

578 SALARY STEP ADVANCEMENT WITHIN CLASS FOR REGULAR EMPLOYEES

Education Code Sections

88080. (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. (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.

88127. Classified employees shall be subject to layoff for lack of work or lack of funds. Whenever a classified employee is laid off, the order of layoff within the class shall be determined by length of service. The employee who has been employed the shortest time in the class, plus higher classes, shall be laid off first. Reemployment shall be in the reverse order of layoff.

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For purposes of this section, for service commencing or continuing after July 1, 1971, "length of service" means all hours in paid status, whether during the school year, a holiday, recess, or any period that a school is in session or closed, but does not include any hours compensated solely on an overtime basis as provided for in Section 88027. Nothing in this section shall preclude the governing board of a community college district from entering into an agreement with the exclusive representative of the classified employees that defines "length of service" to mean the hire date.

If a governing board enters into an agreement with the exclusive representative of classified employees that defines "length of service" to mean the hire date, the governing board may define "length of service" to mean the hire date for a classification of employee not represented by any exclusive bargaining unit. Nothing in this section shall preclude the granting of "length of service" credit for time spent on unpaid illness leave, or unpaid industrial accident leave. In addition, for military leave of absence, "length of service" credit shall be granted pursuant to Section 88116.

"Hours in paid status" shall not be interpreted to mean any service performed prior to entering into a probationary or permanent status in the classified service of the district except service in restricted positions as provided in this chapter.

88128. Any permanent classified employee of a community college district, who voluntarily resigns from his or her permanent classified position, may be reinstated or reemployed by the governing board of the district, within 39 months after the employee's last day of paid service and without further competitive examination, to a position in his or her former classification as a permanent or limited-term employee, or as a permanent or limited-term employee in a related lower class or a lower class in which the employee formerly had permanent status.

If the governing board elects to reinstate or reemploy a person as a permanent employee under this section, it shall disregard the break in service of the employee and classify him or her as, and restore to the employee all of the rights, benefits and burdens of, a permanent employee in the class to which he or she is reinstated or reemployed.

88160. The governing board of any community college district, including city boards of education, shall fix and order paid the compensation of persons a part of the classified service and other nonacademic employees employed by the board unless otherwise prescribed by law.

88162. (a) The governing board of any community college district shall, not later than the date prescribed by law for approval of the publication budget of every year, fix the annual salaries for the ensuing school year for all persons employed by the district in nonacademic positions. The governing board may, at the time, include an increase in those annual salaries, all or part of which increase is conditional upon the actual receipt by the district of anticipated revenue from all sources. If the revenue actually received is less than that anticipated, the governing board may, at any time during the school year, reduce those annual salaries by an amount not to exceed the amount which was granted subject to the receipt of such revenues.

(b) The governing board of a community college district may, at any time during the school year, increase the salaries of persons employed by the district in nonacademic positions. The increase shall be effective on any date ordered by the governing board.

(c) A governing board may, at any time, increase the wages or salaries of classified employees if the board or, in a merit system district, the personnel commission approves a classification change in a position, a class of positions, or any or all of the positions or classes of positions a part of the classified service.

(d) The provisions of this section shall not be construed to permit a governing board to demote or dismiss an employee as a result of reclassification of a position or class of positions except as may otherwise be permitted by law.

(e) This section shall apply to districts that have adopted the merit system in the same manner and effect as if it were a part of Article 3 (commencing with Section 88060) of this chapter.

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- A. Regular classified employees shall be advanced to the next higher step of the salary schedule for their regular class at follows:
1. Advancement from the first to the second step shall occur on the first day of the pay period that follows completion of 130 days in paid regular status in the class.
 2. Advancements to higher steps shall be made in successive years on the first day of the same pay period in which the employee received their previous step advancement provided the employee has completed at least 130 days in paid regular status in the class during the 12 months since the preceding step advancement.
 3. For purposes of this rule 130 days shall be defined as 130 times the average number of regularly assigned hours per day in a pay period for the employee. A day in paid status shall be defined as any day for which pay is received.
 4. In the event an employee does not meet the 130 day service requirement noted throughout this rule, step advancement shall be withheld until the first day of the pay period which follows fulfillment of the requirement.
- B. In the case of a promotion or reclassification which results in placement on other than the first step, step advancement shall be affected as follows:
1. If the employee completes 130 days in paid regular status in the new class as of the date a step advancement is due, no change in the cycle of step advancement shall occur.
 2. If the employee has not completed 130 days in paid regular status in the new class as of the date a step advancement is due, it shall become effective on the first day of the pay period which follows completion of the paid regular status requirement. A new cycle for subsequent step advancements will thus be established.
 3. An employee who is promoted and is subject to a new probationary period, must actively perform the duties of the new class at least 75 percent of the required 130 or 260 days probationary period. In the event an employee does not meet the service requirement noted above, step advancement shall be withheld until the first day of the pay period following completion of the 75 percent service requirement.

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- C. The following actions shall not affect the employee's cycle of step advancement:
1. Reallocation
 2. Change to an equal or lower class
- D. Notwithstanding other provisions of this Rule, employees in classes on accelerated hiring rates or shortened salary ranges and employees who have been rated-in on a step higher than step one of the salary schedule for their class shall receive step advancement as follows:
1. An employee in a class for which an accelerated hiring rate or a shortened salary range has been authorized and who is on a step which is lower than the authorized hiring rate shall advance to the new hiring step on the effective date of the action to establish the accelerated hiring rate or shortened salary range. Advancement to higher steps shall be made in successive years on the first day of the same pay period in which the employee was advanced to the new hiring step provided that they have completed at least 130 days in paid regular status during the 12 months since the preceding advancement.
 2. A person initially employed in a class on an accelerated hiring rate or shortened salary range and persons who have been rated-in on a step higher than step one of the salary schedule for their class, shall step advance in successive years on the first day of the same pay period in which the employee was initially employed provided that the employee has completed at least 130 days in paid regular status during the 12 months since the preceding advancement. Subsequent advancements shall be based on the cycle thus established.
- E. An employee who changes from a flat hourly rate to a salary schedule shall receive initial step advancement on the first day of the pay period which follows the completion of 130 days in paid regular status in the class.
- Subsequent advancements shall take place in successive years as on the first day of the same pay period in which the employee received their previous step advancement provided that they have completed at least 130 days in paid regular status in the class during the 12 months since the preceding advancement. Subsequent advancements shall be based on the cycle thus established.
- F. A regular employee who is serving in a limited-term assignment in an equal or higher class shall receive credit toward step advancement for the full period of such service. If an employee becomes eligible for step advancement in their regular class while serving in a limited-term assignment, their step placement in the limited-term assignment shall be adjusted, if necessary, to insure that they are placed on the step of the salary schedule for the higher class which would apply upon promotion in accordance with Rule 585, COMPENSATION FOR EMPLOYEES IN LIMITED-TERM ASSIGNMENTS.
- G. An employee who has been promoted, but returns to a lower class before completing their probationary period in the higher class, shall receive credit toward step advancement in the lower class for the full period of service in the higher class. If the pay period in which the employee would

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have received a step advancement has passed while they were serving in the higher class, the employee will receive a step advancement when assigned to the lower class. Future step advancement shall take place on the first day of the same pay period in successive years.

- H. Time spent by an employee on leaves resulting from an industrial accident or an industrial illness, temporary military leave, military leave other than temporary, Peace Corps leave, Red Cross leave, or Merchant Marine leave shall be credited as time in paid status for purposes of step advancement.
- I. Employees who are allowed to take vacation during periods which are excluded from their regular assignment periods shall receive credit towards step advancement for the time they are in paid status during such periods.
- J. An employee who is reemployed in accordance with Section 88127 or reinstated in accordance with Section 88128 of the Education Code shall have time in paid status prior to separation and subsequent to reemployment or reinstatement combined to meet the paid status requirement for step advancement.
- K. When step advancement, reallocation, or reclassification of a class, become effective on the same date as promotion or demotion, 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
- L. Nothing in this rule shall prevent the Board of Trustees from granting or withholding step advancement. The attention of the Board of Trustees shall be called to this rule by the Personnel Commission not later than June fifteenth of each year.