



## **PERSONNEL POLICY**

### **SUBJECT: POSITIONS AND COMPENSATION**

DATE: June 19, 2019

Number: 324-16

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#### **I. Statement of Policy**

It is the policy of Fulton County to classify and compensate employees fairly and equitably in accordance with applicable Federal and State laws and Fulton County Policies and Procedures.

The Chief Human Resources Officer is responsible for the preparation and maintenance of a Position Classification Plan. A Position Classification Plan is to include a list of all classes within Fulton County, including classes that are on-range, set-rate, Classified and Unclassified. Whenever a new class is established or abolished, the Chief Human Resources Officer is to amend the Position Classification Plan accordingly. The Position Classification Plan and amendments thereto shall be submitted for approval to the County Manager and Board of Commissioners annually. Once approved by the County Manager and Board of Commissioners, the Chief Human Resources Officer is responsible for assigning all positions to one of the classes in the approved Position Classification Plan. The Chief Human Resources Officer may consider requests to reclassify specific positions.

The Chief Human Resources Officer is also responsible for creating a Compensation Plan that will include a salary range for all classes, except those identified as set-rate. For set-rate classes, the Compensation Plan should only indicate that the salaries for such classes are set-rate. For all other classes, the assigned salary range is to include a minimum, midpoint and maximum salary. The Chief Human Resources Officer is also responsible for presenting the Classification Plan for approval to the County Manager and the Board of Commissioners.

No employee shall be paid at a salary rate below the minimum or above the maximum of the salary range approved and established for the class in which the employee is currently serving. However, a resulting salary that exceeds the maximum of the salary range shall not prevent the implementation of a Cost of Living Adjustment (COLA) approved by the Board of Commissioners. Additionally, an incumbent

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employee's salary rate shall not be reduced as a result of a new or changed salary range for his/her classification, except in the case of a reclassification.

## **II. Compensation Complaint Resolution and Non-Retaliation**

It is the policy of Fulton County to correctly compensate its employees for all time worked. If an employee believes that he or she has not received all compensation owed, the employee must immediately report their concerns to their supervisor and/or the Chief Human Resources Officer and/or utilize the grievance procedure, if applicable. Fulton County strictly prohibits retaliation against any employee who makes a good faith complaint under this Policy.

## **III. Establishment and Implementation of Procedure**

The County Manager, in consultation with the Chief Human Resources Officer and the County Attorney, is authorized to establish and modify, as needed, a procedure for implementing this policy.

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## PERSONNEL PROCEDURE

### SUBJECT: POSITIONS AND COMPENSATION

DATE: July 1, 2021

Number: 324-16

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#### I. Definitions

##### A. Position Categories

**All positions shall be allocated to one (1) of the following general categories:**

1. **Permanent Positions.** A permanent position is one which has been established for an indefinite period. Permanent positions may be established either on a full-time or a reduced hour basis.
2. **Temporary Positions.** A temporary position is one which is not continuous in nature. Temporary appointments may be made for a special project(s) or other work of a temporary or transitory nature. Employees appointed to temporary positions may not work more than 29 hours per week, or in excess of 1500 hours per year.
3. **Seasonal Positions.** A seasonal position is either a full-time or part-time position for which the customary annual employment is six months or less and the period of employment begins each calendar year in approximately the same part of the year (e.g., summer or winter).
4. **Part-time Positions.** A part-time position is one that is continuous in nature. Employees appointed to part-time positions may not work more than 29 hours per week, or in excess of 130 hours per calendar month.
5. **Fee Positions.** A non-permanent, unclassified position with a maximum duration of two (2) years that is reserved for special projects of a time sensitive nature in highly specialized fields. While fee positions will not be assigned to a specific classification, employees appointed to fee positions may use working titles as necessary. The County Manager must approve the establishment and set the rate of compensation of all fee positions.

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Because fee positions, by definition, involve the performance of work requiring advanced knowledge in highly specialized fields, fee positions shall be classified as “exempt” for purposes of the Fair Labor Standards Act.

6. **Time-Limited Positions.** A time-limited position is one that has an anticipated expiration because the need for the position is not permanent in nature and the funding for the position is either special project funding or non-recurring funding. The Board of Commissioners must first accept the funds for any time-limited position for which funding does not originate from Fulton County, and the County Manager must approve the creation of any time-limited position.

### **B. Grant Funded and Time-Limited Positions**

In addition to being assigned to one of the above general position categories, a position may also be designated as grant funded to identify the source of the funding for the position. A grant funded position is one that is established for a specific period of time not to exceed the scheduled termination date of the grant. This position will terminate by operation of law at the date of grant termination unless the Board of Commissioners provides appropriate funding to continue the program or position on, or prior to, the date of grant termination. Termination of a grant-funded or time-limited position shall not be subject to any reduction in force policy.

