

## CHAPTER 17 – COMPENSATION AND PAY PRACTICES

(Formerly Chapter 70: Wage and Salary Provisions)  
(Only applies to Classified Management and Confidential Employees)

### 17.1 Wage and Salary Administration

This section covers the responsibilities of the Personnel Commission and Board of Education in regards to compensation and pay practices.

#### 17.1.2 Workday and Workweek

A. The work week is from Monday through Sunday. The maximum number of hours of regular employment of an employee is eight hours a day and 40 hours a week. However, the Governing Board may employ persons for lesser periods of time and may, through authorized administrators, order and authorize employees to work in excess of eight hours in one day or 40 hours in one week. (Revised October 12, 2001)

#### 17.1.3 Overtime Defined

- A. Overtime is defined as authorized hours over actual working hours excluding holidays, sick leave, vacation, compensating time off or other paid leave of absence. A workweek is from Monday through Sunday. Overtime is ordered and authorized working time in excess of the following:
1. In excess of eight hours in any one day or in excess of forty hours in a workweek.
  2. An employee who is assigned for five consecutive working days who has an average workday of four hours or more during the workweek shall be compensated on an overtime basis for any work required to be performed on the sixth or seventh day following commencement of the workweek. (Exempt employees refer to 70.100.4)
  3. An employee whose workweek consists of five consecutive working days and having an average workday of less than four hours during a workweek shall, for any work required to be performed on the seventh day following commencement of his/her workweek, be compensated on an overtime basis for any work required to be performed on the seventh day following commencement of his/her workweek.
- No one shall order or authorize overtime unless it is compensable as provided below. Overtime of less than 15 minutes shall not be credited; all overtime shall be reported and credited in multiples of 15 minutes of working time.
- B. The Governing Board may, with the approval of the Personnel Commission, exempt specific classes of positions from compensation for overtime pursuant to Education Code section 45127. Such exemptions shall be applied only to those classes which the Governing Board and Personnel Commission specifically find to be subject to fluctuations and daily working hours not susceptible to administrative control, such as security patrol and recreation classes, but shall not include food service and transportation classes. (Revised October 12, 2001)

#### 17.1.4 Compensation for Overtime

Applies only to employees not exempt from overtime compensation under federal and state law, hereinafter “nonexempt” employees, including classified supervisors, confidential employees and

classified bargaining unit members.) (Revised October 12, 2001)

- A. A regular employee who works authorized overtime shall be paid at a rate equal to one and one-half times the amount of overtime worked. He/she shall be paid at one and one-half times his/her regular rate of pay for the overtime worked. Shift and special assignment differentials regularly received by the employee shall be included in determining his/her regular rate of pay.
- B. Compensatory time at the rate equal to one and one-half times the amount of overtime worked may be taken as time off in units of one-half hour or more with the approval of the responsible administrator.
- C. Payment of call-back time duty that is above and beyond the regular assigned work schedule as follows:
  - 1. Employees eligible for overtime: A minimum of 2 (two) hours at regular hourly rate times 1.5. (Revised October 12, 2001)

#### 17.1.5 Classification Exempt from Overtime Payment (Revised October 12, 2001)

- A. In accordance with the guidelines set forth in the Fair Labor Standards Act and Education Code §45130, the following classes are excluded from overtime provisions.

- Director, Child Nutrition Services
- Director, Fiscal Services
- Director, Human Resources-Classified
- Director, Maintenance & Operations
- Manager, Accounting
- Manager, Payroll & Benefits
- Manager, Purchasing Services
- Manager, Transportation Services
- Manager, Energy Educator
- Supervisor, Printing & Publications
- Supervisor, Transportation Services
- Supervisor, Child Nutrition Services
- Supervisor, Maintenance & Operations

- B. Notwithstanding the foregoing conclusions, if an employee in an exempt position is required to work on a holiday, he/she shall be paid, in addition to his regular holiday pay, straight time for hours required to work or given compensating time off at a rate not less than his normal rate of pay.

