



# Agenda Report

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Public Hearing

H.1.

10/25/2022

### Subject:

Public Hearing regarding Merit System Policy II, Pay Plan Changes

### Fiscal Impact:

### Dept/Office:

Human Resources

### Requested Action:

It is requested that the Board, in accordance with Chapter 82, Personnel, Brevard County Code, consider in a Public Hearing revision to Merit System Policy II, Pay Plan, concerning shift differential payments.

### Summary Explanation and Background:

On October 10, 2022 the Board ratified a new 3-year Collective Bargaining Agreement with the Laborers International Union of North America, Local 630. Historically it has been the Board's policy that, where similarly situated, employees in non-bargaining unit positions receive similar benefits to those negotiated for the bargaining unit. The proposed Merit System Policy II- Pay Plan modifications are consistent with the collective bargaining agreement (CBA) provisions ratified by the Board. The LIUNA CBA has adjusted shift differential pay options as follows:

Increase Midnight Shift differential payment from \$0.60/hour to \$1.50/hour for work performed from 11:00 pm to 7:00 am. Increase the Evening Shift differential from \$0.45/hour to \$1.00/hour for work performed from 3:00 pm to 11:00 pm. Partial Night Shift differentials change as follows:

EIGHT (8) HOUR SHIFTS	EVENING	MIDNIGHT
FOUR (4) PER WEEK	From \$.36 to \$.80	From \$.48 to \$1.20
THREE (3) PER WEEK	From \$.27 to \$.60	From \$.36 to \$.90
TWO (2) PER WEEK	From \$.18 to \$.40	From \$.24 to \$.60
ONE (1) PER WEEK	From \$.09 to \$.20	From \$.12 to \$.30

TEN (10) HOUR SHIFTS	EVENING	MIDNIGHT
THREE (3) PER WEEK	From \$.33 to \$.75	From \$.45 to \$1.13
TWO (2) PER WEEK	From \$.22 to \$.50	From \$.30 to \$.75
ONE (1) PER WEEK	From \$.11 to \$.25	From \$.15 to \$.38

It is requested that the Board consider revisions to Merit System Policy II, Pay Plan, Shift Differentials, in order to provide non-union employees benefits similar to those negotiated for LIU members.

**Clerk to the Board Instructions:**



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October 26, 2022

**M E M O R A N D U M**

**TO:** Jerry Visco, Human Resources Director

**RE:** Item H.1., Public Hearing Regarding Merit System Policy II, Pay Plan Changes

The Board of County Commissioners, in regular session on October 25, 2022, conducted the public hearing and in accordance with Chapter 82, Personnel, Brevard County Code, approved a revision to the Merit System Policy II, Pay Plan, concerning shift differential payments, in order to provide non-union employees benefits similar to those negotiated for union members.

Your continued cooperation is always appreciated.

Sincerely,

**BOARD OF COUNTY COMMISSIONERS  
RACHEL M. SADOFF, CLERK**

*Donna Scott*  
for: Kimberly Powell, Clerk to the Board

/pp

cc: County Manager

**BREVARD COUNTY  
MERIT SYSTEM POLICIES  
POLICY II**

**Title:     PAY PLAN**

**I. OBJECTIVE**

To provide a pay plan directly related to the Classification Plan with appropriate consideration being given to: the relative difficulties and responsibilities existing between various classes of work; prevailing wage rates for comparable types of work found in public and private industry; availability of qualified candidates for recruitment to the County Service; economic conditions found in the labor market; fiscal policies of the Board of County Commissioners; and ratified labor agreements.

**II.DIRECTIVES**

**A. COMPETITIVE PAY PLAN**

The Brevard County Board of County Commissioners desires to maintain a pay plan competitive with similar local government jurisdictions in Central Florida.

Each fiscal year, the County Manager or his designee shall make recommendations to the Board of County Commissioners for amendments to the pay plan with appropriate consideration being given to the above stated objectives.