### **C. Employee Benefits Eligibility**

A minimum of 30 hours worked per work week is required to qualify for Fulton County insurance benefits. Only employees in permanent, fee and time-limited positions who routinely work more than 29 hours per week shall be eligible to enroll in medical, dental, vision and life insurance coverage.

## **II. Position Classification Plan**

The Chief Human Resources Officer is responsible for the preparation and maintenance of a Position Classification Plan. A Position Classification Plan is to include a list of all classes within Fulton County, including classes that are on-range, set-rate, Classified and Unclassified. Whenever a new class is established or abolished as described below, the Chief Human Resources Officer is to amend the Position Classification Plan accordingly. The Position Classification Plan and amendments thereto shall be submitted for approval to the County Manager and Board of Commissioners. Once approved by the County Manager and Board of Commissioners, the Chief Human Resources Officer is responsible for assigning all positions to one of the classes in the approved Position Classification Plan.

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### **A. Abolishment or Establishment of a New Classification**

Requests to abolish a current class or establish a new class not already included on the current Position Classification Plan shall be forwarded to the Chief Human Resources Officer for consideration and approval. If a request to abolish or establish a classification is approved, the Position Classification Plan shall be updated accordingly as described in the paragraph above. This provision is intended to apply to classifications and is not intended to apply to the establishment or abolishment of a particular position, the latter of which is governed by internal Personnel and Finance procedures.

This provision is not intended to apply to elected positions, independent contractors and fee-paid individuals.

### **III. Pay Schedule and Compensation Plan**

The Chief Human Resources Officer is responsible for creating the Compensation Plan that will include a salary range for all classes, except those identified as set-rate. For set-rate classes, the Compensation Plan should only indicate that the salaries for such classes are set-rate. For all other classes, the assigned salary range is to include a minimum, midpoint and maximum salary rate. The Chief Human Resources Officer is also responsible for presenting the Compensation Plan for approval to the County Manager and the Board of Commissioners.

No employee shall be paid at a salary rate below the minimum or above the maximum of the salary range approved and established for the class in which the employee is currently serving. However, a resulting salary that exceeds the maximum of the salary range shall not prevent the implementation of a Cost of Living Adjustment (COLA) approved by the Board of Commissioners. Additionally, an employee's salary rate shall not be reduced as a result of a new or changed salary range for his/her classification, except in the case of a reclassification as described in Section VII below.

### **A. Salary Range Changes**

A salary range for any classification may be changed when requested by the Chief Human Resources Officer, after the completion of a salary study by the Department of Human Resources Management. Such a request shall be submitted to the County Manager and Board of Commissioners for approval. Once approved by the County Manager and Board of Commissioners, the salary rate of each employee assigned to the classification shall be adjusted upward by ten percent (10%) or to the minimum of the salary range, whichever is greater. While the salary range change shall apply to all positions within the affected class irrespective of department, it shall take effect only at the beginning of the fiscal budget year where there are multiple positions assigned to the affected class.

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## **IV. Set-Rate Classification and Positions and Personal Staff of Elected Officials**

### **A. Set Rate Classifications and Positions**

A classification not assigned to an applicable salary range shall be considered a Set-Rate Classification. Unless already fixed by law, the Board of Commissioners shall set the salary for all classes that are not assigned a salary range or approve the changing of an on-range class to a set salary rate. A request to establish a set-rate class must be presented by the applicable Appointing Authority to the Chief Human Resources Officer if the set-rate salary will exceed the current salary range for the applicable class. The Chief Human Resources Officer shall in turn, submit the request to the Board of Commissioners for approval accompanied by the following: (a) a recommendation from the County Manager; (b) a budgetary analysis conducted by the Finance Department; (c) a recommendation from the Chief Human Resources Officer; and (d) the results of a salary survey conducted by the Department of Human Resources Management. All requests and recommendations must be in writing and maintained by the Department of Human Resources Management for a minimum of 2 years.

### **B. Personal Staff of Elected Officials**

The salaries of the members of the personal staff of an elected official may be set by the elected official at any amount within the applicable salary ranges for the staff members' classifications provided that funding is available within the elected official's recurring annual salary budget. This shall only apply to positions that are entirely County-funded, and not those that are merely County-supplemented. Moreover, all requests to hire personal staff shall be accompanied by a sworn notarized statement signed directly by the elected official, and not a designee, attesting that the individual meets the minimum qualifications of the position and that the elected official believes the individual and the position fit the definition of personal staff.

