

Form and Correctness Approved: *BAP*

#4788 (EX A – REGULATIONS) MC

Contents Approved:

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DEPT. Human Resources

NORFOLK, VIRGINIA

R-5 ORDINANCE NO. 49,609

THE THIRD ORDINANCE AMENDING AND REORDAINING THE FISCAL YEAR 2024 COMPENSATION PLAN ORDINANCE TO REVISE SECTION 6 OF ITS REGULATIONS BY ADDITNG THE PUBLIC SAFETY TELECOMMUNICATOR RETENTION BONUS PROGRAM.

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BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That the Fiscal Year 2024 Compensation Plan Ordinance, Ordinance No. 49,221 (passed June 13, 2023; effective July 1, 2023), is hereby amended and reordained for the third time since its passage to revise Section 6 of its Regulations, which revised version is attached hereto and incorporated herein by reference, by adding the Public Safety Telecommunicator Retention Bonus Program.

Section 2: - That this ordinance and its attachment shall be effective from and after its date of adoption.

EXHIBITS:

Exhibit A - Regulations

ADOPTED BY COUNCIL MAY 28, 2024
EFFECTIVE MAY 28, 2024

REGULATIONS FOR THE ADMINISTRATION OF THE FY 2024 COMPENSATION PLAN

These Regulations of the FY2024 Compensation Plan are effective as written until Council's approval of a new Compensation Plan with new Regulations or Council's approval over the course of the 2024 fiscal year of amendments to these Regulations.

Section 1. Authority and Discretion

(1) These regulations and associated Charter provisions and ordinances, codified and uncoded, apply to all employees of the City of Norfolk. No officer or employee of the City shall have the authority by reference, omission, or error to change the content and administration of the City of Norfolk Compensation Plan.

(2) The City Attorney has at least the same authority and discretion as the City Manager for classifications that fall under the Department of Law. In some cases, the City Attorney's authority is separately addressed in provisions of the compensation plan ordinance.

Section 2. Classification Updates

(1) Deletions - The elimination of a classification is due primarily to efficiency and effectiveness. Affected employees shall be governed by the reduction-in-force provisions.

(2) Additions – The City Manager in concert with the Director of Human Resources is authorized to create classifications during the fiscal year, as determined by emergency operational needs, to the extent authorized by Section 2.1-7 (d) of the Norfolk City Code, 1979, as amended. Such new classifications shall be confirmed by council by ordinance as soon as possible afterwards in the form of amendments to the compensation plan for this fiscal year.

Section 3. Constitutional and State Board Appointed Employees

The City's Compensation Plan assigns pay grades to certain class titles applicable only to persons who are not employees of the City, but who are employed by other governmental officials or entities, including the Commonwealth of Virginia, such as the the Director of Elections or the Norfolk Sheriff. In addition, certain class titles listed in this Compensation Plan may be assigned not only to persons who are City employees, but also to certain other persons not employed by the City. Nothing in this Compensation Plan is intended to alter the employment status of persons employed by officials or entities other than the City of Norfolk and the inclusion of class titles applicable to such persons in this Plan shall not have that result. Although the pay grades, pay rates and regulations contained in this Plan may be used by governmental officials and entities other than the City, at their discretion, with respect to the compensation of their employees, no such application shall be deemed to render such persons City employees, or to grant them any rights applicable to City employees.

Section 4. Definitions

"Classification" - A group of positions or other employments authorized by ordinance, e.g., special projects, which are sufficiently alike in duties and responsibilities that they are placed in the same classification specification by the Civil Service Commission or the Director or Human Resources pursuant to a delegation of authority from the Commission and Section 2.1-6 (b) of the Norfolk City Code, 1979, as amended, and described by the same title and assigned to the same pay grade in this Compensation Plan. In the case of positions exempted from the classified service, the term "classification" is used for convenience only, as the Civil Service Commission has no authority in relation to such positions.

"Classified" – All classes of positions that have certain rights and privileges and are governed by Charter Sections 110 through 125 and the Rules of the Civil Service Commission.

"Employee" - As used in these regulations, includes employees and officers of the City whose compensation is specified in this Compensation Plan.

"FLSA" - The Fair Labor Standards Act.

"Exempt Employees" - Employees who are not covered by or are exempted from the minimum wage and overtime provisions of the Fair Labor Standards Act.

"Non-exempt Employees" - Employees who are subject to the minimum wage and overtime provisions of the Fair Labor Standards Act.

"Pay Grade" - A series of specific pay rates assigned to a classification as the compensation for that classification.

"Pay Rate" - A specific dollar amount, expressed as either an annual or hourly rate as shown in the Compensation Plan schedules.

