



CHAPTER: Compensation

SUBJECT: Wage and Salary Administration

POLICY NUMBER: 4.2001

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RELATED POLICIES:

**4.300 4.400 4.402 4.703
4.710 4.711**

ENABLING RESOLUTION:

**114-1988 106-1990 230-04
231-04 168-08 169-08 31-09
35-09 116-10 117-10 208-11
210-11 183-13 01-14**

REVISION DATE (S):

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DEPARTMENT OF PRIMARY RESPONSIBILITY: HUMAN RESOURCES

SPECIAL NOTES: This Policy/Procedures Manual does not in any way constitute an employment contract. Sedgwick County reserves the right to amend this Manual at any time subject only to approval by the Board of County Commissioners and the Governing Body of Sedgwick County Fire District Number One. The Memorandum of Agreement should be consulted for those Fire District employees included in the bargaining unit.

I. Purpose

The intent of this Policy is to provide a better understanding of the principles of salary administration, Sedgwick County's salary program and those responsible for its application. The Memorandum of Agreement should be consulted for Fire District employees who are included in the bargaining unit.

II. Policy

A. The work day for Sedgwick County employees varies among or within the departments. Exact hours employees will work each day will be arranged by their Division Director, Department Head or Elected Official.

1. The work day for employees working a forty (40) hour work week is usually an eight (8) hour day.
2. The work day for Fire District employees may vary with the prevailing division, but for the majority of the employees, it will be from 7:00 a.m. to 7:00 a.m. (twenty-four (24) hour shift).
3. The work day for EMS and Emergency Communications employees will be established by the department.

B. The common work week for non-exempt employees consists of forty (40) hours. These employees should not work more than their scheduled hours unless they have been authorized to do so by their immediate supervisor.

1. The common work week for Fire District non-exempt employees consists of

fifty-six (56) hours. Employees should not work more than their scheduled hours unless they have been authorized to do so by their immediate supervisor.

2. The common work week for EMS non-exempt employees consists of forty-two (42) hours. Employees should not work more than their scheduled hours unless they have been authorized to do so by their immediate supervisor.
- C. All hourly paid employees are entitled to the pay provisions established by the Board of County Commissioners and must be paid for all hours worked.
- D. It is the Policy of Sedgwick County to pay employees for their value and assigned responsibilities.
1. Employees who are salaried may have work hours which fluctuate from week to week and the salary may be paid them pursuant to an understanding that they will receive a fixed amount of money as straight time pay for whatever number of hours they are called upon to work in a work week.
 2. Classified exempt employees who are salaried will have their vacation and sick leave recorded on the time sheet in four (4) hour blocks or half day increments. (See Policy Number 4.700 "Vacation" and 4.701 "Sick Leave".)
 3. All salaried employees shall be paid on a bi-weekly basis.
 4. Disciplinary Deductions. Deductions from pay in increments of one or more full days may be made for unpaid suspensions when an exempt employee violates written workplace conduct policies including, but not limited to, sexual harassment, violence or drug use. Deductions from pay for violations of major safety rules may be made in increments of less than one day. Safety rules of major significance include those relating to the prevention of serious danger in the workplace or to other employees. When calculating the amount of a deduction under this subsection, the County will use the hourly or daily equivalent of the employee's full weekly salary or any other amount proportional to the time actually missed by the employee.
- Disciplinary deductions are not intended for performance or attendance problems.
- E. Salary rates are based on full time employment at forty (40) hours per week or two thousand eighty (2080) hours per year, forty-two (42) hours per week or two thousand one hundred eighty four (2184) hours per year, or fifty-six (56) hours per week or two thousand nine hundred twelve (2912) hours per year for the respective positions.
- F. Part time and temporary employees normally shall not be assigned a salary range. These employees shall be assigned either an hourly or salaried wage rate only.

G. New Hire Wage Rate

1. The hiring wage rate is normally at the minimum of the position's salary range. A hiring wage rate up to ten (10) percent of the minimum may be paid with the County Manager's approval. Hiring wage rates more than ten (10) percent of the range minimum will require approval from the Sedgwick County Board of Commissioners.
2. Any job's pay range from minimum to maximum will be advertised at the discretion of the hiring authority.

