI shall be administered in accordance with the terms determined by the City. As one of the conditions of receiving SDI, the employee may be required to submit to a medical examination.

C. Leave for Military Duty

1. Leave of absence for employees who enter uniformed service. An employee who enters the service of a uniformed services of the United States, including the United States Army, United States Navy, United States Marine Corps, United States Air Force, commissioned Corps of the National Oceanic and Atmospheric Administration, United States Coast Guard, or the commissioned corps of the Public Health Service, shall be entitled to be absent from his or her duties and service from the City without pay as required by state and federal law. Said leave shall be granted for no more than five cumulative years, consistent with the federal Uniform Services Employment and Reemployment Act.
 2. Leave while on duty with the armed forces or Utah National Guard. Employees covered by this Compensation Plan who are or who shall become members of the reserves of a federal armed forces, including United States Army, United States Navy, United States Marine Corps, United States Air Force, and the United States Coast Guard, or any unit of the Utah National Guard, shall be allowed full pay for all time not in excess of 11 working days per calendar year spent on duty with such agencies. This leave shall be in addition to the annual vacation leave with pay. To qualify, employees claiming the benefit under this provision shall provide documentation to the City demonstrating duty with such agencies. To qualify, duty herein need not be consecutive days of service.
- D. Leave for Jury Duty. Employees shall be entitled to receive and retain statutory juror's fees paid for jury service in the State and Federal Courts subject to the conditions hereinafter set forth. No reduction in an employee's wages shall be made for absence from work resulting from such jury service. On those days that an employee is required to report for jury service and is thereafter excused from such service during his or her regular working hours from the City, he or she shall forthwith return to and carry on his or her regular City employment. Employees who fail to return to work after being excused from jury duty for the day shall be subject to discipline.

E. Additional Leaves of Absence

Additional unpaid leaves of absence may be requested in writing and granted to an employee at the discretion of the Department Director.

X. INSURANCE

- A. **Group Insurance.** Employees of the City covered by this plan may participate in the City's group insurance plan in conformity with and under the terms of an insurance plan adopted by the City covering such employees. The City will provide a basic term life and accidental death plan. The City will also make available other bona fide benefit programs. Retired City employees and their eligible dependents may also be permitted to participate in the City's medical and dental plans under terms and conditions established by the City. The City will deduct from each payroll all monies necessary to fund the employees' share of insurance coverage and make all payments necessary to fund the plan within budget limitations established by the City Council.

- B. Workers' Compensation. In addition to the foregoing, the Mayor may provide for Workers' Compensation coverage to the employees under applicable provisions of State statute, and other related disability plans compensating employees of the City who are permanently and totally disabled while in the discharge of their official duties as defined by the City's Long Term Disability Program.
- C. Disability Compensation
 - 1. If an employee of the City becomes entitled to receive Workers' Compensation as a result of suffering a City service connected injury or illness, such employee shall be paid Workers' Compensation as provided by law; provided, however, that the employee may elect to use, during such disability, such part of their accumulated sick leave and vacation time or personal leave which, when added to their Workers' Compensation payments, equals their regular net wage; and provided further, that satisfactory evidence of such election shall be transmitted by said person to their Personnel/Payroll Administrator prior to payment.
 - 2. The City will use reasonable efforts to make "transitional duty" work available to an employee injured on the job as defined by the Worker's Compensation laws, provided that the employee is able to perform the transitional duty work and the employee has presented a release by their physician to the City certifying that the employee is able to work.
 - 3. Optional Long term disability shall be available to employees eligible under the City's Long Term Disability Program (Income Protection Program), under the terms and conditions of the plan. This program provides continuation of income to employees of the City who are permanently and totally disabled as defined under the program.

XI. SEPARATION FROM SERVICE

- A. Social Security Adopted. The City hereby adopts the provisions of the Federal Social Security system and applies and extends the benefits of the old age and survivor's insurance of the Social Security Act to employees.
- B. Retirement Programs. The City hereby adopts the Utah State Retirement System for providing retirement pensions to employees covered by the plan. The City may permit or require the participation of employees in its retirement program(s) under terms and conditions established by the Mayor and consistent with state law.. Such programs may include:
 - 1. The Utah Public Safety Retirement System (Contributory and Non-Contributory)

2. The Utah Firefighters Retirement System
 3. The Utah State Public Employees' Retirement System (Contributory and Non-Contributory)
 4. Deferred Compensation Programs
 5. Retirement Incentive Programs
- | C. The ~~2005-2006~~2006-2007 fiscal year retirement contribution rates for employees covered by this paragraph are shown in Appendix A.
- D. Layoffs.
1. Employees covered by this Plan who have been laid-off in accordance with the above shall have the right to pre-bid on positions in the 100 and 200 series for a period of 1 year.

XII. REGULAR PART-TIME AND HOURLY EMPLOYEES SHALL NOT DISPLACE FULL-TIME EMPLOYEES.

- A. It is the intent of the City to provide some benefits to employees who are not full-time but who do contribute valued time to the City. However, it is also the intent of the City not to displace full-time employees with Regular Part-Time and Hourly employees.
- B. Concerns that Regular Part-Time and Hourly employees are being used solely to displace 100 and 200 Series employees may be presented to the Labor Management Committee, established in the Memorandum of Understanding between the City and AFSCME. Concerns reviewed by the Committee shall include whether regular part-time and hourly employees, who have worked for at least 11 months, should be made full-time employees. Concerns presented and reviewed by the Committee shall be directed to the Mayor for his review and action.

XIII. AUTHORITY OF THE MAYOR

Employees covered by this compensation plan may be appointed, classified, and advanced under rules and regulations promulgated by the Mayor, or the Civil Service Commission, if applicable, within budget limitations established by the City Council.

XIX. APPROPRIATION OF FUNDS

All provisions in this compensation plan that involve the expenditure of funds are subject to appropriation of funds for such purposes.

APPENDIX A

UTAH STATE RETIREMENT CONTRIBUTIONS FY ~~2003/2004~~ 2004/2005

UTAH STATE RETIREMENT SYSTEM	EMPLOYEE CONTRIBUTION	TOTAL EMPLOYEE CONTRIBUTION PAID BY CITY	TOTAL EMPLOYER CONTRIBUTION	GRAND TOTAL CONTRIBUTION
Public Employee Contributory Retirement System	0	6.00%	5.61% -7.08%	11.61% -13.08%
Public Employee Non-Contributory Retirement System	0	0	9.62% -11.09%	9.62% -11.09%

For FMLA attachment (Appendix B), see Executive Employees and Elected
Officials Compensation Plan