

**CHAPTER XV
WAGE AND SALARY PROVISIONS**

15.01 Workday and Workweek

- A. The workweek of a classified employee shall be 40 hours and the workday shall be eight hours. These provisions do not restrict the extension of a regular workday or workweek on an overtime basis when such is necessary to carry on the business of the County Office of Education. The County Superintendent of Schools may establish a workday of less than eight (8) hours or a workweek of less than 40 hours for all or any of its classified positions (Education Code Section 45127).
- B. The workweek of a classified employee assigned an average workday of four or more hours shall consist of not more than five consecutive days (Education Code Section 45131).
- C. The County Superintendent of Schools may establish alternate work schedules for all, or certain classes of its employees or for employees within a class when, by reason of the work location and duties actually performed by such employees, their services are not required for a workweek of five (5) consecutive days, provided the establishment of such a workweek has the concurrence of the concerned employee, class of employees, or classes of employees as ascertained through the employee organization representing a majority of the concerned employees or class or classes of employees, as determined by a payroll deduction authorization for dues in classified employee organizations on file with the County Office on the last day of the month next preceding the date the action was taken (Education Code Sections 45132 and 45133).
- D. Nothing in this rule shall preclude the County Superintendent of Schools from establishing a work year for classified management, supervisory or confidential positions prescribing a specific number of paid workdays.

15.02 Overtime Defined

- A. Overtime is defined to include any time required to be worked in excess of eight (8) hours of paid service in any one (1) day or in excess of 40 hours of paid service in any calendar week. For the 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. When a ten-hour workday, four-day workweek has been established by the County Superintendent of Schools, overtime shall be paid for all hours worked in excess of a ten (10) hour work day or all hours in excess of a 40 hours of work in a four (4) consecutive day work week. When a nine (9) hour-per-day work schedule is established, the overtime rate shall be paid for all hours worked in excess of the required workday, which shall not exceed nine hours (Education Code Sections 45128, 45132 and 45133).
- B. The County Superintendent of Schools shall provide for and establish the method by which overtime is compensated, and shall designate persons to authorize overtime work. No one shall order or authorize overtime unless it is compensated as provided in Rule 15.03

15.03 Compensation for Overtime

- A. A classified represented employee who works authorized overtime shall be compensated at a rate at least equal to time and one-half of his/her regular rate of pay (Education Code Section 45128).
- B. For the purpose of computing the number of hours worked, time during which the employee is excused from work because of holidays, sick leave, vacation, compensatory time off, or other paid leaves of absence, shall be considered as time worked by the employee (Education Code Section 45128).
- C. Overtime compensation for represented employees shall be in accordance with the appropriate contractual agreement.

15.04 Classes Excluded from Overtime Provisions

- A. The County Superintendent of Schools may, with the approval of the Personnel Commission, exempt specific classes of positions from compensation for overtime in excess of eight (8) hours in one day, provided that hours worked in excess of 40 hours in a calendar week shall not be compensated on an overtime basis. Such exemption shall be applied only to those classes that the County Superintendent of Schools and the Personnel Commission specifically find to be subject to fluctuations in daily working hours not susceptible to administrative control (Education Code Section 45127).

- B. Classified employees in classes designated by the Personnel Commission, as senior management, management, supervisory or executive secretarial (confidential) and similar positions belonging to its own staff as set forth in the classification plan and salary schedules, shall be exempt from the overtime provisions in accordance with law and these rules (See Appendix A).
- C. In excluding these classes from overtime provisions, the Commission certifies that these positions of classes clearly and reasonably be managerial positions and that the duties, flexibility of hours, salaries, and authority of persons in these classes of positions are of such a nature that they should be set apart from those positions which are subject to overtime provisions. The Commission further certifies that employees serving in such excluded classes of positions will not be unreasonably discriminated against as a result of the exclusion.
- D. A person serving in a class, excluded from overtime provisions, who is required to work on a holiday provided for in the Education Code or on a holiday approved by the County Superintendent of Schools, he/she shall be paid, in addition to his/her regular pay for the holiday or given compensatory time off, at a rate not less than his/her normal rate of pay (Education Code Section 45130).

