

**RULES AFFECTING
CLASSIFIED AND ADMINISTRATIVE/PROFESSIONAL STAFF**

SECTION SIX

6.0 COMPENSATION

Senior Management positions are not governed by provisions of this Section.

- A. The Director of Human Resources will periodically review wages and salaries paid to all classes of positions as compared with other appropriate employers and will recommend modifications to the salary schedule as necessary.
- B. An employee's pay for any and all work performed for the university shall be determined solely by the provisions of this section.
- C. It is expected that Administrative/Professional employees' working hours, duties, and responsibilities may vary. Such variations are not normally a basis for additional pay. Any additional pay attributable to work unrelated to normal position duties must be approved by the Director of Human Resources.
- D. Classified employees are compensated at a time and half rate for all hours worked in excess of 8 hours in a day and/or 40 hours in a workweek, and at a double time rate for all hours worked in excess of 12 hours in a day as well as all work performed that is supplemental to that of their regular position.
 - 1. Classified employees will be compensated at a time and one-half rate for any hours worked in their regular positions during designated holidays.
 - 2. Neither federal nor state laws permit an employer to accept "volunteer" work that is normally performed in an employer-employee relationship, therefore a Classified employee may not voluntarily refuse overtime payments or regular pay due.
 - 3. Federal and state laws require the employer to maintain accurate records of all hours worked by a nonexempt (Classified) employee regardless of where the work is performed, and impose penalties upon employers for failure to do so. An accurate record is one that documents--and pays for--all hours worked each day to the nearest quarter-hour, including "supplemental" work not a part of the employee's regular position responsibilities such as but not limited to teaching, weekend or after hours

work for the same or another department. Supervisors must ensure that accurate records are maintained and submitted to Payroll for payment.

4. With reasonable prior notice a Classified employee may be required to work overtime.
- E. A Senior Manager may appoint a new Classified or Administrative/Professional employee at up to the pay target for the position, assuming availability of funds. If qualified applicants cannot be found following extensive recruiting, a less-than-qualified individual may be appointed at a less-than-minimum rate established by the Director of Human Resources. In such instances the employee's pay will be increased to minimum after 6 months if performance is satisfactory.
- F. (This paragraph eliminated effective July 1, 2003. Geographical differentials are no longer necessary.)
- G. Where unusual market conditions result in obtaining no applicants for a particular position following extensive recruiting, an exceptional hiring rate may be recommended by the Director of Human Resources to the Executive Vice President so that qualified applicants will apply.
- H. Subject to funding in the annual budget, an employee may receive a pay increase by the following means:
 1. General Pay Increase: A General Pay Increase is one provided in pre-determined percentages or amounts to all Classified and Administrative/Professional employees.
 2. This paragraph deleted July 1, 2003.
 3. Pay Upon Reclassification: In instances wherein a position is reclassified upward because of increased responsibilities the reclassification and pay increase will become effective on a date approved by the Human Resources Department. The pay increase For reclassifications that are authorized during the annual exercise the increase is 10% or to the minimum (80% of pay target) of the new grade. For reclassifications that are authorized at any other time the increase may be up to pay target. (The regrading of a classification is not a reclassification or promotion.) See also Section 5, paragraph B.
 4. Pay Upon Promotion: (effective 8/12/98)
 - a. In instances wherein a Classified employee is promoted from one position to a different position in a higher pay grade that employee's pay may be increased up to pay target, assuming availability of funds.

- b. (This paragraph eliminated 8/12/98)
- c. When a Classified position *is* reallocated to Administrative/Professional and the employee occupying the position has received regular overtime payments in that same position during at least the past 6 months, overtime replacement may be added to the employee's salary if there is reason to believe that regular recurring overtime work requirements will continue. The method to determine overtime replacement is:
 - 1) Six to 12 months of regular, recurring overtime payments may be replaced at the rate of 30% of the average overtime paid during the 6-12 month period.
 - 2) Twelve to 24 months of regular, recurring overtime payments may be replaced at the rate of 50% of the average overtime paid during the past 12 to 24 month period.

5. Equity Pay Adjustments: Equity adjustments are normally those pay increases authorized by the Executive Vice President and resulting from a finding by the Director of Human Resources that an individual's work is substantially similar to the work of others of the opposite gender who are paid at a greater rate than can be explained by skill, effort, responsibility, working conditions, length of employment, or any other bonafide pay plan.

6. Additional Interim Pay: An employee who temporarily is assigned to perform work at a higher level may receive a temporary pay adjustment. The supervisor submits evidence of the interim assignment to the Human Resources Director who will determine the appropriate rate. The rate, if one is authorized, will be at least 10% over the employee's current rate of pay. An Administrative/Professional employee's eligibility begins after having performed the work at least four weeks; a Classified employee after having performed the work at least two weeks. If the employee is retained in the interim assignment longer than 6 months his or her rate of pay will, after 6 full months, be increased to at least the minimum rate for the higher classification.

7. Longevity Pay Increases:

A Longevity Pay Increase is provided to Classified and Administrative/Professional Employees, typically on July 1, who, at any time during the previous 12 months, completed 5, 10, 15, 20, 25, 30, or more, years of employment:

- (a) Eligible employees hired prior to July 1, 2003, will receive a 3% Longevity Increase after each five years through 20 years, and a 4% Longevity Increase after each five years after 25, 30, or more years.

- (b) Eligible employees hired on or after July 1, 2003, will receive a 2% Longevity Increase after 5 years and 10 years, and will receive a 3% Longevity Increase after 15 years and 20 years, and a 4% Longevity Increase after each five years after 25, 30, or more years.

