

PERSONNEL COMMISSION

SANTA MONICA COLLEGE

MERIT RULES CHAPTER XII

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## CHAPTER XII

### SALARIES, OVERTIME PAY AND BENEFITS

#### Rule 12.1 DETERMINATION OF SALARY SCHEDULES (EDUCATION CODE SECTIONS 88061, 88087, 88160 – 88163)

##### 12.1.1 FIXING ANNUAL SALARY SCHEDULES

- A. The Governing Board shall fix the annual salaries for all classified employees for each ensuing year no later than the date prescribed by law.
- B. The Board may increase the salary schedule for classified employees at any time during the fiscal year, including increases to the salaries of employees resulting from the reclassification of a position, class of positions, or group of classes approved by the Personnel Commission.
- C. The provisions of this section shall not be construed to permit the Board to demote or dismiss an employee due to the reclassification of a position or class of positions, unless otherwise authorized by law or these rules.
- D. If the Governing Board is unable to comply with the provisions of paragraph A above, because of collective bargaining negotiations or because a salary study is being conducted, the board may, prior to the final adoption of the budget:
  - 1. Reserve the right to adjust salaries upon completion of the study and/or negotiations, or
  - 2. Adopt an interim salary schedule as provided in Education Code Section 88163.
- E. The Governing Board shall employ, pay and otherwise control the services of classified employees only in accordance with the provisions of Title 3, Division 7, Chapter 4, Article 3 (Merit System) of the Education Code of the State of California and applicable provisions of these rules.

#### FACTORS IN SALARY RECOMMENDATIONS

- A. The Director of the Personnel Commission shall prepare recommendations for the allocation of classes to salary ranges for approval by the Personnel Commission. These recommendations shall take into account the following factors:
  - 1. The principle of like pay for substantially similar work within the classified service.
  - 2. Appropriate differentials between related classes to reflect differences in duties and responsibilities, as established in the classification plan, and
  - 3. Wages and salaries paid for similar work in comparable job classifications within other government agencies within a comparable market area.
  - 4. Wages and salaries paid by private sector employers may be considered when there are insufficient comparable government data.
  - 5. Such other information as the Personnel Commission may deem relevant.

#### 12.1.3

#### SALARY STUDIES

- A. The Director of the Personnel Commission shall conduct a salary study:
  - 1. When directed by the Personnel Commission.
  - 2. Whenever a new class is created.
  - 3. Whenever the Director of the Personnel Commission determines it is necessary to carry out the purposes of the Merit Rules
- B. A salary study shall consist of an analysis of factors listed in Section 12.1.2.
- C. The Director of the Personnel Commission shall work cooperatively with the Administration and employee organizations, while conducting salary studies, in an effort to ameliorate significant differences before recommendations are submitted to the Personnel Commission.

#### 12.1.4

#### SALARY RECOMMENDATIONS

(EDUCATION CODE SECTION 88087)

After making its findings, the Personnel Commission shall present salary recommendations to the Board for approval. The Board may approve, amend or reject the recommendation but not alter the percentage relationships among classes in the occupational family as established by the classification plan. No amendment shall be adopted until the Personnel Commission is first given a reasonable opportunity to comment on the effect the amendments will have on the principle of like pay for substantially similar work. No changes shall be adopted which disturb the percentage relationship among classes in the occupational family as established by the Personnel Commission.

Rule 12.2      *GENERAL SALARY PROVISIONS*

12.2.1                      INTERPRETATION OF THE SALARY SCHEDULE

- A.      The employee's appropriate salary range and step shall be considered the employee's base salary.
- B.      Base salary does not include longevity pay increments, differentials, stipends, or reimbursements.

12.2.2                      TIME FOR PAYMENT  
(EDUCATION CODE SECTION 85244)

- A.      Payroll orders for the payment of wages shall be made to all classified employees twice during each calendar month, in accordance with provisions mandated by the Education Code and applicable bargaining agreements.