H. Starting Wage when employment is re-instated

1. When an employee returns to work in the same class of position within the same department after a separation from the service of not more than 121 calendar days, the employee will receive the same rate of pay as at the time of the separation.
2. When an employee is reinstated to a different class of position after a separation of not more than 121 calendar days, the employee's starting rate of pay is at the discretion of the Hiring Authority.
3. When an employee is re-instated and eligible for the performance-based merit, the salary is increased as if the employee had not left employment.

I. Starting Wage from Military Service

1. In the event of the return to duty of an employee who left as a result of being inducted into the Armed Forces, the employee shall be placed at the same salary range and same rate of pay as when he/she left, including any General Pay Adjustments, or if due to the employee's absence the performance evaluation was not completed, the employee will receive the lowest performance-based merit pay tier percentage of the department last employed.

J. Demotion

1. Demotion will be for disciplinary reasons and will result in a pay decrease. Documentation of disciplinary action must be presented to Human Resources, for review by Human Resources and the County Counselor's Office.
2. In order to demote an employee, there must be a vacant position into which to demote the employee.

K. Transfers

1. At the request of a Hiring Authority, a position may be filled by transfer of an employee.
2. A position must be budgeted and on the staffing table.

3. An employee must be qualified for the position into which he/she wishes to be transferred.
4. Transfer whether within department or across the organization shall not increase pay of the employee. An employee may request a transfer to a job in a lower salary range. The employee's salary placement is at the discretion of the hiring authority and will fall between the new salary range minimum and maximum.
5. Transfers do not impact the employee's eligibility for a performance-based merit pay increase. See policy 4.903 Performance Evaluation. For transfers occurring after October 31 through December 31, the employee will receive the performance-based merit percentage of the prior department, which will be funded by the new department.
6. The transfer procedure will allow any employee to inquire and apply for position vacancies listed as internal job postings.
7. The transferred employee must serve a twelve (12) months probation even though the employee may start above the minimum of the salary range. This does not apply to classified exempt employees since they do not serve a probationary period.
8. Employees who are on promotional probation may apply for transfer.
9. After an employee has completed the initial probation, even though an employee is placed on probation due to transfer, that employee shall have the right to the grievance procedure, if otherwise eligible.
10. Employees have the right to inquire and apply for listed positions for which they are eligible without prejudice and prior to notification of their supervisors.

L. Promotion/Salary Adjustment

1. A salary increase for any reason other than annual General Pay Adjustment Critical Employee under Subsection 6 below, or merit will be identified as a promotion action. The promotional pay increase may occur within the employee's current salary range or on a higher salary range. The movement of an employee to another position either within the same department or across the organization with an increase in pay is a promotion. Promotions to Fire Captain in the Fire District will follow the Fire District policy for promotions and are not covered by this item; see Fire District Standard Operating Policies.
2. When the promotion is to a higher salary range, the increase in pay will be a two (2) percent to four (4) percent increase to current base salary, per Hiring Authority direction, if current base salary is already above the new range minimum. If current base salary is below the new range minimum, current base salary will be moved to the new range minimum. The County Manager may

approve up to an additional ten (10) percent increase to the Hiring Authority's direction, whether the salary was above or below the new range minimum. Requests above the ten (10) percent additional must be approved by the Sedgwick County Board of Commissioners.

3. When the promotion occurs within the employee's current salary range, the increase in pay will be a two (2) percent to four (4) percent increase to current base salary per hiring authority direction. The County Manager may approve up to an additional ten (10) percent increase. Requests above the ten (10) percent additional must be approved by the Sedgwick County Board of Commissioners.
4. Promotions do not impact the employee's eligibility for a performance based merit. If the promotion is to a new department and occurred between October 31 and December 31, the employee is eligible for the performance based merit percentage from the department the employee left.
5. Within the Fire Department there shall be a salary adjustment for Fire Captains who have completed two years as a Captain (two years' time in grade) to be placed at a rate of pay to ensure that such Captain's compensation exceeds a Step 13 Fire Lieutenant's compensation by a minimum of 1.5%.
6. The County Manager retains authority to approve an increase in the salary of a "Critical Employee" within budget authority. Designation of "Critical Employee" shall be determined pursuant to the business needs of Sedgwick County in the Manager's discretion. If this provision is exercised, the County Manager shall report such action to the County Commissioners by the following business day.