"Regular Rate of Pay" - An hourly rate for non-exempt employees determined by dividing total remuneration for employment (calculated in accordance with the FLSA) in any workweek by the total hours worked, or, in the case of fire protection/emergency medical, or law enforcement employees, by the number of hours in the applicable declared work period established pursuant to Section 7(k) of the FLSA and Section 9.1-701 of the Virginia Code.

"Red-Circle" -. A designation for incumbents whose salaries are at the maximum of their specified pay grade within Plan 1 of the annual compensation plan. The salaries of such Incumbents are frozen until such time as their pay grade's maximum salary is increased by council. Absent a promotion to a position under a different grade with a higher maximum salary (subject to the Charter and Rules of the Civil Service Commission if the position is classified), any additional compensation awarded to frozen "Red-Circle" employees shall be in the form of a bonus up to the limits imposed upon bonuses by the compensation plan ordinance and these regulations. Special

Rules concerning the maximum salaries of incumbents whose positions are governed by Plan 5 are addressed in the compensation plan ordinance.

"Unclassified" – All classes of positions that serve at the will of the city manager or city attorney pursuant to Charter Sections 114 or 114.1.

Section 5. Demotions

(1) The salary of an employee demoted will be reduced by at least 5% within the new pay range not to exceed the maximum salary of the new pay range.

(2) When an employee is demoted during a promotional probationary period, the salary shall be reduced to the pay rate formerly received prior to promotion.

Section 6. Salary Adjustments

(1) Bonus - the city manager is authorized to approve bonuses for good cause shown, including but not limited to, exceptionally meritorious service by any city employee other than a member of the Law Department (whose salary and bonuses are subject to the city attorney). Bonuses shall be limited to no more than ten percent of salary (10%), up to a maximum of Ten Thousand Dollars (\$10,000.00). Bonuses will not be included in an employee's base wages or retirement calculation.

(2) Police Officer Retention Bonus Program - All Officers wishing to participate in this Bonus Program must first execute a contract delineating their rights and duties under this Program.

This Section 6 of the Regulations, as with all provisions of the Annual Compensation Plan (ordinance and exhibits including Regulations), is effective until Council's approval of a new Compensation Plan, or its amendment to the current Compensation Plan.

(a) Qualifying Groups

i. Captains to Lieutenants

All current sworn officers within this group may sign during the life of this Compensation Plan (Ordinance and exhibits including Regulations, as amended), a five-year commitment to continue employment as a Norfolk Police Officer and receive a bonus as provided for by this regulation and its associated contract. Individual bonuses will be established in the contracts based on the number of police officer vacancies but will be not more than eight thousand dollars (\$8,000) each.

ii. Sergeants and below excluding Police Recruits

All current sworn officers within this group may sign during the life of this Compensation Plan (Ordinance and exhibits including Regulations, as amended) a five-year commitment to continue employment as a Norfolk Police Officer and receive a bonus as provided for by this regulation and its associated contract. Individual bonuses will be established in the contracts based on the number of police officer vacancies but will be not more than twelve thousand dollars (\$12,000) each.

iii. Police Recruits

All Officers hired into the Police Recruit classification who successfully complete the Academy during the effective life of this Compensation Plan (ordinance and exhibits including Regulations, as amended) and are automatically reclassified into Police Officer position may choose:

1. To immediately sign a five-year commitment and receive a bonus as provided for by this regulation and its associated contract. Individual bonuses will be established in the contracts based on the number of police officer vacancies but will not be more than five thousand dollars (\$5,000) each.
2. To sign no immediate five-year commitment. Such officers may be eligible to later sign a five-year commitment after their one-year probationary period as a Police Officer ends, depending on the then current Compensation Plan (ordinance and exhibits including Regulations, as amended). Individual bonuses will be established in the contracts based on the number of police officer vacancies but will be the same as for those in Qualifying Group (b).

(b) Program Specifics

- i. Officers' bonuses will vest gradually over a period of five years at the rate of 20% (percent) per year.
- ii. Officers voluntarily separating from City employment must repay unvested portions of their bonuses.
- iii. Officers terminated for cause must repay unvested portions of their bonuses.
- iv. Officers' Five-year commitment cannot be prorated for planned retirement.
- v. Officers' years worked while in DROP will not count towards a five-year commitment.
- vi. Officers' time spent on active duty if recalled to active military duty will count towards a five-year commitment.

(c) Exceptions to Repayment Provision

Repayment is not required under these circumstances, upon an officer's resignation with the provision of adequate proof of the circumstances (adequacy to be determined by the City):

- i. An Officer's spouse or partner in the military is transferred to a new duty station more than 50 miles from Norfolk.
- ii. An Officer's spouse or partner receives a verified job offer more than 50 miles from Norfolk.
- iii. An Officer's resignation when required to provide long-term care to a sick family relation. Family relationships eligible for this exception shall be those for which an Officer could take sick leave to care for pursuant to Section 2-50 of the Norfolk City Code (1979), as amended.
- iv. An Officer's developing a health condition preventing them from carrying out their duties if that condition could not be accommodated for pursuant to the Americans with Disabilities Act.
- v. An officer's position being eliminated as part of a Reduction in Force.