12.2.3                      CORRECTION OF ERROR IN SALARY  
(EDUCATION CODE SECTION 88166,  
CODE OF CIVIL PROCEDURE 338)

- A.      Whenever it is determined that an error has been made in the calculation or reporting in any classified employee's payroll or in the payment of any classified employee's salary, the District shall, within five working days following such determination:
  - 1.      Provide the employee with a statement of correction.
  - 2.      Issue a supplemental payment to cover any amount owed to the employee.
  - 3.      Make equitable arrangement for repayment where the employee has been overpaid.
- B.      The correction of errors made in the calculation, reporting, or in the payment of any classified employee's salary shall be limited to the three year period preceding the date a claim is filed, or the error is discovered.

12.2.4

SALARY ON EMPLOYMENT

- A. New employees shall normally be hired at the first step in the salary range for the classification, except for cases in which an accelerated hiring rate or an Advanced Step Placement has been approved.
- B. Advanced Step Placement

A new employee may be granted Advanced Step Placement on the salary schedule upon recommendation of the Director of the Personnel Commission. The Director of the Personnel Commission shall base their recommendation on a determination that Advanced Step Placement is necessary due to labor market conditions, or to properly compensate a new employee for previous training, experience, and qualifications which greatly exceed the standard expectations of a new employee on entry into the classification. Input from subject matter experts and the hiring manager regarding the criteria for advanced step placement will be considered when making this determination.

- 1. Placement at the second step may be approved if the employee has had at least two (2) additional years of training and experience beyond the years indicated in the class qualifications, and two or more of the criteria listed in Section 12.2.4.B.3 are present.
- 2. Placement at the third step may be approved if the employee has had at least four (4) additional years of training and experience beyond the years indicated in the class qualifications, and two or more of the criteria listed in Section 12.2.4.B3 are present.



3. The following guidelines will be taken into account when making the final determination:
  - a) The candidate possesses value-added experience performing substantially the same duties listed in the class description, above and beyond standard expectations for a new hire.
  - b) The candidate possesses value-added training which is directly related to the required duties of the job, above and beyond standard expectations for a new hire.
  - c) Verifiable difficulty is experienced in attracting well-qualified candidates, or there is an insufficient number of eligible candidates ready and willing to accept a permanent assignment in spite of a targeted recruitment effort.

4. The maximum initial salary placement is the third step on the salary schedule, unless approval for higher initial salary placement is granted by the Personnel Commission, Superintendent/President, and the appropriate appointing authority. In order to be considered for initial salary placement above Step C, candidates must have more than four (4) additional years of training and experience beyond the years indicated in the class qualifications, and two or more of the criteria listed in 12.2.4.B.3. must be present.
5. The initial offer or denial of Advanced Step Placement will be made as part of the job offer, and will be subject to receipt of written verification submitted by the new employee indicating that relevant criteria as outlined in Section 12.2.4 (B) have been met. Failure of the employee to submit the verification by the start date of employment shall result in ineligibility for Advanced Step Placement.

C. Accelerated Hiring Rate

An Accelerated Hiring Rate may be set prior to opening recruitment with the approval of the Personnel Commission and the Board of Trustees, at any step of the schedule of the class. Accelerated Hiring Rates may be utilized for classes where past recruitment efforts have indicated difficulty in recruiting at the first step. 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.

12.2.5

SALARY INCREMENTS

- A. Upon completion of the probationary period, a regular classified employee initially hired at step A shall advance to step B on the appropriate range of the salary schedule.
- B. Notwithstanding the provisions of paragraph A, a new employee who has served continuously in limited-term or provisional status immediately prior to appointment to a regular position in the same class shall, for purposes of salary increment advancement, be credited back to the original date of hire in the class. The maximum amount of time which may be credited is six months.
- C. After receipt of the initial salary increment, each regular classified employee shall advance one step on the appropriate salary range upon completion of each year of continuous service until the maximum is reached
- D. A regular classified employee initially hired at step B or higher shall advance to the next step on the appropriate range of the salary schedule upon satisfactory completion of one year of service.