M. Range Reallocation

1. Range reallocation occurs when a major change in the position content occurs, or when the incumbent in the position relinquishes or assumes substantial responsibilities.
2. If, as a result of re-evaluation, a position is changed to a higher salary range the incumbent's base salary will be moved to the new job range minimum if the current salary is below the new job range minimum, and the department may make a recommendation of up to a four (4) percent salary increase above the minimum. When current base salary is already above the new job range minimum, the pay increase will be determined as follows. If the incumbent's current salary is below the new midpoint, he/she may receive a four (4) percent salary increase. If current salary is above midpoint, the employee may employee may receive a two (2) percent salary increase. The increase will be based on placement on the new range compared to midpoint. The department may also make a recommendation based on a comparison of incumbents assigned to the same pay range, amount of increase not to exceed four (4) percent.

3. If an incumbent relinquishes substantial responsibilities a re-evaluation may result in the position being changed to a lower salary range. If the incumbent's base salary is above the new maximum of the pay range the base salary may be frozen (unchanged) or moved to the new maximum, if compensation is above maximum of the new range.

N. Market Adjustment

1. Market Adjustment occurs when a job classification salary range is increased or decreased based on market study analysis.
2. When a position is changed due to market place value, the incumbent's base salary will not change unless the current base salary falls below the minimum of the new pay range. Incumbents may be frozen (unchanged) or moved to the new maximum, if compensation is above maximum of the new range.

O. Interim Assignment or Acting Assignment Appointment Pay

1. Interim Assignment. An employee can be assigned to a position of greater responsibility and duty for a period of up to two years and will be paid consistent with that position, resulting in the employee being placed at the new salary range minimum or if current salary placement is already in the new range, up to a six (6%) percent increase at the time of assignment.
 - a. When the employee's assignment is completed, the employee's base salary will be lowered by the dollar amount increase at the time the Interim was put in place.
 - b. The merit increase percentage will be applied to the employee's base salary in effect at the time the merit is applied.
2. Acting Assignment. An employee can be assigned additional job responsibilities or duties while remaining in his /her current job classification. The employee may be given a temporary compensation adjustment of up to six (6) percent at the discretion of the department head with approval from the County Manager.
 - a. When the employee is no longer performing the assigned additional job responsibilities or duties, the employee's salary will be lowered by an amount to reflect the decrease in responsibility but not more than the eligible merit increase percentage.

P. Performance-Based Merit

1. A merit is an in-range base salary increase granted to an employee based on the prior performance period's performance evaluation score. See 4.903 Performance Evaluation Policy. Employees not covered by the Memorandum of Agreement in the Sedgwick County Fire District should refer to Fire District Standard Operating Policies for Performance-Based Merit processes.

- a. A merit will be granted no more than once a year. The merit amount will be determined by establishing up to four (4) annual departmental pay tiers within that year's budget guidelines.
- b. A merit will be added to the employee's base salary when the employee's salary is below maximum of the range. When the employee is at maximum of the range the merit will be paid separately from base salary and will not compound from year to year. The above maximum merit will be paid as Performance Pay. A merit may raise the base salary to the maximum of the range. If the maximum of the range is met before the full merit is added, any additional amount will be paid as a separate amount outside of the base salary. For example, if the employee is one (1) percent from maximum of the range and receives a four (4) percent performance based merit, three (3) percent of the merit will be paid as Performance Pay and will not compound.
- c. When hired prior to January 31, new employees will receive an evaluation and performance-based merit increase during their first year of employment and will be eligible for the increase amount awarded to their tier. Employees hired February 1 or after will receive an evaluation but if eligible for an increase, the performance-based merit increase amount will not be higher than the department's minimum pay tier. The following year, the employee receives the evaluation and associated performance based merit increase per the budget guidelines. The evaluation year shall be November 1 – October 31 as described in 4.903 Performance Evaluation policy.
- d. Employees absent due to Family Medical Leave or Workers Compensation during the completion of the performance evaluation and finalization of the department's performance-based merit will receive the evaluation as soon as administratively possible, and the associated merit will be effective January 1. When an employee is absent due to Military Leave and the absence creates an inability to evaluate the performance, the department's lowest pay tier will be held for this employee.

