

RESOLUTION NO. 51870

**A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE
AMENDING RESOLUTION NO. 51870 BY IMPLEMENTING PAY
PRACTICES ADOPTED BY THE COUNCIL ON OCTOBER 30, 2001**

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE:

PART 1. That Resolution No. 51870 of this Council, adopted on July 17, 1979, is hereby amended to read as follows:

Section 1. Definitions.

a. As used in this Resolution, "Management" employees shall refer to employees who occupy job classifications in bargaining units that are represented by Executive Management (99), the City Association of Management Personnel (CAMP), the Association of Engineers and Architects (AEA), or the Association of Maintenance Supervisory Personnel (AMSP).

b. As used in this Resolution, "Nonmanagement" employees shall refer to all employees who are not "management" employees as defined in 1.a., above.

Section 2. Application of Salary Rates to Nonmanagement Employees.

a. Progression through Salary Steps. Except as otherwise provided by this Resolution, the salary of each nonmanagement employee who holds a position in the City government of the City of San Jose, other than and excepting those positions having, flat biweekly, monthly or diem salaries, shall be as follows:

- (1) The applicable first step salary rate as specified in the City Pay Plan shall be paid to a nonmanagement employee until such time as he/she is entitled to a higher salary under other provisions of this Resolution.
- (2) The applicable second step salary rate shall be paid to a nonmanagement employee immediately following the completion by him/her of thirteen (13) full-time biweekly pay periods, or equivalent, paid at the first step in the class

within which his/her position is included or in another class having the same or a higher salary range.

- (3) The applicable third step salary rate shall be paid to a nonmanagement employee immediately following the completion by him/her of twenty-six (26) full-time biweekly pay periods, or equivalent, paid at the second step in the class within which his/her position is included or in another class having the same or a higher salary range.
- (4) The applicable fourth step salary rate shall be paid to a nonmanagement employee immediately following the completion by him/her of twenty-six (26) full-time biweekly pay periods, or equivalent, paid at the third step in the class within which his/her position is included or in another class having the same or a higher salary range
- (5) The applicable fifth step salary rate as specified in the City Pay Plan shall be paid to a nonmanagement employee immediately following the completion by him/her of twenty-six (26) full-time biweekly pay periods, or equivalent, paid at the fourth step in the class within which his/her position is included or in another class having the same or a higher salary range.
- (6) Any applicable steps above the fifth step salary rate, as specified in the City Pay Plan, shall be shall be paid a nonmanagement employee following immediately completion of him/her of twenty-six (26) full-time biweekly pay periods, or equivalent, at the next lower step in the class within which his/her position is included or in another class having the same or a higher salary range.

No such employee shall become eligible to receive a higher salary rate pursuant to the foregoing provisions of this section except as of the beginning of a biweekly pay period as established by the City.

b. Withholding of Salary Step Increase. At any time within sixty (60) days immediately preceding the date upon which a non-management employee's salary would be increased under the above provisions, the Head of the Department wherein such employee is employed may file with the Appointing Authority, a written statement that such employee's work does not merit a raise in salary, give the reasons therefor and request that said employee receive no salary increase in accordance with the above provisions. Before the date of the scheduled salary step increase, the

Appointing Authority shall mail to such employee, at the address of such employee on file in the office of the Human Resources Director, notification of withholding of the salary step increase. Such employee may, within not more than ten (10) calendar days immediately following the date of mailing of such statement, file with the Appointing Authority a written statement describing why the increase in salary should not be withheld. After receiving the employee's written statement, and within not more than thirty (30) calendar days immediately following receipt of the employee's statement, the Appointing Authority shall determine whether or not said employee's work merits a raise in salary. If the Appointing Authority finds such employee's work does merit a raise in salary, such employee shall receive an increase as provided for hereinabove, retroactive to the date upon which such increase would normally take place under the provisions above. If the Appointing Authority finds such employee's work does not merit a raise, no increase in salary shall take place.

Section 3. Salary Rates for the Apprentice Mechanic Classification.

The provisions of Section 2 of Resolution No. 51870 shall not apply to the classification of Apprentice Mechanic (3321). Progression from one salary rate to the next succeeding rate for these classifications shall be determined in accordance with the Rules and Regulations of the Santa Clara County Joint apprenticeship and Training Committee.