15.05 Rest Periods

Managerial employees shall be entitled to rest periods in accordance with the Labor Code.

Represented employees are entitled to rest periods in accordance with collective bargaining unit agreements. Rest periods shall not be cumulative and shall not be used to shorten the workday, lengthen the lunch period or make-up time of the employee.

15.06 Initial Salary Placement

The basic plan consists of the salary ranges and the assignment of classes to such ranges as provided in the classified salary schedules. Each classified employee shall be paid within the range for his/her class, according to the following provisions, unless otherwise noted in the salary schedules.

Newly appointed managerial and represented employees shall be placed at the first step. However, a managerial or represented employee may be placed at an advanced step whenever his/her prior total compensation for similar or related work (salary and health/welfare benefits) is above the total compensation (with salary placed at the first step) of the County Office of Education. To receive initial placement at an advanced step, a new employee shall, on or before his/her employment date, provide evidence of his/her prior salary, earnings or paid-benefits to the Director who may recommend, where applicable, a salary step beyond the first step.

The Assistant Superintendent, Human Resources or his/her designee shall be the approval authority for advanced salary step placements for new represented employees. Initial salary step placements for new managerial employees, except those managerial positions belonging to the Commission, require the approval of the County Superintendent of Schools.

Advanced salary step placements shall become effective as of the date of hire. In no case shall a new employee's initial salary step placement exceed the maximum salary step of the appropriate range. Initial salary step placements may not be appealed to the Personnel Commission.

15.07 Salary Step Advancement

- A. Classified employees placed at the first step of a range will advance to the second step on the first of the pay period (month) following completion of 130 days, six (6) months or twelve (12) months of service in their class in accordance with the appropriate collective bargaining unit agreement or managerial unit in which domiciled. Each succeeding step will be attained one year from the preceding date. New employees placed at an advanced salary step (beyond the first step) shall advance on one-year intervals until the maximum step is achieved.
- B. A part-time employee becoming full-time in the same class will be given full credit for each year of service in determining the annual increment.

15.08 Salary Placement: Promotion

A represented employee who has been promoted shall be placed on the step in the higher class according to the appropriate collective bargaining unit agreement.

A managerial employee who is promoted shall be placed at a step in the higher range that reflects an approximate salary increase of five-percent increase in annual salary or the first step, whichever is greater. In no case shall a salary placement exceed more than the maximum salary step of the higher range. Length of service compensation increments and other stipends to which entitled shall then be added.

15.09 Salary Placement: Transfer (Reassignment)

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

15.10 Salary Placement: Alternate Class Series Advancement

A classified represented employee who is reassigned from the lower level to the next higher level within the same class series, shall be placed on the higher range at the step closest to, but not less than, his/her current salary step.

An anniversary date shall not change unless the class series advancement is the first step of the next higher level. In which case, the represented employee shall proceed to the second step at the beginning of the month after a period of six (6) months or 130 days whichever is longer.

15.11 Salary Placement: Return from Unpaid Leave of Absence

Unpaid leave time shall not be counted for step advancement purposes; therefore, an employee upon return from unpaid leave shall be placed on the range of his/her class and at the same step prior to commencement of his/her unpaid leave of absence.

15.12 Salary Placement: Demotion

- A. When an employee who has permanence in a higher classification takes a voluntary demotion, that employee's salary placement shall be at the highest step in the lower range that does not exceed that employee's salary in the higher range.
- B. When an employee who has permanence in a higher classification and who is the recipient of one or more longevity increases takes a voluntary demotion, that employee's salary placement shall be at the highest step in the lower range which does not exceed that employee's current base salary. Any longevity or other increment to which entitled shall be added to the base salary at the lower range.
- C. When an employee who has not achieved permanence in a higher classification takes a voluntary demotion, that employee's salary placement in the lower range shall be at the highest step previously attained in the lower classification.
- D. When an employee who has not achieved permanence in a higher classification and who is the recipient of one or more longevity increases takes a voluntary demotion, that employee's salary placement in the lower range shall be at the highest step previously attained in the lower classification but any longevity or other increment to which entitled shall be added to that salary.
- E. The Personnel Commission's order in an involuntary demotion shall specify the step of the schedule at which the employee shall be placed. Step advancement shall be in accordance with Rule 15.07.

