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AM-230-5

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Downgrading

SCOPE

Civil Service and Non-Civil Service positions may be downgraded as a result of a Civil Service action approved by the Board of Estimates.

Change in salary and/or employee benefits for an employee whose position or job classification has been downgraded will be determined in accordance with the provisions of this policy.

SALARY

Any adjustment to salary resulting from a position or job classification downgrading will be implemented in three phases:

First Phase – Saved Grade

The first phase begins when the budgeted position is reclassified to the new, lower level classification upon approval of the Board of Estimates. During this phase, for one year following the reclassification, the employee will retain the original classification union designation, and salary grade. The employee will remain eligible for merit increments, level movements, longevity and cost of living increases, assuming that all other conditions for receiving these remunerations are met.

Second Phase – Saved Pay

The second phase begins at the start of the second year following the Board of Estimates approval of the downgrading. During this phase, the employee's salary is frozen, the employee is ineligible to receive cost of living increases, level movements and/or merit increases. However, the employee will be eligible to receive longevity increments when they become due. The employee continues to retain the original classification and union designation during this phase.

Third Phase - Downgrade

The third phase begins after the completion of two years, following the Board of Estimates approval of the downgrade. During this phase, the employee's classification and grade are changed to match the classification of the budgeted position. If a change in union designation is involved in this action, changes in benefits related to union designation become effective on the date as the downgrade at the start of the third phase.

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The employee's salary is adjusted in the following manner in order to place the employee on the salary scale at the assigned grade of the budgeted position:

- If the employee's present salary, exclusive of longevity increments, is higher than the maximum of the new grade, then the employee will be placed on the highest level of the new grade.
- If the employee's present salary, exclusive of longevity increments, is between levels of the new grade, then the employee will be placed on the level closest to the salary the employee received during the "Second Phase" – Saved Pay" stage of the downgrading process.
- For purposes of salary placement only and in the context of downgrading only, merits shall be considered as salary levels in cases where MAPS 1XX or 6XX grades are being downgraded. However, such merits will not be applied as addends to any salary newly derived from the downgrading process.

After the employee has been placed on the correct step of the new grade, applicable longevity increments will be applied.

DATE OF ENTRY

The employee's date of entry into City service will not be changed when the employee's position or job classification is downgraded.

HEALTH CARE BENEFITS

If an employee's position or job classification has been downgraded and the employee is enrolled in a City health care plan, the employee will continue to be covered by that same plan. However, at the start of the third phase when the employee's classification and grade are changed to match the budgeted position, the employee's benefits may differ depending upon the union designation of the actual budgeted position.

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RETIREMENT BENEFITS

Downgrading of a position or job classification may have an effect on an employee's status within the City Employees' Retirement System. Employees may contact a Benefits Analyst within the City Employee's Retirement System to determine whether the downgrade will affect their retirement benefits.

DEATH BENEFITS

If a change in union designation is involved when an employee's position or job classification is downgraded, the employee's death benefit entitlement will change at the start of the "Third Phase – Downgrade" stage of the downgrading process so as to be consistent with the union designation of the new position.

VACATION AND PERSONAL LEAVE CREDIT

If a change in union designation is involved when an employee's position or job classification is downgraded, the maximum number of unused vacation and/or personal leave days that an employee may accumulate may be affected.

In cases where the employee's accumulated vacation and/or personal leave balances exceed the maximum accumulation level allowable in the new position, the excess leave days of the "Third Phase – Downgrade" stage of the downgrading process.

SICK LEAVE CREDIT

All accumulated sick leave will be credited to the employee in the new position. Annual sick leave conversion payments, if any, will be based on the daily pay rate in effect at the time of payment.

COMPENSATORY LEAVE CREDIT

If an employee is downgraded from an FLSA non-exempt, the employee will be paid cash for all accumulated compensatory leave which is unused prior to the first day of the "Third Phase – Downgrade" stage of the downgrading process.

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If an employee is downgraded from an FLSA exempt position to a budgeted position which is FLSA non-exempt, the employee may use accumulated compensatory leave during the first phase and the second phase of the downgrade process. However, at the start of the third phase when the employee's classification and grade are changed to match the classification of the budgeted position, the employee will not be credited with any accumulated compensatory leave balance as of the date of the change.

REASSIGNMENT, TRANSFER, AND PROMOTION

Employees who occupy positions which have been reclassified and downgraded may be placed on a separate class change promotional list, if appropriate, in accordance with Civil Service Rule 28. Employees on the applicable class change list will have priority over all other eligibility lists for that class except a reemployment list. In this case priority means: every employee on the applicable class change list must be given an opportunity to be interviewed for the vacant position before an open list for that class is certified. If an employee refuses an offer of employment, he /she will be removed from the class change list.

In selecting employees from a class change list, agencies should consider seniority in addition to other criteria necessary to perform the duties of the vacant position in that class. Agencies which fail to select employees from the class change list must document the reasons why these employees were deemed unsuitable.

If during the downgrade process, an affected employee receives a promotion, the employee's salary is to be determined by applying the promotion rules to the employee at his/her current step within grade.

An employee may be withdrawn from the downgrade process during any phase, subject to the approval of the Civil Service Commission, if the employee receives a major reassignment of duties or a lateral transfer.

RELATED DOCUMENTS

For additional information see:

AM-204-2

VACATION LEAVE

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AM-204-4	PERSONAL LEAVE
AM-204-23	HEALTH CARE PROVISIONS
AM-205-2	OVERTIME AND CALL-BACK
AM-216-1	DEATH BENEFITS