

By Agreement Guidelines (BYA)

1. What is “BYA”?

BYA stands for “By Agreement.” By agreement, for 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 before 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 are designated as By Agreement (BYA) and therefore do not have a pay range associated with them and can ultimately be paid a flat rate in UCPath:

- Admissions Evaluator 3 - exempt - used for Applications Readers in Admissions
- Coaching (Career Tracks titles):
 - 5045 Asst Coach 1 – non-exempt
 - 5046 Asst Coach 2 – exempt
 - 5115 Asst Coach 3 – exempt
 - 0331 Assoc Head Coach Coord 4 – exempt
 - 0332 Head Coach 5 – exempt
 - 5047 Recreation Coach 3 – exempt
 - 0330 Recreation Coach Manager 1 – exempt
- Physician SHS Manager 3 - exempt - used for the Exec Dir position at Student Health
- Presenter/Speaker (Legacy title):
 - 9999 Unclassified “Special Presenter/Speaker” - non-exempt (non-academic related)*
 - Performing Artists (Career Tracks titles):
 - 6142 Performing Artist 2 (dance/theater/vocal/one-time instrumental) – exempt
 - 6143 Performing Artist 3 (dance/theater/vocal/one-time instrumental) – exempt
 - Musician (Musical Instrument Accompaniment or “Studio Musician”) – *we no longer use 9999/BYA for musical performers – see the new Career Tracks job function “Musician 2 or 3” for ongoing musical accompaniment for concerts, theater productions, classes, dance performances, etc.*

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- Recreation (Career Tracks titles):
 - 9901 Camp Counselor L3 - exempt
 - 4127 Recreation Program Instructor 1 – non-exempt
 - 4128 Recreation Program Instructor 2 – non-exempt
 - 4129 Recreation Program Instructor 3 – non-exempt
 - 4133 Recreation Program Leader 2 BYA – non-exempt
 - 4134 Recreation Program Leader 3 BYA – exempt
 - 4135 Recreation Program Leader 4 BYA – exempt
- Residential Life (Career Tracks title):
 - 4944 Student Residence Halls - non-exempt
 - 4570 Resident Advisor 2 – non-exempt
- Student Positions (Legacy titles):
 - 4329 Student Activities, Appointed Official - non-exempt
 - 4331 Elected Officer, Student Government - non-exempt
 - 9920 Student Volunteer (Notetakers in Disabled Students program only) – non-exempt

**For academic-related presentations/speeches, contact [Academic Personnel](#) regarding the possibility of payment via an Honorarium.*

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. Job Standards and Series Concepts) can be found at:

- [Career Tracks Job Standards](#)
- [Legacy Title 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. Do all BYA titles have to be paid a flat rate, or can they be set up with REG pay?

No. Some BYA titles have pay circumstances similar to those of a fixed appointment position 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 a flat rate in UCPATH. Instead, the position should be set up with a set % of time and an earn code of REG (regular) in UCPATH. This is especially helpful for effort-reporting purposes and for determination of benefits eligibility under the ACA.

6. How do I determine whether to pay a flat rate or a regular (REG) 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 from 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 those 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 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-designated 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 Job Builder (the online job description system) for review and approval by HR Compensation.
- Upon approval from Job Builder, request a Position # by submitting a Position Control Request in UCPATH.
- If it's a contract or career position in which recruitment is required, submit a Job Posting in TAM, the UCPATH recruitment system.
- If it's a limited appointment, direct hire, or a student hire, you can bypass recruitment and enter them directly into UCPATH.

8. How do I set up a BYA position in UCPATH?

Please navigate to UCSB's [UCPath](#) to find all the hiring and transactional resources for how to process actions in UCPATH.

9. Questions?

For questions regarding BYA eligibility, please submit an [HR/ServiceNow](#) ticket for HR/Compensation.

For questions regarding hiring and transacting in UCPATH, please submit an [HR/ServiceNow](#) ticket to HR/Workforce Administration.