

	<b>LOS ANGELES COMMUNITY COLLEGES HUMAN RESOURCES GUIDE</b>	<b>HR P-421</b>
		<b>PARTIAL LEAVE OF ABSENCE, CLASSIFIED SERVICE EMPLOYEE ACCEPTING ADDITIONAL UNCLASSIFIED SERVICE JOB</b>
<b>ISSUE DATE:</b> September 14, 2010	<b>SERVICE:</b> <input type="checkbox"/> ACADEMIC <input checked="" type="checkbox"/> CLASSIFIED <input type="checkbox"/> UNCLASSIFIED	
<b>REPLACES:</b> <u>Legacy Personnel Guides:</u>	<b>CHANGES:</b> New	

## I. POLICY

It is the duty of each College and Division to establish internal processing procedures to ensure that all non-exempt employees who accept additional assignments are in compliance with the Fair Labor Standard Act.

## II. DEFINITIONS

- **Additional assignment** is the personnel action that assigns a current employee to a new (additional) position while the employee continues in his/her basic (current) position. In the legacy system, this process was called an “extra assignment.”
- **Basic assignment** is the first active assignment when a person has multiple active assignments in the District.
- **Concurrent employment** occurs when an employee is assigned in multiple positions throughout the District with overlapping appointment dates. In the legacy system, this situation was called “multiple assignments.”
- **Exempt Employee** is an employee assigned to an executive, administrative, professional, or Fair Labor Standards Act (FLSA) designated computer technician jobs paying at least \$27.63 per hour that meets specific tests regarding job duties and salary basis as determined by the Department of Labor. Exempt employees are not subject to FLSA overtime requirements.
- **Non-Exempt employee** is an employee assigned to a job required under FLSA to be paid overtime pay. Non-Exempt employees assigned may be identified by a PSA that ends in “3”, which indicates overtime is paid at 1-1/2 times regular rate of pay.
- **Extra Assignment** see **Additional Assignment**.
- The **Fair Labor Standards Act (FLSA)** is the federal law that regulates hours and overtime and specifies that when work is performed in certain capacities under certain circumstances an overtime rate must be paid for certain categories of workers.
- A **Partial Leave of Absence for Additional Assignment** is an authorized leave of absence from duty, without pay, for a specified period of time from a job and for an approved purpose. **Partial Leaves** are compensated to the extent that pay continues in proportion to the work assignment.

- ***Optional leaves*** are other than mandatory leaves requested by employees which may or may not be granted by the district, depending upon status and service of the employee, reasons given for the leave, documentation of these reasons, and effect of the leave upon the work of the particular college or division. If an optional leave is denied, reasons must be specified in writing.
- A ***position*** is a set of duties and responsibilities to be performed by one, or the equivalent of one, full-time employee.
- A ***work week*** is 7 consecutive 24-hour periods or 168 consecutive hours, which can begin on any day of the week.

### III. REQUIREMENTS

- A. Additional assignment refers to any employment compensated by the District, funded by the general fund or non-general fund including enterprise accounts, specially funded programs, or foundations that is in addition to an individual's basic assignment. Multiple funding does not constitute an additional assignment. An additional assignment is only necessary if an employee is to be assigned to two (2) different positions or departments. Full-time employees may be employed in additional assignments, within the limits provided by federal and state labor laws, District policies, and collective bargaining agreements.

#### B. Fair Labor Standards Act (FLSA) Requirements

The ***Fair Labor Standards Act (FLSA)*** is the federal law that regulates hours and overtime and specifies that when work is performed in certain capacities under certain circumstances overtime at a rate of 1-1/2 times the regular rate of pay must be paid for certain categories of workers. When a non-exempt employee works in both an exempt and non-exempt classification the employee is limited to a total hours of work at the 40-hour per week limit to assure compliance with this law, with a work week defined as 7 consecutive 24-hour periods or 168 consecutive hours, which can begin on any day of the week. Positions in Academic Service, Classified Management (Exempt), and Classified Management (Straight Time OT) do not earn overtime at the rate of 1-1/2 times the regular rate of pay and are not, therefore, affected by this FLSA provision.

1. ***Applicable Positions:*** The LACCD does not offer a blended rate of pay. Therefore, all non-exempt employees are required to reduce their per week working hours to 40 hours per week in order to accept an Unclassified assignment.
2. ***Exemptions:*** Due to the nature of the work and level of pay, Unclassified Service Leave provisions exempt certain classified positions from the overtime requirement. Table P-420A identifies the LACCD positions that are exempt from this requirement, as well as those classified management positions that are also exempt from earning overtime at the rate of 1-1/2 times the regular rate of pay

