



**ADMINISTRATIVE PROCEDURE**

CATEGORY: **Personnel, Classified Staff**

SUBJECT: **Differential Pay for Classified Employees**

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**A. PURPOSE AND SCOPE**

1. To outline administrative procedures governing differential pay for classified employees.

**B. LEGAL AND POLICY BASIS**

1. **Reference:** Board policy: I-1150, I-6600; Board minutes 9-26-67, 10-10-72, 3-6-74, 8-15-74; Education Code Sections 45180-86; Govt. Code, Title I, Div. 4, Sections 3540-49; Collective negotiations contracts.
2. This procedure pertains to matters within the scope of collective bargaining. Contract language within specific collective bargaining agreements on this topic shall prevail over any language to the contrary in this procedure.

**C. GENERAL**

1. **Originating Office.** Suggestions or questions concerning this procedure should be directed to the Human Resource Services Division.
2. **Definitions**
  - a. **Day-shift assignment:** An assignment of four hours or more per day in which four or more hours are worked between 8:00 a.m. and 6:00 p.m.
  - b. **Night-shift assignment:** An assignment of four hours or more per day in which four or more hours are worked before 8:00 a.m. or after 6:00 p.m. (Part-time assignments of four or more hours per day for at least four days per week are eligible for night-shift differential.)
  - c. **Split-shift assignment:** Applicable *only* to employees in the Operations-Support Services and Paraeducators employee bargaining units. See individual contracts for specifics regarding qualifying conditions.
  - d. **Short-term or temporary assignment:** An assignment of fewer than twenty consecutive workdays (not eligible for night-shift, split-shift, or bilingual differential pay).
  - e. **Hazard pay position:** A position designated by Board of Education that (1) continuously exposes an employee to a specific and significant hazard that is

atypical of the basic occupation or job class and (2) is clearly dangerous to the health or well-being of any employee so assigned.

- f. **Bilingual position:** A position designated by the Human Resources Services Division as requiring regular daily contact with non-English speaking public clientele (or deaf or hard of hearing adults—Office-Technical and Business Services [OTBS] unit only).
  - g. **Non-English speaking public clientele:** Nondistrict adults with insufficient English skills to transact school business properly.
  - h. **Community-based instruction:** An instructional activity requiring an employee to accompany one or more students into the community for the purpose of teaching life skills.
  - i. **Registry of Interpreters for the Deaf:** A national certifying board for sign language interpreters for the deaf and hard of hearing.
  - j. **Relief custodian:** A permanent custodial position that substitutes for Building Service Supervisor I–IV positions, often in a long-term capacity, and regularly works out of class.
  - k. **District seniority:** The total length of service since the last hire date as a regular classified employee with the district. Only service in probationary and/or permanent status shall be counted in determining seniority.
3. **Eligibility for Night-Shift Differential Pay.** An eligible employee is:
- a. Any regular or temporary full- or part-time employee assigned four or more hours per day at least four days per week to a night shift, as defined above, on a continuing basis for at least twenty consecutive workdays.
  - b. Any employee working night shift on a regularly assigned basis who is transferred on a short-term or temporary basis to a day shift, as defined above, for twenty or fewer consecutive workdays. **Exceptions:** (1) An employee regularly assigned to night shift at least 210 workdays during the period July 1 through June 30 shall be entitled to shift differential pay for the entire year. (2) When such temporary reassignment involves the assumption of higher level duties and responsibilities, an employee shall receive the nightshift differential for a maximum of 12 months of the temporary reassignment when he/she is the only qualified employee available at the site to provide services during day shift hours.

