

PERSONNEL – Series 4000

- 4400 THE MERIT SYSTEM
- 4490 WAGE AND SALARY PROVISIONS
- 4494 WORK PERIODS AND OVERTIME
- 4494.4 Overtime**

- A. Overtime is defined to include any time required to be worked in excess of eight hours in any one day and in excess of 40 hours in any calendar week. Such work and the method of compensation must be authorized in advance and required by the immediate supervisor, director or program manager, and approved by the appropriate assistant superintendent or designee. The County Superintendent or designee may establish work schedules that do not provide for overtime in accordance with legal statutes and No. 4494.1.
- B. If the Superintendent/County Board of Education establishes a workday of less than eight hours but more than seven hours and a workweek of less than 40 hours but more than 35 hours for all of its classified positions or for certain classes of classified positions, all time worked in excess of the established workday and workweek shall be deemed to be overtime. The foregoing provisions do not apply to properly designated part-time positions with an assigned workday of less than eight hours a workweek of less than 40 hours even though all such positions constitute all of the positions within a class.
- C. Overtime is not to be paid for travel time to and from workshops and conferences. If the employee's workday is extended past eight hours for mandated work reasons (including travel), then the employee may claim overtime pay or compensatory time off as approved by the program manager and appropriate assistant superintendent or designee.
- D. An employee who performs authorized overtime work shall receive compensation or compensatory time off at the rate of one and one-half times his/her regular rate of pay, including an pay differential to which he/she is entitled because of his/her current assignment. Payment shall be in cash unless compensatory time off is requested by the employer and approved by the program manager and appropriate assistant superintendent. Pay for overtime worked shall be provided as soon as possible following the pay period in which the overtime is worked. Compensatory time off shall be taken when it is approved by the program manager and it is convenient for the employee and the employer.
- E. Notwithstanding the provisions of Paragraph A, the worksheet shall consist of not more than five consecutive working days for any employee having an average workday of four hours or more during the workweek. Such an employee shall be compensated for work required to be performed on the sixth or seventh day following the commencement of the workweek at a rate equal to one and one-half times his/her regular rate of pay.
- F. An employee having an average workday of less than four hours during the workweek shall be compensated for any work required to be performed on the seventh day following the commencement of the workweek at a rate equal to one and one half times his/her regular rate of pay. Payment for required work performed on the sixth and seventh day pursuant to this Rule shall be in cash unless compensatory time off is requested by the employee and approved by the program manager and appropriate assistant superintendent. Positions and employees excluded from overtime compensation pursuant to No. 4495 shall likewise be excluded from the provisions of this Rule.

4494.4 Overtime (Continued)

- G. 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 leave of absence shall be considered as time worked by the employee.
- H. An employee required to work on a holiday shall be paid compensation, or given compensatory time off, for such work, in addition to the regular pay received for the holiday, at the rate on one and one-half times his/her regular rate of pay including any differentials because of his/her current assignment. Payment shall be in cash unless compensatory time off is requested by the employee and approved by the program manager and appropriate assistant superintendent.
- I. Overtime shall be calculated to the nearest one quarter-hour of overtime worked.
- J. If a combination of assignments adds up to more than eight hours a day or 40 hours a week, the excess time worked shall be considered overtime.
- K. 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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