SALARY ALLOCATION AT RECLASSIFICATION OR REALLOCATION

Education Code Section(s)

88080. Power of the personnel commission to prescribe, amend and interpret rules.

(a) The commission shall prescribe and, amend, and interpret subject to this article, such rules as may be necessary to insure the efficiency of the service and the selection and retention of employees upon a basis of merit and fitness. The rules shall not apply to bargaining unit members if the subject matter is within the scope of representation, as defined in Section 3543.2 of the Government Code, and is included in a negotiated agreement between the governing board and that unit. The rules shall be binding upon the governing board, but shall not restrict the authority of the governing board provided pursuant to other sections of this code.

(b) No rule or amendment which would affect classified employees who are represented by a certified or recognized exclusive bargaining representative shall be adopted by the commission until the exclusive bargaining representative and the community college employer of the classified employees who would be affected have been given reasonable notice of the proposal.

88081. Subjects of Rules.

(a) The rules shall provide for the procedures to be followed by the governing board as they pertain to the classified service regarding applications, examinations, eligibility, appointments, promotions, demotions, transfers, dismissals, resignations, layoffs, reemployment, vacations, leaves of absence, compensation within classification, job analyses and specifications, performance evaluations, public advertisement of examinations, rejection of unfit applicants without competition, and any other matters necessary to carry out the provisions and purposes of this article.

(b) With respect to those matters set forth in subdivision (a) which are a subject of negotiation under the provisions of Section 3543.2 of the Government Code, such rules as apply to each bargaining unit shall be in accordance with the negotiated agreement, if any, between the exclusive representative for that unit and the public school employer.

A. When an entire class is reallocated to a higher salary schedule, the step of each continuing regular incumbent shall be adjusted to the numbered step in the new schedule that corresponds to his/her numbered step in the previous schedule. A change in an employee's rate resulting solely from a change in the length of his/her pay period or the structure of the salary schedule to which his/her class is allocated shall not affect the employee's eligibility for step advancement, except as provided under Rule 578, SALARY STEP ADVANCEMENT WITHIN CLASS FOR REGULAR EMPLOYEES, and Rule 582, ALLOCATION TO APPROPRIATE SALARY STEP, Paragraph K.

In situations where the financial impact of a reallocation or reclassification study jeopardizes the implementation of the study, the District may request that the step of each continuing regular incumbent be adjusted to the numbered step of the new schedule which equals or next exceeds the dollar rate of the employee’s current salary step. The dollar rate shall include differentials if the differentials will not continue upon implementation of the reallocation or reclassification action.
B. When an entire class is reclassified downward, an incumbent in the class shall be allocated to the step of the lower class which corresponds to the dollar rate of the incumbent's current step if that rate is within the schedule of the lower class. If downward reclassification is to a class which does not include the rate of the incumbent's current step on the schedule, he/she shall be placed on that step of the new class which is next lower than the rate attained by the incumbent prior to the reclassification.

If the rate prior to reclassification is above the maximum of the lower class, the incumbent shall receive the highest step of the lower class unless a starred rate is authorized in accordance with Paragraph C.4., below.

C. When a portion only of the positions within a class is reclassified in such a manner that a new salary schedule or hourly rate becomes applicable to that portion, incumbents shall be compensated as follows:

1. In the case of an upward reclassification of a portion only of the positions within a class, incumbents who are regularly appointed to their reclassified positions through a competitive examination process, shall be compensated in accordance with Rule 582, ALLOCATION TO APPROPRIATE SALARY STEP, paragraph C. Incumbents who are being reclassified without a competitive examination requirement shall be allocated in the same manner as though they had been regularly appointed from a promotional eligibility list.

2. When an incumbent’s upward reclassification is dependent upon his/her successful completion of a competitive examination requirement, he/she shall also be compensated in accordance with Rule 582, ALLOCATION TO APPROPRIATE SALARY STEP, paragraph C.

The salary allocation in the higher class shall begin on the effective date of the reclassification action and shall continue until one of the following actions occurs:

a. the employee is regularly appointed to the position;

b. the duties and responsibilities upon which the reclassification was based are changed;

or

c. the employee leaves the position.

If the incumbent subsequently qualifies by competitive examination procedures and is appointed to his/her reclassified position, his/her seniority in the higher class shall begin on the effective date of the reclassification action.

When a position in a nonexempt class is reclassified to a class exempt from overtime payment, all applicable provisions of Rule 596, OVERTIME, and Rule 812, VACATION, shall apply to the incumbent of the position in the same manner as if he/she had been regularly assigned to the exempt class.
3. When a portion of positions within a class are reclassified downward, incumbents shall be placed on the step of the new class’s salary schedule that provides the same salary rate as the one achieved in the higher class. If the salary schedule of the new class does not include the incumbent’s prior salary rate, the incumbent shall be placed on the step on the new schedule that provides the least reduction in pay.

Layoff and voluntary demotion procedures to the extent to which they are applicable shall determine the eligible persons who are to occupy those positions which have been reclassified downward.

4. By specific action of the Personnel Commission in the case of a reallocation to a lower salary schedule of all or a portion of the positions within a given class where incumbents are currently compensated above the maximum of the new schedule to which the position is allocated, continuing regular incumbents of such positions may be placed on starred rates with no reduction in compensation regardless of the fact that no such rate may exist within the schedule to which their class is reallocated.

Employees who are reassigned to lower-level classes as a result of their positions being abolished due to technological or organization changes may also be placed on starred rates. If the employee initiated the reassignment, he or she shall not be placed on a starred rate.

Any such starred rate shall be in effect only as long as the incumbent remains in the same position and until the starred rate falls within the schedule of the class to which reallocated by virtue of future upward salary movement or for a period equal to the time the employee served in the higher class from which he/she was reassigned, whichever is the shorter period, with the total protected time not to exceed 39 months. Upon termination of a starred rate, the employee shall be placed on the highest step of the salary schedule or on the flat rate of the applicable class, whichever applies.

D. Conversion from flat hourly rates to schedules shall be made by multiplying the hourly rate by 2088 hours and dividing by 12. Once the monthly rate has been thus established, each continuing regular incumbent shall be placed on the numbered step of the new schedule which equals or next exceeds the calculated monthly dollar rate.

E. When step advancement, reallocation, or reclassification of a class, promotion or demotion from or within such class become effective on the same date, incumbents affected by more than one action shall receive salary adjustment for each action in accordance with the following priority:

1. Step advancement.
2. Increase or decrease due to reallocation or reclassification of the class.
3. Increase or decrease due to promotion or demotion.