TABLE P-420A LACCD UNCLASSIFIED SERVICE LEAVE <sup>1</sup> OVERTIME EXEMPT POSITIONS <sup>2</sup>		
CODE	TITLE	UNIT
1092	Senior Program Analyst	Supervisory
1136	Senior Computer Network Specialist	Supervisory
1074	Data Communications Specialist	Staff Guild
1093	Program Analyst	Staff Guild
1144	Computer and Network Support Specialist	Staff Guild
5310	Athletic Trainer	Staff Guild
Varies	All Classified Managers that are Exempt from Overtime at the rate of 1-1/2 times the regular rate of pay <sup>3</sup>	Unrepresented
<sup>1</sup> Unclassified Service Leave = Fair Labor Standards Act <sup>2</sup> Computer employees earning at least \$27.63 per hour (or not less than \$455 per week on a salary or fee basis) THAT earn overtime are exempt from reducing hours but do earn overtime when worked in a Classified job. <sup>3</sup> Classified management employees earning overtime at a straight time rate follow the Unclassified Service Leave provisions for exempt employees.		

3. **Category of Additional Assignments Subject to Unclassified Service Leave:**

- a. **Unclassified Service:** Any category of Unclassified Service, when combined with the Classified employee's basic assignment, would result in a non-exempt employee working more than 40 hours in any given week.
- b. **Classified Manager Extra Assignment:** Classified Managers (Exempt) and Classified Managers (Straight Time OT) may be assigned to extra non-teaching duties in the Academic, Classified, and Unclassified services provided that prior to the personnel assignment being entered into the District's computer system, the College President or District Office Division Head sends a letter to the Senior Associate Vice Chancellor, Human Resources that includes the following:
  - Name and Employee ID Number of the classified manager to be assigned.
  - Job classification to be assigned.
  - Dates of the assignment.
  - Statement of duties or tasks to be performed that are beyond the scope of the regular job duties.
  - Schedule showing working hours when the duties will be performed and those hours are outside the classified manager's normal working hours.

Upon review and approval by the Senior Associate Vice Chancellor, the College enters the assignment into the SAP system with a notation in the remarks portion of the PCR screen which indicates who approved the assignment. Assignment extensions should follow the same process.

4. **Effect on Retirement:** There is no impact on retirement service credit as long as the amount of hours in the Unclassified Service assignment matches the amount reduced in the Classified Service assignment. However, employees should know that there may be an effect on the earnable amount if the pay for the Unclassified Service assignment is less than that of the regular assignment. Employees should review pay stubs regularly to ensure hours are credited each pay period and that the seven percent (7%) PERS contribution is deducted from each paycheck. Any discrepancies should be addressed with the District Office Retirement Unit as soon as possible.
  
5. The following practice is followed to assure compliance with the FLSA:
  - a. The employee will present a written request for an partial personal leave 30 days in advance (or as soon as possible) to his or her supervisor before accepting any additional assignments.
  - b. The employee must request a reduction in hours to maintain a total work assignment not to exceed a 40-hour workweek.
  - c. The employee, in seeking such a reduction in hours, recognizes that the supervisor has the right to deny the request for any change in work schedule or hours because the work of the unit and the full-time assignment of the employee are primary in making any decision about changes in employee work hours or schedules.
  - c. If the supervisor agrees to allow the reduction in work hours, such an agreement, along with the employee's new work schedule will be prepared in writing by the employee and signed by the supervisor before the change will go into effect.

### C. Eligibility

1. An employee must have a regular salaried assignment to request an Unclassified Service Leave. No Unclassified Service Leave may be written beyond the termination date of the additional assignment.
2. The Unclassified Service Leave is a partial personal leave, which is an optional leave. A leave action will be processed any time an additional assignment would result in the employee working more than 40 hours in that week. The college or division approves the release of the employee to take the leave and Human Resources Division approves the eligibility of the employee to take the leave.
3. Employees accepting an additional assignment are required to inform the hiring location of any additional assignment(s) they may hold within the District.
4. Time spent on an Unclassified Service Leave shall not be considered a break in continuous service from the employee's basic assignment.
5. Termination of assignments may occur at any time or as specified by collective bargaining agreements and, when applicable, Personnel Commission Rules.

**D. Time of Assignments**

1. Additional assignments may be scheduled to be worked at any time. However, the hours reported for the regular assignment must be reduced for non-exempt employees, even if the additional assignment is outside of the employee’s regularly scheduled work day.
2. Additional assignments may not be served during the employees’ regular work schedule from which they are on paid vacation or any other type of paid absence.

**E. Limitations on Additional Assignments**

1. To assure that the Unclassified Service Leave employee is paid in an accurate and timely manner, correct and complete assignment information is required on all assignments submitted for processing. Location personnel should review the employee’s current assignment status prior to submitting any additional assignments for the employee. The review process should include both manual and computerized tasks.
2. Student Series jobs are limited to one term. If the assignment is to be extended, a Rehire action must be used and enrollment must be verified for the Spring and Fall semesters.
3. Other Unclassified series jobs are limited to a fiscal year. If the assignment is to be extended, a Rehire action must be used.
4. The reduction of the Classified Service assignment is hour-for-hour for the Unclassified Service assignment.

