

**ORDINANCE #69190**  
**Board Bill No. 101**  
**Committee Substitute**

An Ordinance to repeal Ordinance No. 68708, establishing the salaries of employees in the Sheriff's Office and enacting in lieu thereof a new Ordinance fixing the annual rate of compensation of command personnel and deputies appointed to assist in the performance of the duties of the Sheriff and containing an emergency clause.

**BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:**

**SECTION ONE.** Ordinance 68708 is hereby repealed and a new ordinance is hereby enacted, to read as follows:

**SECTION TWO.** The following command personnel and deputies in the Sheriff's Office as may be appointed under provisions of Section 57.530 Missouri revised Statutes, 1978 shall be compensated not in excess of compensation as established in accordance with Section Three and subsequent sections of this ordinance.

<u>TITLE</u>	<u>GRADE</u>
Administrative Aid to the Sheriff	18G
Major	17G
Captain	16G
Lieutenant	14G
Chief Execution Deputy - Attorney	13G
Sergeant	13G
Senior Deputy	12G
Deputy Sheriff – Level 1	11G
Deputy Sheriff – Level 2	10G

**SECTION THREE.** OFFICIAL PAY SCHEDULE OF GRADES.

There is hereby adopted as the compensation schedule for all pay ranks established in Section Two beginning with the bi-weekly pay period starting with the effective date of this ordinance.

There is hereby adopted as the salary pay schedule for all classification grades of positions in Section One of this ordinance, beginning with the bi-weekly pay period concurrent with the effective date of this ordinance.

**BI-WEEKLY RANGE OF PAY IN WHOLE DOLLARS**

<u>GRADE</u>	<u>MINIMUM</u>	<u>MAXIMUM</u>
5	686	1,051
6	747	1,143
7	816	1,246
8	889	1,359
9	968	1,481
10	1,055	1,616
11	1,151	1,761
12	1,254	1,920
13	1,387	2,124
14	1,596	2,642
15	1,835	2,809
16	2,111	3,229
17	2,428	3,716
18	2,791	4,273
19	3,212	4,913
20	3,694	5,650
21	3,989	6,102
22	4,308	6,589
23	4,651	7,119

**SECTION FOUR.** (A) A shift differential compensation for certain work assignments may be paid. The Appointing Authority shall determine the work assignments or activities performed for which shift differential compensation shall be paid.

Before shift differential compensation may be made an employee must have completed (5) hours of regular employment before 7:00 A.M. or five hours after 3:00 P.M. in twenty four hour period which begins at the employees' normal reporting time. An employee shall be paid 1.00% of the employee's regular base bi-weekly rate for each eligible shift worked in a bi-weekly pay period. An employee shall work a complete eligible shift to receive shift differential compensation.

Shift differential shall not be paid to employees who work part-time, or full-time regular employees docked for any portion of a shift. An employee shall receive shift differential for working a portion of an eligible shift. Shift differential shall only be paid for whole hours worked, providing the portion of the shift not worked is charged to paid leave. A fraction of an hour shall not be counted toward the payment of the differential. An employee shall not receive shift differential compensation for any overtime worked that is not part of their regular schedule.

Employees who work on a Saturday and/or Sunday shall be paid a weekend differential. This differential shall be 1.00% of an employee's base bi-weekly rate and shall not be paid for any overtime worked that is not part of an employee's regular schedule. An employee shall receive weekend differential for working a portion of an eligible day. This differential shall only be paid for whole hours worked, providing the portion of the day not worked is charged to paid leave. A fraction of an hour shall not be counted toward the payment of the differential. Weekend differential shall not be paid to employees compensated on an hourly or per-performance basis or to bi-weekly paid employees who work part-time or full-time regular employees docked for any portion of a day. The Appointing Authority may approve the payment of hiring incentives to recruit qualified personnel for positions that are difficult to fill. Hiring incentives shall be in any amount up to twenty-five percent (25%) of the annual salary of the position for which the incentive is to be paid.