The ability to set the salaries of the members of their personal staff shall include the ability to pay personal staff a monetary bonus provided that adequate funding is available within the elected official's annual salary budget.

## **V. Entry Salary Rates**

### **A. Salary Rate Determination**

Subject to subsection (B) below, an Appointing Authority may offer a new employee an entry salary rate in accordance with the systematic method developed by the Chief Human Resources Officer for use in determining the placement of employees within a pay range.

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Upon approval by the Chief Human Resources Officer, a new employee may be offered an entry salary rate up to the maximum rate of the salary range for the position. To obtain approval to offer an entry salary above the minimum rate of the salary range for a position, an Appointing Authority must submit a written request to the Chief Human Resources Officer. In recommending an entry salary rate above the minimum rate of the salary range, an Appointing Authority shall consider an applicant's prior experience, education, unique competencies and other qualifications directly related to the position as well as internal budget constraints. Upon receipt of the Appointing Authority's recommendation, the Chief Human Resources Officer shall promptly conduct both a salary matrix analysis and an internal equity analysis to determine whether an above the minimum entry salary rate is justified. If the salary matrix supports the Appointing Authority's request, the Chief Human Resources Officer shall verify with the Finance Department that funding is available to fill the position at the requested rate. Appointing Authorities who extend job offers at salaries above the minimum rate without the approval of the Chief Human Resources Officer may be subject to disciplinary action by the County Manager and the County may refuse to honor such offers.

Whenever a request to offer an employee a salary rate that is higher than the minimum of the range is denied due to an insufficiency of funds within the department's budget, the Appointing Authority shall have the option to renew the request within the succeeding twelve (12) months if sufficient recurring funding becomes available. If a renewed request is approved, any resulting adjustments made to the salaries of the new hire and any other employee(s) in accordance with the provisions of this Procedure shall be applied prospectively from the date of the request to renew.

The Department of Human Resources Management shall maintain copies of the written request and the results of the salary matrix and internal equity analyses for a minimum of three (3) years.

#### **B. Effect of New Employees Hired Above the Minimum of the Range**

Whenever a new employee, excluding any employees hired in a time-limited position, set-rate position or as the member of the personal staff of elected officials, is hired into a department at a salary rate above the minimum of the applicable range and the department has one or more current employees who are employed in the same job class and position category, the Department of Human Resources Management shall review the education, work experience, and performance evaluations of the other employees in the department who are in the same job class and position category to determine if their qualifications meet and/or exceed those of the newly hired employee. The Department of Human Resources Management will provide notification to the Appointing Authority of its findings and if funding is not available to raise the salaries of employees in the same department employed in with the same job class and position category, who possess comparable experience and qualifications as the newly hired employee, the Appointing Authority will not be permitted to offer a salary above the minimum of the salary range. If funding is available, the Appointing Authority shall work

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with the Finance Department to adjust the salaries of all other employees in the same department employed in the same job class and position category, who possess comparable experience and qualifications as the newly hired employee, upward to equal the salary paid to the newly hired employee. Funding for these adjustments may be derived from accumulated salary savings, as approved by the County Manager.

When the difference in the salary rates between a supervisor and a newly hired employee who reports directly to the supervisor is less than fifteen percent (15%) and provided that sufficient recurring funding is available within the department's budget, the Appointing Authority may request an adjustment to the salary of the supervisor to achieve a difference in pay of no more than fifteen percent (15%) between the supervisor and the new hire. Provided that sufficient recurring funding is available within the department's budget, the Appointing Authority may also request that similar adjustments be made to the salary rates of all other employees in the newly hired employee's supervisory chain, as defined and determined by the Chief Human Resources Officer. This provision is not mandatory and is not intended to constitute any type of guarantee or right to any particular salary rate for any affected supervisor.<sup>1</sup>

## **VI. Pay Rates for Rehires**

Former employees who are rehired to a position within the same pay grade and position category within six (6) months from the date of their most recent separation from a position shall be rehired at a salary rate no greater than the salary rate of the position held when separated, subject to budget availability. If a former employee is rehired into a position in the same position category with a higher salary grade, the employee shall get the equivalent of either their salary at separation or the minimum of the salary range for the new position, whichever is greater and this shall not trigger the raising of salaries of incumbent employees. If a former employee is rehired into a position within the same position category with a lower salary grade than the position previously held, adjustments to the employee's previous salary will be made as follows: a 3% salary reduction for a difference of one pay grade level; a 5.5% salary reduction for a difference of two pay grade levels; and an added 1.5% salary reduction for each additional pay grade level thereafter. The employee must meet current standards and eligibility requirements for the class in which the employee is rehired.

