

LOS ANGELES UNIFIED SCHOOL DISTRICT
PERSONNEL COMMISSION

582

LAW AND RULES

October 6, 2010

582 ALLOCATION TO APPROPRIATE SALARY STEP

This Rule does not apply to allocation of senior management employees to a step on the salary range for their senior management position or class for service commencing or continuing on May 25, 2005. Allocation of senior management employees to a step on the salary range for their senior management position or class shall be in accordance with their employment contracts.

If senior management employees exercise bumping and placement rights or privileges back to a merit system position or class, applicable provisions of this Rule shall be applied in determining their step allocation rights and privileges in the merit system position or class.

- A. Appointment to a class on a salary range with more than one step shall be at the lowest step, except as provided in Rules 584 and 585, and as set forth below.
- B. Regular employees, including those who take a voluntary reduction in status and are subject to the provisions of Rule 710, who are to be appointed to a position in another class shall suffer no reduction in salary by reason of this Rule unless:
 - 1. Payment of the highest step of the applicable salary range would entail a reduction, or
 - 2. Appointment results from an involuntary demotion, or
 - 3. The current rate of pay includes a differential that is not applicable in the new assignment.
- C. Upon regular promotion or appointment to a provisional assignment with an accompanying change in employee-paid PERS contribution, an employee shall be paid the lowest rate of the higher salary range that provides an increase of at least 2.75 percent over the employee's rate in a regular assignment plus the percentage of the difference of the employee's increased retirement contribution. The salary increase shall not exceed the maximum rate of pay established for the higher class. If no such rate exists, payment shall be made at the flat rate or highest rate of the range of the higher class. If Paragraph H, below, prescribes a higher step allocation, it shall be applied. A rate paid for a limited-term assignment shall not affect step placement upon promotion.
- D. Except as provided by Rule 578, 591, and 740, for neither voluntary nor involuntary demotion shall any salary advantage accrue from occupancy of a higher class unless the probationary term in that class shall have been completed; if permanent status has not been acquired in any class at the time of voluntary demotion, the employee shall be paid the initial step of the range of the lower class.

CHANGES:

Rule amended to provide employees in Unit A who receive a provisional assignment to a Unit H classification the proper step placement for the higher paid classification.

Remove: December 13, 2007, page 1 of 6. Add: October 6, 2010, page 1 of 6.

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(Reissue) March 12, 1990

- E. An employee who is demoted involuntarily shall be placed on the flat rate of the lower class, if applicable, or on a step of the salary range that results in a decrease in salary rate. The Board of Education shall determine the employee's step placement if it is to be below the step that results in the minimum reduction in rate.
- F. An employee who accepts voluntary demotion shall be placed on the flat rate of the lower class, if applicable. If the lower class is on a salary range, the employee shall be placed on the step that provides:
1. the same rate achieved in the class in which permanent status has most recently been acquired, including any differential authorized under Rule 591 or Rule 599, if that rate appears in the salary range of the lower class, or
 2. the rate of the lower range that results in the least reduction from the rate determined in Paragraph 1, next above.
- G. Transfers shall be made without salary change. No salary change shall be deemed to occur if the transfer results in:
1. the termination or application of a differential authorized by these rules or a labor agreement
 2. assignment of a represented employee to a confidential position (or vice versa at a different salary rate)
 3. assignment to a class that has a maximum regular salary rate not more than three percent higher than that of the employee's prior regular class. In such case, the employee shall be placed on the rate of the range for the higher class closest to his/her rate in the former class.
- H. A permanent employee shall have an earned salary status which shall determine step allocation in subsequent assignments, unless some other rule prescribes a higher step allocation, when the permanent employee
1. is laid off;
 2. takes a voluntary demotion or reduction to limited-term status or
 3. resigns or is resigned and reinstates

CHANGES:

Paragraph H amended to limit earned salary status rights to permanent employee who resigns or is resigned and reinstates.

Remove: March 12, 1990, page 2 of 6. Add: (Reissue) March 12, 1990, page 2 of 6.

