

R5 P 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 CLASSIFIED EMPLOYEES' 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THE PAY PLAN FOR CLASSIFIED CITY EMPLOYEES, FOR PURPOSES OF CLARITY AND EASE OF REFERENCE, TO DELETE AND/OR REVISE OUTDATED PROVISIONS, AND TO CODIFY EXISTING ADMINISTRATIVE PRACTICES; REPEALING ALL ORDINANCES IN CONFLICT WITH THIS ORDINANCE; AND FURTHER, PROVIDING FOR SEVERABILITY,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.
Applicable Area:

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission

FROM: Eric Carpenter, City Manager

DATE: May 21, 2025 10:25 a.m. First Reading Public Hearing

TITLE: 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 CLASSIFIED EMPLOYEES' 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THE PAY PLAN FOR CLASSIFIED CITY EMPLOYEES, FOR PURPOSES OF CLARITY AND EASE OF REFERENCE, TO DELETE AND/OR REVISE OUTDATED PROVISIONS, AND TO CODIFY EXISTING ADMINISTRATIVE PRACTICES; REPEALING ALL ORDINANCES IN CONFLICT WITH THIS ORDINANCE; AND FURTHER, PROVIDING FOR SEVERABILITY,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.

RECOMMENDATION

The Administration recommends the adoption of the proposed Ordinance to codify current administrative policies and practices, and deleting or revising outdated provisions concerning pay for the Classified Service, and providing that future changes to the pay plan be effectuated by the Commission through resolution rather than through ordinance.

BACKGROUND/HISTORY

Pursuant to the City's Civil Service System, employment positions in the City are generally divided into the Classified or Unclassified Service. Ordinance 789, first enacted on December 18, 1946, with the stated purpose of creating an orderly means of compensation, established a Compensation Plan, comprised of positions and an associated salary range for each position within the Classified Service of the City. Each Commission-approved change to the Ordinance over the years was made independently and was irregularly codified.

Historically, the majority of positions within the Classified Service of the City have been unionized and for whom pay has been collectively bargained.

Presently, the Classified Service is comprised of, in part, the positions within the bargaining unit represented by the Fraternal Order of Police William Nichols Lodge No. 8 (FOP), the bargaining unit represented by the International Association of Firefighters (IAFF), and the bargaining unit represented by the Government Supervisors Association of Florida/OPEIU Local 100 (GSAF). As a result of the decertification of the American Federation of State, County, and Municipal Employees, Local 1554 (AFSCME) and the Communication Workers of America, Local 3178 (CWA), the positions formerly comprising the unit represented by these unions are now classified as "Classified Service - Other". The positions in "Classified Service - Other" form the remainder of the Classified Service.

Since terms and conditions of employment, and in particular pay, for unionized positions are collectively bargained, the pay ranges corresponding to the positions within each bargaining unit

are adjusted through the ratification of a multi-year contract. As a result, an ordinance amending Ordinance 789 to implement the bargained for across the board pay increase or changes is perfunctory.

Ordinance 789 was last amended on December 11, 2024, by the adoption of Ordinance 2024-4681 which Ordinance raised the base pay for positions in the FOP bargaining unit to reflect across-the-board pay increases of 3% for each of the three years covered by the agreement ratified by Resolution 2024-33400 (November 20, 2024), and by the adoption of Ordinance 2024-4662 on October 30, 2024 which Ordinance raised the base pay for positions in the IAFF bargaining unit to reflect across-the-board pay increases of 3% for each of the three years covered by the agreement ratified by Resolution 2024-33349 (November 20, 2024), and by the adoption of Ordinance 2024-4680 on December 11, 2024 which Ordinance raised the base pay for positions in the GSAF bargaining unit to reflect across-the-board pay increases of 3% for each of the three years covered by the agreement ratified by Resolution 2024-33399 (November 20, 2024).

ANALYSIS

The City must currently change the pay plan, including for cost of living increases, by ordinance, requiring two readings and strike-throughs to every pay grade and for every change to the Compensation Plan since the prior ordinance.

The Pay Plan refers to the grade assigned to each position within the Classified Service and the associated minimum and maximum pay range. The Classification Plan refers to the inventory of job positions within the Classified Service and the associated position grade. Together, the Classification Plan and Pay Plan comprise the City's Compensation Plan. The City Manager may maintain and amend the Classification Plan while authority to amend the Pay Plan rests with the Commission.