Section 4. Management Salary Rates.

a. Except as otherwise provided by this Resolution, the salary of each management employee who holds a position in the city government of the City of San Jose shall be established within the salary range for that employee's job classification as specified in the City Pay Plan.

b. Salary rates for management employees shall be changed upon the written authorization of the Appointing Authority wherein such employee is employed or the City Council in the case of an officer in the classification of City Manager (U)(1689), City Attorney (U)(2135), City Auditor (U)(1256), City Clerk (U)(1614) or Independent Police Auditor U (8023). Authorization of an officer's or employee's salary rate change shall include a performance evaluation filed with the Director of Human Resources, a

statement or documentation that the performance of such officer or employee deserves an increase in salary rate, and the amount thereof; or that the performance does not deserve an increase, and the reasons therefor.

c. The performance evaluation dates for salary changes for each management employee shall be:

(1) Upon such employee's completion of an initial thirteen (13) full-time biweekly pay periods, or equivalent, of probationary employment, including probationary employment in the position for which he or she is being evaluated and any probationary employment in a position having the same or higher salary range as his or her current position; provided that any such previously held position was held immediately prior to the current office or position; and

(2) Thereafter, at a date determined by the Appointing Authority, but not less than annually.

d. Salary rate changes shall be effective at the beginning of a biweekly pay period following the evaluation period, and shall be paid at the new salary rate until such salary is changed pursuant to this section.

e. Performance pay increases of up to 5% above the normal salary range may be granted by the Appointing Authority, and shall be for a period not to exceed twenty-six (26) biweekly pay periods. The salary of such employee shall return to the top step salary rate in the normal salary range, effective date after twenty-six (26) pay periods or until such time as a merit increase is again approved for such employee.

f. In lieu of performance pay above the pay range distributed over 26 pay periods, performance pay increases beyond the normal salary range, the City Manager may provide lump sum bonuses to management employees in recognition of job performance. The lump sum compensation may be given to employees who are at any salary step and shall not exceed 5% of an employee's salary. Such lump sum pay will be included as taxable supplemental earnings.

g. Upon specific assignment by an Appointing Authority, a management employee may be authorized to receive temporary higher class pay. Such pay may be authorized in recognition of assignments to a higher classification, or to temporary projects that entail work of a higher level than that for the employee's current classification.

h. If a management employee receives a negative rating and fails to receive authorization for a salary rate increase under this Section, the employee may request an appeal of the salary decision by the Appointing Authority, within ten (10) days after receiving the performance evaluation and salary recommendation. The Appointing Authority shall review all pertinent information and shall render a decision within thirty (30) days after the request for appeal was filed by the employee. A decision to grant a salary rate increase shall be retroactive to the normal effective date for a change in salary rates. The decision of the Appointing Authority shall be final.

4A. Salary Rates for Management Employees in the Office of the City Attorney and City Auditor

This section shall apply to classifications of management employees in the Office of the City Attorney and the Office of the City Auditor. In addition to the rules and guidelines in Section 4, above, the following shall apply to the salary of each such employee: Performance evaluations for salary changes for each employee may be completed at anytime by the Appointing Authorities. Salary rates may be changed upon written authorization of the Appointing Authorities in appropriate salary steps within the salary range and those merit steps beyond the salary range as determined by the Appointing Authorities. Appointing Authorities may file a sealed performance evaluation with the Director of Human Resources.

Section 4B. Salary Ranges for Senior Staff Covered by the Senior Executive Performance Program (SEPP).

Senior Staff will be compensated in accordance with the Senior Executive Performance Program (SEPP) and based on evaluations of job performance. The broad salary ranges for these classifications are specified in the City Pay Plan. The SEPP classifications are as follows:

Range I

Assistant City Manager
Deputy City Manager

Range II

Budget Director
City Librarian
Chief of Police
Director of Aviation
Director of Convention, Cultural, and Visitor Services
Director of Economic Development
Director of Employee Relations
Director of Environmental Services
Director of Finance
Director of General Services
Director of Housing
Director of Human Resources
Director of Information Systems
Director of Parks, Recreation and Neighborhood Services
Director of Planning and Building
Director of Public Works
Director of Retirement Services
Director of Transportation
Fire Chief

Range III

Assistant to the City Manager
Assistant to the City Manager for Intergovernmental Relations
Director of Equality Assurance
Emergency Preparedness Director
Manager Public Education and Community Information

Range IV

Secretary to the City Manager

Range V

Assistant Director
Assistant Fire Chief
Assistant Police Chief

Range VI

Deputy Director
Deputy Director Aviation
Deputy Director CAE
Deputy Director Finance
Deputy Director Finance Accounting
Deputy Director Human Resources
Deputy Director Parks Rec Neigh Svcs
Deputy Fire Chief

Section 5. Application of Per Diem Salary Rates

Except as otherwise provided in this Resolution, the salary of each employee who holds a seasonal position in the City government of the City of San Jose, other than and excepting those positions having biweekly rates of compensation, flat biweekly or monthly salaries or hourly rates of compensation, shall be within the salary range for the employee's classification as specified in the City Pay Plan.