An employee who is appointed to a position requiring advanced technical skills or professional qualifications may be paid at a rate up to ten (10%) higher than prescribed for the class. Such advancement shall be made solely on the basis that the employee possesses exceptional academic qualifications related to the duties of the position. The Appointing Authority may also establish other bonus, incentive, or reimbursement programs to encourage current employees to attain registration, licensure, certification, or proof of professional mastery when it is deemed to be in the best interest of the service, or when such credentials are clearly recognized as adding to the capability of individuals in that area. Incentives, bonuses, or reimbursements conveyed under such programs would not result in an employee being ruled ineligible for bonuses or salary increases permitted under other sections of this pay ordinance.

The Appointing Authority may establish a location allowance for positions which are difficult to fill at specific duty stations. This allowance shall be in an amount up to ten percent of the median of the pay range of the position for which the allowance is to be paid. The location allowance shall be considered an addition to pay and shall not change the employee's base rate.

(B) No employee shall be paid at the rate lower than the minimum or higher than the maximum of the salary range established for the class to which his/her position has been allocated, except as otherwise provided in this ordinance.

(C) When a new employee is approved under Section 57.530 Missouri Revised Statutes, 1978, the annual rate of compensation shall be twenty-six (26) times the first or lowest step within each rank or position.

(D) Deputies and assistants in the Sheriff's Office may receive such hourly, daily or other rate as may be allowed by the Circuit Court, for special services authorized by the Circuit Court, and assigned by the Sheriff, when such special services are for additional work over and above the regularly assigned working hours and payment of such special service is being taxed as costs in the particular case or circumstance and deposit of such cost is made in advance of such special services.

#### **SECTION FIVE. Starting Salary**

The minimum rate of pay for a position shall be paid upon original appointment to the class, unless the appointing authority finds that it is impossible to recruit employees with adequate Qualifications at the minimum rate.

If an advanced starting salary is necessary, the appointing authority may establish a recruitment rate for a single position or all position in a class and authorize employment at a figure above the minimum but within the regular range of salary established for the class.

#### **SECTION SIX. Promotion, Demotion, Reallocation and Transfer:**

An employee who is transferred, promoted, demoted, or whose position is reallocated after the effective date of this ordinance, shall have his or her rate of pay for the new position determined as follows:

(a) Promotion: This shall be defined as a change of an employee from a position of one class to a position of another class with higher pay grade.

(1) When an employee is promoted to a position in the General Schedule, the employee's salary shall be set at a rate which is five (5%) higher than the rate received immediately prior to promotion. The Appointing Authority may approve up to a twenty percent (20%) salary adjustment when such action is needed to attract experienced, qualified candidates for a position. Such salary determination shall take into consideration the nature and magnitude of the accretion of duties and responsibilities resulting from the promotion. However, no employee shall be paid less than the minimum rate nor more than the maximum rate for the new class of position, except as otherwise provided in this ordinance.

(2) Temporary Promotions: Promotions of employees regardless of status, made for a limited duration, shall result in a salary adjustment as is Paragraph(a) (1) of this Section. Upon expiration of the temporary promotion, the employee shall be returned to his/her former rate of pay, adjusted by any increases the employee may have received in the absence of the temporary promotion.

In no case shall the employee's salary be above the maximum of the salary range.

(b) Demotion: This shall be defined as a change of an employee to a position of one class to a position of another class which has a lower pay grade.

(1) If an employee accepts a voluntary demotion, his or her rate of pay shall be reduced to a rate within the range for the new position. The appointing authority may approve up to a ten percent (10%) salary decrease upon demotion. However, no employee shall be paid less than the minimum nor more than the maximum rate for the new class of position.

(c) Reallocation:

(1) The salary of an employee which is in excess of the maximum of the range prescribed by this ordinance for the class and grade to which his or her position has been allocated or may be reallocated shall not be reduced by reason of the new salary range and grade. The salary of such employee shall not be increased so long as he or she remains in the class of position, except as otherwise provided by this ordinance.

(2) If the employee's position is reallocated to class in a lower pay grade and the rate of pay for the previous position is within the salary range of the new position, his or her salary shall remain unchanged.

(3) The salary of an employee whose position is allocated to a class in a higher pay grade shall be determined in accordance with the provisions of this Section 6 (a)(1) relating to salary advancement on promotion.

