

RULE 6

WAGE AND SALARY PROVISIONS

601 Workday and Workweek

The maximum number of hours of regular employment of an employee is eight (8) hours a day and 40 hours a 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 (8) hours in one day or 40 hours in one week. The workweek shall consist of not more than five consecutive working days for an employee having an average workday of four hours or more during the workweek. For an employee having an average workday of less than four hours, the workweek shall consist of not more than six consecutive working days.

EDUCATION CODE SECTION 45131

602 Overtime Defined

Overtime is ordered and authorized working time in excess of eight hours in one day, 40 hours in one week or work on the 6th or 7th day as described in Section 601. No one shall order or authorize overtime unless it is compensable as provided below. All overtime shall be reported and credited in multiples of six (6) minutes working time.

The District 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 forty (40) in a calendar week shall be compensated on an overtime basis. These exceptions must be subject to fluctuations in daily working hours not susceptible to administrative control such as security patrol and recreation classes, but not food service and transportation classes.

When a four-day (4) work week is established, the overtime rate shall be paid for all hours when worked in excess of the required workday, which shall not exceed ten (10) hours. Work performed on the fifth (5th), sixth (6th), and seventh (7th) days shall be compensated for at a rate equal to one and one-half (1 ½) times the regular rate of pay of the employee designated and authorized to perform the work. Further, all hours in excess of eight (8) hours on the fifth (5th), sixth (6th), or seventh (7th) days shall be paid at two and one-half (2 ½) times the regular rate of pay.

For the purpose of computing the number of hours worked, time during which an employee is excused from work because of holidays, sick leave, vacation, compensating time off, or other paid leave of absence shall be considered as time worked by the employee.

EDUCATION CODE SECTIONS 45128, 45131

603 Compensation for Overtime

- A. A regular employee who works authorized overtime shall be paid at a rate equal to one and one-half times the regular rate of pay for the amount of overtime worked.

EDUCATION CODE SECTIONS 45128

- B. Compensatory time may be taken as time off in units of fifteen (15) minute increments or more with the approval of the responsible administrator. Compensatory time off shall be given at one and one-half (1 ½) hours off for every overtime hour worked within 12 calendar months following the months in which the overtime was worked and without impairing the services rendered by the employing district. If compensatory time off is not taken during the 12 calendar months, then the employee shall be compensated at the rate of one and one-half (1 ½) the regular rate of pay. (See holiday provisions for additional overtime provisions.)

EDUCATION CODE SECTIONS 45129

604 Classifications Exempt from Overtime Payment

- A. The Governing Board may, with the approval of the Personnel Commission, exempt specific classes of positions from compensation for overtime in excess of eight hours in one day, provided that hours worked in excess of 40 in a calendar week shall be compensated on an overtime basis. These exceptions must be subject to fluctuations in daily working hours not susceptible to administrative control such as security patrol and recreation classes but not food service and transportation classes.

EDUCATION CODE SECTION 45127

- B. The Governing Board may, in accordance with Education Code Section 45204, create a position or class of positions which require and permit the holders of such position(s) to work only on weekends (Saturdays and Sundays) and holidays. If so created, the Commission shall, in classifying the position:
 - 1. Establish a salary scale which recognizes the peculiarity of the work and the days and hours required to work.
 - 2. Exempt employees serving in such positions from overtime pay for work required to be performed on a holiday. The overtime exemption shall not apply to hours required to be worked in excess of eight (8) on any Saturday, Sunday or holiday unless the class is specifically exempted in accordance with Education Code Section 45127 (for example, recreation and security classes).

3. Insure itself that the position(s) being created is not being created to avoid payment of overtime to otherwise qualified employees. If it does find that such position(s) is being created to avoid overtime payment, it shall refuse to classify the position(s) and will notify the Governing Board accordingly.

EDUCATION CODE SECTION 45204

605 Authorization

No one shall require an employee to work overtime unless it is authorized by the Assistant Superintendent. Such overtime shall be reported according to procedures established by the Classified Human Resources Department.

606 Placement on the Salary Schedule

All new employees except confidential and management 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 of Education and the Commission, at any step of the schedule of 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.

