

ARTICLE X -- CLASSIFICATION PLAN AND POLICIES

Section 1. Hiring Rates

MINIMUM WAGE COMPLIANCE: The School Board will comply with prevailing federal minimum wage standards, in accordance with the requirements of the Fair Labor Standards Act and the U.S. Department of Labor's Rules, Regulations, and Interpretive Bulletins regarding the Act.

NORMAL HIRING RATES: The normal hiring rate for each new and rehired permanent employee shall be found in Appendix C, except those as approved by the Assistant Superintendent, Labor Relations.

REHIRES: Rate determinations for a rehired employee.

- A. A former employee rehired within two calendar years of the date of last termination will be hired as follows:
 - (1) An employee hired in the same job classification as that held at the time of termination will be placed at the appropriate contractual rate for that classification.
 - (2) An employee hired in a different job classification than that of the job held at the time of termination will be hired on the same basis as a new employee.
- B. A former employee separated from the system for more than two calendar years will be hired on the same basis as a new employee.

Section 2. Promotions and Demotions

All promotions or demotions must be cleared and approved by the Division of Non-Instructional Staffing.

Promotions: An employee promoted to an existing job with a higher rate of pay will be given an increase in pay corresponding to the appropriate rate for that classification.

The effective date of pay for promotion shall be the effective date, as stipulated in the Request for Personnel Action (RPA).

Demotions:

- a. Unsatisfactory Performance

In the event an employee is demoted to a different position at a lower paid classification as the result of inability to perform satisfactorily at the higher classification, or is assigned to a different position at a lower paid classification at his/her request, the employee shall be placed on the appropriate rate of pay for that classification.

- b. Reclassification of Job to a Lower Pay Rate

ARTICLE X (cont.)

In the event a position is reclassified to a lower pay rate and the incumbent cannot be placed in a position of a comparable pay rate, the individual's rate of pay shall remain the same.

c. **Transfer to a Lower Pay Rate In Lieu of Layoff**

In the event an employee is transferred to a position at a lower pay rate in lieu of layoff, the pay rate of the employee will be the pay rate for the lower paid classification.

Under no circumstances may an employee receive an increase in pay as a result of a demotion.

Section 3. Establishment of New Positions

All requests for the establishment of new positions will be first written up on a position questionnaire and submitted to Compensation Administration for evaluation and recommendation for pay range and step assignment. A copy of the proposed job description shall be submitted to the bargaining unit for its review and comment. New positions, so established, will be audited after they have been functioning for a reasonable period of time, to ensure the correctness of the level of duties, responsibilities, and pay rate assignment.

Section 4. Reclassification of Positions

Requests for evaluation of position classification may originate from employees or supervisory personnel and should be directed to the Wage and Salary administrator in the Office of Human Resources. Reclassification requests will not be given consideration unless approval is obtained from both the immediate supervisor and the department head or administrator in charge. Employees are further reminded that requests for reclassification to higher level positions cannot be considered unless the employee meets the minimum qualifications, including minimum standard tests or licensing requirements.

Denied reclassification requests will not be reconsidered for a period of 12 months, except under extraordinary circumstances, such as complete department reorganizations.

An employee in an existing job which is re-evaluated to a higher pay range, with or without a change in job content, will be given an increase in pay to the corresponding step of the higher pay range, or maintain the present rate of pay, whichever is higher. An employee who is reclassified to a job in a higher pay range, shall be placed on the step of the new range which is closest to, but not less than, the incumbent's present salary.

Section 5. Classification Appeal

Whenever an employee or DCSMEC has just cause to question a classification, the employee or DCSMEC may apply for a review of the classification in writing to the employee's department head, using the proper form.

Such request, commented upon by the department head, shall be forwarded to Compensation Administration by the employee's department head, within 20 working days of receipt of request.

Within 20 working days of such receipt by Compensation Administration of request for reclassification, the Administrative Director, Compensation Administration, shall render a decision.

ARTICLE X (cont.)

If the employee or DCSMEC is not satisfied with the decision, the employee or DCSMEC may, within 10 working days, request a hearing by the Assistant Superintendent, Labor Relations. At the hearing, the employee or DCSMEC may be accompanied by a representative of his/her choosing and may produce any documents and evidence to support the claim for reclassification. The Assistant Superintendent, Labor Relations or designee will explain the basis for the decision in the event the request is denied. The Assistant Superintendent, Labor Relations, or designee shall hold such hearing within 30 days of the request.

The decision of the Assistant Superintendent, Labor Relations, shall be final, and shall not be subject to a grievable, litigable, or reviewable process.