- (3) Public Safety Telecommunicator Retention Bonus Program - Public Safety Telecommunicator Supervisors for FY2024 each will receive a one-time thank you bonus in the amount of Five thousand dollars (\$5,000).

Public Safety Telecommunicators I through III could receive a retention bonus after their service date when vacancy rates for their respective title is above fifteen (15%) percent.

Title	Years of Service in Title		
	1 Year	2 Years	3 or More Years
Public Safety Telecommunicator I	\$2,000	\$4,000	\$6,000
Public Safety Telecommunicator II	\$2,500	\$5,000	\$7,500
Public Safety Telecommunicator III	\$3,000	\$6,000	\$9,000

- (4) Referral Bonus - An incentive to current employees who refer applicants who are selected and successfully hired. The two-part referral bonus award payment will be authorized by the Human Resources Director in conjunction with the Finance Director. The first payment will be after the

referred candidate is hired and completes 60 days of continuous employment in good standing. After the non-sworn referred candidate successfully completes their Probationary Period (or after six (6) months if there is no probationary period), or the sworn referred candidate successfully completes their recruit academy in good standing with no corrective/disciplinary action, the employee responsible for the referral will receive the second half of the award. For each full-time non-sworn position filled, the employee will receive three thousand dollars (\$3,000). General Employees are also eligible for the five thousand dollars (\$5,000) police officer referral program if they refer candidates for vacant police officer positions.

Referral bonus amounts are for full-time vacant positions:

Five thousand dollars (\$5,000) for a Public Safety Telecommunicator Call Taker position

Five thousand dollars (\$5,000) for a Public Safety Telecommunicator I-III position

General employees area also eligible for the five-thousand (\$5,000) police officer referral program if they refer candidates for vacation police officer positions.

- (5) Signing Bonus - An incentive paid to a new employee to join the City. The two-part signing bonus award payment will be authorized by the Director of Human Resources in conjunction with the Director of Finance. The first payment will be after the new employee is hired and completes 60 days of continuous employment. After a new employee successfully completes their Probationary Period (or after six (6) months if there is no probationary period), or the new sworn employee successfully completes their recruit academy in good standing with no corrective/disciplinary action, the new employee will receive the second half of the award. Each successful candidate will receive five thousand dollars (\$5,000). In addition, Public Safety Telecommunicator Call Takers in good standing will receive two thousand five hundred dollars (\$2,500) upon successful completion of nine months of continuous employment.
- (6) Merit Increase – When recommended in writing by a department head, supported by a performance agreement, endorsed by the Director of Human Resources, and available funds are certified by the Director of Budget and Strategic Planning, the City Manager may authorize one administrative pay adjustment per fiscal year, for meritorious service demonstrated by an employee on an ongoing and continual basis. A performance evaluation conducted within the past 12 months for any employee classification must be included with merit increase requests. A merit increase may not be given before the completion of a probationary period review or within 6 months of a promotion or lateral transfer.

- (7) The City Manager may authorize special assignment pay not to exceed pay grade maximum, when an employee is assigned additional duties that are significantly outside of their normal job responsibilities for at least fifteen (15) days. When the special assignment is discontinued, an employee's compensation shall revert to the salary previously paid prior to such assignment.
- (8) Employees in step-based pay plans may receive step increases on a schedule as determined by City Manager.
- (9) All pay changes or adjustments shall become effective on the first day of the respective pay period that follows the approval of the City Manager, unless otherwise specified. If the approval date and the first day of the respective pay period coincide, the adjustment shall become effective on that date.
- (10) In the event that the federal or state minimum wage rate is higher than the minimum of the pay grade, all employees will be paid at least the federal or state minimum wage rate, whichever is greater.
- (11) When the minimum pay rate in a pay grade for any Division of Social Services classification is below the minimum salary mandated for that classification by the Commonwealth of Virginia, the City Manager shall increase the compensation to the Commonwealth-specified minimum salary.
- (12) The City Manager may disburse funds in support of a pay-for-performance initiative.

Section 7. Inclusiveness of Specified Compensation

The rates of compensation specified in these regulations and the other tables, appendices, and attachments to the Compensation Plan ordinance, for the positions within the classifications listed constitute the total monetary compensation of the regular, full-time employees and officers holding such positions as members of the classified or unclassified service and of those holding them as members of neither service (e.g., special project employees). In addition, to the extent funds are available, the City Manager or the City Attorney in the case of members of the Law Department, may provide payment and/or reimbursement of monies authorized in advance and incurred as an incident of employment related to attraction, retention, motivation, and development up to a limit of \$5,000. Such payments shall not be counted as earnable compensation for purposes of calculating retirement pension benefits.

