

- 4400 THE MERIT SYSTEM
- 4490 WAGE AND SALARY PROVISIONS
- 4494 WORK PERIODS AND OVERTIME

4494.4 Overtime

- A. Overtime is defined as hours worked in any of the following circumstances:
1. in excess of eight hours in a workday
 2. in excess of 40 hours in a workweek
 3. on the sixth or seventh day following the commencement of the workweek for employees having an average workday of four hours or more
 4. on the seventh day following the commencement of the workweek by an employee having an average workday of less than four hours
 5. on a holiday, as defined in Personnel Commission Rule 4493.1.

Overtime work and the method of compensation must be authorized in advance by the employee's supervisor and approved by the appropriate associate superintendent. The overtime hours worked, the method of compensation, and the required approvals must be recorded on the prescribed SBCEO form.

- B. An employee who performs authorized overtime work shall receive compensation at the rate of one and one-half (1.5) times the employee's regular rate of pay, including any differential compensation to which the employee is entitled in their current assignment. Alternatively, upon the request of the employee and with the approval of the supervisor and appropriate associate superintendent, the employee may accrue compensatory time off at the rate of one and one-half (1.5) times the number of overtime hours the employee worked.

Payment shall be in cash unless compensatory time off is requested and approved. Payment for overtime worked shall be provided as soon as possible following the pay period in which the overtime is worked.

Accrued compensatory time will be recorded in the employee's leave balances maintained by SBCEO. Compensatory time may be taken within 12 calendar months following the month in which the overtime was worked. Compensatory time off must be requested according to the same procedures as other leave requests, and shall be taken at a time that is mutually agreed upon by the employee and the supervisor. If the employee fails to take (or is not granted) compensatory time within 12 calendar months following the month in which it was earned, SBCEO shall pay out the value of the compensatory time, in accordance with established SBCEO policy.

- C. For the purpose of computing the number of hours worked, time during which an employee is excused from work because of holidays, sick leave, vacation, compensatory time off, or other paid leaves of absence shall be considered as time worked by the employee. Overtime shall be calculated to the nearest one quarter-hour of overtime worked.
- D. If a combination of assignments meets any of the definitions of overtime in Paragraph A, the excess time worked shall be considered overtime.
- E. Notwithstanding the provisions of this Rule, the Personnel Commission may specify certain positions or classes of positions as supervisory, administrative or executive and exclude the employees serving in such positions and the positions from the overtime provisions. Such exclusion shall be according to the provisions of Section 45130 of the Education Code.

Reference:

Education Code Sections 45127-45133 and 45260-45261

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