607 Step Advancement

- A. Employees placed on Step A of a range will advance to Step B on the first of the month following completion of six (6) months of service. Each succeeding step will be attained one year from the preceding step. New employees placed above Step A of any range will advance on one-year intervals until the maximum step has been achieved. The month the employee receives the first salary increase shall be called the employee's increment month.
- B. For the purpose of this rule, an appointment made between and including the first and fifteenth day of the month shall be considered as effective on the first day of the month. Later appointments shall be considered as effective at the beginning of the next month.

608 Increases in Assigned Time

- A. When a class contains permanent positions of varying hours of work per day, week, or month, preference in assignment to vacant positions shall be based on seniority in the class. When, for a period of 30 calendar days, an existing position is assigned increased hours, the increased position shall be considered "vacant" for the purpose of this rule.

- B. A seniority bid list shall be maintained for the purpose of this rule. Employees may waive their opportunities for increased hours of work.

609 Promotions

An employee who receives a promotion to a class allocated to a higher salary level shall be placed on the first step of the salary range that is a full step above the rate the employee received in the previous class. The employee shall then progress to the maximum rate based on the increment month.

610 Placement After Leave of Absence

- A. Unless the leave taken under these rules or law provides that the break in service will be disregarded, the employee upon return from an approved leave of absence will resume the step placement and advancement on the range as if the leave had not been taken, but leave time for three or more months will not be counted for step advancement purposes.
- B. Credit for step advancement shall accrue during approved leaves of absence for military service or to serve in limited-term assignments in the District and during any paid absence, accident or industrial illness leave.
- C. When an employee is restored, after an approved leave of absence, to the previous salary step, the employee shall receive credit for step advancement for service prior to the leave. The increment date shall be adjusted accordingly in order that the employee shall be granted step advancement after having completed the amount of service required by Section 607.

611 Salary Rate Upon Re-employment from a Re-employment List

Any employee who is re-employed to a position in the same class which they had acquired status within 39 months from the last day of employment in this class, shall receive the salary step that the employee is presently on or was on, at the salary range for the position to be re-employed in. Employees who take voluntary demotions or voluntary reductions in assigned time in lieu of layoff or to remain in their present positions rather than be reclassified or reassigned shall have the same rights as persons laid off for lack of work or lack of funds and shall retain eligibility to be considered for re-employment for an additional period of 24 months; provided that the same tests of fitness under which they qualified for appointment to the class still apply. The Personnel Commission shall make the determination of the specific period of eligibility for re-employment on a class-by-class basis.

EDUCATION CODE SECTION 45298

612 Benefits for Part-time Employees

- A. Benefits for persons employed less than full time are to be provided as authorized in Education Code Sections 45136 and 45137.
- B. When additional time of thirty (30) minutes or more is assigned by administrative personnel to a part-time position for fifteen (15) consecutive working days, the position shall thereafter be offered to the employee in the appropriate class with the greatest bargaining unit seniority. If the most senior employee declines the assignment, it shall be offered to the remaining employees in the class in descending order of bargaining unit seniority until the assignment is made. For purposes of this section, seniority shall refer to seniority as of the date immediately prior to the initial assignment of such additional hours as specified in Education Code Section 45136.

EDUCATION CODE 45137

- C. If Rule B does not apply but a part-time employee's average paid time, excluding overtime for which the employee receives compensation at a rate at least equal to time and one-half (1 ½), exceeds his average assigned time by fifty (50) minutes or more per working day in any quarter, the hours paid per day for compensable leave of absence and holidays in the succeeding quarter shall be equivalent to the average hours paid per working day in the preceding quarter, excluding overtime. This section does not apply to vacation accrual.
- D. All benefits and compensation for benefits shall be based on the hours assigned to the position in which the employee is working.

EDUCATION CODE SECTIONS 45136

- E. Adding of additional time to and the filling of part-time positions shall be based upon seniority.

613 Provisional or Limited-term Assignment

- A. An employee with permanent status in any class who vacates the position to accept a provisional or limited-term position for which no eligibility list exists shall be restored to the former position provided they are not appointed permanently to the position. While such provisional or limited-term appointment is in force, such employee shall receive the same benefits as would have accrued had the appointment been made from a valid promotional status in the higher class, and the salary received shall be computed in accordance with Sections 606, 607, and 608 of these Rules. Time served shall be counted toward qualifying for advancement to the next higher step in the salary range.