The following additional compensation for Council Appointees is as follows:

- (1) The City Manager:
 - (a) The use of a City car or to receive an annual car allowance of ten thousand dollars (\$10,000) paid bi-weekly at an approximate rate of

\$384.61. If the car allowance is elected, that supplemental pay shall be counted as earnable compensation for the calculation of retirement pension benefits if the incumbent is a member of the Norfolk Employees Retirement System;

- (b) A contribution in the amount of twenty-four thousand five hundred dollars (\$24,500) to the City Manager's Section 401A retirement account or up to the maximum legally allowed including "catch up" contributions and cost of living adjustments as approved by City Council. All such contributions shall be considered earnable compensation for the calculation of retirement pension benefits if the City Manager is in Norfolk Employees Retirement System;
- (c) Payment of health, dental and vision insurance premium costs;
- (d) Payment of disability insurance premium costs;
- (e) Payment of mandated Virginia Retirement System life insurance premium costs;
- (f) Enrollment fees for membership into three (3) professional organizations; and
- (g) For his severance in June 2023, the city manager shall receive his annual salary for the twelve months preceding July 1, 2023, and for him and his family, he shall be eligible to elect one of the health care coverages offered city employees. The city manager shall choose to receive the severance payment as a lump sum or equal payments over the ensuing 26 pay periods. The health care coverage shall end upon his enrollment in the health care plan of a subsequent employer or twelve months whichever first occurs.

(2) The City Attorney:

- (a) The use of a City car or to receive an annual car allowance of ten thousand dollars (\$10,000) paid biweekly at an approximate rate of \$384.61. This supplemental pay shall be counted as earnable compensation for the calculation of retirement pension benefits if the incumbent is a member of the Norfolk Employees Retirement System;
- (b) A contribution into a 457 account in an amount equal to the maximum allowable, including "catch up" contributions and cost of living adjustments. Such contributions will be considered earnable compensation for the calculation of retirement pension benefits. All such contributions shall be payable in their entirety on the first payroll processed in January 2024;

(c) As legal counsel to the police and fire-rescue departments, the City Attorney shall have a retirement determined by subsection (p) of City Code Section 37-61, which in accordance with Section 143(a) of the Norfolk City Charter cannot be reduced to the extent it has accrued.

(3) The City Assessor:

The use of a City car or to receive an annual car allowance of ten thousand dollars (\$10,000) paid bi-weekly at an approximate rate of \$384.61. This supplemental pay shall be counted as earnable compensation for the calculation of retirement pension benefits if the incumbent is a member of the Norfolk Employees Retirement System.

(4) The City Clerk:

The use of a City car or to receive an annual car allowance of ten thousand dollars (\$10,000) paid bi-weekly at an approximate rate of \$384.61. This supplemental pay shall be counted as earnable compensation for the calculation of retirement pension benefits if the incumbent is a member of the Norfolk Employees Retirement System.

(5) The City Auditor:

The use of a City car or to receive an annual car allowance of \$10,000 paid biweekly at an approximate rate of \$384.61. This supplemental pay shall be counted as earnable compensation for the calculation of retirement pension benefits if the incumbent is a member of the Norfolk Employees Retirement System.

Section 8. New Hire Compensation

(1) Every person whose position is included within a classification listed in this Compensation Plan, shall be employed at the minimum rate of the pay grade established for the classification, except as otherwise provided, subject to the availability of funds.

In the case of a new appointee whose experience and qualifications exceed the minimum qualifications for the position:

- A department director may authorize an initial salary up to 15% above the minimum of the pay range for the position.
- The Director of Human Resources may authorize an initial salary up to the midpoint of the pay range.
- The City Manager may authorize a salary beyond the midpoint of the pay range.
- The City Council, in cases of persons whose appointments it makes directly or confirms, may authorize employment at any rate in such pay grade.

- (2) Persons initially employed in Special Project status who move to a permanent position of the same title and grade in the classified service pursuant to the rules and with the approval of the Civil Service Commission, shall have no change in compensation.

