

.CHAPTER 10

HOURS OF EMPLOYMENT AND OVERTIME

BARGAINING UNIT MEMBERS REFER TO CONTRACT

10.1 WORK SCHEDULES

10.1.A 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 on an overtime basis when such is necessary to carry on the business of the District.

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.
1. The District work week shall begin on Monday and end on Sunday each week for pay purposes.
3. When the District determines that a classified employee is to be assigned a workweek which includes Saturday or Sunday, the District shall notify the employee in writing. 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.
4. 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.
5. The District may establish a ten (10) hour per day, forty (40) hour, four (4) hour 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: Education Code Sections 88026 and 88040

10.1.B 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. The workday shall begin each day at 12:00 A.M. and is

a consecutive 24-hour period unless prior organizational and occupational adjustments have been made to the department standard work schedule.

REFERENCE: Education Code Sections 88080 and 88081

10.1.C. 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 employees in the same class at the work site of the employee, the position shall be declared vacant and filled pursuant to Chapter 10.1.I.

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 compensatory 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 Sections 88036, 88080 and 88081

10.1.D. 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 Sections 88080, 88081 and 88127

10.1.E. BENEFITS FOR POSITIONS LESS THAN 8 HOURS/12 MONTHS: All permanent 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 District. These benefits shall be provided on at least a prorated basis.

REFERENCE: Education Code Sections 88040, 88080 and 88081

10.1.F. MEAL PERIODS: All employees who are scheduled to work over five (5) 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. The meal period shall be assigned at or about the midpoint of each work shift.

REFERENCE: Education Code Sections 88080 and 88081

10.1.G 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.

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: Education Code Sections 88080 and 88081

10.1.H 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 so long as the period of unpaid time exceeds one (1) hour or more. 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 at least 30 minutes but no more than one hour as required under these Rules shall not be considered a split shift and shall be considered as unpaid time.

1. If there is more than one hour between shifts, the employee must receive one hour of pay.
2. Compensation for time between split shifts will not be counted for overtime purposes, since it is not compensation for hours actually worked.

REFERENCE: Education Code Sections 88080 and 88081

10.1.I ADDITIONAL HOURS FOR REGULAR EMPLOYEES: When additional hours are assigned to a regular employee the assignment shall be offered to the employee in the same class with the greatest seniority. If the senior employee declines the assignment, it shall be offered to the remaining employees in the class in descending order of seniority.

REFERENCE: Education Code Sections 88080 and 88081

10.2 OVERTIME AND RELATED MATTERS

10.2.A. OVERTIME: All overtime hours as defined in this rule shall be compensated at the rate of pay equal to time and one-half (1 ½) 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.

1. For employees who are assigned to work an average of four (4) hours per day 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 and seventh day of work. For employees who are assigned to work an average of less than four (4) hours per day during the regular work week, all hours worked beyond eight (8) hours on the sixth day shall be compensated at the overtime rate, and all hours worked on the seventh day shall be compensated at the overtime rate.
2. All hours worked by an employee on any holiday designated by these rules, the law, or the district shall be compensated at the holiday overtime rate of pay.
3. 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.
4. Compensating time off may be granted at the request of the employee in lieu of payment for overtime. Compensation time is earned at the same overtime rate. Compensating time off shall be taken not later than twelve (12) calendar months from the date the overtime was worked, and subject to the approval of the immediate supervisor.
5. Maximum accrual for compensatory time is 240 hours (160 regular hours x 1 ½). Upon termination of employment, any accrued compensatory time shall be paid in cash at the employee's current pay rate. Compensatory time shall be paid in cash after the twelve (12) calendar months, if not used by the employee.
6. Overtime is permitted when required and authorized in advance. No employee shall be required or permitted to work overtime unless such overtime work is authorized by the responsible supervisor, with approval by the appropriate Vice President.
7. Managers and Supervisors (except those listed in Rule 10.2.F) shall earn time and one-half (1 ½) for all hours worked in excess of 40 hours per week if the overtime has been authorized by their immediate supervisor with approval of the Vice President.

REFERENCE: Education Code Sections 88027, 88030, 88080 and 88081

10.2.B. 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:

1. Special skills and/or training required for an employee to perform the specific work and
2. The availability of regular part-time classified employees to perform the required work.

REFERENCE: Education Code Sections 88080 and 88081

10.2.C CALL BACK TIME: Whenever an employee is called back to duty or required to return to duty by his/her supervisor or designee after the conclusion of the normal work shift, the employee shall receive a minimum of two (2) hours pay or pay for the hours worked at the appropriate salary rate, whichever is greater.

REFERENCE: Education Code Sections 88080 and 88081

10.2.D CALL IN 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 or pay for the hours worked at the appropriate salary rate, whichever is greater.

REFERENCE: Education Code Sections 88080 and 88081

10.2.E. EXEMPTION FROM OVERTIME: Amended July 2000 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 and with written authorization of a Vice-President** to work on any legal holiday, the employee shall be paid, for the actual hours worked on the holiday, at the rate of double (2) times the employee's regular rate of pay.

10.2.F EXEMPT POSITIONS ARE: Amended April 2000

1. Director of Fiscal Operations
2. Director of Facilities
3. Director of Purchasing
4. Director of Support Services
5. Director of Grants
6. Director of Human Resources
7. Controller/Assistant Director of Fiscal Affairs
8. Chief of College Police
1. Systems and Programming Manager
2. Public Information Officer
3. Payroll and Benefits Manager
4. Operations Manager
5. Maintenance Manager
6. Lieutenant, College Police
7. Deputy Director of Facilities
8. Manager of Student Life - PCC
9. Assistant Director Workforce Development
10. Project Manager
11. Project Director
12. Director, Community & Contract Education
13. Network Services Manager
14. Administrative Operations Manager

REFERENCE: Education Code Sections 88029, 88080 and 88081