15.13 Salary Placement: Reclassification

- A. When a classified employee (managerial or represented) is reclassified upward along with his/her position to a class with a higher maximum salary in the same bargaining unit or domiciled unit, the employee shall be placed at the higher range at the same salary step of his/her former class.
- B. When a classified represented employee is reclassified upward along with his/her position to a classification designated as management, supervisory or confidential, the employee shall be placed in the salary range for the higher class. The Director shall recommend (as part of his/her narrative report) the employee's salary step placement. The Commission, as part of its approval, shall make the final decision.
- C. Base salary excluding longevity, salary differential or any paid stipend shall be used to determine the salary placement of a reclassified employee.

15.14 Salary Placement: Position Reallocation

- A. When the review of the position requires a reallocation to a class with a higher maximum salary, the employee shall be placed without examination on higher range at the step that is equal to his/her salary step. When no equivalent step is available, the employee shall be placed at the next succeeding step on the range of the higher class that provides an increased salary.
- B. Base salary excluding longevity, salary differential or any paid stipend shall be used to determine the salary placement of an employee in a reallocated class.

15.15 Salary Placement: Work Out-of-Classification

- A. Salary placements for represented employees who are required or agree to perform inconsistent duties of a higher classification, within the same bargaining unit, shall be compensated in accordance with the appropriate collective bargaining unit agreement.
- B. When a represented employee is required to work out-of-class in a higher managerial classification for six or more days within a 15-calendar-day period, that employee's salary shall be placed at the first step of the salary range for the management, supervisory or confidential class or paid a 15% salary differential, whichever is less. Working out-of-class salary placement shall be based on the current or present salary, including longevity stipends and differentials. When a managerial employee who is required or agrees to temporarily work out-of-class in a managerial classification with a higher maximum salary rate, that employee shall be compensated with approximately a five percent (5%) increase over his/her present annual base salary by placement on the appropriate step on the higher range or at Step 1, whichever is greater.
- C. When a managerial employee is required or agrees to temporarily assume a significant increase in duties and responsibilities not normally assigned to any class, the County Superintendent of Schools or his/her designee may authorize that employee to be additionally compensated by five percent (5%) above his/her present base annual salary.
- D. Salary adjustments shall be for the entire period that employee is required to work out-of-classification.

15.16 Salary Differential (Differential Compensation)

A. Definitions

“Differential compensation” means either a reduction in the number of required hours actually worked, or an increase in salary. “Shift” means the number of hours worked and shall include a duty-free meal period of not less than one-half hour which, in the case of seven- or eight-hour shift, shall occur approximately at the midpoint of the shift. This Rule shall not apply to employees working six hours or less or assigned to a split shift.

B. Determinations and Practices in Private Industry

The Commission shall, insofar as it is possible to do so, determine the practices relating to morning and night shift differentials in the private employment fields in which it must compete for classified employees and shall consider the feasibility of providing comparable salary differentials for its classified staff.

C. Differential Compensation for Certain Duties

The County Superintendent of Schools may provide differential compensation to those classified employees who perform duties of a distasteful, dangerous, or unique nature when such compensation is reasonably justified.

Such differentials shall be based upon findings and recommendations of the Commission and shall not be applied in a manner contrary to the principle of like pay for like service.

D. Assignment of Duties to Represented Employees

Assignment of duties to classified represented employees for which differential compensation is designated, other than a temporary assignment of less than 20 working days, shall be made in accordance with collective bargaining unit agreements.