Section 9. Overtime and Related Provisions

(A) General Provisions

- (1) No employee shall be entitled to or shall receive any additional monetary compensation or shall be granted any compensatory time off for hours of work in excess of the standard workday, as defined in Section 2-47 of the City Code, except as provided herein.
- (2) For the purposes of determining eligibility for compensation for overtime work, City employees are assigned to two eligibility categories:
 - (a) Non-Exempt – Employees, who under the FLSA, are required to receive monetary compensation or compensatory time for overtime work in accordance with the FLSA:
 - i. At the rate of one and one-half times their regular rate of pay, or compensatory time equal to one and one-half times the number of hours actually worked in excess of 40 hours in a workweek; or
 - ii. In the case of fire protection and law enforcement personnel on a work period between 7 and 28 days, at a rate established pursuant to 29 U.S.C. §207(k) of the Federal Code and §9.1-701 of the Virginia Code.
 - (b) Exempt - Employees who are exempt from the FLSA and are not eligible to receive either monetary overtime compensation or compensatory time off for overtime work.
- (3) Non-exempt employees will be eligible for monetary overtime compensation or compensatory time off when, by reason of necessity or emergency, they are required to work in excess of 40 hours per week, or for fire protection and law enforcement personnel, in excess of the rate established pursuant to 29 U.S.C. §207(k) of the Federal Code and §9.1-701 of the Virginia Code.
 - (a) All periods of paid leave should be counted towards eligibility of overtime for sworn public safety employees.
 - (b) Paid time off will not be counted as hours worked toward achieving eligibility for overtime status for non-sworn employees in accordance with the Fair Labor Standards Act.

- (4) Department heads are authorized to approve overtime work for non-exempt employees. An agreement between department heads and the individual employee must be reached prior to the performance of overtime work if compensatory time is to be given in lieu of monetary overtime.
- (5) Compensatory time is subject to the following limits:
 - (a) Eligible non-sworn employees may not accrue more than 240 hours of compensatory time (160 hours of actual overtime worked). Employees who have accrued 240 hours of compensatory time off will be paid monetary overtime for additional overtime hours of work.
 - (b) Sworn employees may not accrue more than 480 hours of compensatory time (320 hours of actual overtime worked). Sworn employees who have accrued 480 hours of compensatory time off will be paid monetary overtime for additional overtime hours of work.
 - (c) Non-exempt employees who have accumulated overtime may request compensatory time off and such compensatory time off shall be granted within a reasonable period of time, so long as it does not unduly disrupt the affected Department's operation.
 - (d) Employees shall be paid for unused compensatory time earned at a rate not less than (i) the average regular rate received by the employee during the last 3 years of employment, or (ii) the final regular rate received by the employee, whichever is higher upon termination of employment.
 - (e) Upon request by a department head, the City Manager may authorize payment of monetary overtime, if determined that an allowance of compensatory time off would adversely affect the operations of the City, and when funds are available.
- (6) General non-exempt employees assigned to a designated task system of operation are ineligible for overtime during the performance of their designated tasks unless:
 - (a) The designated task requires more than 8 hours of work in any one day or more than 10 hours of work in any one workday for employees assigned to a 4-day, 10-hour per day work week; or
 - (b) Employees have completed their designated tasks for the day and are assigned additional tasks; or
 - (c) They are required to work in excess of 40 hours in a work week.
 - (d) The designated tasks for each employee operating under a task system shall be set forth in writing by the Department Head.

- (e) Employees performing overtime work as defined in this paragraph shall be entitled to monetary overtime or compensatory time off for each hour they are required to perform such work, in accordance with the regulations set forth in this plan.

(B) Training

- (1) When state and/or federally mandated recertification training requirements cannot be accommodated during scheduled work periods, and when this circumstance has been certified, in writing, by the Director of Human Resources, employees may be granted off-duty training time, on an hour for hour basis, including the taking of the final examination, that can only be offered to them by management during off-duty hours. Such time will not be extended to include travel time. Non-exempt fire-rescue employees required to participate in state-mandated Advanced Life Support recertification training will only be eligible to receive this compensation once every three years, in accordance with Virginia Department of Health, Office of Emergency Medical Services recertification periods.
- (2) Training required by the employer as part of an employee's normal assignments, other than training required for state and/or federal recertification, shall be considered as hours worked, and any overtime hours necessitated by such requirement shall be paid for in accordance with the FLSA and regulations herein.

(C) Official Holidays

In all cases where employees are required to work on any designated holiday, the following provisions will apply.

- (1) Non-exempt employees will receive monetary compensation equal to one and one-half times the hourly pay rate established for their classification (except for the birthday holiday, wellness days holiday and diversity holiday). In addition, these employees will be granted time off, equal to hours actually worked during their normally scheduled work hours, in lieu of the holiday; provided, however, that Refuse Collectors, Refuse Collection Supervisors, Refuse Inspectors and Waterworks Operator classifications may choose a holiday leave credit day or monetary pay (at straight time) for holidays designated by the department's Director, subject to the availability of funds for monetary pay. The extra hourly payments for holiday work will not be included in computing the employee's regular rate of pay for overtime computation purposes in accordance with the FLSA. Employees required to work on their birthday holiday, diversity holiday and/or wellness days holiday will be compensated at the pay rate established for their classification.
- (2) Exempt employees receive holiday leave credit equivalent to hours actually worked up to their regularly scheduled work hours.

