

AN ORDINANCE

**AMENDING** the City of Marietta/BLW Personnel Rules and Regulations to clarify certain sections of the code.

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**NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF MARIETTA, GEORGIA:**

**Section 1:** That Section 4-4-24, “**Pay and Classification,**” shall be amended to read as follows:

**ARTICLE 4-4-24 PAY AND CLASSIFICATION PLAN**

**4-4-24-060 Original Appointment.**

Pay offered to newly hired employees shall be at an initial pay range that falls within the first quartile of the pay grade designated for the position, with some exceptions as noted below. When the City is unable to recruit qualified applicants or when an applicant possesses exceptional qualifications warranting employment above the first quartile, the department head may request authorization, in advance of making a job offer, to hire up to the mid-point for technical and professional positions only, with approval by the human resources director. These positions are designated in the Pay Plan as having an EEOC category of 01, 02, or 03.

Newly appointed or promoted department heads/executives may be compensated at any rate within the approved pay grade for the position as approved by the city manager so long as the salary does not exceed the maximum of the assigned pay grade.

Appointments of candidates into a formal apprenticeship program or into a specific career development program, such as apprentice electrical line worker or line worker position, will be compensated according to the line worker pay plan provisions specific to those programs as adopted annually by the city council.

The human resources director may authorize the hire of temporary employees at a rate of pay less than the minimum of the classification. Temporary employees on the city/BLW payroll shall be paid only for actual hours worked.

**4-4-24-080 Promotional Appointment.**

**A.** The movement of a current employee from a position in one pay grade to a position in a higher pay grade shall be considered a promotion. Promotional appointments shall be made at a minimum increase of 5% above the employee’s current pay rate provided the new pay rate falls

within the higher pay grade's range. A maximum promotional pay increase up to 10% above the employee's current pay rate may be offered if the amount falls within the pay range of the promotional pay grade and (1) justification can clearly be demonstrated based on the employee's experience, education, skills, and abilities; (2) with written consent of the human resources director (3) and with approval of the city manager. All promotional appointments and salary increases shall be made upon the recommendation of the department head and the human resources director, subject to the approval of the city manager.

**B.** Current employees promoted to supervisory positions (supervisory position shall be defined as an employee who has supervisory authority and responsibility over one or more employees on a regular basis) shall be paid as provided in paragraph A of this section. New employees hired into supervisory positions shall abide by the policy stated in Section 4-4-24-060 Original Appointment.

**C.** Department heads shall take into consideration the skills, abilities, education, experience, and any/all other relevant requirements necessary to perform the essential functions of the job as well as equitable treatment under the law (as stated in Article 4-4-4 Equal Employment Opportunity) when considering placement in the pay range for both new hires and promotional employees. Consideration should be given to all these factors when comparing a new hire or promotional employee to the incumbent employees in similar positions within the department. Decisions regarding appropriate and equitable pay should be based on the determining factors of (1) Equal Opportunity, (2) relevant skill, (3) required education, (4) related ability, (5) years of related experience, and (6) pay of other employees in the same department and pay grade. All pay decisions shall be decided in an equitable manner based on the candidate's ability to perform essential functions of the position and how closely they meet the requirements of the position. New hires and promotional employees should be placed in the pay range at the appropriate level at the time of hire or promotion commensurate with their qualifications.

**D.** Promoted employees shall serve a working test period the duration of which is determined by the position occupied. The working test period in the promoted position may be extended, with the approval of the human resources director, a maximum of an additional three-month period. Upon successful completion of the promotional working test period, the employee will be granted regular status in the new position. There is no increase at the end of the promotional working test period.

#### **4-4-24-090 – Demotion.**

Demotion is defined as the assignment of an employee from a position in one classification to a position in another classification assigned a lower pay grade. Employees involuntarily demoted shall be paid at a rate that is a minimum of 5% less than the employee's current rate of pay. If the amount exceeds the maximum pay for the lower pay grade, the employee will be paid at the top of the scale for the lower pay grade.

When an employee requests a voluntary demotion he will be placed in the newly assigned pay grade for the lower position at a five percent (5%) reduction in his current pay. However, if it can be demonstrated to be in the best interest of the city/BLW, and with the prior consent of the human resources director and approval by the city manager, the employee may be paid at a rate that is within the approved range for the lower level position that does not exceed the employee's pay in his previous position or the employee may be "red-lined" so that the employee's current pay rate is frozen until the pay rate falls within the specified range of the lower assigned pay grade with approval by the city manager. If the employee is "red-lined" they shall not be entitled to any base salary increase until the schedule is adjusted to include his salary.

**4-4-24-100 Lateral Transfers.**

An employee who is transferred to a different position in the same pay grade as his current position may continue at his current pay rate as long as it can be demonstrated by the department head that the salary offered is appropriate based on the employee's skills, education, and experience as required by the job description

(Code 1978, § 4-1186; Ord. No. 5575, 6/12/96)

**4-4-24-110 Reclassifications.**

When an employee's position is reclassified to a lower grade and his salary is above the maximum of the lower grade, the employee shall be "red-lined" or permitted to continue at the rate of pay at the time of reclassification during the period of his incumbency, but shall not be entitled to any base salary increase until the schedule is adjusted to include his salary.

When an employee's position is approved by council to be reclassified to a higher pay grade, the incumbent will be placed in the newly assigned pay grade at their prior salary unless that salary is below the minimum of the newly assigned pay grade. If the employee's prior salary is below the newly assigned pay grade minimum, the employee will be placed at the minimum of the assigned pay grade.

**Section 2:** It is hereby declared to be the intention of this Ordinance that its sections, paragraphs, sentences, clauses, phrases and words are severable, and if any section, paragraph, clause, phrase or word of this Ordinance is declared to be unconstitutional or invalid, it shall not affect any of the remaining sections, paragraphs, clauses, phrases or words of this Ordinance.

**Section 3:** All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed.

**DATE:** March 9, 2011

**APPROVED:** \_\_\_\_\_  
**R. Steve Tumlin, Jr., Mayor**

**ATTEST:** \_\_\_\_\_  
**Stephanie Guy, City Clerk**

**Approved as to Form:** \_\_\_\_\_  
**Douglas R. Haynie, City Attorney**