#### 17.2 Personnel Commission Responsibilities

The Director, Human Resources-Classified (for the Personnel Commission) shall prepare salary recommendations for approval by the Personnel Commission relating to allocation of classes to salary schedules including, establishment of salary relationships for new classes and revision of existing salary relationships within occupational groups or class families, arising in the course of the Commission's exercising its statutory classification and salary relationship functions. The Commission's recommendation may take into account the following factors: the wages and salaries paid for similar work in private industry in the recruitment area; the wages and salaries paid by other governmental agencies in the recruitment area; the principle of like pay for like work within the classified services; and such other information as the Commission may require.

### 17.3 Board of Education Responsibilities

The Board of Education shall fix the salaries for all classified employees and other employees not requiring certification qualifications employed by the District unless otherwise prescribed by law. The fixing of salaries shall mean that the Board shall adopt a salary schedule of matrix with specific dollar amounts for each range and step. The adoption of any classified salary schedule shall be done in such a way so as not to alter the compensation relationships (salary range placements and percentage relationships) between and amongst classes as established by the Personnel Commission.

- a. Board's Action on Salary Range Recommendations: The Board of Education may approve, amend, or reject the salary range recommendations of the Personnel Commission, but may not alter the relationships (salary range placements and percentage relationships) between and amongst classes as established by the Personnel Commission.
- b. Commission Shall Determine Salary Range Placement: The Personnel Commission shall determine the salary range placement of every position and classification within the Classified Service of the District pursuant to its obligation to set reasonable relationships between and amongst the various classifications. The commission may make modifications to the range placement as part of its statutory obligations only after consultation with the District Administration and any exclusive bargaining agent that might represent impacted employees. The Personnel Commission adopted schedule of range placements for all classifications is incorporated as a part of these rules and resolutions.

Education Codes: 45241, 45256, 45260, 42561 and 45268

### 17.4 Initial Salary Placement

- A. All new employees shall be appointed at the hiring rate for the class as approved by the Commission. In placing new employees on this schedule, one step, starting with the first step, may be allowed for each full year of satisfactory experience elsewhere. To be acceptable, such experience must be essentially the same as the employee's duties in the District will require. Not more than two years of salary credit shall be allowed for experience towards advance salary placement. No credit will be allowed for fractional years of experience.
- B. Employees returning to the District may receive credit for full years of experience in the District in addition to any allowance granted for experience elsewhere. Employees advancing in classification shall be placed on the step of the new classification providing at least a 5 percent increase in salary.
- C. Substitute personnel will be paid on the base step of the position being filled.
- D. Any stipend affixed to a position shall be granted to persons employed to fill such positions for each month in which the employee has served at least eleven (11) paid days.

#### 17.4.1 Salary Placement of Temporary Employees

Salary placement of temporary, substitute, and limited-term employees who are not regular classified employees of the District will be at the first step of the salary range for the classification in which they are assigned.

## 17.5 Step Advancement

- A. Any person employed in a regular classified position on or before the fifteenth day of any month shall be entitled to an anniversary date effective the first day of that month. Any person employed on the sixteen through the thirty-first of any month shall be entitled to an anniversary date effective the first day of the month following employment. Except as otherwise provided by these Rules, the anniversary date established shall not be changed.
- B. Regardless of initial salary step placement (on the classification range to which assigned), a regular classified employee shall be entitled to a one (1) step advancement on the salary range each year in accordance with his/her established anniversary date; not to exceed the top step of the salary range to which assigned.
- C. Annual salary increments or step advancements, including longevity, shall become effective with an employee's anniversary date; until the maximum step has been attained.
- D. Classified employees must complete seventy-five-percent (75%) of the work days between anniversary dates to be eligible for an annual step increment.
- E. Approved unpaid leaves of absence totaling one year or less shall not constitute a break in service. However, time spent on such leaves of absence will not be counted toward accruing either salary step increments or longevity increments. The anniversary date and/or other periods noted in this article (70.200) will be extended by the amounts of time spent on unpaid leaves in excess of thirty calendar days per year.