12.2.6

SPECIAL SALARY INCREMENTS FOR MANAGEMENT  
AND CONFIDENTIAL EMPLOYEES

- A. A permanent classified management or confidential employee may be granted a special one-step salary increment in advance of the scheduled increment subject to the following conditions:
1. When the employee's supervisor wishes to request a special salary increment, they shall submit to the Vice President of Human Resources or designee a recommendation with documentation of outstanding and meritorious service in the improvement of the educational service to students or the administration of the District. The recommendation shall include a specific listing of the accomplishments and achievements of the employee which exceeds the performance standards of the class.
  2. The recommendation shall be submitted to the Superintendent/President. If approved by the Superintendent/President it shall be forwarded to the Board of Trustees for action.
  3. The recommended employee has not received a regular salary increment within the preceding six months.
  4. The employee shall be eligible for no more than one special one-step salary increment within a three and one-half year period.
  5. Upon receipt of a special salary increment, the employee salary increment anniversary date shall be adjusted and the date of the special increment shall become the employee's new increment date.

#### 12.2.7 SALARY ON PROMOTION

- A. When an employee is promoted to a position on a higher salary range, they shall receive at least a one step (5%) salary increase.
- B. If the amount of the first step of the new salary range is less than a one step salary increase, the employee shall be placed at the next higher step which will ensure a minimum of a one-step or 5% salary increase.
- C. A promotional employee may be granted Advanced Step Placement on the salary schedule upon recommendation of the Director of the Personnel Commission.
  - 1. The Director of the Personnel Commission shall base their recommendation to properly compensate a promotional employee for previous training, experience, and qualifications which greatly exceed the standard expectations of a new employee on entry into the classification,
  - 2. Advanced Step Placement for promotional employees shall otherwise be in accordance with Merit Rule 12.2.4.
- D. After promotion, an employee shall advance one step on the salary schedule after satisfactory completion of a probationary period in the new class. This shall become the employee's new increment anniversary date.
- E. Thereafter, salary increment advancement shall be in accordance with Rule 12.2.5.

#### 12.2.8 SALARY ON DEMOTION

- A. An employee who accepts voluntary demotion for any reason other than disqualification from probationary or permanent status shall be placed in the step of the lower salary range that provides the least amount of reduction in salary.
- C. If the employee is eligible for an increment in their own class at the time a voluntary demotion is taken, the employee shall be credited with the increase before salary adjustment is made.
- D. When an employee is involuntarily demoted during probation, as provided in Rule 9.3.2, salary placement shall be at the step of the lower salary range to which the employee would have progressed

had the employee served continuously in the lower class. The employee's previous salary increment date shall be used to determine advancement on the salary schedule.

- E. When the demotion is due to a disciplinary action, the Disciplinary Action Notice shall specify the step of the salary range on which the employee shall be placed.

#### 12.2.9 SALARY ON RECLASSIFICATION

- A. When an employee is reclassified with their position to a class with a higher salary range, the employee shall be placed on the same step on the higher range with the same increment date as held in the lower range.
- B. When an employee is ineligible for reclassification with their position but qualifies for the higher class through the appropriate examination process, the change of classification shall be treated as a promotion under Rule 12.2.7.

#### 12.2.10 SALARY ON REALLOCATION

- A. When a class is reallocated to a higher salary range, all employees in the class shall be placed on the new salary range on the same step which they held prior to the reallocation. Step placement and anniversary increment date shall not change.

#### 12.2.11 SALARY ON TRANSFER

- A. When an employee is transferred from one position to another in the same class, or a related class on the same salary range, the employee's step placement and anniversary increment date shall not change.

12.2.12

SALARY ON RETURN FROM LEAVE OF ABSENCE,  
REEMPLOYMENT AND REINSTATEMENT

- A. An employee who returns from leave of absence, is reemployed in the same class within 39 months after layoff, or is reinstated into their former class within 39 months after resignation, shall be placed on the same step of the salary range for the class held prior to leave or separation.
- B. Credit for step advancement shall accrue during the following leaves of absence:
  - 1. All paid leaves of absence including sick leave, verified illness leave, personal necessity, bereavement, jury duty, vacation, etc.
  - 2. For military service, paid or unpaid.
  - 3. To serve in limited-term assignments in the District.
  - 4. For industrial accident or injury leave, paid or unpaid.
- C. An employee who is reinstated or reemployed in a related lower class shall be placed on the step of the lower salary range which is closest to, but not higher than, the last step held prior to separation.
- D. An employee who is reinstated or reemployed in a limited-term position shall be placed on the same step of the appropriate salary range which they would receive had they been reinstated to a permanent position in the class.

