

Chapter 7 - Human Resources

AP 7234 Overtime

References:

Education Code Sections 88027, 88028, 88029, and 88030; Federal Labor Standards Act

Overtime may be necessary to handle emergencies, heavy workloads, or other issues that affect operation productivity. It is expected that approved overtime will be offered to employees equitably.

Represented Classified Employees

Refer to the current language in the appropriate collective bargaining agreement regarding overtime.

Non-Represented Classified Employees

In compliance with Federal Labor Standards Act (FLSA) and Education Code provisions, overtime is defined to include any time required to be worked in excess of eight hours in any one day or 40 hours in any calendar week. If the Board establishes a workday of less than eight hours but seven hours or more and a workweek 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 workweek shall be deemed to be overtime.

The foregoing provisions do not apply to:

1. Classified positions for which a workday of fewer than seven hours and a workweek of fewer than 35 hours has been established.
2. Positions for which a workday of eight hours and a workweek 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.

Full-time employees subject to a validly adopted alternative workweek schedule shall be paid overtime for all hours worked in excess of the required workday or workweek of 40 hours.

An employee having an average workday of less than four hours during a workweek shall, for any work required to be performed on the seventh day following the commencement of his/her workweek, 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.

All overtime shall be recorded on the timesheet with the date and number of hours worked. 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. Overtime can be paid in two forms, overtime cash compensation or compensatory time off.

1. Overtime Cash Compensation: Overtime wages will be paid on the pay date for the next regular payroll period after which it was earned.
2. Compensatory Time Off: 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 College.

Faculty, Educational Administrators, and Classified Managers

Persons serving in faculty, supervisory, administrative, or executive positions shall be exempt from receiving overtime compensation.

Professional Experts, Short-term Hourly, Student Assistants, and Substitutes

As a public agency, Mt. San Antonio College is exempt from the California wage orders that govern overtime. Per Education Code, only classified employees are paid overtime for working more than eight hours in a day. Employees that are excluded from the classified service, such as professional experts, student assistants, substitutes, and short-term hourly employees, are paid under the FLSA overtime provisions. For covered, nonexempt employees, the FLSA requires overtime pay at a rate of not less than one and one-half times an employee's regular rate of pay after 40 hours of work in a workweek

Approval Process

All overtime shall be reviewed and approved by the College. With exception of emergency circumstances, all overtime shall be preapproved by the immediate manager. Emergency situations do not require prior approval for employee overtime to be compensable. Emergency status of any such situation will be based on evidence provided to the College President or designee. Every attempt should be made by the employee to notify their immediate manager or other appropriate administrator for prior approval.

All immediate managers are required to use the following criteria for approving employee overtime:

1. Determine if a deadline is imminent, that requires work to be completed outside of the employee's normal work schedule.
2. Determine in advance if the overtime is to be offered as additional compensation or compensatory time off.
3. Follow contractual process including notification of compensation or compensatory time off when offering overtime to an employee. See Meet and Confer and Collective Bargaining Agreements.
4. Overtime shall be utilized to address abnormal spikes in workload (e.g., unexpected setback to meeting, a deadline, or emergency circumstances).

5. For overtime activities that consistently occur each fiscal year, seek budgetary approval from President's Cabinet.
6. Overtime pay and compensation is not authorized for travel over and above the normal workday or days. Refer to Administrative Procedure 7400 – Conference and Travel.

All immediate managers are required to monitor department overtime utilization and consult with department/division management to ensure effective utilization of overtime expenditures.

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