- B. An employee who serves under provisional or limited-term appointment shall receive the same proportional health and holiday benefits as regular classified employees except that they cannot gain permanency in the classification.

614 Reclassification to a Higher Salary Range

A classified employee who meets the requirements of Section 45285 of the Education Code and Section 504 of these Rules and whose position is reclassified to a higher range shall maintain step status in the higher range, carrying the accrued time on the current step to the new range.

The impact and effects of any district-wide reclassification request shall be negotiated between the parties. The parties agree to a \$30,000 annual fiscal year cap for reclassification/reallocation. Upon reaching the cap, the parties agree that no further reclassification/reallocations will be conducted until the beginning of the next fiscal year. If the number of reclassifications and/or reallocations exceeds the \$30,000 threshold in any fiscal year, the parties agree to deduct the overage from the next year's \$30,000 allocation.

If the number of reclassifications and/or reallocations fails to meet the \$30,000 threshold in any fiscal year, the parties agree to carry over any remaining amount to the following year.

If the District is certified by the County to be Qualified or Negative and the District is deficit spending, there is no obligation for the District to meet the \$30,000 threshold. However, the \$30,000 will accrue each year. The cap for the accrual for carryover into the next year will be \$60,000 to be used when the District returns to positive certification.

The District reserves the right to consider reclassifications and/or reallocations of non-union positions at any time as long as the District meets its \$30,000 obligation for that fiscal year as stated above.

EDUCATION CODE SECTION 45285

615 Salary Range Changes

Whenever the salary range for a class is changed, the salary of each incumbent in the class on the date the range change was effective shall be adjusted to the step in the revised range that corresponds to the step the incumbent was receiving in the former range and shall retain the same monthly increment date.

616 Meal Periods

Each employee who works more than a six (6) hour day shall take a meal period of at least one half (1/2) hour duration during the first five and one half (5 ½) hours of the work day. Employees working less than a six (6) hour day may also be given a minimum of one half (1/2) hour lunch period. An "on duty" meal period shall be permitted only when the nature of the work prevents an employee from being relieved of all duty, and time spent for such "on duty" meal period shall be counted as time worked.

617 Holiday Pay

Employees will be entitled to payment for authorized holidays, provided that such employee was in a paid status during any portion of the working day immediately preceding or succeeding the holiday.

EDUCATION CODE 45203

A. Authorized holidays are defined as follows:

New Year's Day - January 1
Martin Luther King, Jr. Day - third Monday in January
Lincoln Day - February 12
Washington Day - third Monday in February
Spring Vacation Day - Friday of Spring Break week
Memorial Day - last Monday in May
Juneteenth - June 19
Independence Day - July 4
Labor Day - first Monday in September
Admission Day - September 9, or its replacement
Veterans' Day - November 11
Thanksgiving Day - Thursday proclaimed by President
Day After Thanksgiving - Friday after proclaimed Thursday
Day Before or After Christmas - December 24 or 26
Christmas Day - December 25
New Year's Eve Day - December 31, when it falls on a Monday through Friday

EDUCATION CODE SECTION 45203

B. School Holidays

Regular employees who are not normally assigned to duty during the school holidays which include the day before or after Christmas, Christmas Day, December 25, January 1 and Spring Vacation Day shall be paid for these days providing they were in a paid status

during any portion of the working day of their normal assignment immediately preceding or succeeding the holiday period.

C. Exemptions from Overtime Pay for Holidays

If the School District establishes a position or class of positions for which employees are required to work exclusively on weekends and holidays, and for which a special salary rate is established that recognizes this peculiarity, the employees and positions may be exempted by the Personnel Commission from the benefits of Education Code Section 45203.

EDUCATION CODE SECTION 45204

- D. Prior to July 1 of any school year, the Governing Board may designate other days during such year as holidays in lieu of holidays on February 12, Lincoln Day, third Monday in February, Washington Day, last Monday in May, Memorial Day, and November 11, known as Veteran's Day, as specified in Education Code Section 45203, providing that such designated days meet the requirements of Education Code Section 45205.

EDUCATION CODE SECTIONS 45205 and 45206.5

- E. If an employee is serving in an excluded position (a management position which does not receive overtime compensation) and is required to work on a holiday, then they must be paid, in addition to the regular pay for the holiday, on at least a straight-time basis (hence, double time).

