

# Coast Community College District ADMINISTRATIVE PROCEDURE

## Chapter 7 Human Resources

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### **AP 7234 Overtime**

#### **References:**

Education Code Sections 88026, 88027, 88028, 88029, and 88030;  
Fair Labor Standards Act (FLSA)

#### **DEFINITIONS**

##### **Overtime**

- Any time required to be worked more than eight hours in any one day (Education Code Section 88027) unless position is excluded by the Board per Education Code Section 88026
- Any time required to be worked more than 40 hours in a calendar week (Education Code Sections 88026 and 88027; FLSA)
- If the Board has established a work day of fewer than eight hours, but seven hours or more, and a work week of fewer than 40 hours, but 35 hours or more, for a position, all time worked in excess of the established work day and work week (Education Code Section 88027)
- More than five days worked in a work week by an employee averaging four or more hours per work day (Education Code Section 88030)
- More than six days in a work week by an employee averaging fewer than four hours per work day (Education Code Section 88030)

##### **Workweek**

- Not more than five consecutive working days where work days average four hours or more during the work week (Education Code Section 88030)

##### **Hours Worked**

- Time required to be worked (Education Code Section 88027)
- Time excused from work for holiday, sick leave, vacation, compensatory time off, and other paid leaves of absence (Education Code Section 88027)

#### **SCOPE/APPLICABILITY**

##### **Excluded Positions**

- Supervisory, administrative, or executive (Education Code Section 88029), as designated by the Board

- Workday < 7 hours and work week < 35 hours (except for work in excess of five or six work days, depending on length of average workday) (Education Code Section 88029)
- Reduced hours to avoid layoff with consent of majority of affected employees (Education Code Section 88029)
- Positions identified by the Board of Trustees as exempt from overtime for hours worked in excess of eight in a work day, if any (Education Code Section 88026)

## **REMUNERATION FOR OVERTIME**

### **Compensation**

- Paid at 1.5 times regular rate of pay (or greater) (Education Code Section 88027)
- Compensatory time off (Education Code Section 88028)

Pursuant to the Education Code, 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. If the Board establishes a work day of less than eight hours but seven hours or more and a work week of less than 40 hours but 35 hours or more for all of its classified positions or for certain classes of classified positions, all time worked in excess of the established workday and work week shall be deemed to be overtime.

The foregoing provisions do not apply to:

- classified positions for which a work day of fewer than seven hours and a workweek of fewer than 35 hours has been established,
- positions for which a workday of eight hours and a work week of 40 hours has been established, but in which positions employees are temporarily assigned to work fewer than eight hours per day or 40 hours per week when such reduction in hours is necessary to avoid layoffs for lack of work or lack of funds and the consent of the majority of affected employees to such reduction in hours has been first obtained.

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.

When compensatory time off is authorized in lieu of cash compensation, such compensatory time off shall be granted within 12 calendar months following the month in which the overtime was worked and without impairing the services rendered by the District.

An employee having an average work day of less than four hours during a work week shall, for any work required to be performed on the seventh day following the commencement of his/her work week, be compensated for at a rate equal to 1 1/2 times the regular rate of pay of the employee designated and authorized to perform the work.

Persons serving in supervisory, administrative, or executive positions, as designated by the Board, shall be excluded from these procedures regarding overtime.

In lieu of overtime pay, the employee may choose to receive compensatory time for the approved overtime hours worked (1 ½ hours of time for every hour of work or two hours of time for every hour of work in excess of twelve hours in one day). The request for compensatory time in lieu of overtime pay must be made at the time overtime hours are worked; such a decision is irrevocable.

If a person serving in an excluded position (as identified above) is required to work on a holiday, as provided for in Education Code Section 88029, or by action of the Board, he/she shall be paid, in addition to his/her regular pay for the holiday, compensation, or given compensating time off, at a rate not less than his/her normal rate of pay.

Refer to the collective bargaining agreement between the District and The Coast Federation of Classified Employees, Local 4794/AFT. Where the terms of the collective bargaining agreement are more protective or beneficial to an employee, then the collective bargaining agreement will prevail.

Ratified December 11, 2013