(d) Transfer: The salary rate of an employee who transfers to a different position in the same class, or from a position in one class to a position in another class in the same pay grade, regardless of pay schedule, shall remain unchanged, provided that no employee shall be paid less than the minimum rate nor more than the maximum rate for the new class of position.

#### **SECTION SEVEN. Salary Adjustment.**

(a) A decrease in the salary range for poor performance of the duties of the position or for job performance which does not warrant continued pay at an advanced rate in the salary range shall be made in accordance with standards established by the appointing authority.

(1) Exceptional performance of duties: The appointing authority of an employee who demonstrates exceptional performance of duties or outstanding qualifications may advance the employee, by not more than ten percent (10%) after twenty-six (26) weeks of employment at a rate in the salary range which may be in addition to any merit increase received.

(2) Substandard performance of duties: The appointing authority of an employee whose level of

performance is significantly diminished and no longer warrants payment at the current rate within the range may be decreased to a lower rate in the salary range.

(b) The pay of any employee may be decreased as a disciplinary action by an appointing authority to a lower rate or step within a salary range. The decrease shall not be greater than fifteen (15%) percent of the employee's current salary rate. In no case shall the decrease be below the minimum of the pay range for the class. The appointing authority may determine that the pay decrease shall be effective for a specific number of bi-weekly pay periods, providing, however, that such decrease shall not be effective for more than twenty six (26) weeks.

(c) The Appointing Authority may establish procedures for the review and approval of within-range salary adjustments to correct or mitigate serious and demonstrable internal pay inequities. Salary adjustment under this provision shall preclude adjustments to compensate or reward employees for long-term or meritorious service.

(d) The Appointing Authority may approve a within range salary adjustment or other incentives to retain employees in positions that are difficult to fill, or because of their unique requirements. Said adjustment may only be granted once during a twenty-six (26) week period.

(e) For the purpose of computing earnings and length of service for salary advancement, the time shall start with the Sunday preceding all appointments effective on Monday. Absence from service as a result of vacation, sick leave, jury/witness leave, suspension, non-paid absence, leave of absence for service in the armed forces, and leaves of absence for study to improve performance of City job will not interrupt continuous service. Absence from service for any other cause except as set forth above will result in breaking continuity of service.

#### **SECTION EIGHT. Income Sources.**

Any salary paid to an employee in the City service shall represent the total remuneration for the employee, excepting reimbursements for official travel and other payments specifically authorized by ordinance. No employee shall receive remuneration from the City in addition to the salary authorized in this ordinance for services rendered by the employee in the discharge of the employee's ordinary duties, of additional duties which may be imposed upon the employee, or of duties which employee may undertake or volunteer to perform.

Whenever an employee not on an approved paid leave works for a period less than the regularly established number of hours a day, days, a week, or days bi-weekly, the amount paid shall be proportionate to the hours in the employee's normal work week and the bi-weekly rate for the employee's position. The payment of a separate salary for actual hours worked from two or more departments, divisions, or other units of the City for duties performed for each of such agencies is permissible if the total salary received from these agencies is not in excess of the maximum rate of pay for the class.

#### **SECTION NINE. Conversion**

All pay schedules in Section 3 shall continue in effect until the beginning of the bi-weekly pay period starting concurrently with or after the effective date of this ordinance, and then the rates will be adjusted as follows:

- (a) All maximum of the ranges have been increased by 2%
- (b) No employee shall be reduced in salary by reason of the adoption of the new pay schedules in this ordinance.
- (c) In the event this ordinance does not become effective in time for the first bi-weekly pay period of Fiscal '13 employees will be granted a 1% increase on the first pay period following passage and a 1% pay increase beginning with the second pay period in January 2013.

#### **SECTION TEN. Changes to pay Plan**

Whenever the appointing Authority finds it necessary to add a new class to the Pay plan, the Appointing Authority shall allocate the class to an appropriate grade and schedule in this ordinance, and notify the Board of Alderman of this action.

Whenever the appointing Authority finds it necessary to change the pay schedule of an existing class within the Pay plan, the Appointing Authority shall allocate the class to the appropriate schedule in this ordinance, and notify the Board of Alderman of

this action.

**SECTION ELEVEN. Military Leave**

(a) The City of St. Louis will follow all applicable state and federal laws on the granting of Military leave and reemployment rights.

