

**All Personnel**

BP 4151(a)

4251

**EMPLOYEE COMPENSATION**

4351

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

*(cf. 3100 - Budget)*

*(cf. 3400 - Management of Districts Assets/Accounts)*

*(cf. 4000 - Concepts and Roles)*

*(cf. 4154/4254/4354 - 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 negotiated agreements and shall be printed and made available for review at the district office. (Education Code 45022, 45023, 45160, 45162)

*(cf. 4121 - Temporary/Substitute Personnel)*

*(cf. 4141/4241 - Collective Bargaining Agreement)*

*(cf. 4143/4243 - Negotiations/Consultation)*

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 years of training 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)

*(cf. 4030 - Nondiscrimination in Employment)*

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.

*(cf. 4140/4240/4340 - Bargaining Units)*

*(cf. 4312.1 - Contacts)*

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. (Education Code 45038, 45039, 45048, 45165)

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)

**EMPLOYEE COMPENSATION** (continued)

**Overtime Compensation**

A district employee shall be paid an overtime rate of not less than one and one-half times his/her regular rate of pay for any hours worked in excess of eight hours in one day or 40 hours in one work week. However, employees shall be exempt from overtime rules if they are employed as teachers or school administrators or if they qualify as being employed in an executive, administrative, or professional capacity and are paid a fixed salary at or above the salary level established by federal regulations. (Labor Code 510; 29 USC 213; 29 CFR 541.0-541.710, 553.27, 553.32)

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 he/she has not 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 a reasonable period after making the request if the use of the compensatory time does not unduly disrupt district operations. (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.

*(cf. 3580 - District Records)*

*(cf. 4112.6/4212.6/4312.6 - Personnel Files)*

*Legal Reference: See next page*

## **EMPLOYEE COMPENSATION (continued)**

### *Legal Reference:*

#### EDUCATION CODE

45022-45061.5 *Salaries, especially:*

45023 *Availability of salary schedule*

45028 *Salary schedule for certificated employees*

45160-45169 *Salaries for classified employees*

45268 *Salary schedule for classified service in merit system districts*

#### GOVERNMENT CODE

3540-3549 *Meeting and negotiating, especially:*

3543.2 *Scope of representation*

3543.7 *Duty to meet and negotiate in good faith*

#### LABOR CODE

226 *Employee access to payroll records*

232 *Disclosure of wages*

510 *Overtime compensation; length of work day and week; alternative schedules*

#### UNITED STATES CODE, TITLE 26

409A *Deferred compensation plans*

#### UNITED STATES CODE, TITLE 29

201-219 *Fair Labor Standards Act, especially:*

203 *Definitions*

207 *Overtime*

213 *Exemptions from minimum wage and overtime requirements*

#### CODE OF FEDERAL REGULATIONS, TITLE 26

1.409A-1 *Definitions and covered plans*

#### CODE OF FEDERAL REGULATIONS, TITLE 29

516.4 *Notice of minimum wage and overtime provisions*

516.5-516.6 *Records*

541.0-541.710 *Exemptions for executive, administrative, and professional employees*

553.1-553.51 *Fair Labor Standards Act; applicability to public agencies*

#### COURT DECISIONS

*Flores v. City of San Gabriel, 9th Cir., June 2, 2016, No. 14-56421*

### *Management Resources:*

#### WEB SITES

CSBA: <http://www.csba.org>

Internal Revenue Service: <http://www.irs.gov>

School Services of California, Inc.: <http://www.sscal.com>

U.S. Department of Labor, Wage and Hour Division: <https://www.dol.gov/whd>