12.2.13

SHIFT DIFFERENTIAL PAY

- A. Shift differential pay shall be applicable to employees serving in regular positions, as follows:
1. Evening shift employees (NS1) who are permanently assigned to a shift requiring four (4) or more hours after 5:00 p.m. shall be paid a differential of two (2) ranges (approximately 5%) over the regular rate for daytime employees in the same class.
  2. Night shift employees (NS2) who are permanently assigned to a shift requiring four (4) or more hours between 12:00 midnight and 7:00 a.m. shall be paid a differential of four (4) ranges (approximately 10%) over the regular rate for daytime employees in the same class.
  3. Employees who are permanently assigned to a split-shift schedule which requires one or more unpaid periods exceeding a total of three (3) hours per day shall be paid a differential of two (2) ranges (approximately 5%) over the regular rate for regular employees in the same class.
  4. Employees who are permanently assigned to a variable hours schedule shall be paid a differential of two (2) ranges (approximately 5%) over the rate for regular employees in the same class.
  5. Employees who are permanently assigned to a regular 40 hour workweek consisting of a work schedule other than Monday through Friday which requires a Saturday or Sunday shift shall be paid a differential of two (2) ranges (approximately 5%) over the rate for regular employees in the same class.



- B. Employees who are assigned to evening and night-shift work on a continuous basis and are ordered to temporary daytime work, shall continue to receive their regular pay. However, on the 21st day the employee's pay shall be adjusted to the daytime schedule.
- C. Assignments to positions for which differential compensation is designated, other than temporary assignments (20 working days or less), shall be made on the basis of seniority, as specified in Merit Rule 6.3.15 A.
- D. To be eligible for shift differential pay, an employee shall serve more than two (2) evening, night, or split shifts per week. An employee shall be eligible to be paid for no more than one (1) shift differential under this rule. Where more than one shift differential can apply, the employee shall be paid at the higher differential rate.

#### 12.2.14

#### LONGEVITY PAY

Each regular classified employee shall receive a salary increment in addition to their regular salary in recognition of completion of satisfactory and continuous service to the District. The increment shall be equal to a two range increase (approximately 5%) after completion of:

- 1. Five years
- 2. Ten years
- 3. Fifteen years
- 4. Twenty years
- 5. Twenty-five years
- 6. Thirty years
- 7. Thirty-five years
- 8. Forty Years

12.2.15

ADJUSTMENTS OF SERVICE CREDIT

- A. For purposes of salary increment and longevity computation, time in unpaid status, other than military or industrial injury leave, or recess periods which are part of an employee's work calendar, shall be deducted from the employee's accumulated service time. The employee's longevity and salary increment dates shall be adjusted accordingly.

12.2.16

EFFECTIVE DATE OF SALARY CHANGES

- A. All salary and longevity increments shall be effective on the first day of the calendar month as provided below:
  - 1. When the actual date of the change falls on or before the 15th of the month, the salary change shall be effective on the first of the month.
  - 2. When the actual date of the change falls after the 15th of the month, the change shall be effective on the first of the following month.

12.2.17

APPLICATION OF SALARY PROVISIONS TO  
BARGAINING UNIT MEMBERS

- A. The salary provisions for bargaining unit members are contained in the applicable collective bargaining agreements.

Rule 12.3

OVERTIME COMPENSATION (EDUCATION CODE  
SECTIONS 88027-88031, 88039)

Salary provisions for bargaining unit members are contained in the applicable collective bargaining agreements.

12.3.1

OVERTIME DEFINED

- A. Overtime shall be defined as the authorized work time in excess of 40 hours in one work week or the authorized number of hours in an employee's approved workday pattern that includes at least eight (8) hours per day.
- B. For purposes of determining overtime compensation, work time shall include:
  - 1. All actual hours worked.
  - 2. All hours of paid leave time including sick leave, vacation, holidays, compensatory time off, or any other paid leave.