E. Demotion Prohibited

No classified employee assigned to a work shift differential compensation shall be demoted in class as a result of such assignment.

F. Temporary Assignment

A classified employee receiving differential compensation on the basis of his/her shift shall not lose such compensation if he/she is temporarily, for 20 working days or less, assigned to a shift not entitled to such compensation. The regular rate of pay for all purposes of an employee assigned to a shift that provides differential compensation shall be the differential rate.

Reference: Education Code Sections 45180, 45181, 45182, 45183, 45184 and 45185

15.17 Compensation for Bilingual or Biliterate Certification

- A. A represented certified employee shall receive bilingual or biliterate compensation in accordance with his/her collective bargaining unit agreement. The County Superintendent of Schools may establish a bilingual or biliterate compensation plan for managerial employees.
- B. Compensation for bilingual or biliterate compensation to any newly certified employee shall become effective on the date the employee successfully passed the required examination(s) or as approved by the Director.
- C. Reinstatement of compensation for bilingual or biliterate proficiency to a previously certified employee shall require the approval by the Director.
- D. Notwithstanding Paragraph B or Paragraph C, the Director may authorize retroactivity for bilingual or biliterate compensation to a maximum of twenty (20) working days.

15.18 Longevity or Length of Service Increments

Classified represented employees shall be paid longevity increments in accordance with collective bargaining unit agreements.

Employees in classified management, supervisory, and confidential positions shall receive longevity or length of service increments or stipends equal to those provided by the County Superintendent of Schools to certificated management and supervisory employees.

Unless otherwise designated by the Commission, the Director, Personnel Analyst and (Confidential) Administrative Assistant shall also receive length of service increments or stipends equal those provided to other management, supervisory and confidential employees.

15.19 Holiday Pay

- A. All probationary or permanent employees that are part of the classified service shall be entitled to payment for authorized holidays, provided they are in a paid status during any portion of the working day immediately preceding or succeeding the holiday and provided they are in an employed status with the County Office of Education on the holiday (Education Code Section 45203).
- B. Specific paid holidays for probationary and permanent employees are provided in accordance with bargaining unit agreements or the unit in which the position is domiciled. By law, holidays shall include: January 1; the third Monday in January, known as "Dr. Martin Luther King Jr. Day," or Monday or Friday in the week January 15th occurs; February 12 known as "Lincoln Day"; the third Monday in February known as "Washington Day"; the last Monday in May known as "Memorial Day"; July 4; the first Monday in September known as "Labor Day"; November 11 known as "Veteran's Day"; that Thursday in November proclaimed by the President as "Thanksgiving Day"; December 25; and every day appointed by the President or the Governor of this state as a public fast, thanksgiving or holiday, or any day declared a holiday for public schools of this state by the County Superintendent of Schools under 1318 or 37222 for regular classified employees (Education Code Section 45203).
- C. When a holiday herein listed falls on a Sunday, the following Monday shall be deemed to be a holiday in lieu of the day observed. When a holiday herein listed falls on a Saturday, the Friday preceding shall be deemed as the holiday in lieu of the day observed (Education Code Section 45203).
- D. When a permanent or probationary classified employee is required to work on any of said holidays, he/she shall be paid compensation or given compensating time off for such work in addition to the regular pay received for the holiday at the rate specified in accordance with collective bargaining unit agreements or law (Education Code Section 45203).
- E. The provisions of Article 3 commencing with Education Code Section 37220 shall not be construed to in any way limit the provisions of this section, nor shall anything in this section be construed to prohibit the County Superintendent of Schools/Board of Education from providing holiday pay for employees who have not been in paid status on the days specified herein.

