



SETTING PAY IN THE ABSENCE OF SALARY HISTORY

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Overview



This E-DPM issuance updates and replaces Instruction 11-92, dated November 17, 2017. This issuance clarifies that these pay setting rules apply only to new hires (external candidates).

District government agencies are prohibited from asking candidates for their salary history unless it is brought up by the candidate after an offer of employment is extended. This issuance provides guidance and procedures for determining initial rates of basic pay without using the salary history of the candidate for first-time appointments to the District government.

A handwritten signature in blue ink that reads "Ventris C. Gibson".

Ventris C. Gibson, Director

Contents

In This Issuance

Salary Offers for First-Time Appointments	4
Considerations for Setting Pay.....	4
Salary Offers for Internal Candidates	6
Salary Negotiations	7
Legal	8
Additional Information	9



Salary Offers for First-Time Appointments

Salary Offers for First-Time Appointments

Agencies may offer to candidates who are first-time appointments in the Career, Excepted, Legal, and Management Supervisory service positions, a salary at any rate up to Step 4 of the applicable salary schedule, or up to the mid-point for open range schedules. Agencies should base the offered salary on the market value for the job and the specific knowledge, skills and abilities of the candidate.

Considerations for Setting Pay

Each position is assigned qualification standards based on the knowledge, skills, and abilities needed for the position. Candidates who meet the minimum qualifications for the position will undergo further screening to identify specific job-related knowledge, skills, and abilities beyond the minimum qualification requirements. The screening will consider the candidates' experience, training, awards, outside activities, and other job-related information. After an agency makes their selection, and prior to extending an offer, the hiring official will:

1. Identify the minimum qualifications for the position;
2. Use existing labor market data and employment trends to identify the market value of the position (see below note);
3. Determine if the candidate's qualifications exceed the minimum requirements; and
4. Evaluate the impact of the proposed salary on the agency by considering the compensation levels of current employees and budgetary limitations.



The U.S. Department of Labor, Bureau of Labor Statistics, Occupational Outlook Handbook provides valuable information that may assist you in conducting a market analysis of a position. You may locate this information on the U.S. Department of Labor's website at <https://www.bls.gov/ooh/>.



Salary Offers for First-Time Appointments

Salary Offers for First-Time Appointments (Cont).

Agencies may offer candidates salaries between steps 1 and 4 on the 10-step salary schedule or up to the mid-point on the open range salary schedule. Hiring officials cannot use a candidate's salary history when making an initial salary offer. However, if a candidate makes a counteroffer based on his or her current or previous salary history, a hiring official may then request a candidate's salary history for use in negotiating initial pay.

Agencies seeking to offer a new hire a salary based on superior qualifications must submit a request for an exception using the [DCSF 11B-10, Hiring and Pay Exceptions Request Form](#).

Salary Offers for Internal Candidates

Salary Offers for Internal Candidates

Existing pay setting rules will continue to apply for determining the salary offers for internal candidates. These rules include the “two-step promotion rule” and the \$12,000 annual maximum pay increase rule.

i Hiring and Pay Exceptions: An agency may competitively reassign or transfer an existing employee at a rate above step 4 or the mid-point of the grade if the employee competes for a position at their current grade level that is open to the general public. Considerations for exceptions include, special needs for the candidate’s skills, unusually high qualifications, and, in some cases, salary history (only when raised by the candidate in salary negotiations).

Additional information on the criteria for obtaining approval can be found by reviewing Instruction 2018-02, Pay and Term Limits, Exceptions (Form 11B Approvals).



Salary Negotiations

Salary Negotiations

Once an agency extends an offer of employment to a candidate, the candidate is free to request a higher salary than the salary initially offered. If the candidate makes this type of counteroffer, agencies should take the following steps:

1. If not already provided, ask the candidate to submit a written request for reconsideration that includes the basis for the counteroffer.

a. Candidates may submit the request via email or in the applicable recruitment processing system (if available).

b. If the candidate requests in writing to negotiate an offer of employment based on salary history, the agency may ask for salary documentation (e.g., paystubs and/or copies of W-2s). Candidates requesting to negotiate based on their pay history must submit proof of salary to have their request considered.

c. If the candidate requests to negotiate based on labor market data, or any other objective criteria, the agency should research and analyze any available information, from reputable sources, to assess the basis of the candidate's request.

2. Evaluate the agency's ability to meet the offer.

a. If the candidate makes a reasonable counteroffer, and it aligns with pay setting criteria, the agency should consider meeting the counteroffer.

b. If the candidate makes a reasonable counteroffer, but it does not align with pay setting criteria, the agency may request an exception using the Hiring and Pay Exceptions Request Form, DCSF 11B-10. The agency should not accept the candidate's counteroffer until the agency's personnel authority approves any exceptions.

c. If the candidate makes an unreasonable counteroffer based on pay setting criteria or other factors, the agency should consider extending a more reasonable counteroffer to the candidate.

Agencies must include all written documentation pertaining to salary negotiations in the merit case file for the job requisition.



Legal

Authorities

1. D.C. Official Code § 1-611.01 et seq. (2016 Repl.); and
2. Chapter 11B of the D.C. personnel regulations, Compensation.

Applicability

The provisions of this issuance apply to those District government agencies which are subordinate to the Mayor's personnel authority, and independent agencies who are subject to Chapter 11 of the D.C. personnel regulations. Other personnel authorities or independent agencies may adopt any or all of these procedures to provide guidance to employees under their respective jurisdiction.

Additional Information

For additional information concerning this issuance, please contact the Department of Human Resources, Policy and Compliance Administration, by calling (202) 442-9700 or by sending an e-mail to dchr.policy@dc.gov.