## **VII. Reclassification of a Position**

Job positions may be reassigned to new or existing classes when substantial and permanent changes occur in the assigned duties of a position which may justify a reclassification.

### **A. Reclassification – General Provisions**

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<sup>1</sup> This implementing procedure was modified, effective August 1, 2019, to include this provision.

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Appointing Authorities may recommend that job positions be reassigned to new or existing classes when substantial and permanent changes occur in the assigned duties of a position which may justify a reclassification.

A reclassification which does not result in a change in the salary grade of a position is a title change. Upon approval of a title change, the salary of the reclassified employee shall remain the same. Except for employees in time limited-positions, a reclassification that results in movement to a higher pay grade shall be processed in the same manner as a promotion. Except for employees in time-limited positions, a reclassification that results in movement to a lower pay grade shall be processed in the same manner as a demotion, although such reclassification shall not be considered a "demotion" with respect to the Civil Service Act.

## **B. Requests to Reclassify**

Subject to availability of funds within their departmental budget, Appointing Authorities shall submit requests to reclassify an employee and/or a position to the Chief Human Resources Officer accompanied by an explanation detailing the basis for the request. The Board of Commissioners shall not be required to submit requests to reclassify employees or positions comprising their personal staff to the Chief Human Resources Officer.

## **C. Response to Requests to Reclassify**

### **Step 1.**

The Chief Human Resources Officer shall investigate the duties of the employee or the position. The Chief Human Resources Officer will review the organizational structure of the department and/or division in which the employee or position is assigned to ensure subordinate positions are not recommended for reclassification over the salary range for the supervisory positions(s). However, nothing in this policy precludes reconsideration of the appropriate pay ranges of the supervisory position(s) in order to submit the request for subordinate positions, if appropriate.

### **Step 2.**

The Chief Human Resources Officer shall obtain an analysis from the Finance Department outlining the budgetary impact of the requested reclassification.

### **Step 3.**

The Chief Human Resources Officer will determine if the position should be reassigned to a new classification. If approved by the Chief Human Resources Officer, the reclassification generally shall be effective retroactively to the beginning of the pay period immediately following completion of the Department of Human Resources Management's review of the employee's job duties and/or position. Any reclassification that results in movement to a lower pay grade, however, shall be effective on the first

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day of the pay period following its approval by the Chief Human Resources Officer.

## **VIII. Assignment of New Positions to Classifications and Salary Ranges**

Subject to availability of funds within their departmental budget as verified by the Finance Department, Appointing Authorities may submit requests to establish a new position to the Chief Human Resources Officer accompanied by an explanation detailing the basis for the request.

### **A. Response to Requests to Establish a New Position**

#### **Step 1.**

The Chief Human Resources Officer shall investigate the prescribed duties of the proposed position. The Chief Human Resources Officer will review the organizational structure of the department and/or division in which the position is to be assigned to ensure the position is assigned to an appropriate pay grade based on its hierarchy within the department and/or division.

#### **Step 2.**

The Chief Human Resources Officer will determine the appropriate classification for assignment of the new position.

## **IX. Pay of Department Head or Elected Official**

Generally, no Department Head or Elected Official, with the exception of the Board of Commissioners, shall be paid at a salary rate that is lower than that which is authorized for any other employee in his/her department. However, a Department Head or Elected Official may be paid at a lower salary rate than an employee within his or her department, if the employee's higher salary rate is supported by salary survey data for the uniqueness of the skill set required for the employee's position.

## **X. Other Compensation Adjustments**

### **A. Adjustments in Connection with Personnel Transactions:**

An employee in a Set-Rate Classification/Position who is eligible for and accepts an appointment in an on-range position shall be placed at a pay rate within the range for the newly-assigned position in accordance with the systematic method developed by the Chief Human Resources Officer for use in determining the placement of employees within a pay range.

An employee in a non-permanent position who is eligible for and accepts an appointment to a permanent position in an equal or higher classification shall be placed

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at a salary rate in accordance with the systematic method developed by the Chief Human Resources Officer for use in determining the placement of employees within a pay range.

An employee in a non-permanent position who is eligible for and accepts an appointment to a permanent position in a lower classification shall be permitted to negotiate a salary rate in accordance with the systematic method developed by the Chief Human Resources Officer for use in determining the placement of employees within a pay range.

When an employee accepts an appointment to a time-limited position, the salary adjustments for demotions and promotions shall not apply.

### **B. Cost of Living Adjustments**

Upon approval of the Board of Commissioners, general salary/cost of living adjustments (COLAs) may be granted to employees on a County-wide, grade-wide or classification basis.