## 17.6. Advanced Salary Placement

The hiring rate will normally be the first step of the salary range. However, the Board of Education may provide a new employee with advanced step placement, with approval of the Personnel Commission, based upon such factors as:

- A. Additional qualifying experience beyond that required for entry into the class.
- B. Additional education at the college level (limited to no more than one step for each two years of education related to the position), but beyond the educational requirements established for entry into the class.
- C. Difficulty experienced in the recruitment of candidates to meet the vacancy needs in the class.
- D. The additional skills or qualifications of the candidate that make him/her especially qualified for the position.

Prior to submitting a recommendation for advanced step placement to the Board of Education, the Personnel Director for the Personnel Commission shall evaluate the qualifications of the candidate in accordance with the above-noted factors in submitting such recommendation to the Personnel Commission. The Personnel Commission may accept, amend, or reject the proposed advanced step placement.

### 17.6.1 Salary Range Changes

Unless otherwise provided by special resolution of the Personnel Commission, whenever the salary range for a class is changed upward, the salary of each incumbent in the class on the date the change was effective shall be adjusted to the higher range and then to that step of the higher range that will provide

an increase in the base hourly rate of pay. Whenever the salary range for a class is changed downward, the salary of each incumbent in the class on the date the change was effective shall be adjusted to the lower range and then to that step of the lower range that provides a base hourly rate as close to the former higher salary without exceeding the former higher salary. The employee's original anniversary date will remain unchanged unless so ordered by the Commission.

- a. When salary range changes become effective on the same date as the employee's anniversary date for merit salary adjustment, he/she shall first receive any increment adjustment to which he/she is entitled and then receive his/her corresponding step adjustment.
- b. When salary range changes become effective on the same date as an employee's promotion, the salary adjustments shall be made in such order that an employee shall gain the maximum benefit from the adjustments.

#### 17.6.2 Salary Placement: "Y" Rating Incumbents

By special resolution of the Personnel Commission, the effects of downward range adjustments may be mitigated by a policy of "Y" rating the impacted incumbents' current hourly salary until the new lower salary range hourly rate catches up to the incumbents'. The impact of this policy would mean that an incumbent so "Y" rated would receive no general cost of living or normally entitled salary step increase until his/her old higher hourly rate was matched and/or exceeded by the new lower hourly rate.

Whenever the Personnel Commission gives authorization to "Y" rate an incumbent, the rate will be discontinued when the employee receiving the rate is promoted, separates from the service, or refuses appointment to a higher class. It will also be discontinued whenever the salary range for the class is increased so that it encompasses the employee's present rate, in which event the employee's salary rate will be adjusted to the nearest highest amount in the new range.

#### 17.6.3 Salary Placement: Promotion

Whenever possible, an employee who is promoted shall be placed at the salary step on the new range which provides a minimum increase of at least step one or five percent (5%) of the employee's current salary. In no instance shall that placement be higher than the maximum salary step of the range for the new classification.

In determining the salary for an employee who is promoted, the following procedure shall be used:

1. Find the present monthly salary on the new salary range and advance one step.
2. If the present monthly salary is between salary steps on the new range, placement shall be at the step above the next higher step.
3. If the present monthly salary is not indicated on the new salary range, placement is on step one (1) as long as a minimum five percent (5%) increase is provided the promoted employee. If a step one placement would provide less than a five percent (5%) increase, step two shall be assigned.
4. For purposes of this article "present monthly salary" shall be the base rate on the salary schedule, exclusive of longevity increments, stipends or differentials. Longevity increments shall be applied to the new base salary.
5. Employees, who receive a promotion and who would have been entitled to a step increase in their old classification within six (6) months of the date of promotion, shall, have their promotional step placement calculated using the higher step placement they would have received had they remained in their former lower classification.

#### 17.6.4 Salary Placement: Return from Unpaid Leave of Absence

Upon return from an unpaid leave of absence, an employee shall be placed on the same step of the range for the class which he/she had achieved prior to taking the leave, including any change(s) in rate or range applicable to the employee's class; except that step advancement within the range shall be granted under the following conditions:

Upon return from an unpaid leave of absence, the Director, Human Resources-Classified shall recalculate any changes necessary in the employee's anniversary date in order to comply with this rule. Employees on an unpaid leave for more than two (2) months will have their anniversary date adjusted to reflect the period of absence. Employees on an unpaid leave for less than two (2) months will not have their anniversary date adjusted.

