

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 VII, ENTITLED "CLASSIFIED EMPLOYEES' SALARY ORDINANCE," BY CREATING SECTIONS 78-321 THROUGH 78-330 THEREOF, TO CODIFY AS PART OF THE CITY CODE, AND ADOPT AMENDMENTS TO THE CITY'S EMPLOYEES' CLASSIFIED SALARY ORDINANCE (NO. 789), WHICH ORDINANCE ESTABLISHES THE PAY PLAN FOR CLASSIFIED CITY EMPLOYEES, FOR PURPOSES OF CLARITY AND EASE OF REFERENCE, TO DELETE AND/OR REVISE OUTDATED PROVISIONS, AND TO CODIFY EXISTING ADMINISTRATIVE PRACTICES; REPEALING ALL ORDINANCES IN CONFLICT WITH THIS ORDINANCE; AND FURTHER, PROVIDING FOR SEVERABILITY,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 Classified Employees Salary Ordinance No. 789 (the "Ordinance"), originally adopted on December 18, 1946; and

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

WHEREAS, Classified Employees Salary Ordinance No. 789 is hereby superseded and replaced by Article VII of Chapter 78 of the City Code, entitled "Classified Employee Salary", which codifies as part of the City Code, and adopts amendments to the City's Employees' Classified Salary Ordinance, for purposes of clarity and ease of reference, to delete and/or revise outdated provisions, and to codify existing administrative practices, details of which are set forth in the Memorandum accompanying this Ordinance.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 Ordinance No. 789 is hereby repealed in its entirety.

SECTION 2. Article VII of Chapter 78, entitled "Classified Employee Salary" is hereby created as follows:

CHAPTER 78. PERSONNEL

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ARTICLE VII. CLASSIFIED EMPLOYEE SALARY

Sec. 78-321. 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 Classified 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. 78-322. 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 classified service by Resolution. Subject to the provisions of this Article, the city commission may thereafter amend the pay plan upon recommendation of the city manager, including by approving cost of living increases.

Sec. 78-323. Collectively bargained employment agreements.

(a) To the extent there is a conflict between the provisions of this Article and the terms of a collectively bargained agreement in effect as of the date of adoption of this Ordinance with respect to wages or terms or conditions of employment, the terms of a collectively bargained agreement shall supersede the provisions in conflict and such conflicting provisions shall not apply to employees appointed to positions within the bargaining unit. Changes to the base pay schedules for positions within a bargaining unit shall be automatically implemented upon ratification by the city commission of the corresponding collective bargaining agreement and the Pay Plan shall be amended accordingly without further action by the City. Nothing in this Article shall entitle covered employees to greater pay or benefits than as provided in the duly ratified collectively bargained agreement. Nothing in this Article shall be construed as a derogation of any right bargained for or reserved by Management.

(b) Longevity. For employees within the bargaining unit represented by the Miami Beach Fraternal Order of Police William Nichols Lodge No. 8 and the Fire Fighters of Miami Beach International Association of Fire Fighters Local 1510, longevity pay shall continue to be calculated on base pay and paid pursuant to the terms of the collectively bargained agreement in effect as of the date of adoption of this Ordinance and subject to the following rates: 2.5% upon completion of seven years of employment; 5% upon completion of ten years of employment; 7.5% upon completion of 15 years of employment; 10% upon completion of twenty years of employment; and 11% upon completion of twenty-five years of employment.

Sec. 78-324. Limitation on increases to individual salaries greater than pay range maximum. Unless otherwise provided by a Resolution adopted pursuant to Section 78-322 or 78-323, increases to the minimum or maximum of pay ranges shall not result in individual employee pay increases unless the employee's base pay is below the minimum of the recommended range. Employees whose base pay is at or over the maximum of the range for their respective classifications shall have their base pay frozen or red-circled until such time as their base pay falls within the range. Unless otherwise provided by a Resolution adopted pursuant to Section 78-322, employees whose base pay exceeds the maximum of the pay range shall not be eligible for a cost-of-living increase.

Sec. 78-325. Compensation over or under prescribed minimums and maximums.

(a) The city manager is authorized to approve rates of compensation less than the prescribed minimum for employees 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 may authorize compensation not more than 10% in excess of base pay for those employees who perform duties and responsibilities that are clearly above and beyond the normal scope of positions within their job class.

Sec. 78-326. Authority of city manager; limitations. The city manager is authorized to establish, assign, and maintain appropriate job classifications and salary or pay grades for offices and positions in the classified service.

The city manager is further authorized to:

- i. grant a one-time, non-recurring, non-pensionable adjustment of up to 3% of base pay to employees whose pay is at or exceeds the maximum rate of base pay for their classification if the employee's performance is rated to have met, exceeded, or significantly exceeded performance expectations;
- ii. change the pay grade of any position;
- iii. adjust salaries to comply with changes to federal minimum wage laws or other state or local laws mandating a minimum or living wage;
- iv. establish and approve additional pay incentives, allowances, supplements, or other compensation, and benefits as the city manager deems necessary and appropriate for recruitment and retention;
- v. offer any qualified candidate up to 35% above the minimum base pay of the range as the city manager deems necessary and appropriate for recruitment;
- 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.

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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 *FA*

5/13/2025

Date