**B. ADMINISTRATION OF THE PAY PLAN**

All persons in the Career and Appointive Services shall be employed and paid in accordance with the rates established in the pay plan for the classification to which the appointment is made.

The Human Resources Director (working title) shall have the responsibility for day-to-day administration of the pay plan, to include confirming that all hiring rates, salary adjustments, and other payroll changes are in accordance with these policies.

**C. NEW APPOINTMENT STARTING RATES**

1. Dependent upon their training, experience or other qualifications, new appointees shall be hired within the normal hiring pay range.
2. Appointments below the normal hiring pay range may be offered when the candidate is hired as a trainee, intern, student worker or in a special project.
3. If a candidate's training, experience or other qualifications are directly related to and substantially exceed the minimum requirements of the position; and

## **PAY PLAN POLICY (continued)**

the candidate is unwilling to accept a salary in the normal hiring pay range; and there are no other eligibles with comparable qualifications; the County Manager, at the request of the appointing authority, is authorized to approve appointment at a rate not to exceed fifty (50%) percent above the normal hiring pay range.

4. Any new appointments in excess of fifty (50%) percent above the normal hiring pay range, due to extenuating circumstances, shall require approval by the Board of County Commissioners.

### **D. SALARY INCREASES**

An employee may receive a salary increase by means of a cost of living adjustment (COLA), merit increase, pay grade adjustment, special pay adjustment, promotion or reclassification.

1. **Cost of living adjustments** - the amount of the adjustment shall be approved by the Board of County Commissioners. When a cost of living adjustment is implemented, the pay ranges will be adjusted accordingly.
2. **Merit increases** - the limits of the merit increase shall be set by the Board of County Commissioners. The amount of each employee's merit increase shall be based on performance.
3. **Pay grade adjustments** - all recommendations for adjustments of pay grades of existing classifications and resulting changes to the pay of current employees in the classifications shall be made by the County Manager or his designee, and approved by the Board of County Commissioners.
4. **Special adjustments** - should unusual conditions arise which would justify a pay increase not provided elsewhere in these rules; the County Manager is authorized to approve the pay adjustment.

### **E. PAY UPON PROMOTION**

1. Upon promotion, a fully qualified employee shall have his/her salary increased to at least the minimum of the normal hiring pay range of the classification to which the promotion is made or, at the appointing authority's discretion, up to 10% above the employee's salary before the promotion for those positions advertised Internals Only or non-competitive appointment. If an internal applicant is selected as the best qualified candidate from a List of Applicants that was advertised Internally/Externally, dependent upon their training, experience or other qualifications, the employee may be hired within the normal hiring pay range (as defined in the definitions and references section) or 10% above the employee's salary, whichever is greater
2. Upon promotion to a trainee, an employee shall have his/her salary adjusted to a rate below the minimum of the classification based on the degree the employee's training, experience and other qualifications are below the minimum

## **PAY PLAN POLICY (continued)**

requirements of the class, unless the employee's rate of pay is already at or above the normal hiring pay range.

The date the employee achieves the minimum of the pay range under a training schedule shall determine the anniversary date for the employee while he/she remains in that pay range.

3. Upon promotion, prior to determining the pay adjustment for the promotion from an overtime eligible to an overtime exempt position, the affected employee's salary may be increased up to a sum equal to the overtime the employee would have normally received (averaged over a three year period).

### **F. PAY UPON RECLASSIFICATION**

When a position is reclassified to a higher class, the employee's rate of pay shall be adjusted to the minimum of the new classification or, if greater, by an amount not to exceed five (5%) percent increase to the employee's pay. When a position is reclassified to a lower class, the employee's rate of pay shall be adjusted to the maximum of the new classification or by an amount not to exceed five (5%) percent decrease to the employee's salary, whichever results in the lower salary. In either case, the anniversary date shall remain unchanged.

