

EMERGENCY

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2023

MODIFYING Chapter 306, “General Compensation Provisions,” of the Cincinnati Municipal Code by AMENDING Section 306-7, “Special Salary Provisions,” Section 306-11, “Increases and Reclassifications,” and Section 306-13, “Transfers and Promotions,” to conform the Cincinnati Municipal Code to evolving trends in the labor market.

WHEREAS, the City of Cincinnati Human Resources Department is recommending a modification to the current base compensation policy for employees ordained in Chapter 306 of the Cincinnati Municipal Code, which has not been updated since August 1, 1979; and

WHEREAS, the labor market, technology, collective bargaining, employment standards, and regulations pertaining to civic duty and public employment have changed significantly in the last fifty years, and the sections of the Cincinnati Municipal Code regarding base compensation for employees have become obsolete; and

WHEREAS, flexibility to modify employment compensation policies is needed to recruit and retain talented employees; now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That Sections 306-7, “Special Salary Provisions,” 306-11, “Increases and Reclassifications,” and 306-13, “Transfers and Promotions,” of the Cincinnati Municipal Code are hereby amended as follows:

Sec. 306-7. Special Salary Provisions.

- (a) Where the salary heretofore paid an employee is in excess of the maximum rate herein provided, such salary shall continue in effect as long as such employee continues to serve the city in the same capacity and to render satisfactory service.
- (b) Officers and employees entering the service of the city generally shall begin at the minimum rate for the classification to which they are being appointed, except as provided in policies or rules adopted pursuant to subsection (c). ~~except in the case of such classes of employees for which no specific steps are set forth, in which case the compensation shall be fixed at such rate between the minimum and maximum prescribed, as may be determined by the appointing authority; provided, that in exceptional cases, the appointing authority is hereby empowered, subject to the approval of the civil service commission, to employ persons at rates higher than the~~

- (c) ~~minimum rate prescribed if, in the judgment of the appointing authority, it is impossible to obtain properly qualified persons at the minimum rate.~~ Where both hourly and annual rates are prescribed in the compensation schedule for a class, the appointing authority shall determine which rate shall prevail.
- (d) The personnel officer shall prepare policies or rules approved by the city manager pertaining to salaries for new employees, including rules that authorize a starting salary at rates higher than the minimum rate prescribed and salary adjustments for existing employees due to promotion or other employment actions.

Sec. 306-11. Salary Increases and Reclassifications.

- (a) Increases. Any officer or employee may advance successively to the higher rates of compensation only after demonstrating that such person has attained and maintained prescribed standards of efficiency and is deserving of an increase because of meritorious service as determined by the expectations of the appropriate appointing authority based on completed performance evaluations that comply with human resources policies and procedures. All increases shall be made upon recommendation of the appointing authority, but such recommendations shall be made in accordance with policies or rules and regulations prepared by the personnel officer and approved by the city manager setting forth criteria to be met in order to qualify for an advancement to a higher rate of pay in the compensation schedule.

The personnel officer shall review every proposed compensation advancement for (1) employees appointed by the city manager and (2) employees appointed by the various independent boards and commissions of the city, and shall approve all recommendations for compensation increases that are in conformance with the criteria set forth in the rules and regulations. No increase in compensation shall be granted without such approval.

All salary adjustments shall be effective at the beginning of a pay period.

- ~~(b) For the sworn personnel in the police division increases in compensation shall become effective as follows: If the first of January, April, July and/or October falls within the first seven days of a pay period the effective date of step up shall be the beginning of the pay period. If the first of the above mentioned months falls within the second seven days of a pay period the effective date of step up shall be the beginning of the following pay period. The beginning of a pay period shall be defined as beginning on a Sunday.~~

~~For the sworn personnel in the fire division and for all non-uniformed employees increases in compensation shall become effective on the first day of the first pay period following the first day of the month following the employee's anniversary date marking the date of his employment or most recent promotion.~~

- ~~(eb) Penalty for Low Efficiency. Any employee who has two successive low service ratings shall automatically be referred by the department or division head to the~~

appointing authority for appropriate action under the existing laws and policies or rules prepared by the personnel officer and approved by the city manager.

~~(d) Reclassification. When, because of physical or other infirmities, an employee is unable to render efficient service in his or her classification but is qualified for service in another classification, the employee may, upon recommendation of the appointing authority and with the approval of the civil service commission, be transferred to such other classification at the rate of compensation in such classification next lower than the previous rate of compensation received by the employee.~~

Sec. 306-13. Salary adjustment due to Reclassifications, Demotions, Transfers, and Promotions.

~~When an employee is transferred to a different classification in the interests of the service, compensation shall be fixed at the same rate as in the former classification, if the new classification contains such a rate; otherwise, at the rate in the new classification next higher than the previous compensation received by the employee.~~

~~(a) Reclassification and Transfer. When the work of an employee is better suited to a different classification than the employee's current classification, the employee may be reclassified in accordance with applicable civil service rules or policy. If necessary under the polices or rules prepared by the personnel officer and approved by the city manager, such reclassification also will require the recommendation of the appointing authority and the approval of the civil service commission. The employee's compensation in the new classification shall be fixed at the same rate as in the employee's former classification if the new classification contains such a rate. If the new classification does not contain such a rate, the employee's compensation shall be fixed at the rate in the new classification next higher than the previous compensation received by the employee.~~

~~(b) Demotion. When an employee is placed into a classification with a lower salary schedule due to voluntary or involuntary demotion, the employee's compensation will be set at the next-lower step or rate of compensation in the new classification.~~

~~(c) Promotion. When an employee is promoted from one classification to a higher classification, the employee's compensation shall be fixed according to the policies or rules prepared by the personnel officer and approved by the city manager. at the rate in the new classification next higher than the compensation rate previously received by the employee.~~

~~Whenever, owing to the military service provisions of Section 143.22 of the Ohio Revised Code, it becomes necessary to transfer a promoted employee or other employee to a lower classification, the compensation after transfer shall be, in the case of the promoted employee, at the rate received prior to the promotion, if there is such rate in the lower classification, otherwise at the next higher rate, and, in the case of any other employee, at the beginning rate in the lower classification, with the proviso, in either case, that if, during the period of service in the higher classification, the employee, in the opinion of the~~

~~appointing authority, has demonstrated that such employee could have advanced in his or her compensation rate in the lower class, and such fact is certified by the appointing authority, the employee shall be paid at the rate to which the employee could have advanced.~~

(d) For the purposes of this section, the civil service ~~commission~~ secretary shall determine whether the change from one class to another is a reclassification, demotion, promotion, or a transfer based on the civil service commission rules. If the civil service commission rules do not specify whether a particular change in class is a reclassification, demotion, promotion, or transfer, the civil service commission shall make that determination.

Section 2. That existing Section 306-7 “Special Salary Provisions,” Section 306-11 “Increases and Reclassifications,” and Section 306-13, “Transfers and Promotions,” of the Cincinnati Municipal Code are hereby repealed.

Section 3. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need to adjust the compensation provisions of the Cincinnati Municipal Code to ensure competitive recruitment and retention of City employees.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk