

591 SALARY ALLOCATION AT RECLASSIFICATION OR REALLOCATION

Education Code Section(s)

88080. 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.

(a) 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. 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.

(a) 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.

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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June 1, 2022

- 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 their numbered step in the previous schedule. If the salary of a class that is being reallocated is on a flat hourly rate, the incumbent's flat hourly rate will be adjusted accordingly. A change in an employee's rate resulting solely from a change in the length of their pay period or the structure of the salary schedule to which their 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 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, they 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 flat 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 compensated in the same manner as other promoted employees.
 2. When an incumbent's upward reclassification is dependent upon their successful completion of a competitive examination requirement, they 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.

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If the incumbent subsequently qualifies by competitive examination procedures and is appointed to their reclassified position, their 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 they 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. In cases where all or a portion of positions within a given class are reallocated to a lower salary schedule and where incumbents are currently compensated above the maximum of the new schedule to which the position is allocated, the Personnel Commission may approve continuing regular incumbents of such positions to 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 they were 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 2080 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:

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