

CHAPTER 100

HOURS OF EMPLOYMENT AND OVERTIME

100.1 WORK SCHEDULES

100.1.1 WORKWEEK: The workweek of classified employees shall consist of five (5) consecutive days of eight (8) hours per day. These rules shall not be construed to restrict the extension of a regular workday or workweek on an overtime basis when such is necessary to carry on the business of the District.

100.1.1.1 The District may establish a workday of less than eight (8) hours per day and a workweek of less than forty (40) hours for some or all of its classified positions.

100.1.1.2 When the District determines that a classified employee is to be assigned a work week which includes Saturday or Sunday, the District shall notify the employee in writing and secure the employee's consent. Classified employees shall not be required to work Saturday or Sunday, if they certify in writing that the assignment conflicts with religious beliefs or practices.

REFERENCE: Education Code Sections 45127, and 45132

100.1.2 10 HOUR WORKDAY: The District may establish a 10-hour-per-day, 40-hour, four consecutive day workweek for all, or certain classes of its employees, or for employees within a class when, by reason of the work location and duties actually performed by such employees, their services are not required for a workweek of five consecutive days. This provision may only be implemented if the establishment of such a workweek has the concurrence of the concerned employee, class of employees, or classes of employees. The District may establish a workweek to include a nine (9) hour workday, eighty (80) hours per two (2) week schedule, in accordance with section 45133 of the Education Code. The Personnel Commission may establish the same workweek as permitted in Education Code section 45133 for its staff.

REFERENCE: Education Code Section 45132 and 45133

100.1.3 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.

100.1.4 ADJUSTMENT OF ASSIGNED TIME: Any classified employee who works an average of thirty (30) minutes or more per day in excess of his regular part-time assignment for a period of twenty (20) consecutive working days or more shall have his regular assignment adjusted upward to reflect the longer hours, effective with the next pay period. If there are other part-time classified employees in the same class at the worksite of the employee, the former position of the adjusted employee shall be declared vacant and filled pursuant to these Rules.

100.1.4.1 If an employee's average paid time for a part-time assignment, excluding overtime, exceeds his minimum assigned time by fifty (50) minutes or more per working day in any quarter, the hours paid per day for compensable leaves of absence and holidays in the succeeding quarter shall be equivalent to the average paid per working day in the preceding quarter, excluding overtime.

REFERENCE: Education Code Section 45137

100.1.5 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.

100.1.6 BENEFITS FOR ASSIGNMENTS OF LESS THAN 8 HOURS/12 MONTHS: All employees assigned less than eight (8) hours per day and/or less than twelve (12) months per year shall be entitled to sick leave and all other benefits conferred by law on classified employees. These employees shall be entitled to all leaves and benefits granted by these rules, the law, or the Board of Trustees. These benefits shall be provided on a prorated basis.

REFERENCE: Education Code Section 45132

100.1.7 MEAL PERIODS: All employees who are assigned to work a minimum of four (4) consecutive hours per day shall be assigned an unpaid, uninterrupted meal period of at least thirty (30) minutes to a maximum of one (1) hour except that when a work period of not more than six (6) hours will complete the day's work, the meal period may be waived by mutual consent of the District and employee. For full-time employees, the meal period shall be assigned at or about the mid-point of each work shift by the immediate supervisor.

100.1.8 REST PERIODS: All employees shall be assigned one paid rest period during each four hour work period as noted below:

100.1.8.1 Employees who work six (6) to eight (8) hours per day shall be assigned two (2) fifteen (15) minute rest periods. Rest periods shall be scheduled approximately at the half shift midpoint unless conditions for services require an earlier or later rest period as assigned by the immediate supervisor.

100.1.8.2 Employees working fewer than six (6) but four (4) or more hours per day shall be provided one (1) fifteen (15) minute paid rest periods.

100.1.8.3 Employees shall remain at their assigned work sites during a paid rest period unless specific authorization to leave the work site has been given by the supervisor.

100.1.9 SPLIT SHIFT ASSIGNMENTS: The District shall have the right to assign classified employees to a split shift as part of a regular assignment. The periods between split shifts shall be unpaid. Bonafide scheduled meal periods of at least thirty (30) minutes but no more than one (1) hour as required under these rules shall not be considered a split shift and shall be considered as unpaid time.

100.2 OVERTIME AND RELATED MATTERS

100.2.1 OVERTIME: All overtime hours as defined in this rule shall be compensated at the rate of pay equal to time and one-half (1-1/2) the regular rate of pay of the employee for all hours worked in an overtime status. Overtime is defined to include any time worked in excess of eight (8) hours in any one day or on any one shift, 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. Overtime of less than fifteen (15) minutes shall not be credited; all overtime shall be reported and credited in multiples of fifteen minutes of working time.

100.2.1.1 Employees having an average workday of four (4) or more hours shall receive overtime compensation for any authorized work performed on the sixth or seventh consecutive day of work.

100.2.1.2 Employees having an average workday of less than four (4) hours shall receive overtime compensation for any authorized work performed on the seventh consecutive day.

100.2.1.3 All hours worked by an employee on any holiday designated by these rules, the law, or the Board of Trustees shall be compensated at two (2) times the appropriate rate of pay in addition to regular holiday pay.

100.2.1.4 When a four-day workweek, 10-hour day is established by the District, the overtime rate shall be paid for all hours worked in excess of ten (10) hours per day, or forty (40) hours per week. Work performed on the fifth, sixth, and seventh consecutive days shall be compensated at the overtime rate of pay.

100.2.1.5 For purposes of defining the regular rate of pay in order to determine the proper overtime rate, the District shall take the employee's hourly rate of pay, and add any differential rates, premium rates, or longevity increments received by the employee.

100.2.1.6 An employee called back for overtime work on any day in which s/he is not normally scheduled to work shall receive a minimum of three (3) hours overtime compensation.

REFERENCE: Education Code Sections 45128, 45131, 45160, and 45161

100.2.2 COMPENSATORY TIME OFF (CTO): By mutual agreement of the employee and supervisor, overtime may be compensated as compensatory time off.

100.2.2.1 A record of compensatory time worked and taken shall be maintained in the department.

100.2.2.2 Compensatory time may be taken in lieu of any other authorized leave.

100.2.2.3 Compensatory time shall be approved by the immediate supervisor before it is taken.

100.2.2.4 Employees shall use compensatory time within ninety days of being earned. Unused CTO will be paid to the employee on the next regular pay period after the ninety (90) days.

100.2.2.5 Compensatory time is earned at the overtime rate as established in these Rules. It may be taken in units of 1/2 hour or more with the approval of the immediate supervisor.

REFERENCE: Education Code Section 45129
VVUHSD-CSEA Contract Agreement, Article 5.4

100.2.3 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:

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

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

100.2.4 CALL BACK TIME: Whenever an employee is called back to duty by his supervisor or designee after the conclusion of the normal work shift, the employee shall receive a minimum of two (2) hours pay.

100.2.5 **CALL IN TIME:** Whenever an employee is called to work by his supervisor or designee on a day which is not a regularly scheduled work day, he shall receive a minimum of three (3) hours pay.

100.2.6 **EXEMPTION FROM OVERTIME:** Positions or classes of positions designated supervisory, 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. Notwithstanding this rule, if an exempt employee is required to work with prior approval of the Superintendent on any District paid holiday, he 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.

REFERENCE: Education Code Section 45130