

RULE 7
CLASSIFICATION AND COMPENSATION
(Effective September 25, 2015; Rule Revision Memo 14D)

Purpose Statement:

The purpose of this rule is to provide a process and create a framework to ensure like pay for like work within the City's merit-based personnel system through the use of a systematic method of individual or group classification reviews, and to provide generally prevailing compensation to City employees.

Section 7-10 Definitions

(Revised January 3, 2017; Rule Revision Memo 23D)

- A. Allocation: The formal process of assigning a new position to its proper classification on the basis of the duties to be performed and the responsibilities to be exercised.
- B. Audit: A fact-finding investigation of the work performed by the incumbent of a given position, including work processes, materials processed, actions taken, tools used, supervision exercised, and supervision received for the purpose of analyzing the kind and level of duties and responsibilities of the position.
- C. Benchmark classification: A classification title for which external pay data can be readily collected. (Revised April 9, 2021; Rule Revision Memo 66D)
- D. Business title: The functional or working title of a position, which may differ from the classification title, used in a given agency for operating purposes, or by the Office of Human Resources ("OHR") for recruiting purposes. (Revised January 3, 2017; Rule Revision Memo 23D)
- E. Classification: One or more positions so nearly alike in the essential character of their duties and responsibilities that the same pay grade, title and specification can be applied, and such that they can fairly and equitably be treated alike under like conditions for all other personnel purposes.
- F. Classification specification: A written statement that sets forth the characteristic duties and responsibilities that distinguish a given classification from other classifications, and the minimum education, experience and licensure/certification requirements necessary for appointment to a position in that classification. Classification specifications are intended to provide a basic framework for recruitment, compensation, performance management and employee development. They also provide a means of determining the allocation of work, lines of authority, and other relationships between positions.
- G. Classification title: The designation of a classification which becomes the official title of all positions allocated to that classification.
- H. Classification and pay plan: A list of classification titles and attendant pay rates covering all classifications in the Career Service and all classifications not in the Career Service except Charter officers, the ranks of the classified service in the Police and Fire Departments, Deputy Sheriffs, Deputy Sheriff Majors, Deputy Sheriff Division Chiefs, and the Undersheriff

Page issuance date: April 9, 2021

- I. Job family: Groupings of classifications that are similar in the nature of the work performed. (Revised April 9, 2021; Rule Revision 66D)
- J. Market analysis: A study of external compensation data that may result in changes to the pay tables and/or market adjustments. (Revised April 9, 2021; Rule Revision 66D)
- K. Market analysis adjustment: A change in base pay resulting from an annual market analysis recommendation adopted by City Council. (Revised April 9, 2021; Rule Revision 66D)
- L. Market survey: The collection, analysis and reporting of external pay data for a number of benchmark classifications. (Revised April 9, 2021; Rule Revision 66D)
- M. Pay grades: Identifying numbers for pay ranges within a pay table. (Revised April 9, 2021; Rule Revision 66D)
- N. Pay ranges: The range of pay in a pay grade beginning at the range minimum and extending to the range maximum of the pay grade.
- O. Pay tables: A listing of the pay grades and the corresponding pay ranges. (Revised April 9, 2021; Rule Revision 66D)
- P. Position: The aggregate composition of duties and responsibilities performed by one employee.
- Q. Provisional classification: When an interim adjustment to the classification and pay plan that results in a new classification, or changed pay grade, title, or overtime eligibility for an existing classification, and the change has been approved by the OHR Executive Director or by the Career Service Board (“Board”) but not yet by City Council, that classification shall be known as a provisional classification. Provisional classifications may be utilized without City Council approval for up to six months after the effective date of the OHR Executive Director’s or Board’s approval or until the City Council ratifies or disapproves the change. (Revised April 20, 2018; Rule Revision Memo 39D)
- R. Re-allocation: The formal process of assigning an existing position to its proper classification on the basis of the predominant duties performed and the responsibilities exercised.

Section 7-20 Classification and Pay Plan

The OHR is responsible for developing, maintaining, and administering classifications and attendant pay plans for all positions covered by the classification and pay plan.

7-21 Changes to the Classification and Pay Plan
(Revised April 20, 2018; Rule Revision Memo 39D)

- A. For changes to the classification and pay plan that require a public hearing pursuant to Rule 2-31 A, the OHR Executive Director shall make a recommendation to the Board.

