

## **EMPLOYEE COMPENSATION**

In order to recruit and retain employees committed to the district's goals for student learning, the Governing Board recognizes the importance of offering a competitive compensation package which includes salaries and health and welfare benefits. The Board shall adopt separate salary schedules for certificated, classified, and supervisory and administrative personnel. These schedules shall comply with law and collective bargaining agreements and shall be printed and made available for review at the district office. (Education Code 45022, 45023, 45160, 45162, 45268)

Each certificated employee, except an employee in an administrative or supervisory position, shall be classified on the salary schedule on the basis of uniform allowance for education level and years of experience, unless the Board and employee organization negotiate and mutually agree to a salary schedule based on different criteria. Certificated employees shall not be placed in different classifications on the schedule, nor paid different salaries, solely on the basis of the grade levels at which they teach. (Education Code 45028)

Salary schedules for staff who are not a part of a bargaining unit shall be determined by the Board at the recommendation of the Superintendent or designee.

The Board shall determine the frequency and schedule of salary payments, including whether payments for employees who work less than 12 months per year will be made over the course of the school year or in equal installments over the calendar year. However, if the district participates in the Classified School Employee Summer Assistance Program, eligible classified employees may elect to have up to 10 percent of the employee's monthly salary withheld and paid out during the summer recess in either one or two payments. (Education Code 45038, 45039, 45048, 45165, 45500)

In extraordinary circumstances or emergency situations, the Board may determine to continue to compensate employees during periods of extended closure or disruption of normal district operations when permitted by law and consistent with collective bargaining agreements and memoranda of understanding.

The Superintendent or designee shall post a notice explaining the Fair Labor Standards Act's wage and hour provisions in a conspicuous place at each work site. (29 CFR 516.4)

### **Overtime Compensation**

District employees shall be paid an overtime rate of not less than one and one-half times their regular rate of pay for any hours worked in excess of eight hours in one day and/or 40 hours in one work week, or twice their regular rate of pay for any hours worked in excess of 12 hours in one day or eight hours on the seventh consecutive day of work. However, teachers, school administrators, and other employees in positions established by the Board as executive, administrative, or professional shall be exempt from overtime rules. (Education Code 45128, 45130; 29 USC 213; 29 CFR 541.0-541.710, 553.27, 553.32)

**EMPLOYEE COMPENSATION (continued)****Wage Overpayment**

If the district determines an employee has been overpaid, the district shall notify the employee in writing of the overpayment, afford the employee an opportunity to respond before commencing any recoupment actions, and inform the employee of the employee's rights to dispute the existence or amount of the claimed overpayment. If the employee agrees there was an overpayment in the claimed amount, reimbursement shall be made to the district through one of the methods described in Education Code 44042.5 as mutually agreed upon by the employee and the district. (Education Code 44042.5)

If a mutual agreement on a method of reimbursement is not reached, within 30 days of the employee verifying the overpayment amount, the district shall recoup the overpayment through payroll deductions in accordance with Education Code 44042.5.

If the employee does not respond or disputes the existence or amount of the district's claimed overpayment, the district shall, with board approval, initiate a legal action to recover the overpayment. (Education Code 44042.5)

If the employee separates from the district before the overpayment is fully repaid, the district shall withhold the remaining balance due from any money owed to the employee upon separation, provided that the state minimum wage is still paid to the employee as required by Education Code 44042.5. The Superintendent or designee may consult with legal counsel to calculate the amount to withhold.

If an outstanding overpayment balance still remains, the district shall, with Board approval, exercise any legal means to recover the remaining amount owed by the employee. (Education Code 44042.5)

Legal action to recover any overpayment under this policy shall be initiated within three years from the date of the overpayment, which for leave credits is the date that the employee receives compensation in exchange for leave erroneously credited to the employee. (Education Code 44042.5)

**EMPLOYEE COMPENSATION (continued)***Policy Reference Disclaimer:*

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

**State**8 CCR 11040Ed. Code 44042.5Ed. Code 45022-45061.5Ed. Code 45023Ed. Code 45028Ed. Code 45127-45133.5Ed. Code 45160-45169Ed. Code 45268Ed. Code 45500Gov. Code 3540-3549Gov. Code 3543.2Gov. Code 3543.7Lab. Code 226Lab. Code 232**Federal**26 CFR 1.409A-126 USC 409A29 CFR 516.429 CFR 516.5-516.629 CFR 541.0-541.71029 CFR 553.1-553.5129 USC 201-21929 USC 20329 USC 20729 USC 213**Management Resources**Court DecisionOffice of Management and BudgetPublicationWebsiteWebsiteWebsiteWebsiteWebsite**Description**Wages and hours; definitions of administrative, executive, and professional employeesWage overpaymentSalariesAvailability of salary scheduleSalary schedule and exceptionsClassified employees; work week; overtime provisionsSalaries for classified employeesSalary schedule for classified service in merit system districtsClassified School Employee Summer Assistance ProgramMeeting and negotiatingScope of representationDuty to meet and negotiate in good faithEmployee access to payroll recordsDisclosure of wages**Description**Definitions and covered plansDeferred compensation plansNotice of minimum wage and overtime provisionsRecordsExemptions for executive, administrative, and professional employeesFair Labor Standards Act; applicability to public agenciesFair Labor Standards ActDefinitionsFair Labor Standards ActExemptions from minimum wage and overtime requirements**Description**Flores v. City of San Gabriel (9th Cir., 2016) 824 F.3d 890Administrative Relief for Recipients and Applicants ofFederal Financial Assistance Directly Impacted by COVID-19 due to Loss of Operations, Memo M-20-17, March 19, 2020CSBA District and County Office of Education Legal ServicesU.S. Department of Labor, Wage and Hour DivisionInternal Revenue ServiceSchool Services of California, Inc.CSBA