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except that a retired District employee need not reinstate in order to have an earned salary status when employed in accordance with Rule 763. Probationary employees do not establish an earned salary status. An employee's earned salary status shall be determined and applied as follows:

1. Earned salary status is defined as the highest step achieved by the employee in permanent status in the class in which assigned in regular status at the time of separation or reduction. In cases involving classes on flat hourly rates, the current rate of the class shall be considered as the employee's earned salary status. If separation or reduction is from a class in which the employee has only probationary or limited-term status, earned salary status is determined by the step in the class last occupied in permanent status, plus step advancement, if any, based upon completion of the paid-service requirement in that class and passage of once calendar year since the employee's anniversary date in the class.
2. In making assignments subject to this paragraph, the employee's earned salary status shall be determined, and appropriate rules shall be applied to determine the proper step allocation, provided that the employee shall be paid at one of the rates in effect for the class in which the employee is assigned.
 - a. For assignments in the same class from which the employee was separated or reduced or a class on the same salary range or rate, allocation shall be made equivalent with the employee's earned salary status, except that, when the assignment is in regular status, step advancement shall be granted in accordance with Rule 578.
 - b. In an assignment to a class lower than that from which the employee was separated or reduced, the step or rate shall be determined as if the employee were taking a voluntary demotion from former class with a current step as indicated by the employee's earned salary status. For regular appointment in a lower class, step-advancement credit for service in the higher class shall be granted in accordance with Rule 578.
 - c. In an assignment to a class higher than that from which the employee was separated or reduced, the step shall be determined as if the employee were being restored to and promoted from his former class.
3. Earned salary status shall expire 39 months after separation, demotion, or reduction in status, except as follows:
 - a. When an employee has accepted a demotion in lieu of layoff and is eligible for return to former class without limitation of time, earned salary status shall continue until the employee has returned to former class and status or has become permanent in a higher class.

CHANGE:

Rule amended to provide employees in Unit A who receive a provisional assignment to a Unit H classification the proper step placement for the higher paid classification.

Remove: (Reissue)** July 7, 1986, page 3 of 6. Add: October 6, 2010, page 3 of 6.

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- b. When an employee has accepted reduction in status in lieu of layoff and the period of eligibility for reinstatement is extended, earned salary status shall be extended likewise.
 - c. When an employee has taken a reduction to limited-term status or has been reemployed or reinstated in limited-term status within 39 months, and continues in such status after 39 months have expired, earned salary status shall continue for as long as the limited-term status is extended without interruption.
 - d. When a retired employee is employed in accordance with Rule 763, earned salary status shall not be subject to the 39 month limitation, and allocation to the appropriate step shall be determined in accordance with Paragraphs H, 1. and 2., above.
4. When an employee has established an earned salary status and when the employee's current step in a regular assignment exceeds that earned salary status, step allocation in subsequent assignments shall be based on the current step allocation and the operation of the applicable rule.
- I. After an investigation and a finding of critical labor shortage that seriously affects the recruitment and retention of qualified persons, the Commission may, with the concurrence of the Board, authorize initial employment in a class at other than the first step of the salary range.
1. The basis for a finding of labor shortage shall be as follows:
 - a. A request for a labor-shortage study, approved by the Superintendent, outlining the views of the administration, and presenting evidence of (1) an insufficient number of applications or eligibles as a result of an extensive recruitment effort, including paid advertisements offering employment at a specific step or (2) an insufficient number of eligibles who are "ready and willing" as defined in Rule 635, to accept employment at the current hiring rate, or (3) an anticipated labor shortage as indicated by the difficulty experienced by other local jurisdictions in recruiting for similar positions, or (4) an anticipated labor shortage because of the special qualifications required by the class.
 - b. A survey by the Personnel Commission staff of recent hiring rates paid qualified and immediately available candidates in comparable positions.
 - c. Analysis and evaluation of the following information by Personnel Commission staff: (1) The total number of positions in the class, the number of vacant positions and how long they have been vacant, the locations of the vacancies and any unusual conditions that affect the positions. (2) The availability of those on the latest eligibility list and information regarding the stated reasons for nonavailability. (3) The class turnover rate compared to the general turnover rate.