- B. Recommended changes to the classification and pay plan proposed by the OHR Executive Director to the Board as required in Rule 2-31 A shall be approved, modified or rejected by the Board after a public hearing as provided in Rule 2 **CAREER SERVICE BOARD**.
- C. Any changes to the classification and pay plan that are approved by the Board following a public hearing pursuant to Rule 2-31 A shall require submission to the City Council for approval following the public hearing.
- D. The OHR Executive Director is authorized to make the following interim adjustments to the classification and pay plan, subject to the exceptions provided in subparagraph 6:
 - 1. Abolishment of any existing classification;
 - 2. Creation of any new classification or classifications;
 - 3. Classification title changes;
 - 4. Classification overtime eligibility changes; or
 - 5. Classification pay grade increases.
 - 6. Interim adjustments shall not be authorized with regard to proposed changes to the classification and pay plan that involve:
 - a. Twenty-five (25) or more employees;
 - b. The creation of five (5) or more classifications at one time;
 - c. Employees in three (3) or more city departments or agencies; or
 - d. A projected annual cost of fifty thousand dollars (\$50,000.00) or more to the city in the first full year of implementation;
- E. Notice of the proposed interim changes to the classification and pay plan under this subparagraph D shall be given at least thirteen (13) calendar days prior to approval by the OHR Executive Director. Such interim changes shall be submitted to the Board for review and to City Council for ratification on a semi-annual basis.

7-22 Changes to Classification Specifications

Changes to classification specifications that do not involve changing classification titles and/or attendant pay rates do not require City Council approval, and may be made by the OHR Executive Director without a public hearing before the Board.

Section 7-30 Classification of Positions

7-31 Responsibility for the Establishment of Positions and Assignment of Duties

Appointing authorities may initiate the creation of new positions and have the responsibility to assign duties to such positions. Appointing authorities may also change duties that are assigned to positions under their authority regardless of whether those positions are filled or vacant. Duty assignments may be temporary or regular, incidental or essential, and may include changes in location of work and changes in equipment and tools.

7-32 Allocation of New Positions

Every position covered by the classification and pay plan shall be allocated to a classification in that plan. Such allocation shall be made by the OHR on the basis of the predominant duties of the position and in accordance with generally accepted personnel standards and procedures and as set forth in this Rule 7.

7-33 Re-Allocation of Existing Positions

- A. When the duties of an existing position are changed to the extent that the position is more similar to positions in other classifications than to positions in its current classification, the position should be re-allocated to a more appropriate classification in accordance with this Rule 7.
- B. In order to maintain the classification and pay plan, the OHR may re-allocate:
 - 1. Vacant positions on the basis of the essential duties of the position; and
 - 2. Filled positions by conducting audits or classification studies.
(Revised April 9, 2021; Rule Revision Memo 66D)

7-34 Audits

(Revised April 9, 2021; Rule Revision Memo 66D)

- A. An appointing authority may submit a request for, or the OHR may initiate, an audit of a filled position to determine if it is correctly classified, when there has been:
 - 1. A significant change in the type or level of duties and responsibilities;
 - 2. A re-organization affecting a number of employees, which may involve significant additions of new equipment, or substantial changes in methods or procedures; or
 - 3. A classification study resulting in changes to classification specifications.
- B. Requests for individual position audits will only be accepted by OHR between March 1 through October 31 of each year and must be made using the OHR Individual Position Audit Request Form.

Appointing authorities may request an exception outside of this period if there are extraordinary or compelling operational needs. Exceptions require the approval of the OHR Executive Director.

- C. When an appointing authority requests re-allocation of a position to a supervisory or managerial classification from a classification that is not a supervisory or managerial classification the request shall include a list of the position numbers, classification titles, and names of subordinate staff.
- D. Audit requests will not be granted in the following situations:
 - 1. For limited positions that are not budgeted or not anticipated to be budgeted past the fiscal year in which the audit was requested;
 - 2. For on-call positions;
 - 3. When there is a vacant position in the incumbent's work unit which is in the classification to which the audit request seeks to re-allocate the incumbent's position;
 - 4. For any positions currently included in a classification study; however, an exception may be granted upon OHR Executive Director approval based on the circumstances surrounding the audit request;
 - 5. As an alternative to promotion;
 - 6. As a substitute for disciplinary procedure;
 - 7. The incumbent has not passed the applicable assessment or test for the proposed classification; or
 - 8. The incumbent has not completed the required training for the proposed classification.
- E. An employee may petition an appointing authority to reconsider a decision not to request an audit of the employee's position and may send a copy of the petition to the OHR Executive Director. The OHR may choose to initiate an audit or classification study if warranted under this Rule 7.