12.3.2

OVERTIME COMPENSATION

- A. An employee who works authorized overtime as defined in Rule 12.3.1 shall be paid at the rate of one and one-half (1-1/2) times their regular rate of pay for all overtime hours worked. Compensation shall be in cash payment or, by mutual agreement, compensatory time.
  - 1. The employee's regular rate of pay shall include shift and special assignment differentials.
  - 2. The employee's regular rate of pay shall be the appropriate rate for the class in which the duties are performed.
- B. Overtime at the rate of one and one-half times their regular rate shall also be paid to a regular part-time employee as follows:
  - 1. An employee having an average workday of four (4) hours or more shall receive overtime compensation for any authorized work performed on the sixth and seventh consecutive day of work.
  - 2. An employee having an average workday of less than four (4) hours during the workweek, shall receive overtime compensation for any authorized work performed on the seventh consecutive day of work.
- C. When an employee is required to work on a paid District holiday, the employee shall be paid, in addition to the regular pay received for the holiday, at the rate of one and one-half (1-1/2) times the employee's regular rate of pay.
- D. The minimum authorized period which shall qualify for overtime pay is one-half (1/2) hour.

12.3.3

ASSIGNMENT OF OVERTIME

- A. Overtime work shall be assigned on a rotating seniority basis among all qualified employees who are in the same class, the same organizational unit, and at the same work location. If an employee chooses not to work the overtime assigned under this procedure, no punitive action shall be taken by the District or the immediate supervisor.
- B. If no employee in the class, organizational unit and work location accepts the overtime assignment using the rotating seniority process, the District may assign the overtime in reverse rotating seniority order.
- C. The following are allowable exceptions to the seniority overtime assignment process:
  - 1. When overtime is authorized for completion of a specific assignment, project, or work in progress, the employee who began the assignment, project or work may be assigned the overtime.
  - 2. When the District determines it is necessary to consider special skills and training of employees to perform particular work.
  - 3. When other employees working on a non-overtime basis are available to perform the duties, the District shall not be required to assign the work on an overtime basis.

12.3.4

COMPENSATORY TIME (EDUCATION CODE SECTION 88028)

- A. Compensatory time off may be granted in lieu of cash payment for overtime hours worked by mutual agreement of the employee and of the department supervisor. The following provisions shall apply:
  - 1. A record of all compensatory time worked and taken for each employee shall be maintained in the time record of the department.
  - 2. Compensatory time may be taken as leave by the employee in lieu of any other authorized leave.
  - 3. Compensatory time shall be approved by the department supervisor before it is taken.
- B. Compensatory time shall be earned at the rate of one and one-half (1-1/2) hours for every 1 hour of overtime worked.
- C. Compensatory time may be accumulated for no more than 12 calendar months following the month in which the overtime was worked by any employee, provided that:
  - 1. An employee may retain a reasonable "bank" of compensatory time, which may not exceed 80 hours, at any time, for their use as authorized under this Rule.
  - 2. An employee shall be required to utilize any additional compensatory time beyond the 80 hours, within the month in which it is earned.
  - 3. When an employee transfers to a new department or a new assignment, compensatory time maintained in the employee's "bank" shall either be transferred with the employee or compensated in cash at the employee's current overtime rate as determined by the District.

4. All compensatory time accumulated in an employee's "bank" at the time of separation from the District shall be compensated in cash at the employee's current overtime rate.

#### 12.3.5

#### CALL BACK PAY

- A. Whenever an employee is required by the employee's supervisor to return to work after having departed from their work location after termination of their work shift (call back), the employee shall receive a minimum payment of two (2) hours at their regular or overtime rate, as appropriate.
- B. Whenever an employee is required by the employee's supervisor to report for work on a day on which they are not regularly scheduled to work the employee shall receive a minimum payment of two (2) hours at their overtime rate provided the employee was given at least five (5) working days advance notice. In the event the employee is not given the advance notice, the employee shall receive a minimum payment of four (4) hours at their overtime rate.
- C. If an employee works more than two (2) hours on call back as provided above, the employee shall receive the appropriate pay for the actual hours worked.

