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CHAPTER XII

SALARIES, OVERTIME PAY AND BENEFITS

RULE 12.1

DETERMINATION OF SALARY SCHEDULES

The subject of this Rule is within the scope of representation under Section 3543.2 of the Government Code. If an agreement on this subject is in effect between the District and an exclusive representative of employees in a recognized bargaining unit, the agreement shall supersede the provisions of this Rule as they apply to employees in that unit.

12.1.1 FIXING ANNUAL SALARY SCHEDULES (EDUCATION CODE 45160, 45162, 45163, 45241)

- A. The Board shall fix the annual salaries for all classified employees and other employees not requiring certification qualifications employed by the District unless other wise prescribed by law.
- B. The Board may increase the salary schedule for classified employees at any time during the fiscal year and shall adopt increases and/or decreases resulting from the classification or reclassification of positions as approved by the Commission.
- C. The provisions of this section shall not be construed to permit the Board to demote or dismiss an employee due to the reclassification of a position or class of positions unless otherwise authorized by law or these Rules.
- D. If the Board is unable to comply with the provisions of paragraph A above due to collective negotiations or because a salary study is being conducted, the Board may, prior to final adoption of the budget:
- E. The board shall employ, pay and otherwise control the services of classified employees only in accordance with the provisions of Title 2, Division 3, Chapter 5, Article 6 (Merit System of the State of California Education Code and these Rules.

12.1.2 FACTORS IN SALARY DETERMINATION

- A. The Director of Classified personnel shall prepare recommendations for the allocation of classes to salary ranges for approval by the Commission. These recommendations may take into account the following factors:
 - 1. Wages and salaries paid for similar work in private industry in the recruitment area;
 - 2. Wages and salaries paid by other governmental agencies in the recruitment area;
 - 3. The principle of like pay for like work within the classified services;
 - 4. Appropriate differentials between related classes to reflect differences in duties and responsibilities as established in the classification plan, and
 - 5. Such other information as the Commission may require.

12.1.3 SALARY STUDIES

- A. The Director of Classified Personnel shall conduct or, with the approval of the Commission, cause to be conducted a salary study:
 - 1. When a new class is created, or
 - 2. When directed by the Commission.
- B. The administration, an employee, or employee representative, may request a salary study of a class by directing a written communication to the Commission and setting forth the reasons for the study.
- C. A salary study may consist of a review of internal relationships with other related classes and may include a salary survey of private industry and public sector pay rates.

.4 SALARY RECOMMENDATIONS (EDUCATION CODE 45268)

- A. After making its findings, the Commission shall present salary recommendations to the Board for approval. The Board may approve, amend or reject the recommendation but shall not alter the percentage relationships among classes in the occupational family as established by the classification plan. No amendment shall be adopted until the

Commission is first given a reasonable opportunity to comment on the affect the amendment will have on the principle of like pay for like work. No changes shall operate to disturb the relationship which compensation schedules bear to one another, as the relationship has been established in the classification made by the Commission.

- B. Salary recommendations may be based on evidence that the class in question is substantially overpaid or underpaid as determined by a survey of relative community rates or the internal alignment of positions with other classes.
- C. Adjustments may also be made when a classification study indicates that changes of duties and responsibilities require such a change.

RULE 12.2 GENERAL SALARY PROVISIONS

The subject of this Rule is within the scope of representation under Section 3543.2 of the Government Code. If an agreement on this subject is in effect between the District and an exclusive representative of employees in a recognized bargaining unit, the agreement shall supersede the provisions of this Rule as they apply to employees in that unit.

.1 INTERPRETATION OF THE SALARY SCHEDULE

- A. The schedule of pay for each class represents the standard rate of pay for full-time employment, unless in the pay schedule it is specifically indicated that the rate is for part-time service.
- B. The rates of pay as set forth in the salary schedules do not include reimbursements for actual and necessary expense for travel, subsistence, car mileage and similar purposes authorized and incurred as part of the employment.

