

**CHAPTER 70**

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## CHAPTER 70

### WAGE AND SALARY PROVISIONS

(This chapter, unless otherwise noted, applies only to classified employees not covered by a collective bargaining agreement. See negotiated agreement for the policies and procedures for represented employees.)

#### 70.100 WORK PERIODS AND OVERTIME

##### 70.100.1 WORKDAY AND WORKWEEK

The maximum number of hours of regular employment of an employee is eight hours per day and 40 hours per 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.

(References: Ed. Code 45127, 45260 and 45261)

##### 70.100.2 OVERTIME DEFINED

- A. Overtime is defined as ordered or authorized working time in excess of eight (8) hours in one (1) day or in excess of forty (40) hours in one (1) week, or any hours worked on either a sixth consecutive day or a seventh consecutive day. Overtime shall not be ordered or authorized unless it is compensable as provided in P.C. Rule 70.100.3. Overtime shall be compensated at the rate of one and one-half (1 1/2) times the regular hourly rate of the employee for each overtime hour worked.
- B. Paid holidays and days of paid leave shall be considered as days worked for the purpose of computing overtime.
- C. An employee who is ordered or authorized to work in excess of his basic work schedule, but not in excess of eight hours in any one day or in excess of forty hours in any one week, shall not be entitled to overtime compensation.
- D. Notwithstanding the provisions of P.C. Rule 70.100.2 C, any employee who is ordered or authorized to work either a sixth and/or

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WORK PERIODS AND OVERTIME (Continued)

70.100.2 OVERTIME DEFINED (Cont.)

seventh consecutive day, regardless of the number of hours worked during the week, shall be compensated at the rate of one and one-half times (1 1/2) his regular hourly rate for each hour worked on the sixth and/or seventh consecutive day.

- E. When additional time (not overtime as defined in A above) is added to a position, having a basic work schedule of less than eight hours per day, and maintained for a period of twenty (20) days, the basic work schedule for the position shall be changed to reflect the increase in time up to a maximum of eight hours of regular time per day.

(References: Ed. Code 45128, 45131, 45260 and 45261)

70.100.3 COMPENSATION FOR OVERTIME

- A. Any employee ordered or authorized to work overtime shall be compensated at the rate of one and one-half (1 1/2) times his regular hourly rate for each hour (or portion thereof) of overtime worked.
- B. An employee who is called back to work within eight (8) hours of the end of his normal eight (8) hour day shall be compensated on an overtime basis.
- C. An employee who works overtime in other than his regular classification shall be compensated on the basis of his regular rate of pay, except as provided for in P.C. Rule 70.200.6.
- D. Shift and special assignment differentials, if any, regularly assigned to the employee, or provided by operation of law or the rules of the Personnel Commission, shall be included in determining the employee's overtime rate of pay.
- E. An employee who works overtime shall be paid in cash at the end of each payroll period, during which the overtime was performed, at the rate of one and on-half (1 1/2) times the hourly rate of pay as specified in section A

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WORK PERIODS AND OVERTIME (Continued)

70.100.3 COMPENSATION FOR OVERTIME (Cont.)

above. However, in lieu of cash payment, the district may exercise one of its options under the compensatory time off provisions in the following section (F).

- F. In lieu of making a cash payment for overtime, the district may provide the employee with compensatory time off at the rate of one and one-half (1 1/2) times the amount of overtime worked.

Such compensatory time off shall be provided on or before the end of the payroll period in which the overtime is worked, unless there are fewer than five (5) working days remaining in the payroll period or unless the employee makes a written request to take it at some specified later date (e.g. additional vacation, holiday, etc.). The request must then be approved by the Superintendent, or his designated representative, and the Classified Personnel Director.

Compensatory time shall be scheduled for times that are convenient with the needs of the district. Compensatory time off shall not be taken in units of less than one-half hour.