- F. Prior to July 1 of any school year, the Board of Education may designate other days during such year as the holidays to which permanent or probationary classified employees are entitled in lieu of the holidays on February 12 known as "Lincoln Day", the third Monday in February known as "Washington Day", the last Monday in May known as "Memorial Day", November 11 known as "Veterans' Day" provided that such designated days will provide for at least a three-day weekend. Probationary or permanent classified employees shall be required to work on the regular holiday for which another day is designated pursuant to this section. For work of eight hours or less or ten hours or less, if a ten-hour workday has been authorized, probationary or permanent classified employees shall be paid compensation at their regular rate of pay.
- G. If any probationary or permanent classified employee would be entitled to a regular paid holiday but would not be in a paid status during any portion of the working day immediately preceding or succeeding the day so designated in lieu of such holiday and therefore would not be entitled to the regular holiday, he/she shall be entitled to the regular holiday; however, if he/she is required to work on such holiday, he/she shall be paid compensation at the rate of time and one-half of his/her regular rate of pay in addition to the regular pay received for the holiday.
- H. If the County Office of Education requires any probationary or permanent classified employee to work a workweek other than Monday through Friday, or if such a permanent or probationary classified employee consents to a workweek including Saturday or Sunday or both, pursuant to Education Code Section 44048, and as a result thereof the employee loses a holiday to which he/she would otherwise be entitled, the County Office of Education shall provide a substitute holiday for such employee, or provide compensation in the amount to which the employee would have been entitled had the holiday fallen within his/her normal work schedule (Education Code Section 45206).
- I. In accordance with the provisions of Education Code Section 45206.5, if the Board of Education does not designate September 9, known as "Admission Day" as a paid holiday for probationary or permanent classified employees, the County Office shall provide a substitute holiday for such employees.

15.20 Wage and Salary Administration

The Personnel Commission shall be responsible for salary administration for all classified service positions, except those belonging to senior and executive management, in accordance with its statutory classification and salary relationship functions. As such, the Commission shall determine salary relationships including, salary differentials between classifications within the same occupational group or class family; and the amount of salary differential between occupational groups or class families, each with its own benchmark classes.

The Director shall prepare salary recommendations for approval by the 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.

Recommendations for the allocation of classes to salary schedules for approval by the Commission shall consider the following factors:

- A. Wages and salaries for similar work in: 1) other county offices of education, both locally and in counties with similar sized student populations and programs and 2) other public school employers, education and governmental agencies competing with the County Office of Education, in the labor market.
- B. Contributions for health and welfare benefit programs by paid employers or agencies in Sub Rule A, above.
- C. The principles of like pay for like work within the classified service.
- D. Appropriate differentials between related classes to reflect differences in duties and responsibilities, as established in the classification plan.
- E. Such other information as the Commission may require.

15.21 Wage and Salary Studies

- A. A wage and salary study shall be made: 1) Whenever a new class is created including those created by reclassification; 2) Whenever the County Superintendent of Schools or designee proposes significant revision to an existing class; and 3) When directed by the Commission.
- B. Employees, employee organization representatives, or the administration with the endorsement of the County Superintendent of Schools, may request a salary study of a class or classes by directing written communication to the Commission and setting forth the reasons for the study.

- C. Data obtained in a salary study shall be made available to interested parties, including employee organization representatives. The Director shall indicate his/her tentative recommendations to, and shall meet with, employee organization representatives and the administration. Due consideration shall be given to the views of the County Office administration and employee organization representatives. Efforts shall be made to ameliorate all differences before recommendations are submitted to the Commission.

15.22 Recommendations from Wage and Salary Studies

- A. After making its findings, the Commission shall present salary recommendations to the Board of Education/County Superintendent of Schools for approval. The County Superintendent of Schools/Board of Education may approve, amend, or reject the recommendation, but may not alter the relationships among classes as established by the classification plan.
- B. A salary recommendation shall be made each time a new class is created. Salary recommendations shall be based on clear evidence that the class in question is substantially overpaid or underpaid in relation to local wages, salaries and other forms of paid compensation or requires realignment with other classes within the classified service.
- C. By adoption of this rule, the County Superintendent of Schools/Board of Education shall increase or decrease the wages and salaries of classified employees, at any time during the fiscal year in accord with its approval of the recommendations of the Personnel Commission (Education Code Section 45162).