.2 PAYROLL PROCEDURE (EDUCATION CODE 42646)

- A. The County Superintendent of Schools and the County Auditor shall prepare separate payroll warrants for classified employees. These warrants shall:
 - 1. Provide a statement of the amount earned;
 - 2. Include an itemization of the amounts withheld;

3. Show the closing date of the pay period and the date of issue, and
 4. Be issued on or before the tenth calendar day following the end of the pay period.
- B. The payroll procedures may provide for salary payment, including salary advances, more frequently than once a month.

.3 CORRECTION OF ERROR IN SALARY (EDUCATION CODE 45167)

- A. Whenever it is determined that an error has been made in the calculation, reporting or in the payment of any classified employee's salary, the District shall, within five (5) working days:
1. Provide the employee with a statement of correction;
 2. Issue a supplemental payment to cover the underpayment when the employee has been underpaid, or
 3. Make equitable arrangement for repayment when the employee has been overpaid.
- B. The correction of errors made in the calculation, reporting or in the payment of any classified employee's salary shall be for not more than three (3) years from the date the error is discovered.

.4 SALARY ON EMPLOYMENT

- A. New employees shall be appointed at the hiring rate for the class as approved by the Commission. The hiring rate shall be the first step of the schedule except for classes where recruitment efforts have indicated difficulty in recruiting at that step. An accelerated hiring rate may be set with the approval of the Board and the Commission at any step of the schedule for the class. If an accelerated hiring rate is approved, all current employees in the class shall be advanced to that rate and shall begin a new cycle of step advancement.
- B. A new employee may request or be recommended for Advanced Step Placement within the first sixty (60) working days during the probationary period. If the new employee is granted Advanced Step Placement, the salary rate shall be retroactive to the date of entry in the classification. The request or recommendation shall be submitted, in writing, to the

Director of Classified Personnel. The Advanced Step Placement is subject to the recommendation of the Director of Classified Personnel and approval of the Commission. The Director of Classified Personnel shall base the recommendation on a determination that the new employee's previous experience and qualifications substantially exceed the qualifications of the classification. *(Personnel Commission Merit Chapter XII; Rule 12.2.4 – Approved by the Personnel Commission: January 12, 2010)*

.5 SALARY INCREMENTS

- A. After satisfactory completion of six (6) months in a regular position, classified employees, including supervisory and confidential, shall advance to the next step on the appropriate salary range. After completion of one (1) year in a regular position, classified management employees shall advance to the next step on the appropriate salary range upon completion of each year of continuous and satisfactory service until the maximum salary is reached.
- B. Salary advancement shall be effective on the first day of the month. When an anniversary date falls on or before the fifteenth of the month, the increment shall be the first of that month. When the anniversary date falls after the fifteenth of the month, the increment shall be the first of the following month.
- C. Employees placed above the first step of a salary range will advance at one (1) year intervals until the maximum is reached.

.6 WITHHOLDING SALARY INCREMENTS

- A. A salary increment shall be withheld when an employee has received a Needs to Improve or Unsatisfactory performance evaluation. Upon clearance of the Needs to Improve or Unsatisfactory evaluation by a subsequent Job performance Progress Report or evaluation by the employee's immediate supervisor, the increment shall be approved effective the first of the month following the filing of a satisfactory evaluation. This shall then become the new salary increment date.
- B. Withholding a salary increment for a permanent employee shall be subject to appeal to the Commission only as a part of any appeal resulting from a disciplinary action.

.7 SALARY ON PROMOTION

- A. When an employee is promoted to a position on a higher salary range, the employee shall receive at least a one (10) step salary increase, but not less than the first step of the new salary range.
- B. If the increase is less than one (1) salary step, the employee shall be placed on the next higher salary step but not higher than the highest salary step on that range.
- C. The promoted employee shall serve a probationary period in the new class.
- D. Promoted employees placed on step A will advance one step on the salary schedule upon satisfactory completion of the probationary period in the new class, or promoted employees placed above step A will advance one (1) step on the salary schedule upon satisfactory completion of one (1) year of service in the new class.

.8 SALARY ON DEMOTION

- A. An employee who accepts a voluntary demotion shall be placed on the step of the range of the lower class which is closest to the rate earned in the higher class, provided that the employee shall not receive a salary increase thereby. The increment date established in the higher class shall be retained.
- B. An employee who accepts a voluntary demotion in lieu of layoff shall be "Y" rated. (Rule 3.3.3B)
- C. If an employee is involuntarily demoted during probation, as provided in these Rules, salary placement shall be at the step of the lower salary range to which the employee would have progressed if the employee had served continuously in the lower class. When the demotion is a disciplinary action, the notice shall specify the step of the salary schedule at which the employee shall be placed.

.9 SALARY ON RECLASSIFICATION (EDUCATION CODE 45268)

- A. When the position held by a regular employee is reclassified, the salary placement and increment date shall be determined as follows:

1. If the position is allocated to a class with a higher salary range and the employee is granted status without examination, the employee shall retain the same salary step on the higher range and the same increment date as held in the lower class.
 2. If the position is allocated to a class with a higher salary range and the employee obtains status in the higher class upon passing an examination (rule 3.3.3A), the change of classification shall be treated as a promotion (Rule 12.2.7).
 3. If the position is allocated to a class with a lower salary range and the employee retains the position, the employee's salary shall be "Y" rated (Rule 3.3.3B).
- B. Reclassified employees shall serve a probationary period in their new classification.

.10 SALARY ON REALLOCATION (EDUCATION CODE 45268)

- A. When a class is reallocated to a higher salary range, employees in the class shall be placed on the new salary range on the same salary step they held prior to reallocation. The employee's salary increment date shall not change.

.11 SALARY ON TRANSFER

- A. When an employee is transferred from one (1) position to another in the same class, or a related class on the same salary range, the employee's step placement and salary increment date shall not change.

.12 SALARY ON REEMPLOYMENT, REINSTATEMENT, AND RETURN FROM LEAVE OF ABSENCE

- A. Upon reemployment, reinstatement or return from leave of absence, an employee shall be placed on the same step of the salary range held prior to separation.
- B. Credit for step advancement shall accrue during military leave and all paid leave.

- C. Upon return from leave of absence, layoff or resignation, the employee shall be placed on the salary step last achieved prior to leave, layoff or resignation.
- D. An employee restored after leave of absence, layoff or resignation, shall be granted prior service credit for step advancement.

.13 DIFFERENTIAL PAY (EDUCATION CODE 45182)

- A. An employee assigned to a regular position requiring four (4) or more hours of service after 5:00 p.m.. and before 12:00 midnight shall be paid a differential of two (2) ranges on the salary schedule.
- B. An employee assigned to a regular position requiring four (4) or more hours of service after 12:00 midnight and before 6:00 a.m. shall be paid a differential of four (4) ranges on the salary schedule.
- C. Employees assigned to evening and night positions on a regular basis who are required to work a temporary day assignment shall continue to be granted the differential.
- D. Positions for which differential compensation is granted shall be filled as vacancies according to these Rules.
- E. Positions which require the incumbent to regularly work evening or night hours for three (3) or more days per week shall be granted differential pay.
- F. The Board may provide differential pay to those classified employees who perform duties of a distasteful, dangerous or unique nature when reasonably justified. Such differential shall be based upon findings and recommendations of the Commission.

.14 LONGEVITY PAY

- A. Regular classified employees shall receive a longevity increment in addition to their regular salary in recognition of satisfactory and continuous service to the district. Each longevity increment shall be two (2) salary ranges on the appropriate salary schedule. Longevity increments shall be granted as follows:
 - 1. Management, Supervisory and Confidential employees, after
 - a. Eight years
 - b. Eleven years*

- c. Fifteen years
- d. Twenty years
- e. Twenty-five years
- f. Thirty years

*The eleven year increment is granted only on completion of five (5) semester units of job-related course work.