**EMPLOYEE COMPENSATION (continued)****Cross References**

<b><u>Code</u></b>	<b><u>Description</u></b>
<u>0470</u>	<u>COVID-19 Mitigation Plan</u>
<u>3100</u>	<u>Budget</u>
<u>3100</u>	<u>Budget</u>
<u>3400</u>	<u>Management Of District Assets/Accounts</u>
<u>3400</u>	<u>Management Of District Assets/Accounts</u>
<u>3580</u>	<u>District Records</u>
<u>3580</u>	<u>District Records</u>
<u>4000</u>	<u>Concepts And Roles</u>
<u>4030</u>	<u>Nondiscrimination In Employment</u>
<u>4030</u>	<u>Nondiscrimination In Employment</u>
<u>4112.6</u>	<u>Personnel Files</u>
<u>4113.5</u>	<u>Working Remotely</u>
<u>4121</u>	<u>Temporary/Substitute Personnel</u>
<u>4121</u>	<u>Temporary/Substitute Personnel</u>
<u>4140</u>	<u>Bargaining Units</u>
<u>4141</u>	<u>Collective Bargaining Agreement</u>
<u>4143</u>	<u>Negotiations/Consultation</u>
<u>4154</u>	<u>Health And Welfare Benefits</u>
<u>4154</u>	<u>Health And Welfare Benefits</u>
<u>4212</u>	<u>Appointment And Conditions Of Employment</u>
<u>4212.6</u>	<u>Personnel Files</u>
<u>4213.5</u>	<u>Working Remotely</u>
<u>4240</u>	<u>Bargaining Units</u>
<u>4241</u>	<u>Collective Bargaining Agreement</u>
<u>4243</u>	<u>Negotiations/Consultation</u>
<u>4254</u>	<u>Health And Welfare Benefits</u>
<u>4254</u>	<u>Health And Welfare Benefits</u>
<u>4312.1</u>	<u>Contracts</u>
<u>4312.6</u>	<u>Personnel Files</u>
<u>4313.5</u>	<u>Working Remotely</u>
<u>4340</u>	<u>Bargaining Units</u>
<u>4354</u>	<u>Health And Welfare Benefits</u>
<u>4354</u>	<u>Health And Welfare Benefits</u>

Policy  
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revised: June 13, 2017  
revised: October 27, 2020  
revised: March 12, 2024

**VISALIA UNIFIED SCHOOL DISTRICT**  
Visalia, California

## **CERTIFICATED PERSONNEL**

### **SALARY GUIDELINES**

#### **General Application**

1. Regular certificated personnel, employed by contract, shall be paid monthly in accordance with procedures of the Tulare County Department of Education.
2. Certificated personnel, employed for more than the (10) ten-month school year, shall be paid a stipend additional to the regular monthly warrant. The stipend shall be computed at an hourly rate or a percentage rate.
3. Administrative officers and other certificated employees assigned to special positions established by the Board shall be paid for the increased duties and responsibilities an additional amount above the salary schedule.
4. Additional compensation for educational degrees, as specified on salary schedules, shall be prorated for less than a full year of service.

#### **General Definitions**

1. The salary schedule “class” shall be defined as the horizontal groups into which certificated employees may be placed upon verification of completion of stipulated requirements.
2. The salary schedule “steps” shall be defined as the vertical categories into which certificated employees shall be placed upon successful completion of each year of district experience, including those years of previous experience acceptable from another district. Credit for military service will be granted as prior experience only if such service occurred subsequent to receiving the teaching credential.

#### **Professional Requirements for Advancement in Salary Class**

1. Certificated employees eligible for advancement from one class to the next shall receive the increased salary stipulated on the adopted schedule, in addition to the applicable annual increment, with the exception of those employees at the maximum or awaiting placement on the appropriate anniversary step who shall move straight across.

## **CERTIFICATED PERSONNEL**

### **SALARY GUIDELINES (continued)**

2. Upper division and/or graduate units listed on the Professional Growth Approval request form will be submitted to and approved by the Assistant Superintendent or designee only when such course work meets the listed criteria or advancement in “class” and if related to one of the following:
  - a. The particular assignment
  - b. An acceptable degree
  - c. An appropriate credential

Prior approval is required for all courses to be taken for salary advancement, if those units are not upper division or graduate units.

### **Requirements for Advancement in Salary Step**

1. The Board of Education encourages certificated staff members to improve their competencies during their professional service to the district. The Board charges the Superintendent to promote opportunities for staff development through inservice programs and staff members to take advantage of such programs.
2. Certificated employees may advance in salary step upon the successful completion of a minimum of 75% of a school year in the district and satisfactory participation in professional growth programs available through inservice education. All inservice education programs are designed to improve instruction and provide a better education program through staff growth. Participation is an integral component of the personnel evaluation procedure.