### **G. PAY FOR TEMPORARY WORK - HIGHER CLASSIFICATION**

1. An employee who is specifically assigned to and temporarily performs work in a higher classification than his/her normally assigned tasks shall be paid the minimum of the higher classification, or five (5%) percent above his/her current salary, whichever is greater.
2. Upon completion of the temporary assignment the employee's pay shall be reduced to the rate the employee would normally have obtained without the temporary assignment.
3. This provision shall not apply when employees are acting in their normal role as second in command or assistants and the duties of their position call for assumption of responsibility during the temporary absence of the employee occupying the higher job classification.

### **H. OVERTIME PAY**

1. All employees working in classifications designated in the pay plan as being eligible for overtime shall be paid for any overtime worked in accordance with the provisions of the federal Fair Labor Standards Act (FLSA) as they apply to county government.

It is the Board's policy to comply with applicable wage and hour laws and regulations. The improper pay deductions specified in Title 29 of the Code of Federal Regulations Section 541.602(a) may not be made from the pay of

## **PAY PLAN POLICY (continued)**

employees who are subject to the salary basis test under the Fair Labor Standards Act

If an employee believes that an improper deduction has been made to his/her salary, he/she should immediately report this information to his/her appointing authority or the Personnel Manager

Reports of improper deductions will be promptly investigated. If it is determined that an improper deduction has been made, the employee shall be promptly reimbursed.

2. For purposes of computing overtime, holidays shall be counted as hours worked provided the employee completes the regular workweek.
3. Annual leave, sick leave, emergency leave and other such absences from work will not be counted as time worked for overtime computations, except compensatory time usage, annual leave and excused sick leave, which has been approved at least one (1) week in advance, sick leave used for a work related injury or illness covered under the County's Workers' Compensation program and jury duty shall be counted as time worked for the purposes of computation of overtime, provided the employee works his/her regular work schedule for the remainder of that week.
4. Employees residing in County owned buildings, or who are provided trailer space on a rent free basis, shall not be entitled to receive overtime compensation for residing there.
5. **Declared Emergency Conditions:**
  - a.) When an emergency condition has been declared by the County Manager, where employees in all departments/offices performing non-essential functions on a county-wide basis are granted paid administrative leave by the County Manager to return home because of the emergency conditions, those employees required to work during the emergency conditions shall, in lieu of any paid administrative leave which may be authorized, receive compensatory time for all normally scheduled hours worked in which non-essential employees are granted paid administrative leave and in addition be paid as follows:
    - i) non-exempt (hourly, overtime eligible) employees shall be paid at a rate of time and one-half for all hours worked during the declared emergency conditions and for all hours worked outside their normal work hours responding as part of recovery efforts for the emergency after the declared emergency conditions have been lifted.
    - ii) exempt employees (salaried), excluding Directors and Assistant Directors, shall receive in addition to their regular salary, straight time pay plus half time compensatory time for all hours worked outside normal work hours during the declared emergency conditions and for all hours worked outside their normal work hours responding as part of recovery

## **PAY PLAN POLICY (continued)**

efforts for the emergency after the declared emergency conditions have been lifted.

