

# LIVINGSTON COUNTY SPECIAL PAY POLICY

RESOLUTION #2015-02-041

APPROVED: 02/09/15

## A. POLICY

### 1. PURPOSE:

To provide eligible employees with additional compensation for performing essential functions of a higher paying classification and describe when special pay would be granted in a uniform and consistent manner.

### 2. POLICY STATEMENT:

Livingston County may, at its discretion, initiate or approve changes in assignment of employees from one position to another or from one worksite to another.

It is the policy of Livingston County to compensate an employee for assuming on a temporary or permanent basis, some or all of the duties of another position from which an incumbent is absent when all of the following conditions have been met.

1. The employee is assigned by the appointing authority to perform a majority of the essential duties of a budgeted, higher paid position from which an incumbent is absent.
2. The duties of the higher paid position are assigned to, and performed by the designated employee for thirty (30) or more consecutive work days; and
3. The assignment is approved in advance and the adjustment in pay is approved in advance by the Human Resources Director and the County Administrator.

Livingston County will support job splitting or job sharing arrangements when it is determined to be in the best interests of the County. Special pay will not be provided to individuals who were hired for a job sharing assignment.

### 3. APPLICABILITY:

All non-union employees who have been employed at least six (6) months with the County.

### 4. DEFINITIONS:

Out-of-Class Pay – Applies to an employee who is performing the essential functions of a higher paying classification while that position is vacant.

Acting Pay – Applies to an employee who is performing all of the duties and responsibilities normally assigned to a supervisory/managerial position that is vacant.

Job Splitting – The system of dividing the responsibilities of a single full-time position between one or more full-time employees.

Job Sharing – A system whereby one full-time position is shared by two part-time employees. The salary and benefits are shared on a pro-rata basis according to the hours worked by each job sharer.

Primary Rate of Pay – the pay rate an employee receives for performing their primary/initial job responsibilities.

Secondary Rate of Pay – the pay rate an employee receives for performing a secondary job outside the scope of their primary position. Earnings are not added to base and are reflected in Q earnings.

5. REFERENCE AND LEGAL AUTHORITY:

Fair Labor Standards Act (FLSA)  
Form: Personnel Action Form (PAR)

6. SEE ALSO:

Policy: Compensation/Classification Administrative Guidelines

7. SUPERSEDES:

Resolution # 604-213

8. APPROVED BY:

Personnel Committee: January 21, 2015  
Finance Committee: January 28, 2015  
Board of Commissioners: February 9, 2015

9. RESOLUTION: No. 2015-02-041

10. REVIEW HISTORY:

B. PROCEDURE:

When appropriate, Livingston County may authorize an employee to perform the essential functions of a higher paid classification in addition to their regular duties and responsibilities. An adjustment in pay may be granted if the employee assumes the additional work of the higher paying classification for thirty (30) or more consecutive calendar days. Only the department director/elected official is authorized to assign the additional duties and responsibilities of another position to the employee. However, if the additional work is that of an appointed department director, the County Administrator must approve the assignment. Adjustments in pay must be requested in writing with a Personnel Action Request Form (PAR) and approved by the Human Resources Director and the County Administrator prior to any differential being paid to the employee involved. The Human Resources Director and the County Administrator will approve job splitting and job sharing on a case by case basis. Unless approved by the Personnel Committee, there will only be one out-of-class pay or acting pay allowed in a department at any one time.

Employees who are approved to perform the duties of a higher paid position under the provisions listed in this policy shall receive additional compensation beginning on, or retroactive to, the first day of the assignment.

Employees shall receive out-of-class pay or acting pay at the Hire Rate of the Grade Scale of the position being filled. If the out-of-class pay is less than the employee's current rate of pay, then the employee will receive an increase closest to but not less than ten percent (10%) over their primary rate of pay and then placed on the closest available step at the higher grade level.

In no case shall an employee receive a salary greater than the top step of the salary range of the higher classification for out-of-class pay, acting pay or job splitting.