- (3) Holiday leave credit for holiday service must be used within twelve (12) months from the holiday for which it is granted. Upon the request of a Department Head, the City Manager may authorize monetary payment for holiday leave credit.
- (4) When an employee's normal weekly work schedule includes a Saturday or a Sunday, and a designated holiday falls on a scheduled weekend workday, the holiday shall be observed by such employee on the actual workday on which it occurs, rather than on the preceding Friday or the Monday thereafter.
- (5) Holiday leave credit earned in accordance with these regulations pertaining to holidays may only be used after the occurrence of the holiday.
- (6) An employee may receive only one holiday premium during any given holiday (24-hour period).
- (7) All regular, full-time (not temporary or part-time) city employees are granted four (4) hours of paid leave per calendar year for community service within the Norfolk Public School Division or in service to an established not-for-profit community organization within the City of Norfolk.

This leave must be approved in advance through normal departmental processes. The city manager shall designate eligible community organizations. Unused volunteer leave during each year will be forfeited.

(D) Special Provisions for Emergency Declarations

The City Manager may determine that an emergency situation merits the modification or suspension of basic City services and is authorized to take such action and provide paid emergency leave to non-essential personnel and additional appropriate compensation or leave to employees required to work during this period. Any such declarations made by the City Manager shall be immediately shared with the City Council.

(E) Special Provisions for Specific Job Classifications

- (1) Whenever an eligible employee, not working a regular tour of duty, is required to appear in court for the purpose of testifying on behalf of the Commonwealth of Virginia or the City of Norfolk, or to give a deposition in lieu of appearing, to testify to the facts which arise within the scope of his or her employment with the City of Norfolk, such employee shall receive monetary overtime compensation equal to one and one-half times the hourly rate of pay established for such classifications for each hour he or she is required to be present in such court or at such proceeding. The minimum time for which such overtime compensation shall be payable will be three hours and payment after the third hour will be computed in increments of 15 minutes. The extra halftime payment for such appearances shall not be included in computing the employee's regular rate of pay for overtime computation purposes in accordance with the FLSA. Such employees who are required to appear for any of the above purposes who are on sick leave or receiving worker's compensation because of a work-related disability shall not be entitled to such overtime compensation.

- (3) Whenever an employee who is absent from duty on leave without pay status or on suspension, is required by the City to appear in a civil or criminal court, or at a hearing before an agency of the Commonwealth of Virginia, or to give a deposition in lieu of appearing, to testify to facts which arise within the scope of his or her employment with the City of Norfolk, such employees shall receive compensation equal to the hourly rate of pay established for such classifications for each hour he or she is required to be present in such court or at such proceeding. Such employees shall not be entitled to overtime compensation for such appearances.
- (4) Whenever a former employee of the City is required by the City to appear in a civil or criminal court, or at a hearing before an agency of the Commonwealth of Virginia, or to give a deposition in lieu of appearing or for discovery purposes, by subpoena or otherwise, to testify to facts which arose within the scope of his or her employment with the City, such former employee shall receive an hourly stipend of eighteen dollars (\$18.00) for every hour or any part thereof required to appear.

Section 10. Part-Time Employment

Employees holding positions who work fewer hours than full-time employees will receive compensation proportionate to their hours worked within such classification.

Section 11. Promotions and Reclassifications

- (1) Promotional salaries must be at or above the minimum of the new pay grade. When an employee is promoted through a competitive process, the Department Head may authorize a promotional salary up to fifteen percent (15%) above the current salary or the minimum rate of the new classification, whichever is greater. The City Manager may authorize a higher promotional percentage, in cases of business necessity, where an employee's experience and qualifications exceed the minimum qualifications of the position. However, a promoted employee may not be paid a salary above the maximum of the pay grade attached to their new position title.
- (2) Promoted sworn police employees will receive a salary of at least five percent (5%) above the former salary or the minimum of the new pay grade, whichever is greater.
- (3) In no event shall an employee's salary, promoted under this sub-section, exceed the maximum of the new pay grade.
- (4) An employee who is promoted in place to a classification having a higher minimum pay range will receive at least the minimum of the new pay range. If the position is reclassified to a classification in the same pay range, the employee's salary will remain unchanged. If the position is reclassified to a classification having a lower minimum pay range, the employee's salary will be reduced by five percent (5%) or to a level within the new range not to exceed the maximum.