- iii) When non-exempt (hourly) and exempt (salaried) employees, excluding Directors and Assistant Directors, are required to be on duty during declared emergency conditions, sleep time shall be included as hours worked.
- b.) Any employees assigned to a shelter shall receive double time for all hours worked at the shelter. During all work hours at the shelters, such employees shall be classified depending upon the shelter at which they worked.
  - i) Special Needs Shelter Workers, Pay Grade 8140. The hourly rate for all such assignments shall be the minimum hourly rate for pay grade 8140. Special Needs Shelter Managers shall also receive lead worker pay.
  - ii) Pet Friendly Shelter Workers, Pay Grade 8140. The hourly rate for all such assignments shall be the minimum hourly rate for pay grade 8140. Pet Friendly Shelter Managers shall also receive lead worker pay.
  - iii) General Population Shelter Workers, Pay Grade 8120. The hourly rate for all such assignments shall be the minimum hourly rate for pay grade 8120. General Population Shelter Managers shall also receive lead worker pay.
- c.) Employees assigned to the actual physical transport of citizens to and from shelters shall be compensated as though they are operating under declared emergency conditions.
- d.) Directors and Assistant Directors may receive compensatory time for hours worked outside their normal work hours during the declared emergency conditions.
- e.) Temporary employees shall not be eligible to receive paid administrative leave during a declared emergency. In the event a temporary is required to work during the declared emergency they shall be paid time and one-half for working the emergency event.
- 6. Employees who are required to attend mandatory meetings or training sessions on their normal day off shall be paid for the actual hours worked (mandatory meeting or training session) with a minimum guarantee of three hours straight time pay.
- 7. Employees who have been scheduled to work on their normal day off and report to work and is told he/she is not needed for the day will be paid a minimum guarantee of three hours straight time pay.

### **I. COMPENSATORY TIME**

#### **1. NON-EXEMPT EMPLOYEES:**



## **PAY PLAN POLICY (continued)**

Non-exempt employees shall be eligible to accrue and carry up to eighty (80) hours of compensatory time in accordance with the provisions of the FLSA.

Non-exempt employees, who resign, are laid off, or otherwise separate from the County Service shall be entitled to be paid for any unused compensatory leave balance earned by them as of the date of termination.

### **2. OVERTIME EXEMPT EMPLOYEES:**

Professional, executive, administrative and other employees designated as overtime exempt personnel shall not normally be entitled to overtime payment or compensatory time off. However, when an operational need arises requiring attendance for prolonged periods of time, or the employee is required to perform services outside the normal scope and responsibilities of his/her position, compensatory time off or straight time payment may be recommended by the appointing authority and authorized by the County Manager, or an Assistant County Manager.

Overtime exempt employees may be provided straight-time compensatory time off for required attendance at meetings outside the employees normal work hours. Prior to granting such compensatory time, the appointing authority should attempt to adjust the employee's normal work schedule on the day of the scheduled meeting.

Overtime exempt employees may accrue and carry up to eighty (80) hours under this provision.

Overtime exempt personnel, who resign, are laid off, or otherwise separate from the County Service in good standing shall be entitled to be paid for any unused compensatory leave balance earned by them as of the date of termination, limited to a maximum of 80 hours. An exempt employee who abandons a position, is dismissed for good cause, fails to give reasonable notice, or otherwise fails to leave the County Service in good standing, shall not be entitled to compensatory time pay upon termination.

3. The County Manager is authorized to waive the eighty (80) hour cap on compensatory time accumulation when in the best interest of the County (i.e., declared emergency conditions). Any such waiver shall be in accordance with the provisions of the FLSA.

## **J. PAY UPON DEMOTION**

1. Upon voluntary demotion, an employee's pay may be adjusted by the difference between the minimum salaries of the pay grades. If no adjustment occurs, the employee shall not be eligible for an increase if subsequently promoted or reclassified to a classification comparable to the prior classification from which he/she was demoted.

## **PAY PLAN POLICY (continued)**

2. Upon involuntary demotion for cause, an employee's pay shall be reduced as appropriate to the circumstances and may include a reduction in job classification.

### **K. PAY IN LIEU OF NOTICE**

1. When determined to be in the best interest of the County, an appointing authority may authorize pay in lieu of notice to an employee being dismissed or resigning.
2. Employees, who have obtained permanent status, may be authorized up to two (2) weeks pay in lieu of notice. Employees who have not completed an original probationary period may be authorized up to one (1) week's pay in lieu of notice. At the sole discretion of the County Manager, amounts in excess of two (2) weeks may be authorized.
3. Employees in appointive service administrative and executive positions, at the level of Administrative Officer II or above, shall be entitled to receive ninety (90) calendar days notice prior to termination of employment for the convenience of the County. This notice would not be required when termination is for cause.