## **XI. Longevity Pay**

Longevity pay may only continue for those employees who are receiving such pay on January 1, 2017. Said pay shall cease for such employees at such time they experience a break in service.

## **XII. Pay Cycles & Computation**

Appointing Authorities shall certify on each payroll that all persons whose names appear thereon have been lawfully appointed and that they have actually worked the time for which they are being paid, or were on authorized leave with pay. Appointing Authorities shall further certify that such leave, if any, has been approved and reported on payrolls.

### **A. Pay Cycles**

Employees will be paid bi-weekly during the calendar year; provided, however, that the County Manager may approve other pay cycles for designated departments where such cycles are necessary and justified by the nature of the department's operations.

### **B. Computation**

Employees shall be paid their rate of pay in accordance with the Fulton County Pay Schedule and Compensation Plan. For payroll purposes, all employee pay shall be

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calculated as follows:

- For purposes of this policy, the Fulton County work week runs from 12:00 a.m. Wednesday to 12:00 a.m. the following Wednesday.

- All paid time for any purpose, including pay for time worked, vacations, holidays, sick leave, or any other paid category shall be calculated and reported electronically by Appointing Authorities in terms of "standard hours." Bi-weekly standard hours are determined by dividing 2080 annual standard hours by twenty-six (26), (2080 divided by 26 = 80). The standard hourly pay rate is determined by dividing the employee's annual pay rate by 2080 hours. The authorized annual rate is determined by multiplying the authorized bi-weekly rate by twenty-six.

- Paid time off shall be reported on payrolls in hours and minutes used. The standard weekly hours of forty (40) are determined by dividing 2080 annual standard hours by fifty-two (52), (2080 divided by 52 = 40), and the standard daily hours of eight (8) are determined by dividing forty (40) weekly standard hours by five (5), (40 divided by 5 = 8). If necessitated by operational standards and as required or allowed by the FLSA, and upon approval of the County Manager, Appointing Authorities may designate standard hours which differ from the above.

- Compensation for part-time, set-rate and hourly-paid employees shall be derived from their annual rates, converted to standard hours as provided in this section (2).

- Non-exempt employees who are absent from work in any non-paid status during any scheduled pay period shall have their pay reduced by the exact total hours and minutes resulting from such absences. Exempt employees are generally entitled to receive their full salary regardless of the number of hours worked within a work week, but their pay may be reduced while they are on non-paid FMLA leave (including intermittent leave), and for full day absences, provided the employee has no leave time available. In addition, pursuant to applicable law, Fulton County may reduce an exempt employee's salary for absences less than a full day given that exempt employees of are paid according to a pay system established by a policy or practice pursuant to principles of public accountability, under which exempt employees accrue personal leave and sick leave and which requires employees' pay to be reduced or such employees to be placed on leave without pay for absences for personal reasons or because of illness or injury of less than one work-day when accrued leave is not used by an employee because:

- (1) Permission for its use has not been sought or has been sought and denied;
- (2) Accrued leave has been exhausted; or
- (3) The employee chooses to use leave without pay.

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- Deductions from the pay of an employee of a public agency for absences due to a budget-required furlough shall not disqualify the employee from being paid on a salary basis except in the workweek in which the furlough occurs and for which the employee's pay is accordingly reduced.

- Additionally, any employee may have their salary reduced as a result of disciplinary actions in accordance with applicable law and Fulton County disciplinary policies and procedures.

### **C. Method of Payment**

Employees are encouraged to sign up for payment by direct deposit by completing the required direct deposit election form. For employees who do not set up direct deposit of their wages to a bank account, they will receive their wages via pay card.

### **XIII. Payment of Compensation from Different Funds**

Whenever part of the compensation of any position is paid from a different fund, or is derived from any agency outside the service of Fulton County, all such part payments shall be identified and deducted from the total amount payable for any period under the rate prescribed so that the total compensation received from all sources shall not exceed the salary rate prescribed for the position.

### **XIV. Compensation Complaint Resolution Procedure**

It is the policy of Fulton County to correctly compensate employees for all time worked. If an employee believes that he or she has not received all compensation owed, the employee must immediately report their concerns in writing to their supervisor and the Chief Human Resources Officer.

### **XV. Salary Surveys**

Every two to five years, the Chief Human Resources Officer shall conduct a salary survey for the purpose of determining whether Fulton County salaries have remained competitive with those paid by comparable jurisdictions or industries as determined by the Chief Human Resources Officer for similar work. The Chief Human Resources Officer shall formulate recommended adjustments based upon the survey findings. Such recommended adjustments shall be forwarded to the County Manager and Board of Commissioners for approval.

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