In keeping with the legal notice requirements for the adoption of ordinances, in the past, every change to the Pay Plan approved by the Commission involved the use of strikethroughs and underlines to reflect the text amendments. At times, this has caused the proposed ordinance to take up several pages to incorporate the entire Compensation Plan for the mere purpose of adjusting the maximum salary in each range to reflect the across-the-board pay increase granted by the Commission. Since the implementation of enterprise system software, currently MUNIS, systematic changes can be easily and efficiently implemented and up to the minute information concerning positions and pay is readily available.

This updated Ordinance proposes that future changes to the Pay Plan be made by resolution of the commission eliminating the need for multiple readings and providing for greater efficiency in the administration of pay for the City's classified employees.

Pay Plan Amendments by Resolution of the Commission for Unionized Positions

Furthermore, as mentioned in the prior section of this Commission Memorandum, pay is a term of employment and a mandatory subject of bargaining. The City generally negotiates agreements with a term of three years. That is, pay adjustments are determined for each bargaining unit every three years. Every time the City reaches agreement with each union regarding pay for positions within the unit, the City is making a legal commitment to budget sufficient funds to cover pay for each fiscal year covered by the agreement in the manner agreed to by the parties. The City ratifies each agreement by resolution of the Commission. Not only does each resolution implicitly adjust pay for the covered positions but Florida labor law suspends the application or enforcement of any local law that is in conflict with a duly ratified agreement. That is, to the extent the Pay Plan as established by Ordinance 789 is in conflict with any ratified agreement, the application of the Pay Plan is suspended until it is amended. The Ordinance proposes that each resolution

passed by the Commission ratifying a collective bargaining agreement simultaneously amend the Pay Plan for the covered positions.

Pay Plan Amendments by Resolution of the Commission for Classified Service-Others

Generally, for morale, and to maintain pay parity for employees in unionized and non-unionized positions that are not first responders, the Administration usually recommends cost of living pay increases for positions classified "Classified Service - Others" consistent with cost of living pay increases bargained for unionized positions.

The Ordinance proposes that future changes to the Pay Plan for positions classified "Classified Service - Others" be made by resolution of the commission eliminating the need for multiple readings and providing for greater efficiency in the administration of pay for the City's classified employees.

Codification of Current Administrative Regulations and Practices

The balance of powers between the Commission and the City Manager remains the same. The City Manager's powers focus primarily on his ability to affect individual salaries for operational efficiency, within the framework of the Personnel Rules for Classified Service, and circumscribed by the Commission's power to affect overall salaries as a function of the Commission's authority adopt a budget and to ratify a bargaining agreement under Florida's labor law. The enumerated powers of the City Manager reflect current practices including implementing bargaining contract provisions, and affecting pay for classified positions in "Classified Service – Others", which enables the Administration to meet current market demands to hire and retain a quality workforce.

FISCAL IMPACT STATEMENT

The adoption of this ordinance has no financial impact.

Does this Ordinance require a Business Impact Estimate?

(FOR ORDINANCES ONLY)

If applicable, the Business Impact Estimate (BIE) was published on:

See BIE at: <https://www.miamibeachfl.gov/city-hall/city-clerk/meeting-notices/>

FINANCIAL INFORMATION

Click or tap here to enter text.

CONCLUSION

The Administration recommends the adoption of the Ordinance, which proposes to codify an updated Classified Salary Ordinance and provide for future pay plan adjustments through resolution rather than ordinance, on first reading and set the Ordinance for second reading on June 25, 2025. The City Administration will propose a companion resolution for consideration at the June 25, 2025 Commission Meeting which would effectuate cost of living adjustments for classified employees in the "Others" category.

Applicable Area

Citywide

Is this a “Residents Right to Know” item, pursuant to City Code Section 2-17?

No

Is this item related to a G.O. Bond Project?

No

Was this Agenda Item initially requested by a lobbyist which, as defined in Code Sec. 2-481, includes a principal engaged in lobbying? No

If so, specify the name of lobbyist(s) and principal(s):

Department

Human Resources

Sponsor(s)

Commissioner Joseph Magazine

Co-sponsor(s)

Condensed Title

10:25 a.m. 1st Rdg PH, Amend 789, Classified Employees' Salary Ordinance. (Magazine) HR

Previous Action (For City Clerk Use Only)

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

* * *

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.

* * *

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.

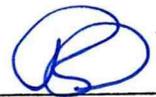
ATTEST:

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