12.3.6

EXEMPTION FROM OVERTIME PROVISIONS  
(EDUCATION CODE SECTIONS 88026, 88027, 88029)

- A. All positions/classes designated as executive, administrative, or supervisory by the Personnel Commission shall be exempted from overtime provisions of Education Code 88027 unless otherwise required by Federal or State law.
- B. To be exempted from overtime provisions, all classes or positions must clearly be:
  - 1. Management positions in which the duties, authority, flexibility of hours, salary and benefit structure sets them apart from other positions or classes.
- C. The Personnel Commission shall certify in writing each classification that is properly exempted from the overtime provisions of Education Code Section 88027. Employees serving in such classes shall not be unreasonably discriminated against as a result of this exclusion.
- D. The list of designated management classes exempt from overtime provisions shall be maintained in the District's Management Salary Schedule and on file in the Personnel Commission Department.
- E. Notwithstanding the provisions of paragraph A of this Rule, if an exempted employee is required to work on a holiday, they shall be compensated at their regular rate of pay for the hours worked on the holiday or shall be granted an equal amount of compensatory time.
- F. Whenever a non-management employee is temporarily assigned to a designated management position for which they receive pay on the management salary schedule, the employee shall be ineligible for overtime pay for the entire period in which they serve in the management position.



Rule 12.4

EMPLOYEE BENEFITS

Employee benefit provisions for bargaining unit members are contained in the applicable bargaining agreement.

12.4.1

HEALTH AND WELFARE BENEFITS (GOVERNMENT  
CODE SECTION 53200)

- A. The Santa Monica Community College District shall provide a basic Health and Welfare Benefit Plan to all regular employees serving in positions assigned on a half time (20 hour) basis or more.
- B. Costs of basic Health and Welfare Benefits shall be approved by the Board of Trustees annually.
- C. The basic Health and Welfare Benefit Plan shall provide for a contribution by the District for group medical insurance, dental insurance and vision coverage.
- D. Each regular eligible employee, shall select coverage from the group health insurance, dental program, and vision plan offered by the District within the first 30 days after initial employment. Thereafter, a covered employee may change plans or add eligible family members only during open enrollment periods.
- E. Employees who work five days per week, seven to eight hours per day, 35 to 40 hours per week, and who are employed for the academic year, or instructional year, shall be considered full-time employees for the purposes of this rule.
- F. Employees who work less than 35 hours per week, but 20 or more hours per week, shall receive a prorata share of the amounts which are authorized for a full-time employee if they elect to be enrolled in a health, vision, and dental care plan. The pro-ration shall be based on a 40 (forty) hour week.

- G. Employees who work less than 20 hours per week shall not be eligible for benefits enumerated in the Rule.
- H. The District shall provide the basic Health and Welfare Plan benefit to eligible employees who retire from the District. The benefit plan shall provide the group medical coverage for the employee and eligible dependents as defined by the insurance carrier, provided the employee is at least 55 years old and has completed ten years of service. The amount of contribution shall be determined by the Board of Trustees. The Health Plan should provide group medical coverage. The District shall provide supplemental retirement benefits (medical, dental, and vision) to all retirees who meet the eligibility requirements as provided in Merit Rule 15.1.2.
- I. The District shall provide the supplemental retirement benefit to all retired employees who meet the eligibility requirements for the District's Classified Employees' Early Retirement Program.

#### 12.4.2

#### MILEAGE REIMBURSEMENT

- A. Any classified employee who is required by their supervisor to use their personal vehicle for college business shall be reimbursed for mileage at the rate approved by the Board of Trustees.
- B. Claims for mileage reimbursement shall be processed in accordance with District procedures.

#### 12.4.3

#### UNIFORM ALLOWANCE (EDUCATION CODE SECTION 88037)

- A. The District may require classified employees to wear a distinctive uniform. The cost of purchase, lease, rental, and maintenance of uniforms, and equipment, identification badges, emblems, and cards which are required by the District shall be paid for, or the cost shall be reimbursed to the employee, by the District.