

CHAPTER 10

HOURS OF EMPLOYMENT AND OVERTIME

10.1 WORK SCHEDULES

10.1.1 WORKWEEK:

The workweek of classified employees shall consist of five (5) consecutive days of eight (8) hours per day or forty (40) hours per week. These rules shall not be construed to restrict the extension of a regular workday or workweek when such is necessary to carry on the business of the District. Unless exempted by the Board and approved by the Personnel Commission, the extension of the workday shall be on an overtime basis. Extensions of the workweek shall be on an overtime basis.

10.1.1.1 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.

10.1.1.2 When the District determines that a classified employee may be assigned a workweek which includes Saturday or Sunday, the District shall notify the employee in writing.

10.1.1.3 The District may establish a nine (9) hour per day, eighty (80) hour biweekly work schedule for some positions or classes of positions, based upon the needs of the District and/or the desires of its classified employees.

10.1.1.4 The District may establish a ten (10) hour per day, forty (40) hour, four (4) consecutive day workweek for some positions or classes of positions, based upon the need of the District and/or the desires of its classified employees.

Reference: EC§ 45127 and 45132

10.1.2 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.

Reference: EC§ 45260 and 45261

10.1.3 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. If there are other part-time (as defined in this Rule) classified

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employees in the same class at the worksite of the employee, the position shall be declared vacant and filled pursuant to Chapter 10.1.7.

10.1.3.1 If an employee's average paid time for a part-time assignment (defined for this Rule as less than eight hours per day) excluding overtime, exceeds the employee's minimum assigned time by 45 minutes or more per working day in any quarter (three consecutive month period), 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: EC§ 45137, 45260 and 45261

10.1.4 **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: EC§ 45260, 45261, and 45308

10.1.5 **MEAL PERIODS:**

All employees who are scheduled to work six (6) consecutive hours per day or more shall be assigned an unpaid, uninterrupted meal period of at least thirty (30) minutes to a maximum of one (1) hour. The meal period shall be assigned at or about the midpoint of each work shift.

Reference: EC§ 45180

10.1.6 **REST PERIODS:**

Each employee shall be allowed a fifteen (15) minute rest period during any four (4) hour working period, which is not interrupted by a meal period or similar break. Such rest period must be taken at the assigned work site, unless prior approval has been obtained from the immediate supervisor.

10.1.6.1 Employees shall be granted rest periods which, insofar as practicable, shall be in the middle of each work period, but scheduled no later than prior to the last hour of the employee's work day.

Reference: EC§ 45260, and 45261

10.1.7 **ADDITIONAL HOURS FOR PART-TIME EMPLOYEES:**

When additional hours are assigned to a part-time position on a permanent basis, the assignment shall be offered to the part-time employee in the same class with the greatest seniority in the classification. If the senior employee declines the assignment, it shall be offered to the remaining employees in the class in descending order of seniority.

10.2 **OVERTIME AND RELATED MATTERS:**

10.2.1 **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.

10.2.1.1 For employees who are assigned to work an average of four (4) hours per day or more during the regular work week, all hours worked beyond the workweek of five (5) consecutive days shall be compensated at the overtime rate commencing on the sixth or seventh day of work.

10.2.1.2 For employees who are assigned to work an average workday of less than four (4) hours per day during the regular workweek, all hours worked on the seventh day shall be compensated at the overtime rate.

10.2.1.3 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.

10.2.1.4 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: EC§ 45128, 45131, and 45160

10.2.2 **ASSIGNMENT OF OVERTIME:**

Overtime work shall be equitably assigned among all qualified classified employees who are in the same class, and the same department. In assigning overtime, the supervisor may consider:

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

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

Reference: EC§ 45260, and 45261

10.2.3 **CALL BACK TIME:**

Whenever an employee is called to work by his/her supervisor or designee on a day which is not a regularly scheduled work day, the employee shall receive a minimum of two (2) hours pay at the appropriate salary rate. If the employee is called back to work between midnight and 4:00 a.m., or on holidays, after the completion of the employee's regular assignment, he/she shall receive a minimum of three (3) hours' pay at the appropriate rate of pay.

10.2.4 **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. 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 ½) times the employee's regular rate of pay.

Director, Human Resources-Classified
Director, Technology
Director, Budget & Finance
Director, Maintenance & Operations
Director, Child Nutrition
Business Services Supervisor
Chief of Security
Child Nutrition Services Supervisor-High School
Construction Manager
Custodial Supervisor
District Safety Manager
Library Services Supervisor
Network & Systems Manager
Public Information Officer

Reference: EC§ 45130, 45260, and 45261