7-35 Classification Studies (Revised April 9, 2021; Rule Revision Memo 66D)

- A. The OHR may initiate and conduct classification studies of multiple positions in one or more classifications in order to ensure that the classification and pay plan continues to provide generally prevailing compensation to employees holding those positions.
- B. When an appointing authority creates a new position or changes the duties assigned to an existing position, those positions shall be allocated or re-allocated to the appropriate classification simultaneously with the implementation of the classification study whenever possible.

7-36 Effect of Re-allocation on Incumbents

- A. An employee whose position is re-allocated must meet the minimum education, experience, and licensure/certification requirements of the new classification. The OHR Executive Director may substitute other appropriate factors for the minimum education and experience requirements of the position, based on the circumstances presented by a particular situation, but may not make a substitution for licensure or certification requirements.
- B. An incumbent with career status who has been found eligible to remain in the re-allocated position shall acquire career status in the new classification as of the effective date of the re-allocation. If the incumbent has probationary status, the employee shall complete the remainder of such probationary period before attaining career status in the new classification.

7-37 Effective Dates (Revised April 9, 2021; Rule Revision Memo 66D)

- A. If it is determined that changes to the classification and pay plan are necessary, the effective date of any resulting changes to the classification and pay plan shall be the beginning of the first work week following approval by the Mayor or by the City Council over the Mayor's veto. Provisional classifications resulting from changes to the classification and pay plan may be used upon approval by the OHR Executive Director or Board, but use for longer than six months is contingent upon City Council approval. (Revised April 20, 2018; Rule Revision Memo 39D)
- B. If a position is to be re-allocated as a result of an audit or classification study without requiring changes to the classification and pay plan, the effective date shall be the beginning of the first work week following the classification decision by the OHR.

Section 7-40 Requests for Administrative Review (Revised April 9, 2021; Rule Revision Memo 66D)

An appointing authority may ask the OHR Executive Director for an administrative review of a classification decision within ten (10) calendar days of the date of notice of the audit or classification study results. The OHR Executive Director or designee shall review the decision and provide a written response to the appointing authority.

Section 7-50 Compensation Policy (Revised April 9, 2021; Rule Revision Memo 66D)

The policy of the City and County of Denver is to provide generally prevailing compensation to City employees as provided by the City Charter and the Denver Revised Municipal Code ("DRMC"). This compensation policy is designed to attract, retain and motivate employees in order to support and reinforce the City's vision, values, and strategic business goals. To implement this compensation policy the Office of Human Resources ("OHR") will:

- A. Conduct market analyses to ensure the City's external market competitiveness;
- B. Provide like pay for like work within classifications; and
- C. Utilize pay for performance plans.

Page issuance date: April 9, 2021

Section 7-60 Establishing and Maintaining Pay Tables
(Revised May 31, 2017; Rule Revision Memo 27D,
Revised April 9, 2021; Rule Revision Memo 66D,)

- A. The OHR shall establish the following pay tables in order to facilitate the City's compensation policy:
1. Non-exempt salary tables: applicable to those classifications not exempt from overtime pursuant to the provisions of the Fair Labor Standards Act (FLSA);
 2. Community rate tables: applicable to certain classifications comprised solely of on-call positions used on a seasonal basis or in the sports and entertainment field which do not have traditional year-round or seasonal schedules. These classifications are non-exempt under the FLSA;
 3. Training and intern tables: applicable to trainee or intern classifications; and (Revised June 24, 2019; Rule Revision Memo 53D)
 4. Exempt salary tables: applicable to those classifications exempted from overtime under the FLSA.
- B. Classifications shall be assigned to a pay grade within the appropriate pay table.

Section 7-70 Pay and Benefit Survey Process

7-71 Establishing Pay for Classifications

- A. The pay for a classification shall be set at generally prevailing rates of pay for comparable jobs using the market survey process described below.
- B. The OHR shall perform an annual market analysis to determine what should be recommended for pay tables and/or market adjustments covered by the classification and pay plan (as defined in this Rule 7). (Revised April 9, 2021; Rule Revision 66D)
- C. If market survey data are inadequate or inappropriate for a statistical analysis, pay for a classification will be determined based on internal relationship comparisons to other City and County of Denver classifications according to practices established by the OHR (see Appendix).

7-72 Market Surveys

In order to provide generally prevailing compensation to employees, the OHR shall use market surveys which include a sample of public and private sector employers and jobs throughout the local market or other appropriate geographical areas.