**F. Additional Assignment Pay**

Pay for an additional assignment is computed independently of the basic assignment pay.

G. **Personnel Change Request (PCR) System** is the District’s web-based user-friendly “front-end” to the SAP Human Resource System. It includes the ability to electronically route approvals from the initiator to the designated administrator to the location personnel office for entry into the SAP system.

1. When a new assignment is requested, PCR prompts the requester to identify the effect the new assignment will have on the “old” assignment. The options available are defined in Table P-420D, PCR Assignment Change Options.<sup>2</sup>

<b>TABLE P-420B PCR<sup>1</sup> ASSIGNMENT CHANGE OPTIONS</b>	
<b>OPTION <sup>2</sup></b>	<b>DEFINITION</b>
No Effect	The employee’s current (“old”) assignment is intended to continue and the assignment to be processed is an additional assignment.
New job takes place of old job.	The employee’s old job will be terminated on the day prior to the new job taking effect.
<sup>1</sup> PCR = Personnel Change Request <sup>2</sup> These options are determined in PCR at Step 2.4 Impact On This Employee’s Other Assignment, Effect Menu.	

2. If the combination of the Classified Service and Unclassified Service assignments totals more than 1.00 FTE, the PCR System will not allow the assignment to be processed and an error message will be generated.
- H. **SAP System** automatically assigns a unique identification number—personnel number—for each personnel assignment. The personnel number (PERNR) represents the position, wage type, and cost center of the assignment. Employee number-personnel number use is as follows:
1. Employee Number (ID) and assignment number (PERNR) is the same for the basic assignment.
  2. Employee Number (ID) and the assignment number (PERNR) are different for additional assignments.
  3. Employee Number (ID) is always the same for all assignments.

I. **Authorization to Serve in Additional Assignments**

The selection, appointment, and salary determination for an additional assignment use the same procedures as with a new or rehire assignment. See the appropriate collective bargaining agreement and Human Resource Guide for details.

IV. **ADDITIONAL SOURCES**

**PERSONNEL COMMISSION RULES**

[595 Salary Differential for Multiple College Responsibility](#)

[596 Overtime](#)

[725 Multiple Assignments](#)

[726 Concurrent Assignments](#)

**LACCD COLLECTIVE BARGAINING AGREEMENTS**

[AFT Staff Guild Local 1521A](#): Article 12, Hours and Overtime

[Building Trades Council](#): Article 10: Hours and Overtime

[School Employees Union, SEIU Local 99](#): Article 8, Hours and Overtime

[Supervisory Union SEIU Local 721](#): Article 7: Hours and Overtime

**U.S. DEPARTMENT OF LABOR**

[Employment Standards Administration](#)

**PCR DOCUMENTATION**

**SAP DOCUMENTATION**

Organizational Management

Personnel Administration



This form is used by the Classified Service (Non-exempt) employee to request a Partial Leave Absence for the purpose of accepting an additional Unclassified Service assignment within the District. To ensure that the employee does not exceed the 40-hour per week limit to comply with the Fair Labor Standards Act (FLSA), a Partial Leave Absence will reduce the non-exempt Classified Service assignment hour-for-hour equivalent to the additional assignment.

1. Employee completes Sections 1 through 8. **Leave dates cannot extend past end date of additional assignment.** Employee attaches new work schedule, reducing hours of basic assignment hour-for-hour equivalent to the additional assignment. Total assignments should not exceed 1.00 FTE.
2. Employee forwards completed form, attaching old regular work schedule and proposed new regular reduced work schedule, and forwards documents to department head/supervisor.
3. Department head/supervisor completes Section 9, provides a copy to employee, and forwards completed original form to Location Personnel Office.
4. Location Personnel Office forwards completed form to District Office Human Resources.

1. \_\_\_\_\_  
 Last Name                                      First Name                                      Middle Name                                      Employee Number
2. Basic Assignment: \_\_\_\_\_  
 Location                                      Job Code      Title of Position                                      Department/Office
3. Additional Assignment: \_\_\_\_\_  
 Location                                      Title of Position                                      Discipline/Department                                      Semester/Year
4. Leave Dates: \_\_\_\_\_ to \_\_\_\_\_  
 Start Date                                      End Date

Description of assignment duties	Hours per Week

6. Other District Assignments: Please list any other LACCD assignments you may have in addition to the assignments listed above.  
 \_\_\_\_\_

7. Assignment Calculation

Assignment	Job Code	Hrs/Wk
Basic Assignment		
Additional Assignment(s)		
<b>Total</b>		<b>40.00</b>

8. I certify that all LACCD assignments have been reported on this form.

\_\_\_\_\_  
 Employee Signature                                      Date

9. Unclassified Service Leave  Approved  Denied

By: \_\_\_\_\_  
 Department Head/Supervisor                                      Date

\_\_\_\_\_  
 Title