

WVMCCD Administrative Procedure 7234 OVERTIME

References:

Education Code Sections 88027, 88028, 88029, and 88030 Overtime is described in the Education Code in several sections and is defined as: "any time required to be worked in excess of eight (8) hours in any one day; necessary to carry on the business of the District; and work required to be performed beyond the forty (40) hours." 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 workday of less than eight hours but seven hours or more and a workweek of less than 40 hours but thirty-five (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:

- classified positions for which a workday 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 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.

Staff who work less than full-time are paid their regular hourly rate until they exceed 7 ½ or 8 hours (and 37 ½ or 40 hours per week) unless specified otherwise in the respective collective bargaining agreement. 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 twelve (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 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.

Persons serving in supervisory, administrative, or executive positions shall be excluded from these procedures regarding overtime.

Employees who are in the WVMCEA, POA, Confidential and Teamsters employee groups are eligible for overtime.

Overtime and/or compensatory time shall be provided based on the guidelines listed below. Overtime is not required for voluntary attendance at meetings or conferences outside of the normal workday or workweek.

1. Employee obtains prior approval in accordance with the collective bargaining agreement and District procedures.
2. Employee performs work in excess of normal workday exceeding 7 ½ or 8 hours per day.
3. Employee performs work in excess of 37 ½ or 40 hours per week.
4. Employee is required to attend a work-related seminar or conference as directed by the supervisor/administrator on a weekend. Employees attending required seminars or conferences at the supervisor's direction will be paid for the specific time of the seminar or conference and travel time to the conference and the return when the seminar/conference occurs on a

weekend. Employees will be paid for mileage and meals in accordance with collective bargaining agreements and / or District policies and procedures as appropriate.

Example: The conference lasts 2 days, 6 hours on one day and 3 hours on the second day. It took 2 hours to get to the conference location. The employee would be paid 9 hours overtime for the conference and 4 hours travel time. The total overtime is 13 hours.

5. Employee may be required to participate in seminars, conferences or meetings during the workweek, which may also exceed the normal workday. The following information will assist you in determining if the employee is eligible for overtime:
 - a. Travel and conference time exceeds the normal workday.
 - b. Normal travel time to work may be more or less to attend conference. 34
 - c. Travel and conference time combined was less than the normal workday.
 - d. Conference itinerary includes required and optional activities, which you may or may not approve.
 - e. Conference and travel time to conference allows for the employee to return to work.

Administrator Responsibility

1. Ensure employees are given paid overtime or compensatory time in accordance with collective bargaining agreements and policies/procedures.
2. Ensure employees work their assigned time. Employees and supervisors may adjust the work schedules to allow for doctor's appointments, etc.
3. Consistency in treatment of employees. Date Approved: January 18, 2012 (Replaces current WVMCCD Procedure