- A. Benchmark classifications shall be identified in each job family. Market data shall be used to analyze these classifications in order to determine what market analysis adjustments, if any, should be recommended. (Revised April 9, 2021; Rule Revision 66D)

- B. The local market shall be defined as the “Denver Metropolitan Area” which includes Adams, Arapahoe, Boulder, Broomfield, Denver, Douglas, and Jefferson counties.
- C. The use of other geographical area data will be determined on a case-by-case basis for a classification. When other geographic areas are selected to be used in a survey, several factors are considered such as, but not limited to, the market where such jobs are recruited for, comparable organizations, populations and cost of living factors.
- D. Whenever salary and related information is furnished to the OHR on the condition that such material remains confidential, the individual pay data in such surveys shall not be disclosed.
- E. The OHR shall establish written criteria for selecting surveys, which must be published and followed. Before changing the criteria for selecting surveys, the OHR must inform the Board at a public meeting (see Appendix).

7-73 Implementation of Market Analysis Recommendations
(Revised April 9, 2021; Rule Revision 66D)

- A. In accordance with Rule 2, the Career Service Board (“Board”) shall hold a public hearing to determine whether to accept, reject, or modify the market analysis recommendations.
- B. The Board provides their recommendations to the Mayor and the City Council as required by ordinance.
- C. The City Council and the Mayor may accept, reject, or modify the recommendations.
- D. The OHR shall implement the market analysis adjustments as approved or modified by the City Council and the Mayor in accordance with the following:
 1. Pay table adjustments: When an adjustment is applied to the pay tables, the range minimum and range maximum shall be modified by a consistent percentage increment.

Each employee in the pay table’s adjusted pay grades shall maintain their current rate of pay and classification, except that no such employee shall receive less than the range minimum of the adjusted pay grade.

These adjustments shall take effect on January 1 of the immediate year following the year in which the recommendation is made.

2. Market adjustments: When the adjustment is applied to the pay of employees in a particular classification, the pay of those employees shall be increased based upon the calculated degree of market lag and the employee’s pay range quartile position.

This subsection shall only apply to employees who are in the affected classification on the effective date of the change. In no event shall such employees be paid in excess of the range maximum.

Employees who received an "Unacceptable" rating in the year preceding the effective date of the market adjustment are not eligible for a market adjustment. These adjustments shall take effect on January 1 following the year in which the recommendation is made.

7-74 Employee Benefits

- A. Upon request of the Mayor, City Council, or the Board, the OHR Executive Director shall survey and recommend changes to employee benefits as necessary to attract and retain a qualified and competent workforce and to maintain the City's policy to provide generally prevailing compensation to employees.
- B. The Board shall conduct at least one public hearing on any proposed changes to employee benefits prior to the OHR Executive Director making any recommendations to the Mayor and City Council.

APPENDIX 7.A.

**OHR PRACTICES FOR DETERMINING INTERNAL RELATIONSHIP COMPARISONS
BETWEEN CITY AND COUNTY OF DENVER JOB CLASSIFICATIONS
(REFERRED TO IN RULE 7-71 C.)**

(Revised April 9, 2021; Rule Revision Memo 66D)

These comparisons will include, but not be limited to items such as the:

1. Duties and responsibilities of the job;
2. Level of decision making;
3. Level of supervision exercised;
4. Level of complexity;
5. Minimum qualifications.

This Appendix is provided for informational purposes and is not considered a part of the Rules.

Page issuance date: April 9, 2021

APPENDIX 7.B.

CRITERIA FOR SELECTING MARKET SURVEYS (REFERRED TO IN RULE 7-72 E.)

(Revised April 9, 2021; Rule Revision Memo 66D)

The following criteria shall be used to select published surveys:

1. The survey should provide written documentation of the methodology used to select the sample of the organizations surveyed; match the type of work performed; and collect, analyze, and report the data.
2. The methodology outlined should meet professionally accepted compensation standards.
3. The survey should provide written documentation showing that only organizations meeting criteria established in these rules were surveyed.
4. The survey should provide a list of the organizations surveyed.
5. The survey must provide descriptions of work in sufficient detail to ensure comparable jobs are being matched.
6. The survey must provide an effective date for all data reported.
7. The survey should provide pay range and structure data, actual rates of pay by quartile, median, and/or weighted average; and the number of organizations and rates the results represent.
8. The number of firms surveyed must provide a large enough sample to be considered representative of the generally prevailing wage.

The OHR is required to establish written criteria for selecting market surveys by the Career Service Rules. These criteria must be published in the Appendix to this Rule 7 and followed. Before changing this Appendix 7.B., the OHR must inform the Board at a public meeting.