



## PERSONNEL – MANAGEMENT AND SUPERVISORY EMPLOYEES

### BOARD POLICY – **EMPLOYEE COMPENSATION**

BP 4351

In order to recruit and retain employees committed to the SBCEO's goals for student learning, the County Board of Education and the County Superintendent of Schools recognize the importance of offering a competitive compensation package which includes salaries and health and welfare benefits.

The County Superintendent of Schools shall adopt separate salary schedules for certificated, classified, and supervisory and administrative personnel. These schedules shall comply with law and collective bargaining agreements and shall be printed and made available for review at the SBCEO office. (Education Code 45022, 45023, 45160, 45162, 45268)

Each certificated employee, except an employee in an administrative or supervisory position, shall be classified on the salary schedule on the basis of uniform allowance for education level and years of experience, unless the County Superintendent of Schools and employee organization negotiate and mutually agree to a salary schedule based on different criteria. Certificated employees shall not be placed in different classifications on the schedule, nor paid different salaries, solely on the basis of the grade levels at which they teach. (Education Code 45028)

Salary schedules for staff who are not a part of a bargaining unit shall be determined by the County Superintendent of Schools or designee.

The County Superintendent of Schools or designee shall determine the frequency and schedule of salary payments, including whether payments for employees who work less than 12 months per year will be made over the course of the school year or in equal installments over the calendar year. (Education Code 45038, 45039, 45048, 45165)

In extraordinary circumstances or emergency situations, the County Superintendent of Schools or designee may determine to continue to compensate employees during periods of extended closure or disruption of normal SBCEO operations when permitted by law and consistent with collective bargaining agreements and memoranda of understanding.

The County Superintendent of Schools or designee shall post a notice explaining the Fair Labor Standards Act's wage and hour provisions in a conspicuous place at each work site. (29 CFR 516.4)

### **Overtime Compensation**

SBCEO employees shall be paid an overtime rate of not less than one and one-half times their regular rate of pay for any hours worked in excess of eight hours in one day or 40 hours in one work week, or twice their regular rate of pay for any hours worked in excess of 12 hours in one day or eight hours on the seventh consecutive day of work. However, teachers, school administrators, and other employees in positions established by the County Superintendent of

Schools as executive, administrative, or professional shall be exempt from overtime rules. (Education Code 45128, 45130; 29 USC 213; 29 CFR 541.0-541.710, 553.27, 553.32) When authorized in a collective bargaining agreement or other agreement between the SBCEO and employees, an employee may take compensatory time off in lieu of overtime compensation, provided the employee has not accrued compensatory time in excess of the limits specified in 29 USC 207. An employee who has requested the use of compensatory time shall be allowed to use such time within 12 calendar months after making the request if the use of the compensatory time does not unduly disrupt SBCEO operations. (Education Code 45129; 29 USC 207; 29 CFR 553.20-553.25)

For each nonexempt employee, the County Superintendent of Schools or designee shall maintain records on the employee's wages, hours, and other information specified in 29 CFR 516.5-516.6.

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**Policy Reference Disclaimer:**

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the County Superintendent of Schools or designee to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

**Federal**

26 CFR 1.409A-1  
 26 USC 409A  
 29 CFR 516.4  
 29 CFR 516.5-516.6  
 29 CFR 541.0-541.710

29 CFR 553.1-553.51  
 29 USC 201-219  
 29 USC 203  
 29 USC 207  
 29 USC 213

**Description**

Definitions and covered plans  
 Deferred compensation plans  
 Notice of minimum wage and overtime provisions  
 Records  
 Exemptions for executive, administrative, and professional employees  
 Fair Labor Standards Act; applicability to public agencies  
 Fair Labor Standards Act  
 Definitions  
 Fair Labor Standards Act  
 Exemptions from minimum wage and overtime requirements

**Management Resources**

Court Decision  
 Office of Management and Budget  
 Publication

Website  
 Website  
 Website  
 Website

**Description**

Flores v. City of San Gabriel, 9th Cir., June 2, 2016, No. 14-56421  
 Administrative Relief for Recipients & Applicants of Fed. Fin. Assist. Directly Impacted by COVID-19 Due to Loss, Memo M-20-17, March 19, 2020  
[U.S. Department of Labor, Wage and Hour Division](#)  
[School Services of California, Inc.](#)  
[Internal Revenue Service](#)  
[CSBA](#)

**State**

8 CCR 11040  
 Ed. Code 45022-45061.5  
 Ed. Code 45023  
 Ed. Code 45028  
 Ed. Code 45127-45133.5  
 Ed. Code 45160-45169  
 Ed. Code 45268  
 Gov. Code 3540-3549  
 Gov. Code 3543.2  
 Gov. Code 3543.7  
 Lab. Code 226  
 Lab. Code 232

**Description**

[Wages and hours; definitions of administrative, executive, and professional employees](#)  
 Salaries  
 Availability of salary schedule  
 Salary schedule and exceptions  
 Classified employees; work week; overtime provisions  
 Salaries for classified employees  
 Salary schedule for classified service in merit system districts  
 Meeting and negotiating  
 Scope of representation  
 Duty to meet and negotiate in good faith  
 Employee access to payroll records  
 Disclosure of wages

ADOPTED BY COUNTY BOARD: September 1, 2022  
REVISED: