

## CHAPTER XII: SALARIES, OVERTIME PAY, AND BENEFITS

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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 ESTABLISHING ANNUAL SALARY SCHEDULES

- A. The Board of Education shall establish the annual salaries for all classified employees and other employees not requiring certification qualifications, employed by the District, unless otherwise prescribed by law.
- B. The Board of Education 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 Personnel Commission.
- C. The provisions of this section shall not be construed to permit the Board of Education 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 of Education is unable to comply with the provisions of paragraph A above because it is engaged in a study, which was initiated prior to the commencement of the school year, to increase the salaries and wages of the persons employed by the District in positions not requiring certification qualifications, the Board of Education may, by appropriate action taken prior to the final adoption of the budget, do either of the following:
  1. Adopt an interim salary schedule which shall be the same schedule as for the preceding year, except that increases may be granted at that time based upon increased cost-of-living indexes, and provide that the salaries and wages fixed as a result of the study shall be payable for the entire school year to include the period thereof in which the study was conducted and final Board of Education action taken.
  2. Provide that the salaries and wages fixed as a result of the study shall be effective only for that portion of the school year, as determined by the Board of Education at the time it takes action after the study has been completed. "Portion of the school year," as used here shall not be for any period of time less than the period of time remaining in the school year from the date the Board of Education adopts the salary schedule based on the study commenced prior to that school year.
- E. The Board of Education shall employ, pay and otherwise control the services of classified employees only in accordance with the provisions of Title 2, Division 3, Part 25, 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 Personnel 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 Personnel 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 Personnel Commission.
- B. The administration, an employee, or employee representative, may request a salary study of a class by directing a written communication to the Personnel 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.

### 12.1.4

#### SALARY RECOMMENDATIONS

- A. After making its findings, the Personnel Commission shall present salary recommendations to the Board of Education for approval. The Board of Education may approve, amend or reject the recommendations. No amendment shall be adopted until the Personnel Commission is first given a reasonable opportunity to comment on the effect the amendment will have on the principle of like pay for like work. No changes shall operate to disturb the relationship in which compensation schedules bear to one another, as the relationship has been established in the classification made by the Personnel 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 classes.
- C. Adjustments may also be made when a classification study indicates that changes of duties and responsibilities require such a change.

References: Education Codes 45160, 45162, 45163, 45241, and 45268

Rule 12.2 GENERAL SALARY PROVISIONS

12.2.1 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 expenses for travel, subsistence, car mileage and similar purposes authorized and incurred as part of the employment.

12.2.2 PAYROLL PROCEDURE

- A. The County Superintendent of Schools, with the approval of 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 (10<sup>th</sup>) 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.

Reference: Education Code 42646

12.2.3 CORRECTION OF ERROR IN SALARY

- 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; and
  - 2. Issue a supplemental payment to cover the underpayment when the employee has been underpaid, or make equitable arrangements 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 no more than three (3) years from the date the error is discovered.

Reference: Education Code 45167

#### 12.2.4 SALARY ON EMPLOYMENT

- A. New employees shall be appointed at the hiring rate for the class as approved by the Personnel Commission. The hiring rate shall be the first step of the schedule except as provided for any minimum and/or living wage provision adopted by the Board of Education. Additionally, 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 of Education and the Personnel 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 Personnel Commission.

#### 12.2.5 SALARY INCREMENTS

- A. After satisfactory completion of six (6) months in a regular position, classified employees, including 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 (1<sup>st</sup>) day of the month. When an anniversary date falls on or before the fifteenth (15<sup>th</sup>) of the month, the increment shall be the first (1<sup>st</sup>) of that month. When the anniversary date falls after the fifteenth (15<sup>th</sup>) of the month, the increment shall be the first (1<sup>st</sup>) 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.

#### 12.2.6 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 Performance Evaluation by a subsequent Job Performance Progress Report or evaluation by the employee's immediate supervisor, the increment shall be approved effective the first (1<sup>st</sup>) 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 Personnel Commission only as a part of any appeal resulting from a disciplinary action.

12.2.7 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 (1) 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 in 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 (1) 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.

12.2.8 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.