Credit for step advancement shall accrue during leaves of absence for military service, to serve in limited-term positions within the District, and any paid leaves of absence (e.g., illness, vacation, industrial accident/illness, FMLA, etc.).

#### 17.6.5 Salary Placement: Demotion

An employee who selects voluntary demotion or is involuntary demoted shall be placed on the step of the range of the lower class which is closest to the rate the employee earned in the higher class, provided that the employee shall not receive a salary increase thereby. The demoted employee shall retain the anniversary date established in the higher class.

#### 17.6.6 Salary Placement: Reemployment or Reinstatement

When an employee is reemployed following layoff, or reinstated according to these rules following separation from employment, the employee shall be placed on the same step of the range for the class which he/she had achieved prior to the separation, including any change(s) in rate or range applicable to the employee's class. The employee's anniversary date shall be adjusted for any break in service.

#### 17.6.7 Salary Placement: Substitute or Limited-Term Assignment of Regular Employee

When an employee accepts an additional substitute or limited-term assignment in his/her regular classification, he/she shall receive the same rate of pay as in the regular assignment except that any special stipends which may apply only to the regular assignment and not to the substitute or limited-term assignment shall not be paid.

When an employee accepts a substitute or limited-term assignment in a lower classification, he/she shall be paid at the step on the lower salary range which is closest to, but not greater than, their regular salary rate.

#### 17.6.8 Salary Placement: Working Out of Classification

When a regular employee in the classified service works in a higher classification for a period of time which exceeds three (3) working days within a fifteen (15) calendar day period, the salary of the employee shall be adjusted upward for the entire period of working out of classification.

Whenever an employee is allowed to assume or is required to perform all or the majority of the functions and duties of a higher classification, the salary shall be adjusted upward to the salary range of the higher classification, and then to the step of that range that will provide the employee at least a five percent (5%) salary increase. An employee may receive less than a five percent (5%) increase if the top

step of the higher classification's salary range is less than five percent (5%) above the employee's regular salary. In that instance the employee shall be placed at said top step and the employee shall not be entitled to further compensation.

If an employee is required to perform duties which are not allocated to an existing class, the assignment shall be reported to the Director, Human Resources-Classified in writing so that a review may be conducted to determine the appropriate pay differential for the temporary assignment.

#### 17.6.9 Salary Placement: Summer/Recess Period Salary Placement

A classified employee shall, for services performed during summer or any other recess period, receive, on a pro-rata basis, not less than the compensation and benefits which are applicable to the classification during the regular academic year.

#### 17.6.10 Salary Placement: Transfer

A transfer shall not affect the employee's salary rate, salary anniversary date, accumulated sick leave, accumulated vacation, or in any other manner reflect adversely upon his/her rights, as provided by law and these rules.

### 17.7 Payrolls

#### 17.7.1 Official Roster

The Personnel Director for the Personnel Commission shall maintain an official roster containing the names and complete employment records of all employees holding positions under the provisions of the Education Code.

#### 17.7.2 Payroll Audit

- A. All payrolls or claims containing the names of any person or persons to be paid for services rendered in positions subject to the provisions of the Education Code shall be submitted to the Personnel Director for the Personnel Commission who shall cause such payrolls or claims to be examined to determine whether the employees whose names appear thereon are employed in accordance with law.
- B. If, upon examination of a payroll or claim, the names, titles, periods for which payments are to be made, and rates of pay of the persons to be paid are all found to be in accordance with the provisions of the Education Code, and the rules and regulations prescribed thereunder and all statutes relating in any manner to employment, certification of that fact shall be made upon such payroll or claim by the Personnel Director for the Personnel Commission or his/her authorized representative.

If, upon examination of a payroll or service report, it is found that any person named thereon has been employed in violation of any provision of the Education Code or the rules and regulations of the Merit System, notice of such violation shall be made upon such payroll or service report, and such notice shall serve as official notification of the Governing Board and the County offices that the drawing, signing, or issuing of any warrant on the Treasurer or other disbursing officer of the County for the payment of salary or compensation to such person is unlawful. (EDUCATION CODE 45310)