(5) Automatic Reclassifications as authorized by the Rules of the Civil Service Commission within the following job class series shall receive a pay of up to fifteen percent (15%) as determined by the Department Head in accordance with approved specified schedules, up to the maximum salary of the pay grade attached to the incumbents new position title:

- Animal Caretaker to Animal Caretaker, Senior
- Automotive Repair Technician I through Automotive Repair Technician, Senior
- Benefit Programs Specialist I to Benefit Programs Specialist II
- Budget & Policy Analyst I to Budget & Policy Analyst II
- Building Code Inspector I through Building Code Inspector III
- Carpenter I to Carpenter II
- Citizen Service Advisor Trainee through Citizen Service Advisor III
- City Planner Associate through City Planner III
- City Planning Technician to City Planning Technician, Senior
- Civil Engineer I through Civil Engineer III
- Compensation & Staffing Analyst I to Compensation & Staffing Analyst II (HR only)
- Construction Inspector I to Construction Inspector II
- Deputy Sheriff to Deputy Sheriff (Senior)
- Electrician I through Electrician III
- Employee Relations Analyst I to Employee Relations Analyst II (HR only)
- Engineering Technician I to Engineering Technician II
- Environmental Specialist I to Environmental Specialist II
- Event Coordinator I to Event Coordinator, Senior
- Multimedia Communications Specialist I to Multimedia Communications Specialist II
- Neighborhood Code Specialist I through Neighborhood Code Specialist III
- Painter I to Painter II
- Plumber to Plumber, Senior
- Police Recruit to Police Officer
- Police Officer to Master Police Officer
- Procurement Specialist I through Procurement Specialist III
- Public Safety Telecommunicator I to Public Safety Telecommunicator II
- Public Safety Intern through Firefighter-EMT-Paramedic
- Real Estate Appraiser I through Real Estate Appraiser III
- Refuse Collector I to Refuse Collector II
- Senior Accountant I through Senior Accountant III (Finance only)
- Sweeper Operator I to Sweeper Operator II
- Traffic Maintenance Technician I through Traffic Maintenance Technician III
- Traffic Sign Fabricator I to Traffic Sign Fabricator II
- Traffic Signal Technician I through Traffic Signal Technician IV

- Waterworks Operator I through Waterworks Operator IV
 - Zoning Inspector I through Zoning Inspector III
- (6) All promotions and reclassifications are effective on the first day of the respective pay period that follows the approval of the Civil Service Commission, or the Director of Human Resources, pursuant to a delegation by the Commission under Section 2.1-6 (b) of the Norfolk City Code, 1979, as amended, unless otherwise specified. If the approval date and the first day of the respective pay period coincide, the promotion or reclassification shall become effective on that date.

Section 12. Regrading of Job Classes

- (1) When a job classification is assigned to a higher pay grade (regrade), the incumbent's salary shall be increased to the minimum pay rate of the new pay grade.
- (2) If an incumbent's salary exceeds the minimum rate of the new pay grade no adjustment is made, however the salary may still be increased by a percentage determined by the City Manager or Director of Human Resources up to the maximum salary of the new pay grade.

Section 13. Reinstatement

An employee reinstated to a previously held position may be reinstated to the salary earned at the time of separation.

Section 14. Additional Compensation

- (1) Supplemental compensation authorized by this section and the attached Supplemental Pay, Bonus and Incentive Appendices will be included in calculating the regular rate of pay of nonexempt employees, as required by the FLSA.
- (2) Only permanent employees are eligible for supplemental compensation, unless otherwise indicated.
- (3) During any part of a month when an employee is absent from duty on leave without pay status, or is on suspension without pay, such employee shall not be entitled to be credited with or to receive any special duty pay authorized herein for the portion of the month for which the employee is not receiving pay.
- (4) No special duty pay will be considered in the computation of salary increases to which an employee is eligible due to promotion, reclassification, annual increments, or merit pay adjustments.

- (5) Special duty pay is not considered as a promotion or reclassification and will not alter an employee's classification or pay grade.
- (6) Permanent employees who are regularly required to perform service at night, shall receive their normal compensation plus a sum equal to ten percent (10%) of the pay rate as established. Such additional compensation shall only be paid to employees working a fixed shift where one-half or more of the employee's regular working hours are scheduled after 5:00 p.m. and shall not be paid to sworn members of the Departments of Fire-Rescue and Police nor the Department of Emergency Preparedness and Response (EPR). In addition, employees working a rotating shift or a shift which otherwise requires them to periodically work at night are excluded. A fixed shift basis of employment is one in which the regular working hours are identical each working day for a period of not less than 30 calendar days. A rotating shift is one in which the hours of work fluctuate on a regular basis or irregular basis.
- (7) Employees in classifications assigned to certain duties and meeting specified criteria, shall receive the indicated supplement amounts as described in the attached Supplemental Pay Appendices.
- (8) The following supplements are included in the calculation of retirement credit for sworn employees as defined below:
 - (a) Education Pay - This supplemental pay shall be counted as earnable compensation for the calculation of retirement pension benefits if the incumbent is a member of the Norfolk Employees' Retirement System.
 - (b) Senior and Master Police Officer - This supplemental pay shall be counted as earnable compensation for the calculation of retirement pension if the incumbent is a member of the Norfolk Employees' Retirement System.
 - (c) Gun allowance (Fire-Rescue) - This supplemental pay shall be counted as earnable compensation for the calculation of retirement pension if the incumbent is a member of the Norfolk Employees' Retirement System.
- (9) Sworn fire-rescue personnel designated as Master Firefighter who meet and maintain service and performance requirements specified in the Standard Operating Procedures for obtaining the Master Firefighter designation will receive compensation, in addition to their regular pay rate, authorized in the respective General Order and approved by the City Manager acting as Director of Public Safety.