Q. Overtime Work and Compensation

1. A non-exempt employee working more than forty (40) hours per week, receives monetary compensation for his/her employment in excess of the forty (40) hours at a rate of not less than one and one half times his/her regular rate of pay. Fire District fifty-six (56) hour personnel shall have their work week established by the Fair Labor Standards Act (FLSA) as approved by the Board of County Commissioners.
 - a. Only hours actually worked count in the calculation of overtime. Sick leave, vacation leave, holiday or any other leave is not to be included in computing monetary overtime compensation.

2. The work week, for purposes of computing overtime pay, is from 12:01 a.m. Sunday to 12:00 p.m. Saturday, unless there is another permanent schedule established. Fire District fifty-six (56) hour personnel shall have their work week established by the Fair Labor Standards Act (FLSA) as approved by the Board of County Commissioners.

3. Compensatory Time for Non-Exempt Employees

Compensatory time off in lieu of a cash payment may be given at the discretion of the Division Director, Department Head or Elected Official. The use of compensatory time is permissible only under the following conditions:

- a. All Compensatory time shall be maintained in accordance with formal Time Administration System, (i.e., no informal, off the books system shall be maintained by any division/department).
 - b. No retroactive compensatory time is permitted.
 - c. The employee must get time off at time and one-half for all hours over forty (40) worked in a week; and
 - d. Employees may be allowed to accrue up to forty (40) hours of compensatory time, which would mean they would have sixty (60) hours of time off work available to them.
 - (1.) Hours accumulated over sixty (60) must be paid at one and one half (1½) times the employee's regular rate of pay.
 - (2.) For example, a forty (40) hour work week employee working fifty (50) hours during the week has earned ten (10) hours of overtime. The ten (10) hours of overtime could be accrued as fifteen (15) hours of compensatory time.
 - (3.) According to the Fair Labor Standards Act, accrued balances of compensatory time at the termination of employment must be paid at a rate not less than the average rate received by such employee over the last three (3) years of employment or the final regular rate, whichever is higher.
4. An employee who has accumulated compensatory time may request the use of such time so long as it does not unduly disrupt the employer's operations and is approved by the Division Director, Department Head or Elected Official or designee.
 5. Employees may request, or a Department Head may require an employee to flex his or her schedule prior to the end of a work week in order to avoid the accrual of time in excess of the normal forty (40) hour work week.

R. On-Call Time

1. Whether or not an employee's on-call time need be counted as compensable working time depends on the employee's freedom while on call. If the employee must remain on the employer's premises or so near that he/she cannot use the time freely, the time is compensable. An employee who is required to remain on call at home, or who is allowed to leave a message where he/she can be reached, is not working (in most cases) while on call. Additional constraints on the employee's freedom could require this time to be compensated.
2. By example, an employee who must remain within a defined radius of the employer's property is considered to be working while on-call; the restriction on the employee's movements is a significant infringement on his freedom to use and enjoy his time. By contrast, an employee who is not required to remain on the employer's premises or at a fixed location, but only required to be available to report for work should his services be needed, is not working while on-call. Accordingly, an employee who is authorized to travel freely within a community and merely required to carry a cellular phone during periods in which he is away from the office is considered to be not working while on-call; carrying a cell phone is a minimal restriction on his freedom.

S. Call Back Time

1. An employee who has left his/her normal place of work for his/her residence and is called back for work shall be paid a minimum of two (2) hours.

T. Shift Pay Differential prior to Kronos implementation

An employee shall be paid shift differential of \$0.75 per hour under the following circumstances:

1. When a second or third shift employee works first shift. (This is often required to attend training and meetings, as well as work extra shifts to provide coverage in twenty four (24) hour operations).
2. Second and third shift employees shall receive shift pay for holidays, sick leave, vacation and any other authorized leave.
3. When required by their supervisor, employees working a varied day schedule that includes beginning the workday at noon or later and work past 7 p.m., shall receive shift pay.
4. First shift employees who work a double shift shall receive shift pay for second shift hours worked.
5. An employee assigned to first shift, who stays over to work part of second shift, must work at least four (4) hours on second shift to receive shift pay. (The same rule would apply for first shift employees who come into work early.)