(References: Ed. Code 45128, 45129, 45260 and 45261)

70.100.4 EXEMPT POSITIONS  
EXECUTIVE/ADMINISTRATIVE/SUPERVISORY

- A. The Commission may, upon recommendation of the Board, approve positions or classes of positions as supervisory, administrative, or executive and exclude the employees serving in such positions and the positions from the overtime provisions.

1. To be excluded from such overtime provisions, the Board shall submit in writing that the criteria outlined in Education Code Section 45130 have been met.

2. The Commission shall make a specific finding that employees serving in

70.100 WORK PERIODS AND OVERTIME (Continued)

70.100.4 EXEMPT POSITIONS (Cont.)

such excluded positions or classes of positions will not be unreasonably discriminated against as the result of such exclusion.

- B. Incumbents of positions in the following classes are assigned as either supervisory, administrative, or executive and thereby exempt from the overtime payment provisions of P.C. Rule 70.100.3

Exempt Classes:

Adult Education Office Administrator  
Assistant Superintendent, Administrative Services  
Business Manager  
Director of Accounting  
Director of Maintenance, Operations & Transportation  
Maintenance, Operations & Transportation Supervisor  
Director of Personnel Services  
Purchasing Supervisor  
Director of Food Services  
Payroll Supervisor  
Security Supervisor

(References: Ed. Code 45130, 45260 and 45261)

70.200 APPLICATION OF SALARY SCHEDULE

70.200.1 INITIAL PLACEMENT

REPLACED  
5/18/99  
REVISION

~~Employees may be given credit for qualified experience and training on the basis of one year credit on the salary schedule for each two years of qualified experience and training beyond the minimum qualifications for the classification, not to exceed placement on the third step. Initial placement on the second or third step of the salary schedule shall be determined by the governing board upon recommendation by the Personnel Commission.~~

(References: Ed. Code 45260 and 45261)

70.200.1 INITIAL PLACEMENT

- A. All new classified employees shall be paid in accordance with the salary range to which assigned.
- B. The hiring rate will normally be the first step of the salary range. However, the school district may provide a new employee with advanced step placement with the prior approval of the Personnel Commission, based upon such factors as:
  - 1. Additional qualifying experience beyond that required for entry into the classification.
  - 2. 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.
  - 3. Difficulty experienced in the recruitment of candidates to meet the vacancy needs in the class.
  - 4. The additional skills or qualifications of the candidate that make him/her especially qualified for the position.
- C. Prior to submitting a recommendation for advanced step placement, the Human Resources Development Director 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.

APPLICATION OF SALARY SCHEDULE (Continued)70.200.2 ANNIVERSARY DATE AND STEP ADVANCEMENT (Cont.)

as needs arise, shall contain specific rules for step advancement.

- C. Step advancement on the regular classified salary schedule shall be as follows:
1. Advancement to Step B from Step A shall take place six (6) months after placement on Step A.
  2. Advancement to step C from Step B shall take place six (6) months after placement on Step B.
  3. Advancement to Step D from Step C shall take place one (1) year after placement on Step B.
  4. Advancement to Step E from Step D shall take place one (1) year after placement on Step D.
  5. Advancement to Step F from Step E shall take place one (1) year after placement on Step D.
  6. In computing the time necessary for a regular classified employee to advance on the salary schedule from Step A to Step B (where original placement is on Step A) or from Step B to Step C (where original placement is on Step B), the initial six (6) months of employment shall not include unpaid time off during the normal summer recess period. Such unpaid time off shall be added for the initial six-month period only and thereby extend such period for all purposes in computing salary advancement.
  - 7.. The first of the month shall be the anniversary date for all regular classified employees. The anniversary date for employees who commence employment on the 1st through the 15th day of the month shall be the first day of that month. The anniversary date for all regular classified employees commencing employment on the 16th through the last day of the month shall be the

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APPLICATION OF SALARY SCHEDULE (Continued)

70.200.2 ANNIVERSARY DATE AND STEP ADVANCEMENT (Cont.)

first day of the month following the month  
month of employment in the  
classification.