Section 15. On-Call

- (1) On-call status applies to all hours other than an employee's regularly scheduled work hours on weekdays and 24 hours on Saturday and on Sunday. An employee scheduled for on-call who is on approved sick leave

(due to illness) or annual leave for a full day would not be eligible for on-call on that day.

- (2) Non-exempt general employees and sworn non-exempt fire-rescue employees permanently assigned to a 40-hour work week whose positions are approved by the City Manager for additional compensation for serving in an on-call status will be paid, in addition to their regular pay rates, according to one, and only one of the following:
 - (a) \$133.00 for each full weekly period of assigned on-call duty;
 - (b) \$154.00 for each full weekly period of assigned on-call duty, if any holiday designated in City Code Section 2-48 occurs within that week;
 - (c) \$19.00 for each full day of on-call duty; or
 - (d) \$40.00 for any holiday designated in City Code Section 2-48.
- (3) Employees designated in on-call status on a holiday or for any full week in which a holiday falls may receive only one on-call premium, pursuant to either but not both subsection (2) (b) or (2) (d) above.
- (4) Employees that are members of the Emergency Shelter Strike team are eligible for on-call status and shall receive \$19.00 for each full day of on-call duty.
- (5) Sworn non-exempt fire-rescue employee on leave for a full shift would not be eligible for on-call for that day.

Section 16. Temporary Acting Service

- (1) Whenever a classified employee is assigned by the City Manager to serve in a temporary acting capacity in a higher pay grade but still classified, such employee, during the period of such service, shall receive compensation of at least 15% of their current salary or the minimum rate of the new classification, whichever is greater; or as provided under (2).
- (2) If the classified employee is assigned to serve in a temporary acting capacity in an unclassified position during the period of such service the employee shall receive compensation of at least 15% of their current salary or the minimum rate of the new classification, whichever is greater. The City Manager in their sole discretion may authorize the salary of the employee to be at any specific dollar amount within the pay grade assigned to such classification.
- (3) Whenever members of the unclassified service are assigned to serve in a temporary acting capacity in a higher pay grade, the employee shall receive compensation of at least 15% of their current salary or the minimum of the new classification, whichever is greater. The City Manager in their sole discretion may authorize the salary of the employee to be at any specific dollar amount within the pay grade assigned to such classification.

- (4) When temporary acting service is discontinued, an employee's compensation shall revert to the employee's previous salary including general wage adjustments that would have been applicable.
- (5) Temporary Acting Service, for classified employees, shall be no longer than 180 days unless approved by the Civil Service Commission. In no event shall such service be permitted for longer than two years.
- (6) In no event shall an employee's salary, serving in a temporary acting status under this sub-section, exceed the maximum of the new pay grade.

Section 17. Transfers and Reassignments

An employee transferred or reassigned to a position in the same pay grade will receive no change in salary.

Section 18. Leave Payout

- (1) Remaining accrued annual leave (up to the carryover limit specified) for an employee who has left City service will be paid as part of the normal payroll schedule.
- (2) Any remaining annual leave (up to the carryover limit specified) may be requested as payout following a period of pre-disciplinary leave or disciplinary suspension of at least thirty (30) days. Requests for a lump sum payout must be submitted in writing to the Department of Human Resources.

Section 19. Severance Pay

Upon the termination of employment of any city employee, the city manager, or the city attorney if the employee is a member of the law department, may award that employee up to six (6) months' salary in the form of a lump sum severance payment. That payment shall be in addition to any final salary or leave compensation to which the employee may be entitled as a consequence of the severance of their employment and shall not be considered earnable compensation for purposes of calculating retirement benefits.

Section 20. Corrections

When reported errors or mistakes in the application of the compensation plan are verified by the Director of Human Resources, the City Manager will determine the appropriate corrective action. Pending the City Manager's approval, the Director of Human Resources and the Director of Finance will take immediate action to prevent continued overpayment or underpayment of any salary.