

**UCSB BYA GUIDELINES**  
*(updated September 2015)*

**1. What is “BYA”?**

BYA stands for “By Agreement.” By agreement, for the purposes of non-academic, non-represented staff positions at UCSB, refers to the agreed upon rate of pay for a body of work that has unusual or unique pay circumstances (as determined by the Compensation Unit) making it difficult to determine a pay rate according to normal pay and classification standards. For example, someone may be hired to perform work on-site at the university for one hour yet they spent a significant amount of preparation time prior to arriving. A “by agreement” appointment would allow the department to fully compensate that person with a flat rate for the time they may have spent rehearsing, researching, planning, designing and creating, in preparation for their one hour of time spent at the university.

**2. What title codes are eligible to be paid using a BYA flat rate?**

Only the following titles can be paid using a DOS (Description of Service) code of BYA:

- 0786 & 4005-4007 Coaching titles - exempt & non-exempt
- 4011 Recreation Program Instructor - non-exempt
- 4122 Resident Advisor (live-in only) - non-exempt
- 4126 Resident Assistant (live-in only) - non-exempt
- 4329 Appointed Official, Student Activities - non-exempt
- 9901 Camp Counselor - Exempt
- 9920 Student Volunteer (Notetakers in Disabled Students program only) – non-exempt
- 9999 Unclassified “Special Presenter/Speaker” - non-exempt\*

\*For use by current employees. Non-employees who give special academic presentations or speeches should be paid via an Honorarium on a Form 5 (contact Academic Personnel for more information).

**3. When can I pay someone using a BYA eligible title?**

You can request to use a BYA eligible title code if the duties being performed fit within the description of the classification. Descriptions of classifications (a.k.a. Series Concepts) can be found at <http://www.hr.ucsb.edu/compensation/series-concepts>

**4. Who reviews and approves requests to use BYA eligible titles?**

The Compensation Unit of Human Resources is required to review and approve all requests for non-academic staff BYA eligible titles.

**5. Are all BYA eligible titles paid using the DOS code of BYA?**

No. Some BYA eligible positions have pay circumstances similar to that of a fixed appointment or an hourly worker. In other words, if it is reasonable and possible to track hours worked and/or predict the schedule with a set percentage of time, then it is not recommended to pay using a flat rate BYA. Instead, the position should be set up with regular (REG) pay in PPS.

## 6. How do I determine whether to pay a flat rate or a regular rate?

- **Flat Rate (BYA):** If it is difficult to determine hours worked and/or the rate of pay includes other variables making it unique and different than the standard approach to setting pay, a flat rate BYA pay arrangement may be appropriate.
- **Regular (REG) Pay:** If the pay circumstances are similar to that of a fixed appointment or an hourly worker (i.e., it is reasonable and possible to track their hours worked and/or predict their schedule with a percentage of time), then it is appropriate to set them up in PPS with regular (REG) pay.

## 7. What is the process for hiring someone into a BYA eligible title?

- ✓ Consult with your Compensation Analyst to determine if the position you are trying to fill meets the criteria of one of the BYA eligible titles.
- ✓ Determine whether or not it is appropriate to compensate the position using a flat rate of pay or a fixed or variable percentage (see #6 above).
- ✓ Submit a new job description via OACIS (Online Application and Classification Info System) for review and approval by HR.
- ✓ Input the appointment into PPS (see #8 below).

## 8. How do I set up a BYA eligible title in PPS?

Eligible titles can be set up and paid as either flat rate (BYA) or regular pay (REG).

- **Flat Rate of Pay (BYA)\*:** There are two methods to entering a flat rate BYA appointment:
  1. When the BYA amount is the SAME each pay period, enter the following information into the *appointment section* of the EAPP screen in PPS:
    - % = Approximate % of time
    - Ann/Hr Rate = enter the BYA amount
    - F/V = V (variable)
    - Rt = B (BYA)
    - Sched = BW for Non-Exempt Bi-Weekly or MO for Exempt Monthly
    - Time = Z
    - Lv = N

In the *distribution section*, enter:

    - Rate/Amt = fill in the BYA amount
    - Dis % = leave blank
    - FTE = leave blank
    - DOS = BYA
  2. When the BYA amount VARIES each pay period, enter the following information into the *appointment section* of the EAPP screen in PPS:
    - % = Approximate % of time
    - Ann/Hr Rate = leave blank
    - F/V = V (variable)

- Rt = B (BYA)
- Sched = BW for Non-Exempt Bi-Weekly or MO for Exempt Monthly
- Time = Z
- Lv = N

In the *distribution section*, enter:

- Rate/Amt = leave blank
- Dis % = leave blank
- FTE = leave blank
- DOS = BYA

\*For Non-Exempt appointments compensated with a BYA flat rate, the amount MUST minimally meet the minimum wage requirements for California. FLSA rules governing hourly employees still apply so be sure to calculate premium overtime if the employee works over 40 hours in a work week.

- **Fixed and/or Hourly Appointments:** Input the appointment and distribution into PPS using the DOS code REG. Input an hourly or monthly rate and percentage of time on both the appointment and distribution in PPS. Hours worked should be tracked and input into PPS.

**9. For flat-rate BYA appointments, do I have to add an additional distribution (BYH) in order to credit hours for benefits eligibility purposes?**

Yes. Under the new ACA requirements for determining benefits eligibility, departments are required to track the approximate hours of work per BYA appointment and “credit” those hours to a separate BYH distribution on the appointment. In the *distribution section*, enter:

- Rate/Amt = enter the BYA amount
- Dis % = enter an approximate % of time
- FTE = leave blank
- DOS = BYH

Questions? Contact the [Compensation Analyst](#) assigned to your department.