D. Step advancement on the Management Salary  
schedule shall be as follows:

1. Satisfactory service as reflected on  
the performance evaluation is a  
prerequisite for advancement on the  
Management Salary Schedule.
2. Advancement from one (1) step to the  
next shall occur on July 1 of each  
year unless the management employee  
has not served at least 75% of the  
school year in the management  
classification.
3. In the case whereby a manager has  
not served at least 75% of the  
school year in the classification,  
step advancement shall occur on the  
next following July 1, and annually  
thereafter. The requirement of 75%  
shall not include any unpaid time  
off.

(References: Ed. Code 45260 and  
45261)

70.200.3 PROMOTIONS

An employee who receives a promotion to a class  
allocated to a higher salary range shall be placed  
on the first step of the salary range that provides  
at least a 5% increase in pay but not to exceed the  
maximum step on the range the class is allocated  
to. Additional advancement will be at the  
beginning of the seventh month, following the  
placement on that step, regardless of step  
placement, and at one-year intervals thereafter as  
provided in P.C.Rule 70.200.2 until the maximum is  
achieved. For the purpose of this rule,  
appointment of an employee to a class with a salary  
range equal to or below his current range shall not  
be considered a promotion and shall not warrant a  
salary increase; in such cases, placement will be  
made on the same rate formerly earned by the  
employee, not to exceed the maximum of the range of

70.200 **APPLICATION OF SALARY SCHEDULE (Continued)**

70.200.3 **PROMOTIONS (Cont.)**

the class to which appointed

(References: Ed. Code 45268, 45261 and 45272)

70.200.4 **PLACEMENT AFTER LEAVE OF ABSENCE**

Unless the leave taken under these rules or law provides that the break in service will be disregarded, the employee upon return from a leave of absence will resume step placement and advancement on the range as if the leave had not been taken, except that unpaid leave time will not count for step-advancement purposes.

(References: Ed. Code 45190, 45191, 45192, 45193, 45194, 45195, 45196, 45197, 45198, 45199, 45260 and 45261)

70.200.5 **PLACEMENT WHEN DEMOTED**

- A. An employee who accepts voluntary demotion shall be placed on the step of the range of the lower class which is closest to the rate he earned in the higher class, provided that he shall not receive a salary increase thereby. He shall retain the anniversary date established in the higher class.
- B. The 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 P.C.Rule 70.200.2.

(References: Ed.Code 45162, 45260, 45161 and 45302)

70.200.6 **SALARY WHEN WORKING OUT OF CLASSIFICATION**

1. When a regular employee in the classified service works in a higher classification for a period of time which exceeds four (4) consecutive working days or five (5) working days within a fifteen calendar day period, the salary of the employee shall be adjusted upward for the entire period of working out of classification.
2. Whenever an employee is required to perform all or the majority of the functions and duties of a higher classification (such duties clearly indicating the appropriateness of the

APPLICATION OF SALARY SCHEDULE (Continued)70.200.6 SALARY WHEN WORKING OUT OF CLASSIFICATION (Cont.)

higher salary range), "salary adjustment upward" shall be construed to mean the nearest salary rate on the salary range of the higher classification that the employee is temporarily working in which is the next above the rate the employee receives in the regular permanent position, not to exceed the maximum step of the higher range.

3. Whenever an employee is required to perform some, but not the majority of the functions and duties of a higher classification (such duties not clearly indicating the appropriateness of the higher salary range). "salary adjustment upward" shall be construed to mean an increase in salary for the employee working out of classification, for the entire period of time the employee is required to work out of classification, computed on the basis of five percent (5%) of the employee's salary in the regular permanent position.,
4. The Personnel Director, as the designee of the Personnel Commission, authorizes all out-of-class assignments.

It is the responsibility of the employee's supervisor to request such authorization on the appropriate form.

Any performance of work without proper authorization will be considered voluntary and not a legitimate assignment of the District.