Before military leave without pay is authorized, the employee shall present to the employee's appointing authority evidence of such military service. Upon the expiration of military leave of absence, the employee shall be reinstated to the class of position he/she occupied at the time the leave was granted without breaking continuity of service. Failure of an employee to report for duty within the time pursuant to State or Federal Law shall be just cause for dismissal. The employee's accumulated leave balance(s) shall be restored to the employee upon his/her return.

**SECTION TWELVE. Leave of Absence and Family/Medical Leave**

Employees may request a leave of absence for any reason under the leave policy, or may be eligible for a "Family/Medical Leave of Absence" for certain qualifying reasons under provisions of the federal "Family and Medical Leave Act of 1993" as provided in this ordinance.

(a) An appointing authority, may grant an employee in a competitive position a general leave of absence without pay for a period not to exceed twelve (12) months, whenever such leave is considered to be in the best interest of the City Service. Such non-paid leaves are granted at the discretion of the appointing authority and may be for any reason including an employee's personal illness when the circumstances do not qualify for family/medical leave, or when eligibility for family/medical leave has been exhausted.

Upon the expiration of such leave of absence, the employee shall be reinstated to the competitive position he or she occupied at the time the leave was granted provided he or she is able to perform the duties of the position. The employee shall be reinstated to the position at the same relative rate in the salary range the employee occupied at the time the leave was initiated. Failure of an employee to report for duty promptly at the expiration of the leave shall be just cause for dismissal. If necessary to the efficient conduct of the business of the City, an employee on leave other than military leave or qualifying family/medical leave may be notified by the appointing authority to return prior to the expiration of such leave. Failure of the employee to return within ten (10) days after receipt of such notice would terminate his/her leave of absence and be just cause for dismissal, subject to any applicable federal, state or local regulations.

(b) The federal "Family and Medical Leave Act of 1993" entitles eligible employees to up to 12 weeks of unpaid leave in any 12-month period for the birth, adoption or placement of a child, to care for a spouse or an immediate family member with a serious health condition, or when the employee is unable to work because of a serious health condition. While an employee is on a qualifying family/medical leave of absence, the City of St. Louis will continue to pay the employee's health care premiums, if any, during the leave period. Once the leave is concluded, the employee shall be reinstated to the same or an equivalent job.

The Appointing Authority shall establish additional rules, guidelines and procedures for the effective administration of the "Family/Medical Leave Policy." The policy shall comply with all provisions of the "Family/Medical Leave Act of 1993" and any amendments thereafter.

(c) Employees who are granted general leaves of absence and other non-paid leaves of absence, except family/medical leaves of absence, must take all accrued vacation and authorized sick leave at the start of the leave of absence. Employees who are granted a non-paid leave of absence will not accrue vacation or sick leave during the period of non-paid leave. Upon the expiration of such leaves of absence, the employee shall follow the procedures as established in this Section 12 and any other applicable regulations and procedures as established by the Appointing Authority.

(d) An appointing authority, may place an employee on investigative leave of absence without pay pending the outcome of criminal charges pending against the employee.

**SECTION THIRTEEN. HOLIDAYS**

The Sheriff shall grant holiday leave with pay, holiday pay, or compensatory holiday time off in lieu of pay to employees working full-time who are paid a bi-weekly rate on the following days:

<u>DATE</u>	<u>HOLIDAY</u>
January 1	New Years Day
Third Monday in January	Dr. Martin Luther King's Birthday
February 12	Lincoln's Birthday
February 18	President's Day
May 8	Truman's Birthday
Last Monday in May	Memorial Day
July 4	Independence Day
First Monday in September	Labor Day
October 8	Columbus Day
November 12	Veterans' Day
Fourth Thursday in November	Thanksgiving Day
December 25	Christmas Day

Employees working full-time and paid a bi-weekly rate whose pay is established in this compensation ordinance shall receive leave with pay, pay or compensatory time off in lieu of pay as holiday compensation in an amount that is proportionate to the number of hours the employee is regularly scheduled to work in a day or shift. For example, employees working an average of forty (40) hours a week, five (5) days a week, eight (8) hours a day shall receive eight (8) hours of compensation for the holiday; employees working an average of forty (40) hours a week, four (4) days a week, ten (10) hours a day shall receive ten (10) hours of compensation for the holiday.

When the day of observance of a holiday is changed by State or Federal law, it will be so observed by the City of St. Louis. When the day of observance of a holiday is changed by State or Federal executive action, the Mayor shall determine the day of observance by the City of St. Louis. When one of the above enumerated holidays occurs on Sunday, the following Monday shall be observed as the holiday. When one of the above holidays occurs on Saturday, the preceding Friday shall be observed as the holiday.

The Sheriff shall determine the manner of granting holidays. When full-time employees are required to work on a holiday they shall be entitled to compensation for the holiday and the hours actually worked. Compensation for the holiday shall be in an amount proportionate to the number of hours an employee is regularly scheduled to work in a day or shift.

Except as otherwise provided in this section, when a City holiday falls on an employee's regularly scheduled day off, the employee shall be entitled to have compensatory time added to his/her balance in an amount proportionate to the number of hours regularly scheduled in a day or shift.

The holiday compensation procedures established by this section shall apply to full-time employees paid a bi-weekly rate. Part-time bi-weekly paid employees shall be compensated for holidays in proportion to the percentage of time they are regularly scheduled to work. Employees paid on an hourly or per performance basis shall not be entitled to holiday compensation. In the event that the holiday schedule established in this section is revised, employees who are granted compensatory time in lieu of all holidays shall have their leave benefits adjusted accordingly.

**SECTION FOURTEEN. Jury and Witness Leave**

(a) Jury leave with pay shall be granted to bi-weekly paid employees working one-half (50%) time or more for such time when such employees are serving as jurors pursuant to order of the St. Louis Circuit Court or Federal District Court in St. Louis. Any bi-weekly paid employee, when so summoned for jury service, shall report such fact within seventy-two (72) hours to his/her appointing authority and display to the appointing authority the summons which the employee has received and shall give the appointing authority in writing the date and the time of such jury service. No bi-weekly paid employee shall receive any compensation from the Jury Commissioner or the Federal District Court system for jury service for days the employee receives compensation from the City. A bi-weekly paid employee may keep the jury stipend for days when the employee receives no compensation from the City (off days, docks, leaves, etc.) Upon being excused from serving as a juror by the Court or the Jury Commissioner, the employee shall report forthwith to his/her appointing authority and shall submit to his/her appointing authority a written statement from the Jury Commissioner certifying that the employee has served as a juror and the time and date so served. The appointing authority shall, upon receipt of the statement of jury service, credit the employee with paid jury leave for such service.

(b) Leave with pay shall be granted to bi-weekly paid employees for such time when the employee's presence is required by the prosecutor as a part of a grand jury procedure, a trial in prosecuting accused criminals (or for jury service in Federal Court). Any bi-weekly paid employee, when so subpoenaed as a prosecution witness or whose presence is required as a part of a

grand jury inquiry, shall report such fact within seventy-two (72) hours to his/her appointing authority and shall give the appointing authority in writing the date and time his/her presence is required for such criminal prosecution. Each appointing authority shall establish controls to assure that any paid leave is actually required by the prosecuting authority. An appointing authority may require an employee to furnish satisfactory evidence of being required to be off the job and that all time off was in connection with the prosecution of the case. This procedure shall apply for employee participation in criminal prosecution in State or Federal Courts.

**SECTION FIFTEEN.**

The "Sheriff's Attorney" as provided under Section 57.540, Missouri Revised Statutes, 1978, shall receive in addition to the compensation for his services as provided thereunder the sum of three thousand dollars per annum in bi-weekly installments. In no event shall the total of said salary exceed fifteen thousand dollars.

**SECTION SIXTEEN.** Passage of Ordinance

The passage of this ordinance being deemed necessary for the immediate preservation of the public peace, health and safety, it is hereby declared to be an emergency measure and the same shall take effect and be in force immediately upon its approval by the Mayor.

**SECTION SEVENTEEN.** Previous Ordinance

Ordinance 68708 and all other ordinances or parts of ordinance conflicting or inconsistent with the provisions of this ordinance are hereby repealed.

**Approved: July 13, 2012**