No such employee who holds a seasonal position shall become eligible to receive a higher salary rate pursuant to the foregoing provisions of this section, except as of the beginning of a biweekly pay period as established by the City.

As used herein, the term "seasonal position" shall be deemed to mean a position which is limited in its term to a portion of a year that is less than fourteen (14) biweekly pay periods in duration, and the term "season" shall be deemed to mean such portion of a year.

Section 6. Transfer of Employees.

Whenever an employee of the City is transferred from one position to another position in the same class or in a class with the same salary range, such transfer shall not operate to either increase or decrease the salary of the person so transferred. In such case he/she shall be paid for his services in the new position the same salary rate that he received in his former position, and time served by him/her in the former position shall be credited in determining his eligibility for a salary raise to the next higher salary rate in the salary range established for his/her new position.

Section 7. Promotion.

For the purposes of this Section, "promotion" shall mean the appointment of an employee from a position in a class with a lower salary range to a position in a class with a higher salary range. Upon promotion of an employee to a higher class, the appointing authority shall determine the salary rate that the employee shall be paid within the salary range of the higher class.

Section 8. Reallocation.

Upon reallocation of a position from one class to another and different class, the salary range of such position from and after the date of such reallocation shall be the salary range established for the class to which such position is allocated, as specified in the City Pay Plan. A person holding such position at the time of such reallocation shall be paid from after the effective date of such reallocation until he/she becomes entitled to a higher salary rate as follows:

a. If the salary range established for the class to which such position is reallocated is the *same* as the salary range for the class from which such position is reallocated, then the action shall be considered a transfer and he/she shall be paid at the same salary rate as received immediately prior to the reallocation. Time served by him at that salary rate in his former class shall be credited to him in determining his eligibility for a salary raise to the next higher salary step in the salary range of his new class.

b. If the salary range established for the class to which such position is reallocated is *higher* than the salary range for the class from which such position was

reallocated, then the action shall be considered a promotion and he/she shall be paid the salary rate, in the salary range of the new class as determined by the Appointing Authority. Time served by such person in the former position shall not be credited to such person in determining eligibility for a salary raise to the next higher step in the salary range established for his new position.

c. If the salary range established for the class to which such position is reallocated is *lower* than the salary range for the class from which such position is reallocated, then he/she shall be paid that salary rate in the new class, which equals in amount the salary rate received by him immediately prior to said reallocation. If there is no salary rate established for the new class equal in amount to the salary rate received in the former class, then he shall be paid at a rate of pay he/she received in the former class until such time as he/she becomes entitled to a higher salary rate in the salary range of his new class. Time served in the former class at said salary rate shall be credited to him in determining his eligibility for a salary raise to the next higher salary step of his new class; provided further, however, that if the salary rate received immediately prior to such reallocation is higher in amount than the maximum salary rate payable in his new class, he/she shall, nonetheless, be paid a salary rate equal in amount to the rate received in his former class until such time as the maximum rate in his new class is raised to an amount higher than the rate received in the former class, at which latter time he shall be paid the higher rate established for his new class.

Section 9. Merit Increases - Nonmanagement.

The Appointing Authority may at any time find and determine that an employee holding a position of employment in a nonmanagement class, other than in a class for which a flat biweekly salary or a flat daily salary is provided, is entitled to and shall receive a rate of pay within the salary range for such class higher than that to which such person would be entitled under other provisions of this Resolution, and in such event such person shall receive the higher rate of pay so designated by the Appointing Authority.

Section 10. Board and Room.

Each person who holds any position of employment in the City government in a class or position for which the Council has established by resolution a salary range, a flat

biweekly salary, a flat hourly rate of pay or a flat per diem salary, and in such resolution has stated that the same shall be "plus room and board", shall be entitled to receive, in addition to such salary or rate of pay, room and board at such City-owned and operated rooming and boarding facilities as are available at the place of employment of such person.

Each person who holds any position of employment in the City government in a class of positions for which the Council has established by resolution a salary range, a flat biweekly salary, a flat hourly rate of pay or a flat per diem salary, and in such resolution has stated that the same shall be "plus housing", shall be entitled to receive, in addition to such salary or rate of pay, housing at such City-owned and operated housing facilities as are available at the place of employment of such person and assigned to such person by the City Manager.

Section 11. Resolution of the Council.

Each person who holds any office or position of employment in the City government of the City of San Jose, shall be paid at a rate of pay established and designated by resolution of the Council. The rates of pay approved by Council for all City of San Jose job classifications are maintained and provided in the City of San Jose Pay Plan. A copy of the Pay Plan is available at all time in the Department of Human Resources

ADOPTED this _____ day of _____, 2001__, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

RON GONZALES, Mayor

ATTEST:

City Clerk