Longevity Pay Increase: A Longevity Pay Increase is provided to Classified and Administrative/Professional employees, typically on July 1, who, at any time during the previous 12 months, completed 5, 10, 15, 20, 25 etc., years of continuous paid and authorized unpaid employment of at least 75% FTE.

I. PAY UPON DEMOTION: Upon demotion due to inadequate performance or disciplinary reasons, or when an individual chooses to accept a position in a lower pay grade, or when a position is reclassified to a lower level as a matter of organizational necessity, employee's pay will be reduced to the same percent of pay target as it was in the higher classification. If, however, the individual applies for and is offered a position in a lower pay grade and has competed in the applicant pool for the position, the individual will be treated as any other external candidate for compensation setting purposes. (see also 6.E., above)

J. PAY UPON TRANSFER: A transfer of an individual from one position to another assigned to the same pay range will be made at the same rate of pay. If, however, the individual has competed in the applicant pool for the position, the individual will be treated as any other external candidate for compensation setting purposes. A Classified employee who is appointed to an Administrative/Professional position in the same pay grade, however, will receive at least a 5% pay increase.

K. PAY IN LIEU OF NOTICE

1. Classified employees will normally be given two weeks written notice prior to dismissal or, at the discretion of management, two weeks pay in lieu of notice except when the discharge is for willful or flagrant violation of university rules, practices or standards.
2. Any Administrative/Professional employee who is terminated for reasons other than gross professional misconduct, or any Classified employee whose appointment is without an ending date and whose position is eliminated, resulting in loss of employment at the University, will be given pay in lieu of notice according to the chart which follows:

<u>POSITION</u>	<u>LENGTH OF SERVICE</u>		
	<u>1ST THRU 3RD YEAR</u>	<u>4TH THRU 19TH YEAR</u>	<u>20 YEARS PLUS</u>
Vice Presidents and Deans	3 months pay	6 months pay	1 year pay
All Other	1 month pay	2 months pay	3 months pay

L. **TERMINAL PAY:** Upon termination of employment, accrued annual leave for Classified and Administrative/Professional employees will be paid in a lump sum amount. Holidays and all other types of leave will not be paid after the last day worked. The University's retirement plan and other group benefit programs may be continued according to each plan's policies. For employees who are dismissed and for those who resign with at least 3 days prior notice, final paychecks are available on the last day worked.

M. **HOLIDAY PAY:** In order to be eligible for non-worked holiday pay an employee must have been in pay status the full day before and the full day following the holiday, in which case the employee is then eligible for holiday pay for that portion of the holiday which the employee would normally have been expected or required to work.

An employee will not be permitted to utilize paid leave during a holiday(s) in such a manner as to enhance or supplement his/her pay.

N. **CONSULTANTS/INDEPENDENT CONTRACTORS**

1. A consultant/independent contractor is an individual who is not a Regular employee of the university and who typically provides a service or product under a combination of the following conditions:
 - a. The individual determines the methods/means to use in achieving the desired result.
 - b. The individual provides similar services to other clients and/or businesses.
 - c. The individual is an entrepreneur in an established business, at risk for profit or loss.
 - d. The individual receives little or no supervision, instruction, or training by the university.

- e. The individual provides his or her own equipment, tools, business forms, stationery, stenography service, telephone.
 - f. The individual self insures for work-related injuries.
 - g. The individual sets his or her own priorities on time devoted to the task, effort expended and hours of work.
 - h. The individual provides services for a limited time.
2. If the relationship between the university and the provider of the service or product does not clearly meet the definition above, the individual must be hired as a staff member rather than a consultant/independent contractor.
- O. **PAYMENT FOR SUPPLEMENTAL SERVICES:** No Regular status employee shall be offered a stipend, fee, honorarium or any other form of compensation for supplemental work in the same or another department without the supervisor first having obtained approval of the Director of Human Resources, who shall establish the amount payable for the work.
- P. The Compensation plan is subject to and, in some instances, governed by laws and regulations imposed by federal and state governments including the Civil Rights Act, the Equal Pay Act, the Fair Labor Standards Act, Order #5 of Title 8 of the California Administrative Code, California Labor Code Section 1173, and IRS Regulation 31.3401 (C)-1.
- Q. **DISASTER PAY**
- 1. In the event of a disaster such as earthquake, fire, flooding, bombing and the like, and employees are unable to report to work because they are impacted in ways such as severe damage to or loss of residence, physical or mental injury, commuting delays, closure of all or parts of the university, major department heads may use their judgment in authorizing up to 24 work hours of paid disaster leave to Classified employees (pro-rated for part-time employees). Department heads may request more than 24 hours for certain personnel who are the most extremely affected. Such a request is made through the Human Resources Department to the Executive Vice President.
 - 2. Some departments will need to make special efforts to remain staffed if at all possible and, in some instances, staff will be needed simply to begin the recovery process and restore order. Although there is no provision for additional compensation for those who report to work under disaster conditions, major department heads may request that a specific amount of disaster (compensatory) leave be credited to any Classified employee who works during such time. Disaster leave is not payable at termination.

Administrative/Professional personnel are not eligible for the crediting of disaster leave because management has considerable flexibility in scheduling absences for these staff members.

3. Regular Classified employees who do not receive paid disaster leave, or those whose disaster leave becomes depleted, may request use of accrued annual leave and, if appropriate, accrued sick leave to remain in pay status. When all approved paid leave has been exhausted, employees may request unpaid leave.

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