
Chapter 9

Hours of Employment and Overtime

9.1 WORK SCHEDULES

9.1.1 WORKWEEK: The maximum number of hours of regular employment of an employee is eight (8) hours per day and forty (40) hours per week. However, the Board of Education may employ persons for lesser periods of time and may, through authorized administrators, order or authorize employees to work in excess of eight (8) hours in one day or forty (40) hours in one week.

9.1.1.1 Overtime is defined as ordered or authorized working time in excess of eight (8) hours in one day or forty (40) hours in one week. No one shall order or authorize overtime unless it is compensable as provided in 9.1.1.3.

9.1.1.2 For those employees whose assignment is less than eight (8) hours per day and/or forty (40) hours in one week, extended additional working hours may be authorized in the same manner as specified above. However, compensation shall be at the regular hourly rate up to eight (8) hours per day or forty (40) hours per week.

9.1.1.3 Overtime cannot be ordered or authorized unless it can be compensated either by funds budgeted for such purpose, or by granting compensatory time off.

9.1.1.4 A regular employee who works authorized overtime shall be compensated, either monetarily or with compensatory time off, at a rate equal to one and one-half (1.5) times the amount of overtime worked. When the employee is paid monetarily, shift and special-assignment differentials regularly received by the employee shall be included in determining the rate of pay.

9.1.1.5 When compensatory time off is authorized in lieu of cash compensation, such compensatory time off shall be taken at a time mutually acceptable to the employee and the District within twelve months of the date on which it was earned.

REFERENCE: Education Code Sections 45127, and 45132

9.1.2 **WORKDAY:** The length of the workday shall be designated by the District for each classified assignment in accordance with the provisions set forth in these Rules. Each classified employee shall be assigned a fixed, regular, and ascertainable minimum number of assigned hours per day (with fixed, regular starting and ending times), days per week, and months per year.

9.1.3 **ADJUSTMENT OF ASSIGNED TIME:** Any classified employee who works an average of thirty (30) minutes or more per day in excess of the employee's regular part-time assignment (defined for this Rule as less than eight hours per day) for a period of twenty (20) consecutive working days or more shall have his/her regular assignment adjusted upward to reflect the longer hours, effective with the next pay period.

REFERENCE: Education Code Section 45137

9.1.4 **DECREASES IN ASSIGNED TIME:** A District initiated decrease in the assigned hours per day, hours per week, days per year, or months per year of an existing regular position shall be considered a layoff for lack of work or lack of funds. All District initiated decreases in assigned time shall be performed in accordance with the layoff procedures in these Rules.

REFERENCE: Education Code Section 45308

9.1.5 **SPLIT SHIFT ASSIGNMENTS:** The periods between split shifts shall be unpaid so long as the period of unpaid time exceeds one (1) hour. Split shifts of one (1) hour or less shall be paid at the appropriate regular or overtime rate of pay. Bonafide scheduled meal periods of 30 minutes as required under these Rules shall not be considered a split shift and shall be considered as unpaid time.

9.2 **OVERTIME AND RELATED MATTERS**

9.2.1 **OVERTIME:** All authorized overtime hours as defined in this rule shall be compensated, either monetarily or with compensatory time off at a rate equal to one and one-half (1.5) times the amount of overtime worked. Overtime is defined to include any authorized time worked in excess of eight (8) hours in any one day or on any one shift, (unless exempted as set forth in 9.2.5) or in excess of forty (40) hours in any calendar week, whether such hours are worked prior to the commencement of a regularly assigned starting time or subsequent to the assigned quitting time.

9.2.1.1 All hours worked by an employee on any holiday designated by these rules, the law, or the Board of Education shall be compensated at the overtime rate of pay in addition to regular pay

received for that day.

9.2.1.2 For purposes of computing the number of hours worked, time during which an employee is excused from work because of holidays, sick leave, vacation, compensating time off, or other paid leave of absence shall be considered as time worked by the employee.

REFERENCE: Education Code Sections 45128, 45131, and 45203

9.2.2 ASSIGNMENT OF OVERTIME: Overtime work shall be equitably assigned among all qualified classified employees who are in the same class, the same organizational unit, and the same work location. In assigning overtime the supervisor may consider:

9.2.2.1 Special skills and/or training required for an employee to perform the specific work and

9.2.2.2 The availability of regular part-time classified employees to perform the required work.

REFERENCE: Education Code Sections 45260 and 45261

9.2.3 CALL BACK TIME: Any employee called back to work by his/her supervisor or designee shall be compensated for at least two (2) hours at the appropriate rate, irrespective of the actual time worked. If the employee works more than two hours, he/she shall be compensated for the actual time worked.

REFERENCE: Education Code Sections 45260 and 45261

9.2.4 EXEMPTION FROM OVERTIME: Positions or classes of positions designated administrative, or executive by the Commission may be exempted from the overtime provisions of these Rules. To be exempted from overtime, positions or classes of positions must clearly and reasonably be management positions. The classes of established positions listed below are clearly and reasonably management positions. The duties, flexibility of hours, salary, benefit structure, and authority of these classes are of such a nature that they should be set apart from positions subject to overtime and will not be unreasonably discriminated against as a result of this exemption. Notwithstanding this rule, if an exempt employee is required to work on any District paid holiday, the employee shall be paid, in addition to the regular pay received for the holiday, at the rate of one and one-half (1-1/2) times the employee's regular rate of pay.

9.2.5 EXEMPT POSITIONS ARE:

9.2.5.1 Purchasing Supervisor

9.2.5.2 Food Service Supervisor

9.2.5.3 Director of of Fiscal Services

9.2.5.4 Director of Maintenance & Operations

9.2.5.5 Child Care Supervisor

9.2.5.6 Administrative Assistant to the Superintendent

9.2.5.7 Administrative Assistant – Business

9.2.5.8 Administrative Assistant – Educational Services

9.2.5.9 Personnel Assistant

9.2.5.10 Director of Classified Personnel

9.2.5.11 Chief Business Official

REFERENCE: Education Code Section 45130 □