- B. Longevity is computed on total regular time with the District, adjusted for any breaks(s) in service for all classes in which regularly employed.

.15 EFFECTIVE DATE OF SALARY CHANGES

- A. Salary increments shall be effective on the first day of the calendar month as provided below:
 - 1. When the date of change falls on or before the fifteenth of the month, the salary change shall be effective on the first of that month.
 - 2. When the date of change falls after the fifteenth of the month, the salary change shall be effective on the first of the following month.

.16 APPLICATION OF SALARY PROVISIONS TO UNIT MEMBERS

- A. The salary provisions for unit members shall be in accordance with these Rules and the negotiated labor agreement between the District and the recognized employee organization.

RULE 12.3 OVERTIME PROVISIONS

The subject of this Rule is within the scope of representation under Section 3543.2 of the Government Code. If an agreement on this subject is in effect between the District and an exclusive representative of employees in a recognized bargaining unit, the agreement shall supersede the provisions of this Rule as they apply to employees in that unit.

.1 OVERTIME DEFINED (EDUCATION CODE 45128)

- A. Overtime shall be defined as authorized work time in excess of forty (40) hours in one (1) week or eight (8) hours in one (1) day.
- B. Employees assigned to a ten (10) hour day, four (4) day forty (40) hour week shall receive overtime pay for hours worked in excess of ten (10) hours per day or forty (40) hours per week.
- C. For purposes of overtime compensation, work time shall include:
 - 1. All actual hours worked plus;
 - 2. All hours of paid leave or compensatory time off.

.2 OVERTIME COMPENSATION (EDUCATION CODE 45128, 45131)

- A. An employee who works authorized overtime shall be paid at the rate of one and one-half (1-1/2) times his/her regular rate of pay or shall receive compensatory time at the rate of one and one-half (1-1/2) times the overtime hours worked.
 - 1. For overtime purposes the employee's regular rate of pay includes shift and special assignment differentials.
 - 2. The employee's regular rate of pay is the appropriate rate for the class in which the duties are performed.
- B. Overtime at the rate of one and one-half (1-1/2) times his/her regular rate shall be paid to part-time employees as follows:
 - 1. An employee having an average workday of four (4) hours or more shall receive overtime compensation for any authorized work performed on the sixth or seventh consecutive day of work.
 - 2. An employee having an average workday of less than four (4) hours shall receive overtime compensation for any authorized work performed on the seventh consecutive day of work.
- C. When a classified employee is required to work on any District paid holiday the employee shall be paid, in addition to the regular pay received for the holiday, at the rate of one and one-half (1-1/2) times the employee's regular rate of pay.

D. The minimum authorized overtime period is one-half (1-1/2) hour.

.3 ASSIGNMENT OF OVERTIME

- A. Overtime work shall be equitably assigned among all qualified employees who are in the same class, the same organizational unit, and the same work location. In assigning overtime the appointing authority may consider:
1. Special skills and/or training required for an employee to perform the specific work, and
 2. The availability of regular part-time employees to perform the required work.

.4 COMPENSATORY TIME (EDUCATION CODE 45129)

- A. Compensatory time off may be granted in lieu of cash payment for overtime hours worked at the election of the employee and with the approval of the supervisor. The following provisions apply:
1. A record of compensatory time worked and taken shall be maintained in the department.
 2. Compensatory time may be taken in lieu of any other authorized leave.
 3. Compensatory time shall be approved by the supervisor before it is taken.
 4. An employee should use compensatory time within the calendar month in which it is earned.
 5. Compensatory time is earned at the regular or overtime rate. When the hours worked are in excess of forty (40) per week or eight (8) per day, the rate shall be at one and one-half (1-1/2) times.

