

DEPARTMENT OF ADMINISTRATION  
Bureau of Human Resources

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CIVIL SERVICE BULLETIN 5.12

TO: All Agency/Department Heads/Personnel Officers  
SUBJECT: Application of 5% Rule to Dual Positions

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A recent Arbitrator's Award (AAA Case No. 1139-2018-91) interpreted the contract language that provides a five percent raise for employees who promote to a higher pay grade. The arbitrator ruled that this language also applies to employees who hold a part-time position and take a second part-time position at a higher pay grade.

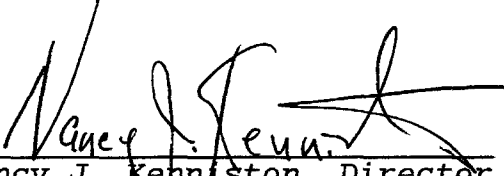
Prior to this arbitral interpretation, the five percent rule was applied only to employees who resigned one position to take another one at a higher pay grade, in accordance with the Civil Service Rule definition of promotion .... " a change of an employee from a position of one class to a position of another class with more responsible duties and a higher salary range" (underlining added for emphasis).

To comply with this award, and to provide similar and equitable treatment to employees designated as confidential, a part-time employee in a status position who accepts a second part-time status position while still employed in the first shall be compensated as follows:

- (a) If the second position is at a higher pay grade than the first position, the employee's salary in the second position shall be the lowest step in the higher pay grade that provides at least a five percent increase to the salary in the first position.
- (b) If the second position is at a lower pay grade than the first position, the employee's salary in the second position shall be the highest step in the lower pay grade that provides at least a five percent decrease to the salary in the first position.

- (c) If the second position is at the same pay grade as the first position, the employee's salary in the second position shall be at the same step as that held in the first position.

This change to compensation practice does not apply to employees who hold more than one seasonal position. Seasonal positions are not held simultaneously and are tracked separately.

  
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BUREAU OF HUMAN RESOURCES