

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 78 OF THE MIAMI BEACH CITY CODE, ENTITLED "PERSONNEL," BY CREATING ARTICLE VI, ENTITLED "UNCLASSIFIED EMPLOYEES' SALARY ORDINANCE," BY CREATING SECTIONS 78-310 THROUGH 78-320 THEREOF, TO CODIFY AS PART OF THE CITY CODE, AND ADOPT AMENDMENTS TO THE CITY'S EMPLOYEES' UNCLASSIFIED SALARY ORDINANCE (NO. 1605), WHICH ORDINANCE ESTABLISHES THE PAY PLAN FOR UNCLASSIFIED CITY EMPLOYEES, FOR PURPOSES OF CLARITY AND EASE OF REFERENCE, TO DELETE AND/OR REVISE OUTDATED PROVISIONS, AND TO CODIFY EXISTING ADMINISTRATIVE PRACTICES; REPEALING ALL ORDINANCES IN CONFLICT WITH THIS ORDINANCE; AND FURTHER, PROVIDING FOR SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the City of Miami Beach's Unclassified Employees' Salary Ordinance No. 1605 (the "Unclassified Employees' Salary Ordinance"), originally adopted on September 28, 1966, was last amended on December 14, 2022 via Ordinance No. 2022-4528; and

WHEREAS, the Mayor and City Commission wish to codify the Unclassified Employees Salary Ordinance in Chapter 78 of the Miami Beach City Code; and

WHEREAS, Unclassified Employees' Salary Ordinance No. 1605 is hereby superseded and replaced by Article VI of Chapter 78 of the City Code, entitled "Unclassified Employees' Salary", which codifies as part of the City Code, and adopts amendments to the City's Employees' Unclassified Salary Ordinance, for purposes of clarity and ease of reference, to delete and/or revise outdated provisions, and to codify existing administrative practices, details of which are set forth in the Memorandum accompanying this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:

SECTION 1. Ordinance No. 1605 is hereby repealed in its entirety.

SECTION 2. Article VI of Chapter 78, entitled "Unclassified Employees' Salary" is hereby created as follows:

CHAPTER 78. PERSONNEL

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ARTICLE VI. UNCLASSIFIED EMPLOYEES' SALARY

Sec. 78-310. Purpose. It is declared to be the purpose of this Article to provide an orderly and fair means for the compensation of employees in the unclassified service of the City of Miami Beach, Florida, on the basis of the work they perform and their competence in its performance; and to provide an equitable basis of compensation and reward for merit.

Nothing herein shall be construed to prevent the withholding of pay increases or the reduction of pay rates for disciplinary purposes, for fiscal responsibility, or any other purpose pursuant to the lawful exercise of the City's powers.

Sec. 78-311. Pay plan. Pursuant to this section, the city commission shall adopt a pay plan comprised of a schedule of minimum and maximum base salaries for the offices and positions in the unclassified service by Resolution. Subject to the provisions of this Article, the city commission may thereafter, by Resolution, amend the pay plan upon recommendation of the city manager, including by approving cost of living increases.

Sec. 78-312. Market rate adjustment (MRA). For employee positions that require special skills, certifications, or by virtue of market conditions require an upward adjustment to pay that exceeds the established maximum of the range (i.e. engineers, information technology, and construction positions), the city manager may approve a market rate adjustment to set pay up to 20% above the particular maximum salary range. In determining these MRAs, an analysis will be done to determine the appropriate adjustment to pay with approval by the city manager. The city manager shall have discretion to determine the MRA subject to the maximum supported by the analysis. The city attorney, city clerk, and inspector general shall be responsible for performing the MRA analysis and determining the appropriate adjustment up to 20% above the maximum salary range for employee positions within their respective office. Whenever the city manager or respective charter officer implements the adjustment of up to 20% above the maximum pay range, the city commission will be notified in writing.

Sec. 78-313. Limitation on increases to individual salaries greater than salary range maximum. Unless otherwise provided in a Resolution adopted pursuant to Section 78-311, increases to the minimum or maximum of salary ranges shall not result in individual employee's salary increases unless the employee's salary is below the minimum of the recommended range. Employees whose salary is at or over the maximum of the range for their respective classifications shall have their salaries frozen or red-circled until such time as their salary falls within the range. Unless otherwise provided in a Resolution adopted pursuant to Section 78-311, employees whose salary exceeds the maximum of the pay range shall not be eligible for a cost-of-living increase to pay.

Sec. 78-314. Compensation over or under prescribed minimums and maximums.

(a) The city manager, city attorney, city clerk, and inspector general each is authorized to approve rates of compensation less than the prescribed minimum for employees within their respective offices whose employment is on a part time basis, or whose duties and responsibilities are clearly less than normally attached to a position.

(b) The city manager, city attorney, city clerk, and inspector general each may authorize compensation of up to 10% above current base salary for those employees within their respective offices:

- i. whose duties and responsibilities are clearly above and beyond the normal scope of positions within their job class, or
- ii. who are required to work substantially beyond the normal work hours of their positions.

Sec. 78-315. Authority of city manager; limitations. The city manager is authorized to establish, assign, and maintain appropriate job classifications and salary grades for offices and positions in the unclassified service.

- (a) The city manager is further authorized to:
- i. establish a schedule of salaries that are in accordance with the budget adopted by the city commission for that fiscal year;
 - ii. grant a one-time, non-recurring, non-pensionable adjustment of up to 3% of pay to employees whose salary is at or exceeds the maximum rate of pay for their classification if the employee's performance is rated to have exceeded or significantly exceeded performance expectations;
 - iii. change the pay grade of any position;
 - iv. adjust salaries to comply with changes to federal minimum wage laws or other state or local laws mandating a minimum or living wage;
 - v. establish and approve additional pay incentives, allowances, supplements, merit pay, or other compensation, and benefits as the city manager deems necessary and appropriate for recruitment and retention;
 - vi. issue administrative orders, not in conflict with this Article, for the purpose of clarification and administration of this Article;
 - vii. fix the rates of compensation of individual employees within the limitations prescribed in this Article;
 - viii. adjust errors in pay for individual employees caused by computational or clerical errors in data processing.

(b) Limitations. Notwithstanding the provisions of this Article, the city attorney, city clerk, and inspector general are hereby authorized commensurate with the city manager's authority to establish, assign, and maintain appropriate job classifications and salary ranges for offices and positions in the unclassified service as deemed operationally necessary by the appropriate charter officer within their respective office.

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SECTION 3. REPEALER.

All ordinances or parts of ordinances and all section and parts of sections in conflict herewith be and the same are hereby repealed.

SECTION 4. CODIFICATION.

It is the intention of the City Commission, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code of the City of Miami Beach as amended; that the sections of this ordinance may be renumbered or re-lettered to accomplish such intention; and that the word "ordinance" may be changed to "section" or other appropriate word.

SECTION 5. SEVERABILITY.

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 6. EFFECTIVE DATE.

This Ordinance shall take effect 10 days following the adoption.

PASSED and **ADOPTED** this ____ day of _____, 2025.


ATTEST:

Steven Meiner, Mayor

Rafael E. Granado, City Clerk

(Sponsored by Commissioner Joseph Magazine)

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney *A*

5/13/2025

Date