Out-of-Class Pay – Applies to an employee who is performing the essential functions of a higher paying classification while the employee in that position is on a leave from work (i.e., sick, Family Medical Leave, workers' compensation leave, etc.). Normally "out-of-

class” pay will not be granted when an employee is performing the work of someone on vacation leave unless that vacation leave is part of the paid time off under the County’s Family Medical Leave Act policy. The employee may receive a pay differential equal to the difference of their normal pay and the hire rate of the classification, but no less than ten percent (10% of the employee’s base wage for each hour worked. “Out-of-class” pay is limited to ninety (90) consecutive calendar days unless an extension of that time is approved by the Personnel Committee. Out-of-Class pay shall not apply to any paid leave taken or accrued during the assignment.

Acting Pay – Applies to an employee who is performing all of the duties and responsibilities normally assigned to a supervisory/managerial position. Under such circumstances, the employee may receive a pay differential equal to their base wage and the hire rate of the higher classification, but no less than ten percent (10%) for all hours paid. “Acting” pay is limited to six (6) consecutive calendar months for any one vacant supervisor/managerial position unless an extension of that time is approved by the Personnel Committee.

Job Splitting – Applies when a full-time employee continues to work in their current position and, in addition to their regular duties, is authorized and responsible for a portion of the essential functions of another full-time position. Under such circumstances, the employee may receive a pay differential equal to 10% of their base wage for all hours paid. In order to receive additional compensation for a job splitting assignment, the incumbent must work at least two (2) eight (8) hour days per week in the other classification. This additional compensation will appear in Q earnings, which is not added to base wages. The ten percent 10% job splitting compensation will be recalculated when the employee is eligible for and receives a step increase in their primary/original classification. A full-time employee may be assigned to fill/split/share another position that is vacant.

Job splitting and job sharing will be encouraged whenever it improves administrative practices, saves money, or for any other non-disciplinary issue. The supervisor/department head/elected official is responsible for making a recommendation for job splitting or job sharing when the best interests of the County would be served. The Human Resources Director and County Administrator will approve job splitting and job sharing on a case-by-case basis.

If job splitting occurs within two classifications with one classification being lower than the current rate of compensation for the incumbent, the incumbent will not suffer a loss of wages in assuming the different responsibilities in a different department.

There may be circumstances where an employee wishes to hold two different part-time jobs within the County. This is not considered job sharing or job splitting. This action will require approval from the Human Resources Director and the County Administrator. The operational viability and practicality of such arrangement would have to be carefully considered. Employees will receive benefits appropriate to the total number of hours they are approved to work for Livingston County. Department heads should note that the costs of benefits are generally not budgeted for part-time positions.

An employee who completes an acting, out-of-class, or job splitting assignment will return to his/her previous position and resume regular duties at the appropriate grade and step.

Successful candidates shall meet the minimum requirements for each of the positions. They shall possess the knowledge, skills and abilities required for each position as identified in the job description.

The individuals job splitting or job sharing shall receive benefits appropriate to the total number of hours they are approved to work for Livingston County.

Out-of-class pay, acting pay and job splitting compensation shall be requested by the appointing authority provided the departmental budget has sufficient appropriations to meet the expenses. If insufficient appropriation exists, the appointing authority must exercise one of the following options:

1. Distribute the responsibilities evenly among several employees; or
2. Assume the majority of the responsibilities themselves.

Job sharing is available to prospective employees (if the job is advertised as being suitable for job sharing) and existing employees who wish to reduce their hours.

There are a number of advantages in recommending job sharing. They include:

- 1) For employees, it provides the opportunity for working conditions which meet changing individual circumstances; and
- 2) For the County, it allows for the retention of trained and experience employees who might otherwise leave; and
- 3) For the County, there will be a reduction in overall benefit costs.

Creating a job-sharing arrangement in a position currently held by one employee is encouraged. When a vacancy occurs and is identified as being suitable for job sharing, it will be advertised and applications will be accepted from persons wishing to job share. Employees wishing to job share their existing position should submit their request, in writing, to the Human Resources Director and their department head. It is not necessary for an employee to have an identified individual before submitting a request for job sharing. Special pay will not be awarded in a job-sharing situation. Benefits will be provided based on the total number of hours an employee is approved to work.

Any request for "out-of-class" pay, "acting" pay or "job splitting" compensation or a job sharing arrangement that is denied by the Human Resources Director and the County Administrator may be appealed to the Personnel Committee within thirty (30) days of the initial denial. The decision of the Personnel Committee shall be binding and final.