CHANGE:

Rule amended to update outdated language and clarification of existing procedures.

Remove: (Reissue)** August 31, 1987, page 4 of 6. Add: September 8, 2008, page 4 of 6.

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2. The following factors will be taken into consideration in establishing a hiring step above the first step of the salary range of the class:
 - a. The range of rates paid for comparable or similar positions in the community or survey area.
 - b. A special survey of hiring rates paid for comparable or similar position in the community or survey area.
 - c. The minimum acceptable step specified by eligibles when recruiting has been conducted on the basis that appointment may be made at any step in the salary range.
3. The labor-shortage finding for a class shall be reviewed:
 - a. Whenever the class is considered for reallocation to another range.
 - b. Upon termination of continuous examination authorization.
 - c. Prior to June 30 each year. All authorized accelerated hiring steps in effect 90 days or more are subject to termination each year as of the last day of the pay period that includes June 30. Those in effect less than 90 days, as of that date, shall be continued through the following salary year unless sooner terminated.
4. The basis for extending, modifying or discontinuing a labor-shortage finding shall be:
 - a. a report by the administration, together with the information called for in Paragraph I. 1.b, 1.c, and 2 above, or
 - b. the views of the administration, approved by the Superintendent, on the need for extending, modifying or discontinuing the labor-shortage finding.
5. Employees on a lower step in a class for which an accelerated hiring step or shortened range has been authorized shall advance to the new hiring step on the effective date of acceleration. Employees who are assigned to such a class by reinstatement, reemployment or reassignment after voluntary demotion shall be allocated to a step not lower than the hiring step. Thereafter, such employees shall advance to higher steps as provided in Rule 578. Upon each reallocation of a class that has an accelerated hiring step, the incumbents shall be placed on the same numbered step in the new range, unless the Personnel Commission specifically finds that step status shall not apply.

CHANGE:

Rule amended to provide employees in Unit A who receive a provisional assignment to a Unit H classification the proper step placement for the higher paid classification.

Remove: (Reissue)** July 7, 1986, page 5 of 6. Add: October 6, 2010, Page 5 of 6.

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6. When inequities within a class or related classes are caused by the application of an accelerated hiring rate or shortened range, step advancement may be authorized by the Personnel Commission and the Board in order to remove any such inequities. Thereafter, step advancement shall be granted as provided in Rule 578.
- J. When step advancement, reallocation or reclassification of a class, promotion or demotion from or within such class becomes effective on the same date, incumbents affected by more than one action shall receive salary adjustment for each action in accordance with the following sequence:
1. Step advancement.
 2. Increase or decrease based on reallocation or reclassification of the class.
 3. Increase or decrease based on promotion or demotion.
- K. A full-time probationary or permanent certificated employee of the District who newly enters the Classified Service or returns to the Classified Service in accordance with Rule 717, Paragraph B, shall be placed on the lowest step of the applicable salary range that provides an increase of at least 2.75 percent over the most recent regular salary earned in the Certificated Service. If no such rate exists, payment shall be made at the flat rate or the highest rate of the range of the class. ("Regular salary" includes degree differentials and any responsibility differential applicable in the employee's regular assignment; all other compensation excluded.) If the employee is being reinstated after resignation and Rule 771 prescribes a higher step placement, that Rule shall be applied. This Paragraph applies to laid-off certificated employees for 39 months after layoff or demotion in lieu of layoff; in such a case, the "regular salary" is that of the class from which the employee was laid off or demoted.
- L. Longevity salary increments shall be considered as part of an employee's base salary for the purpose of step placement upon promotion or demotion or any other action affecting salary.
- M. Any other special salary increment shall not be considered as part of an employee's base salary for the purpose of step placement upon promotion, demotion, transfer, or any other action affecting salary.

CHANGE:

Paragraph L amended to ensure that employees who promote into management classifications from a classification with greater longevity pay will not suffer an overall salary decrease.

Remove: (Reissue) September 12, 1990, page 6 of 6. Add: November 15, 2018, page 6 of 6.