.5 CALL BACK

- A. Whenever an employee is called back to duty by his/her supervisor or designee after the conclusion of the normal work shift, the employee shall receive a minimum of two (2) hours pay at the appropriate salary rate.
- B. When an employee is called back to duty by his/her supervisor or designee on a day which is not a regularly scheduled work day he/she shall receive a minimum of two (2) hours pay at the appropriate rate.
- C. Employees called back for more than two (2) hours shall be paid for the actual hours worked at the appropriate salary rate.

.6 EXEMPTION FROM OVERTIME (EDUCATION CODE 45130)

- A. Positions or classes of positions designated supervisory, administrative, or executive by the Commission may be exempted from the overtime provisions of these Rules.
- B. To be exempted from overtime, positions or classes of positions must clearly and reasonably be management positions.
- C. The classes of established positions listed below are clearly and reasonably management positions. The duties, flexibility of hours, salary, benefit structure, and authority of these classes are of such a nature that they should be set apart from positions subject to overtime and will not be unreasonably discriminated against as a result of this exemption.

Accounting Supervisor
Assistant Director of Food Services
Assistant Superintendent - Fiscal and Business Services
Business Services Administrator
Director of Administrative Services
Director of Classified Personnel
Director of Food Services
Director of Maintenance and Operations
Director of Public Information/Publications
Director of Purchasing and Stores
Director of Transportation
Fiscal Services Administrator
Payroll Supervisor

- D. Notwithstanding the provisions of paragraph A of this Rule, if an exempt employee is required to work on any District paid holiday, he/she shall be

paid, in addition to the regular pay received for the holiday, at the rate of one and one-half (1-1/2) times the employee's rate of pay.

.7 APPLICATION OF OVERTIME PROVISIONS TO UNIT MEMBERS

- A. The overtime provision for unit members shall be in accordance with these Rules and the negotiated labor agreement between the District and the recognized employee organization.

RULE 12.4 EMPLOYEE BENEFITS

The subject of this Rule is within the scope of representation under Section 3543.2 of the Government Code. If an agreement on this subject is in effect between the District and an exclusive representative of employees in a recognized bargaining unit, the agreement shall supersede the provisions of this Rule as they apply to employees in that unit.

.1 WEALTH AND WELFARE BENEFITS

- A. The District shall provide a health and welfare benefit plan for all regular employees assigned twenty (20) or more hours per week.
- B. Benefits shall be the amount approved annually by the Board.
- C. Group medical and dental insurance shall be provided from carriers agreed on by the District and the recognized employee organizations.
- D. Each regular employee, after his/her selection of a medical and dental plan may designate the remainder of the authorized amount, if any, to purchase additional approved coverage or tax sheltered annuity as authorized by the Board.
- E. Regular employees assigned thirty-five (35) or more hours per week and nine (9) or more months per year, shall be considered full time employees.
- F. Regular employees assigned less than thirty-five (35) but twenty (20) or more hours per week, shall receive a prorata share of the benefits authorized for full time employees. This proration shall be based on the ratio that hours worked per week bear to forty (40) hours.

- G. Employees assigned less than twenty (20) hours per week shall not be eligible for benefits provided by this Rule.
- H. Notwithstanding other provisions of this Rule, classified employees hired prior to September 10, 1977, who were receiving full benefits provided by the District, shall continue to receive these benefits provided:
 - 1. They have been continuously employed by the District since September 19, 1977, and
 - 2. That this benefit has not been forfeited as a result of voluntary reduction in hours, except a voluntary reduction in lieu of lay-off.

.2 MILEAGE REIMBURSEMENT (EDUCATION CODE 44032)

- A. Any classified employee who is required by his/her supervisor to use his/her personal vehicle for District business shall be reimbursed for mileage at the rate approved by the Board.

.3 APPLICATION OF EMPLOYEE BENEFIT PROVISIONS TO UNIT MEMBERS

- A. The benefit provisions for unit members shall be in accordance with these Rules and the negotiated labor agreement between the District and the recognized employee organization.