### **L. PAY UPON TERMINATION**

Employees terminating from the County Service will normally receive their final paycheck on the next regularly scheduled payday following the date of termination. Final paychecks shall include any unused leave which may be due the employee. The County Comptroller is authorized to issue a final paycheck in advance of a scheduled payday when requested by the appointing authority.

### **M. WAGES DUE DECEASED EMPLOYEE**

In the event of an employee's death, all wages including any unused leave benefits or travel expenses, which may be due the employee, shall be paid to the officially designated beneficiary of the employee, or if no such beneficiary has been designated, payment may be made in accordance with Florida Statute 222.15.

### **N. RELOCATION EXPENSES**

An out-of-area resident, upon acceptance of an appointment in the County Service, may be authorized relocation expenses subject to the following, limitations:

1. Relocation expenses will only be authorized for key professional or administrative personnel.

## **PAY PLAN POLICY (continued)**

2. Requests are justified by the appointing authority and approved by the County Manager.
3. Reimbursement for relocation expenses shall not exceed the actual expenses incurred, and is limited to the equivalent of one (1) month's gross salary of the incumbent.
4. An employee leaving voluntarily prior to fulfilling one (1) year of employment may be required to pay back the relocation expense. The amount to be reimbursed, if any, will be at the sole discretion of the appointing authority.

### **O. CALL BACK PAY**

An employee who is off duty and required to return to work on an unscheduled basis shall be eligible for call back pay. Such employees shall be paid for the actual hours worked with a minimum guarantee of three (3) hours straight-time pay. Employees assigned to standby duty shall not be entitled to call back pay.

### **P. MERIT PAY AWARDS TO EMPLOYEES AT MAXIMUM OF PAY RANGE**

The County recognizes that persons remaining in the County Service for long periods of time are a valuable asset to the organization. Employees at the maximum of their pay range shall receive any merit increase authorized in II.D.2 of this Policy in the form of a one-time, lump sum award. The amount will be based on the employee's annualized rate of pay at the time of the award.

### **Q. INCENTIVE PAY**

Incentive pays may be established by approval of the Board of County Commissioners based on the recommendation of the County Manager.

### **R. STANDBY DUTY**

1. In order to provide coverage for services and to handle emergencies during off duty hours, it may be necessary to assign and schedule employees for standby duties. Employees shall be required to be on standby duty when assigned unless excused by supervision.
2. Employees assigned to standby duty will be paid two (2) hours pay at their regular straight time rate for each workday or normal days off while on standby assignment.
3. Employees responding to calls while on standby assignment will be paid for the hours actually worked, plus the standby time pay for that day.
4. Pay for standby duty shall not count as hours worked for overtime purposes.

## PAY PLAN POLICY (continued)

5. Employees called back for unscheduled overtime purposes shall not be eligible for standby pay.

### S. SHIFT DIFFERENTIAL

Employees in classifications who are assigned to permanent ~~full-time~~ full-time night shifts shall receive a night differential payment. ~~Sixty cents (.60)~~ One Dollar and 50 cents (\$1.50) per hour for hours worked from 11:00 p.m. to 7:00 a.m., known as midnight shift. ~~Forty-five cents (.45)~~ One Dollar (\$1.00) per hour for hours worked from 3:00 p.m. to 11:00 p.m. known as evening shift. Employees who are assigned to permanent, partial night shifts shall receive such shift differential on a pro rata basis as follows:

#### EIGHT (8) HOUR SHIFTS

	<u>EVENING</u>	<u>MIDNIGHT</u>
Four (4) per week	<del>.80</del> <u>.36</u> ¢ per hour	<del>\$1.20</del> <u>.48</u> ¢ per hour
Three (3) per week	<del>.60</del> <u>.27</u> ¢ per hour	<del>.90</del> <u>.36</u> ¢ per hour
Two (2) per week	<del>.40</del> <u>.18</u> ¢ per hour	<del>.60</del> <u>.24</u> ¢ per hour
One (1) per week	<del>.20</del> <u>.09</u> ¢ per hour	<del>.30</del> <u>.12</u> ¢ per hour