Shift Pay Differential for Kronos Users

An employee shall be paid shift differential of \$0.75 per hour under the following circumstances:

1. When occupying an eligible non-exempt job classification in participating round-the-clock (24/7) departments. An eligible job classification is one that requires coverage/staffing between 5 pm and 8 am. Participating departments include Zoo, DIO Facilities/Security, Sheriff, Emergency Communications, EMS, Corrections, and COMCARE; and
2. When three (3) or more consecutive hours are worked between 5 pm and 8 am, the hours worked that fall between 5 pm and 8 am will receive the shift differential.

U. Longevity Pay

Effective January 1, 2003, Longevity Pay was not activated for new employees and was “frozen” for current employees.

V. Wage Deduction

Sedgwick County is committed to compliance with the Fair Labor Standards Act for all employees. Sedgwick County Human Resources is responsible for periodically reviewing position descriptions and actual duties, as well as wage deduction criteria to see that employees are properly classified and compensated.

1. **Wage Deduction Complaint Process**
Sedgwick County recognizes the legal restrictions on wage deduction for employees paid on a salary basis. The following complaint procedure is provided to correct wrongful deductions.
 - a. The complaint process is only available to employees compensated on salary basis.
 - b. The complaint process will not be used to effect changes in management policies such as hours of employment, rates of compensation or use of leaves.
 - c. All records pertaining to complaints under this policy will be maintained by the Division of Human Resources.
2. **Wage Deduction Complaint Procedures:**
 - a. It is the responsibility of the employee to become familiar with this policy and to meet all requirements and timelines set forth.

- b. Before a written complaint is filed, an employee must attempt to resolve his/her wage deduction dispute with his/her immediate supervisor.
 - c. If an employee is unable to resolve a dispute within his/her own department, the employee is required to complete the "Wage Deduction Complaint Form," and present copies to his/her immediate supervisor and the Employee Relations Manager within 30 calendar days of the pay date of alleged improper deduction.
 - d. The employee's immediate supervisor or department head shall respond to employee within 10 work days from receipt of the Complaint, providing a copy of this response to the Employee Relations Manager.
 - e. If the employee is not satisfied with the hiring authority's response and desires to continue with the complaint process, the employee shall notify the Employee Relations Manager of his/her intent to continue with the complaint within 5 work days of receipt of the response.
 - f. Within 20 work days of receipt of notice under (e), the Employee Relations Manager or his/her designee shall conduct an investigation of the complaint and submit a finding to the County Manager with a copy to the Office of the County Counselor. The finding must either uphold or reverse the hiring authority's action, and cite facts and authority relied upon for the determination. Within ten (10) work days after receipt of the finding, the County Manager will review the finding and advise the Complainant in writing of whether or not he or she agrees with Employee Relations Manager's determination. This decision shall be final. A copy of this opinion shall be provided to the Employee Relations Manager, the employee's Department Head, and the Payroll Department. Correction of the improper deduction shall be made on the next payroll cycle in which payroll data can be entered following the issuance of the County Manager's final decision.
3. Sedgwick County strictly prohibits any acts of retaliation toward employees who exercise the Wage Deduction Complaint Process.
 4. After a finding of an improper deduction has been made, the Department Head of the affected department shall provide a statement to the Employee Relations Manager that he/she has reviewed deduction rules with the hiring authority and payroll.
 5. When a person leaves employment, Sedgwick County has the discretion, contingent upon written notice and explanation to the employee, to deduct any portion of the employee's final wages for the following purposes:
 - a. Recovery of the employer's property provided to the employee in the course of the employer's business until the property is returned to the employer. Upon return of the employer's property, the withheld wages are to be paid to the employee;
 - b. Recovery of payroll overpayment; or

- c. Replacement cost of the employer's merchandise, uniforms, or equipment purchased by the employee.

Sedgwick County will not withhold amounts that cause the wages paid to the employee to be less than the federal or state minimum wage, whichever is applicable.