EDUCATION CODE SECTION 45130

- F. If an employee is required to work on a holiday, the employee shall be paid at the rate of time and one-half in addition to the regular pay for the holiday.

EDUCATION CODE SECTION 45203

- G. All emergency, provisional, and limited-term regular employees shall receive pay for holidays providing they were in a paid status both the day before and the day after the holiday.

618 Tuition Reimbursement

The Governing Board may grant reimbursement of the costs, including tuition fees, to any permanent classified employee who satisfactorily completes approved training to improve job knowledge, skill or ability. Reimbursable costs must be approved in advance.

In order to qualify for this reimbursement, the employee must submit to the Board an application indicating the course to be studied and the costs including tuition fees of the study program. If the request for reimbursement is granted, then the employee must submit proof of passing the course with a grade of "C" or better in order to be eligible for reimbursement. The policy of the Board is to grant reimbursement for tuition fees only and the costs of transportation, books, etc. are paid for by the employee.

619 Method of Salary Computation for Monthly Salaried Employees

Any classified employee hired by the District at a monthly rate of pay shall start the monthly rate on the first day of the subsequent pay period. Any days worked previous to that day and after the first day of the previous pay period shall be paid at the hourly equivalent of the monthly rate.

620 Compensation for Temporary Assignment to Duties at a Higher Classification

If a classified employee is temporarily assigned by the Superintendent or their designee to perform duties not included in their job description for a period of five (5) working days or more within a 15 calendar-day period, then the employee will be compensated for those hours worked outside their job description at a step of the salary range for the new classification that is a full step above the rate the employee received in their current class from the first day of the temporary assignment, except that if the increase is only one range, the employee will stay at the same step of the new range.

EDUCATION CODE SECTION 45110

621 Show-Up Authorization

When an employee is notified by a supervisor or authorized representative of administration to perform a specified assignment either before, after or during the normal assigned time and this assignment requires the employee to show up at this time, then the employee shall receive a minimum of one (1) hour's compensation. Canceling the function prior to the start of the specified time will cancel this compensation provided the employee is notified a reasonable length of time before showing up for the assignment and provided the employee does not lose time because of changing of assignments to be available for this assignment.

622 Call-Back Compensation

When an employee is required to return to work after having completed the assigned time to perform duties commensurate with the position, the employee shall be compensated for these duties at the regular rate of pay unless the employee has already worked an eight (8) hour day and then shall be compensated at the overtime rate of

pay. Any employee called back to work shall receive a minimum of three (3) hour's compensation.

623 Fixing of Salaries

The Governing Board shall fix the annual salaries for the ensuing school year for all classified employees no later than the date prescribed by law for approval of the publication budget of every year. The Governing Board may, at the time, include an increase in such annual salaries, all or part of which increase is conditional upon the actual receipt by the District of anticipated revenue from all sources. The Governing Board may increase salaries of its classified employees any time during the school year.

EDUCATION CODE SECTIONS 45162, 45163

624 Uniforms; Costs

The Governing Board of any school district may require the wearing of a distinctive uniform by classified personnel. The cost of the purchase, lease or rental of uniforms, equipment, identification badges, emblems, and cards required by the District shall be borne by the District.

EDUCATION CODE SECTION 45138

625 Payment on School Recesses and a School Day

- A. School recessed during the Winter and Spring Break periods shall not be considered holidays for classified employees who are normally required to work during those periods. The holidays of the day before or after Christmas, Christmas, New Year's Day and Spring Vacation Day have been declared by the Board of Education to be holidays during these periods. In addition, New Year's Eve Day is a holiday for restricted employees when it falls on a Monday through Thursday.
- B. Notwithstanding the adoption of separate work schedules for the certificated and classified services, on any school day during which pupils would otherwise have been in attendance but are not and for which certificated personnel receive regular pay, classified personnel shall also receive regular pay whether or not they are required to report for duty that day.

EDUCATION CODE SECTION 45203

626 Medical or Physical Examinations

The District agrees to provide the full cost of any medical examination required as a condition of employment, including, but not limited to, the provisions outlined in Education Code Section 45122.

EDUCATION CODE SECTION 45122

Rule 6 - 12/1985, 3/1994, 2/2006, 11/2012, 4/2024