(References: Ed. Code 45110, 45260 and 45261)

70.200.7 SALARY WHEN WORKING ADDITIONAL TEMPORARY SECOND ASSIGNMENT

A permanent employee who has a temporary second assignment, (not defined as overtime,) shall be compensated as follows:

1. If the second assignment is in a classification at the same salary range, the employee shall receive his current regular rate. If the employment is at a lower salary range in which the employee's current regular rate appears, he will be paid at the lower rate. If the second assignment is to a lower classification at a salary range which does

70.200 **APPLICATION OF SALARY SCHEDULE (Continued)**

70.200.7 **SALARY WHEN WORKING ADDITIONAL TEMPORARY SECOND ASSIGNMENT (Cont.)**

not include his regular salary rate, the employee shall be placed at the closest rate in the range for the classification which is lower than his regular rate of pay.

2. If the second assignment is in a higher classification, the employee shall receive the rate in salary range for the higher classification that is next above the rate received in the employee's regular classification.
3. No additional rights or benefits shall accrue to any employee because of additional second assignments, except as mandated by law.

(References: Ed. Code 45260 and 45261)

70.300 **HOLIDAY PAY**

70.300.1 **ELIGIBILITY**

All classified employees will be entitled to payment for authorized holidays, provided they were in a paid status during any portion of the day immediately preceding or succeeding the holiday.

(References: Ed. Code 45203, 45260 and 45261)

70.300.2 **SCHOOL HOLIDAYS**

Regular employees who are not normally assigned to duty during the school holidays which include December 25 and January 1, shall be paid for those two holidays, provided they were in a paid status during any portion of the working day of their normal assignment immediately preceding or succeeding the holiday period.

(References: Ed. Code 45203, 45206, 45260 and 45261)

70.400 LONGEVITY BONUS

70.400.1 AMOUNT OF BONUS

Regular classified employees, who meet the requirements of P. C. Rules 70.400.2 and 70.400.3 shall receive an anniversary bonus as follows:

1. Upon completion of ten (10) years of service the employee will receive an additional \$20.00 per month.
2. Upon completion of each five (5) year period, the employee will receive an additional \$15.00 per month thereafter.

(References: Ed. Code 45160 and 45161)

70.400.2 ELIGIBILITY

Eligibility to receive longevity bonus(es) shall require continuous service as a regular employee in the classified service. Continuous service shall be defined for purposes of this rule to include service while in paid status as a probationary or permanent employee and approved leaves of absence under Rule 60.500.5, not to exceed one fiscal year except as required by law. Restorations within 39 months as required by law and/or Personnel Commission Rule (60.200.3) shall not be considered continuous service for purposes of this rule except that re-employment due to layoff (60.600.1) or demotion, chosen in lieu of layoff, shall be considered continuous service.

(References: Ed. Code 45260 and 45261)

70.400.3 APPLICATION OF LONGEVITY BONUS

Satisfactory service is a prerequisite to receiving longevity bonuses. Longevity bonus(es) as recommended by the Personnel Commission and approved by the Board of Education shall be made effective on the employee's anniversary date except that if the employee's last performance rating is unsatisfactory, the employee shall not receive the longevity bonus until his performance is indicated as satisfactory. The Personnel Director shall send the employee's supervisor performance evaluation forms every thirty (30) working days until the employee's performance is rated as satisfactory (or other disciplinary action is taken). After receiving his longevity bonus the employee will receive additional longevity bonuses on the regular

70.400 LONGEVITY BONUS (Continued)

70.400.3 APPLICATION OF LONGEVITY BONUS (Cont.)

anniversary date using the criterion outlined above.

(References: Ed. Code 45260 and 45261)

70.500 PAYROLLS

70.500.1 OFFICIAL ROSTER

The Personnel Director shall maintain, in his office, an official roster containing the names and complete employment records of an employee holding positions under the provisions of the Act.

70.500.2 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 Act shall be submitted to the Personnel Director, 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 Act, 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 or his authorized representative.
- C. 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 Act or the rules and regulations, notice of such violation shall be made upon such payroll or service report, and such notice shall serve as official notification to 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.

(References: Ed. Code 45241, 45260, 45261, 45310 and 45311)