



Chico Unified School District

1163 East Seventh Street, Chico, CA 95928-5999
(530) 891-3000

Board Policy:

**#4151
4251
4351**

Section: 4000

Personnel

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All Personnel

EMPLOYEE COMPENSATION

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

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

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

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

The Board shall determine the frequency and schedule of salary payments, including whether payments for employees who work less than 12 months per year will be made over the course of the school year or in equal installments over the calendar year. However, if the district participates in the Classified School Employee Summer Assistance Program, eligible classified employees may elect to have up to 10 percent of the employee's monthly salary withheld and paid out during the summer recess in either one or two payments. (Education Code 45038, 45039, 45048, 45165, 45500)

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

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

Overtime Compensation

District employees shall be paid an overtime rate of not less than one and one-half times their regular rate of pay for any hours worked in excess of eight hours in one day and/or 40 hours in one work week. All hours worked in excess of eight (8) hours on the sixth (6th) or seventh (7th) consecutive day shall be compensated at two and one-half (2½) times the regular rate of pay. All hours worked on holidays designated by this Agreement shall be compensated at two and one-half (2½) times the regular rate of pay. However, teachers, school administrators, and other employees in positions established by the Board as executive, administrative, or professional shall be exempt from overtime rules. (Education 45128, 45130; 29 USC 213; 29 CFR 541.0-541.710, 553.27, 553.32)

If there is a discrepancy between the board policy and the Collective Bargaining Agreement, the District will choose between the two that provides the best outcome to the employee.

When authorized in a collective bargaining agreement or other agreement between the district and employees, an employee may take compensatory time off in lieu of overtime compensation, provided the employee has not



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accrued compensatory time in excess of the limits specified in 29 USC 207. An employee who has requested the use of compensatory time shall be allowed to use such time within 12 calendar months after making the request if the use of the compensatory time does not unduly disrupt district operations. All Classified employees will follow the Collective Bargaining Agreement section 3.2.6 Compensatory Time Off. (Education Code 45129; 29 USC 207; 29 CFR 553.20-553.25)

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

Wage Overpayment

If the district determines an employee has been overpaid, the district shall notify the employee in writing of the overpayment, afford the employee an opportunity to respond before commencing any recoupment actions, and inform the employee of the employee's rights to dispute the existence or amount of the claimed overpayment. If the employee agrees there was an overpayment in the claimed amount, reimbursement shall be made to the district through one of the methods described in Education Code 44042.5 as mutually agreed upon by the employee and the district. (Education Code 44042.5)

If a mutual agreement on a method of reimbursement is not reached, within 30 days of the employee verifying the overpayment amount, the district shall recoup the overpayment through payroll deductions in accordance with Education Code 44042.5.

If the employee does not respond or disputes the existence or amount of the district's claimed overpayment, the district shall, with board approval, initiate a legal action to recover the overpayment. (Education Code 44042.5)

If the employee separates from the district before the overpayment is fully repaid, the district shall withhold the remaining balance due from any money owed to the employee upon separation, provided that the state minimum wage is still paid to the employee as required by Education Code 44042.5. The Superintendent or designee may consult with legal counsel to calculate the amount to withhold.

If an outstanding overpayment balance still remains, the district shall, with Board approval, exercise any legal means to recover the remaining amount owed by the employee. (Education Code 44042.5)

Legal action to recover any overpayment under this policy shall be initiated within three years from the date of the overpayment, which for leave credits is the date that the employee receives compensation in exchange for leave erroneously credited to the employee. (Education Code 44042.5)

Policy Reference Disclaimer: *These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.*

State	Description
8 CCR 11040	<u>Wages and hours; definitions of administrative, executive, and professional employees</u>
Ed. Code 44042.5	<u>Wage overpayment</u>
Ed. Code 45022-45061.5	<u>Salaries</u>
Ed. Code 45023	<u>Availability of salary schedule</u>

Policy Adopted: 02/07/08; 05/03/17; 02/03/21; 04/03/24



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State	Description
Ed. Code 45028	<u>Salary schedule and exceptions</u>
Ed. Code 45127-45133.5	<u>Classified employees; work week; overtime provisions</u>
Ed. Code 45160-45169	<u>Salaries for classified employees</u>
Ed. Code 45268	<u>Salary schedule for classified service in merit system districts</u>
Ed. Code 45500	<u>Classified School Employee Summer Assistance Program</u>
Gov. Code 3540-3549	<u>Meeting and negotiating</u>
Gov. Code 3543.2	<u>Scope of representation</u>
Gov. Code 3543.7	<u>Duty to meet and negotiate in good faith</u>
Lab. Code 226	<u>Employee access to payroll records</u>
Lab. Code 232	<u>Disclosure of wages</u>
Federal	Description
26 CFR 1.409A-1	<u>Definitions and covered plans</u>
26 USC 409A	<u>Deferred compensation plans</u>
29 CFR 516.4	<u>Notice of minimum wage and overtime provisions</u>
29 CFR 516.5-516.6	<u>Records</u>
29 CFR 541.0-541.710	<u>Exemptions for executive, administrative, and professional employees</u>
29 CFR 553.1-553.51	<u>Fair Labor Standards Act; applicability to public agencies</u>
29 USC 201-219	<u>Fair Labor Standards Act</u>
29 USC 203	<u>Definitions</u>
29 USC 207	<u>Fair Labor Standards Act</u>
29 USC 213	<u>Exemptions from minimum wage and overtime requirements</u>
Management Resources	Description
Court Decision	<u>Flores v. City of San Gabriel (9th Cir., 2016) 824 F.3d 890</u>
Office of Management and Budget Publication	<u>Administrative Relief for Recipients and Applicants of Federal Financial Assistance Directly Impacted by COVID-19 due to Loss of Operations, Memo M-20-17, March 19, 2020</u>
Website	<u>CSBA District and County Office of Education Legal Services</u>
Website	<u>U.S. Department of Labor, Wage and Hour Division</u>
Website	<u>Internal Revenue Service</u>
Website	<u>School Services of California, Inc.</u>
Website	<u>CSBA</u>

Cross References

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Code	Description
0470	COVID-19 Mitigation Plan
3100	Budget
3400	Management Of District Assets/Accounts
3580	District Records
4000	Concepts And Roles
4030	Nondiscrimination In Employment
4112.6	Personnel Files
4113.5	Working Remotely
4121	Temporary/Substitute Personnel
4140	Bargaining Units
4141	Collective Bargaining Agreement
4143	Negotiations/Consultation
4154	Health And Welfare Benefits
4212	Appointment And Conditions Of Employment
4212.6	Personnel Files
4213.5	Working Remotely
4240	Bargaining Units
4241	Collective Bargaining Agreement
4243	Negotiations/Consultation
4254	Health And Welfare Benefits
4312.1	Contracts
4312.6	Personnel Files
4313.5	Working Remotely
4340	Bargaining Units
4354	Health And Welfare Benefits