#### TEN (10) HOUR SHIFTS

	<u>EVENING</u>	<u>MIDNIGHT</u>
Three (3) per week	<del>.75</del> <u>.33</u> ¢ per hour	<del>\$1.13</del> <u>.45</u> ¢ per hour
Two (2) per week	<del>.50</del> <u>.22</u> ¢ per hour	<del>.75</del> <u>.30</u> ¢ per hour
One (1) per week	<del>.25</del> <u>.11</u> ¢ per hour	<del>.38</del> <u>.15</u> ¢ per hour

An evening shift is defined as a regularly scheduled shift, in which the majority of the scheduled, regular hours fall between 3:00 p.m. and 11:00 p.m. A midnight shift is defined as a regularly scheduled shift, in which the majority of the scheduled, regular hours fall between 11:00 p.m. and 7:00 a.m. Part time permanent employees whose shift consists of less than eight (8) hours shall not be entitled to the evening shift differential unless the shift extends beyond 10:00 p.m., and shall not be entitled to midnight pay shift differential unless the shift extends beyond 3:00 a.m.

### T. PAY FOR LEADWORKER ASSIGNMENT

An employee, who has been assigned leadworker responsibilities, is eligible to receive a pay increase of up to five (5%) percent above his/her current pay rate at the beginning of the first pay period after assuming the leadworker duties. At such time the employee is reassigned or the leadworker duties are removed from the position the employee's salary shall be reduced by the same percentage amount it was increased when leadworker responsibilities were assigned. The appointing authority shall be responsible for notifying the Office of Human Resources of leadworker assignments and removals.

## NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Board of County Commissioners of Brevard County, Florida, on October 25, 2022 at 9:00 a.m., in the Commission Room at 2725 Judge Fran Jamieson Way, Building C, First Floor, Viera, FL, 32940, will hold a public hearing on the following proposed revisions:

### **MERTI SYSTEM POLICY II,**

#### *Pay Plan*, revised Directive II.S. – Shift Differential

Interested parties may appear at the October 25, 2022 meeting and be heard with respect to the proposed revisions. A copy of the Policy Revisions may be inspected at the following locations:

- Office of Clerk to the Board of County Commissioners, Titusville, Florida
- North Brevard Library, Titusville, Florida
- Central Brevard Library, Cocoa, Florida
- Melbourne Library, Melbourne, Florida
- South Mainland Library, Micco, Florida

A copy of the Policy Revisions may also be viewed online at [www.brevardfl.gov/public-hearings-and-notices](http://www.brevardfl.gov/public-hearings-and-notices). Pursuant to Section 286.0105 Florida Statutes, if a person decides to appeal any decision made by the board, agency, or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she will need to ensure that a verbatim record of the proceedings is made, at his or her own expense, which record includes the testimony and evidence upon which any such appeal is to be based. Such person may provide a court reporter, stenographer, or a tape recorder for such verbatim record. In accordance with the Americans Disabilities Act, persons needing a special accommodation or an interpreter to participate in the proceedings, please notify the department sponsoring the meeting/hearing, or the County Manager's Office, (321) 633-2001, at least 48 hours in advance. TDD: 1-800-955-8771. Assisted Listening System receivers are available for the hearing impaired, & can be obtained from the Sound Technician at the meeting. This meeting will be broadcast live on Space Coast Government Television (SCGTV) on Bright House Networks channel 499, Comcast Cable Communications channel 51 in North Brevard and channel 13 in South Brevard, and AT&T U-verse channel 99. SCGTV will also replay this meeting during the coming month. Check the SCGTV website for daily program updates <http://www.scgtv.org>.