12.2.9 SALARY ON RECLASSIFICATION

- 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 3.3.3.A), 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).

12.2.10 SALARY ON REALLOCATION

- 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.

Reference: Education Code 45268

12.2.11 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.

12.2.12 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 that was previously held.
- B. Credit for step advancement shall accrue during military leave and all paid leaves.

Reference: Education Code 45309

12.2.13 SHIFT DIFFERENTIAL PAY

- 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 of Education 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 Personnel Commission.

References: Education Codes 45180, 45181 and 45182

12.2.14 LONGEVITY PAY

- A. Regular classified employees shall receive a longevity increment in addition to their regular salary in recognition of continuous service, adjusted for any break(s), to the District. For all non-management classifications, longevity increments are granted in accordance with the collective bargaining agreement. For management and confidential classifications, longevity increments are granted and approved by the Board of Education.

12.2.15 EFFECTIVE DATE OF SALARY CHANGES

- A. Salary increments shall be effective on the first (1<sup>st</sup>) day of the calendar month as provided below:
  - 1. When the date of change falls on or before the fifteenth (15<sup>th</sup>) of the month, the salary change shall be effective on the first (1<sup>st</sup>) of that month.
  - 2. When the date of change falls after the fifteenth (15<sup>th</sup>) of the month, the salary change shall be effective on the first (1<sup>st</sup>) of the following month.

RULE 12.3 OVERTIME PROVISIONS

12.3.1 OVERTIME DEFINED

- A. Overtime shall be defined as authorized work time in excess of eight (8) hours in one (1) day or forty (40) hours in one (1) week.
- 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 computing the number of hours worked, time during which an employee is excused from work because of holidays, sick leave, vacation, compensatory time off, or other paid leave of absence shall be considered as time worked by the employee.

12.3.2 OVERTIME COMPENSATION

- A. An employee who works authorized overtime shall be paid at the rate of one and one-half (1-1/2) times their regular hourly rate of pay or shall receive compensatory time at the rate of one and one-half (1-1/2) times for the number of overtime hours worked.
  - 1. For overtime purposes the employee's regular rate of pay includes **all** shift and special assignment differentials, longevity, professional growth, bilingual or other earned differential(s).
  - 2. The employee's overtime 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 (6<sup>th</sup>) or seventh (7<sup>th</sup>) 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 (7<sup>th</sup>) 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.

12.3.3 ASSIGNMENT OF OVERTIME

- A. Overtime work shall be based on seniority and on a rotating basis among all qualified employees who are in the same class, the same organizational unit, to the same work location.

12.3.4 COMPENSATORY TIME

- 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. When compensatory time off is authorized in lieu of cash compensation, such compensatory time off shall be granted within twelve (12) calendar months following the month in which the overtime was worked and without impairing the services rendered by the employing District.
5. Compensatory time is earned at the overtime rate. When the hours worked are in excess of eight (8) per day or forty (40) per week, the rate shall be at one and one-half (1-1/2) times.

#### 12.3.5 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 salary rate.
- C. Employees called back for more than two (2) hours shall be paid for the actual hours worked at the appropriate salary rate.

#### 12.3.6 EXEMPTION FROM OVERTIME

- A. Positions or classes of positions designated supervisory, administrative, or executive by the Personnel Commission, when applicable, or the Board of Education, are exempt 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. 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.
- C. 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.

References: Education Codes 45127, 45128, 45129, 45130 and 45131

#### RULE 12.4 EMPLOYEE BENEFITS

##### 12.4.1 HEALTH 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 of Education.

- C. Group medical and dental insurance shall be provided from carriers agreed on by the District and the recognized employee organizations.
- D. 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.
- E. Regular employees assigned less than thirty-five (35) but twenty (20) or more hours per week, shall receive a pro rata 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.
- F. Employees assigned less than twenty (20) hours per week shall not be eligible for benefits provided by this Rule.
- G. Notwithstanding other provisions of this Rule, classified employees hired prior to September 19, 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 for a voluntary reduction in lieu of lay-off.

12.4.2 MILEAGE REIMBURSEMENT

- 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 determined by the Internal Revenue Service as provided by the Los Angeles County Office of Education.

Reference: Education Code 44032