4. **Eligibility for Split-Shift Differential Pay.** The appropriate collective negotiation contracts specify qualifying conditions.
5. **Placement in Night-Shift Differential Pay Positions.** Regular employees who make a written request for assignment or transfer to positions in the same job class that are designated as night-shift differential positions shall be assigned to such vacant positions based on their seniority compared to the seniority of any other employees in the same class who also have requested such assignment. This determination shall be made by the management employee involved.
6. **Placement in Bilingual Pay Differential Positions**
  - a. To qualify for placement in a bilingual position with differential pay, an employee is required to communicate verbally with persons possessing insufficient English skills to transact school business properly or with deaf or hard of hearing adults (OTBS unit only). This skill must be used a substantial (12–15% minimum) portion of each full-time equivalent workday. The employee's ability to communicate in the required foreign language or sign language must be certified by a panel of competent bilinguals. Employees in exempt job classes are not eligible to receive the bilingual pay differential. The number of positions designated as bilingual in each operating unit is determined by the number of hours of service normally required involving use of bilingual skills.
  - b. When an employee who is receiving the bilingual differential transfers to a different assignment for any reason, the bilingual differential shall be deleted. If the bilingual differential is requested for the employee's new assignment, that assignment must be certified in accordance with D.3.a., b., and d. When the vacated position is refilled, the bilingual differential will be granted to the new incumbent providing (1) the principal or department head certifies that the bilingual requirements are substantially the same as those of the former employee and (2) the new employee passes the qualifying oral examination specified in D.3.c.
7. **Eligibility for Community-Based Instruction (CBI) Pay Differential.** Eligible employees are those classified as Instructional Assistant (Special Education) who are assigned to a position which requires continuing and regular CBI responsibilities as part of the approved program curriculum.
8. **Eligibility for Registry of Interpreters for the Deaf Differential.** Eligible employees are those classified as Educational Interpreter II or III who are assigned duties requiring certification from the Registry of Interpreters for the Deaf. Such duties include interpreting for officials from law enforcement and/or Child Protective Services. The performance of such duties must be authorized by the employee's

immediate supervisor. The differential is paid in increments of one hour for each full or partial hour worked performing duties requiring such certification.

9. **Eligibility for Relief Custodian Differential** employees assigned as relief custodians receive this differential in lieu of out-of-class compensation and all other differentials except the bilingual differential.
10. **Authorization Required.** All differential pay assignments must be approved *in advance* of actual assignment or its change by appropriate division head and the Chief Human Resources Officer in the Human Resource Services Division..
11. **Differential Pay Rate.** Placement shall be on the corresponding step of the next higher full- salary range that is approximately five (5) or seven and one-half (7½) percent above the employee's regular salary.
12. **Overtime.** Employees receiving differential pay who are assigned overtime shall receive overtime pay computed on the higher differential rate.

#### **D. IMPLEMENTATION**

1. **Night-Shift and Split-Shift Differential**
  - a. **Principal or department head** submits personnel assignment authorization electronically indicating shift differential pay for a new employee or authorizes addition or deletion of shift differential for a continuing employee; forwards personnel assignment authorization involving custodial employees to maintenance and operations assistant director; forwards personnel assignment authorization for other units to their division office.
  - b. **Maintenance and operations assistant director**
    - (1) Determines seniority among eligible employees for night-shift assignments.
    - (2) Makes assignments based on seniority from transfer or reassignment requests.
    - (3) Approves or disapproves changes in shift assignment; obtains concurrence of appropriate division head in event of disagreement relating to any individual's work schedule assignment.
    - (4) Forwards approved personnel assignment authorization to Payroll Unit, Finance Services Division.

- c. **Division office** reviews personnel assignment authorization requesting shift differential pay for employees other than custodians; forwards approved electronically to Human Resource Services Division.
    - d. **Payroll Unit** processes personnel action forms (E.2.) for approval by Board of Education.
  2. **Hazard Pay Differential. Classification and Compensation Department** designates positions qualifying for hazard pay; processes personnel action forms (E.2.) including hazard pay differential for approval by Board of Education.
  3. **Bilingual Pay Differential**
    - a. **Principal or department head** prepares "Position Classification Inquiry" (E.5.) for each employee for whom pay differential is requested, indicating bilingual activities and their purpose and frequency; sends to Human Resource Services Division.
    - b. **Human Resource Services Division** initiates classification study to determine hours of service required and number of bilingual pay differential positions to be established. (Number of positions normally shall not exceed one for each four hours of service required.)
    - c. **Human Resource Services Division** selects interview panel of competent bilinguals to establish and certify ability of employees to understand and speak specific foreign languages.
    - d. **Payroll Unit** processes personnel action forms (E.2.) for approval by Board of Education.

## **E. FORMS AND AUXILIARY REFERENCES**

1. Personnel Assignment Authorization, submitted electronically.
2. Personnel action form, prepared by Payroll Unit, Classification and Compensation Department.
3. Transfer Request (Classified), available from Human Resource Services Division.
4. Position Classification Inquiry forms, available from Human Resource Services Division.

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REVISED: **12-10-10**

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**F. REPORTS AND RECORDS**

**G. APPROVED BY**

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Interim General Counsel, Legal Services  
San Diego Unified School District